**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**ITA No. 71 of 2008 (O&M)**

**Date of Decision: 29.03.2016**

Commissioner of Income Tax, Chandigarh-II

.......Appellant

**Versus**

M/s T.T.S. Holiday Resorts (P) Ltd.

......Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Urvashi Dhugga, Advocate
for the appellant.

**RAJESH BINDAL,J.**

This appeal has been filed under Section 260 A of the Income Tax Act, 1961 (for short 'the Act'), against the order dated 21.5.2007 passed by the Income Tax Appellate Tribunal, Chandigarh Bench (A), in ITA No.220/Chandi/2005 for the assessment year 1999-2000, raising the following substantial question of law:

> Whether on the facts and in the circumstances of the case and in law, the order of the ITAT is perverse as the ITAT has failed to appreciate the fact that the Assessing Officer had re-opened the assessment having sufficient reasons to believe that income had escaped assessment which were recorded before issuing notice u/s 148 and had sufficient supporting material before him?

Learned counsel for the appellant-revenue submitted that in view of circular No.21/2015 dated 10.12.2015 read with circular No.279/Misc/M-142/2007-ITJ (Part) dated 8.3.2016, issued by Central Board of Direct Taxes, she does not wish to press the present appeal, as the tax effect involved is less than ₹ 20 lacs. However, she prays that liberty be granted to the revenue to file an application for revival of the appeal in case something survives therein.

Dismissed as not pressed with liberty as prayed for. It is however, clarified that withdrawal of the appeal by the revenue shall not be taken as affirmation of order of the Tribunal on merits. The legal issue as claimed by the revenue is left open to be adjudicated in an appropriate case.

**(RAJESH BINDAL)**
**JUDGE**

**(HARINDER SINGH SIDHU)**
**JUDGE**

**29.03.2016**
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