

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

Sr. No. 591 (2)

ITA-83-2008

Decided on : 23.08.2016

Commissioner of Income Tax, Ludhiana-II

..... Appellant

VERSUS

M/s Highway Cycles Ltd., Ludhiana

..... Respondent

**CORAM:**    **HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE**  
                  **HON'BLE MR. JUSTICE DEEPAK SIBAL**

**Present:**     Mr.Zora Singh Klar, Advocate, for the appellant.

Mr.Akshay Bhan, Senior Advocate, with  
Mr.Alok Mittal, Advocate, for the respondent.

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**S.J. VAZIFDAR, C.J. (Oral)**

Learned counsel for the appellant-revenue states that since the tax effect involved is Rs.3,50,000/-, he has instructions to withdraw the present appeal in view of the circular No.21/2015, dated 10.12.2015, issued by the C.B.D.T., New Delhi. However, he prayed that liberty be granted to the revenue to file an application for revival of the appeal in case something survives therein.

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            Dismissed as withdrawn with liberty as prayed for.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

**[ S.J. VAZIFDAR ]**  
**CHIEF JUSTICE**

23.08.2016

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**[ DEEPAK SIBAL ]**  
**JUDGE**

**Whether speaking/reasoned        :**                                **Yes/No**

**Whether reportable                        :**                                **Yes/No**