

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

**ITA No. 256 of 2009 (O&M)**

**Date of Decision: 11.05.2016**

Commissioner of Income-Tax (Central), Ludhiana

.....Appellant

**Versus**

M/s Maheshwari Synthetics (P) Ltd., Hoshiarpur

.....Respondent

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

**Present:** Mr. Rajesh Katoch, Advocate  
for the appellant.

Mr. Divya Suri, Advocate  
for the respondent.

**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 17.10.2008 passed by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar, in ITA No. 374(ASR)/2003, for the assessment year 1997-98, raising the following substantial question of law:

Whether on the facts and in the circumstances of the case materials pertaining to the previous year seized during the course of search can be used for the purpose of assessment relevant to assessment year?

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, he does not wish to press the present appeal, as the tax effect involved is less than ₹ 20 lacs. However, he 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**

**11.05.2016**  
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