IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA No.571 of 2010 (O&M)
Date of decision: 23.02.2016

Commissioner of Income Tax-1, Ludhiana ...Appellant

Vs.

Sh. Vinay Tangri ...Respondent

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

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

Mr. Rajiv Sharma, Advocate,
for the respondent.

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AJAY KUMAR MITTAL, J. (Oral)

Learned counsel for the appellant-revenue very fairly accepted that the department had levied 100% penalty on the tax sought to be evaded by the assessee-respondent and on that basis the penalty of ₹16,78,100/- was imposed. On the aforesaid terms it was pointed out that though in the body of the appeal, the quantum of tax effect has been specified as ₹20,85,505/- but this is inclusive of interest.

2. It was, thus, submitted by learned counsel for the revenue that keeping in view the circular No.21/2015, dated 10.12.2015 issued by the C.B.D.T., New Delhi, the present appeal may be dismissed as withdrawn. However, liberty be granted to the revenue to file an application for revival of the appeal in case something survives therein.

3. Dismissed as withdrawn with liberty as prayed for.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.

(AJAY KUMAR MITTAL)
JUDGE

23.02.2016 **(RAJ RAHUL GARG)**
Dinesh **JUDGE**