IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ITA No. 723 of 2010 (O&M)
Decided on : 21.01.2016

Commissioner of Income Tax (Central), Ludhiana

... Appellant

Versus

Sh. Sanjay Khanna

... Respondent

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

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

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AJAY KUMAR MITTAL, J. (Oral)

Learned counsel for the revenue states that as per assessment order for the assessment year 1998-99 (Annexure A1), the total tax payable by the assessee was ₹8,43,931/-. However, the same has been calculated to be ₹18,16,082 in the appeal after including the interest chargable under Sections 234A, 234B and 234C of Income Tax Act, 1961. It was not disputed that in either situation, the tax effect is less than ₹20 lacs.

2. Learned counsel for the appellant-revenue states that since the tax effect involved is less than ₹20 lakhs, the present appeal be dismissed as withdrawn in view of the circular No.21/2015, dated 10.12.2015 issued by the C.B.D.T., New Delhi.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.

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 Dismissed as withdrawn with liberty as prayed for.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

(RAJ RAHUL GARG)
JUDGE

January 21, 2016
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