

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

**ITA No. 144 of 2011 (O&M)
Decided on : 18.03.2016**

Commissioner of Income Tax-II, Chandigarh . . Appellant

Versus

M/s Ind Swift Laboratories Ltd. . . . Respondent

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

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

Mr. Surjeet Bhadu, Advocate
for the respondent.

AJAY KUMAR MITTAL, J. (Oral)

Learned counsel for the appellant-revenue states that the tax effect involved in the present case is ₹16,03,125/-, she 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, she 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 Dismissed as withdrawn with liberty as prayed for.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.

**(AJAY KUMAR MITTAL)
JUDGE**

**(RAJ RAHUL GARG)
JUDGE**

March 18, 2016
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