IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITR No. 18 of 2011
Decided on : 16.02.2016

The Commissioner of Income Tax, Patiala

. . . Petitioner

Versus

M/s Jalota Family Trust, Ludhiana

. . . Respondent

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

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

None for the respondent.

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<u>AJAY KUMAR MITTAL, J. (Oral)</u>

The present reference at the instance of the revenue has been filed for the Assessment Year 1982-83, to seek opinion of this Court on the following question of law:-

> *"Whether in the facts and circumstances of the case, the Tribunal was correct in annulling the assessment for the assessment year 1982-83?"*

2. Learned counsel for the revenue very fairly submitted that the perusal of the case shows that the Assessing Officer made an assessment on total income of ₹ 2,64,150/-, allocated amongst the beneficiaries, assessing the Trust on 'nil' income u/s 143(3) read with Sections 160, 161 and 164 of the Income Tax Act, 1961 (in short 'the Act') vide order dated 5.9.1986.

3. On the basis of the judgment of the Bombay High Court rendered in **ITR No. 213 of 1997**, titled as **'The Commissioner of Income Tax, Bombay City-I Vs. M/s Sunny Sounds P. Ltd., Mumbai'**, decided on **8th January, 2016**, wherein, it has been held that the Circular No. 21/2015, dated 10.12.2015 issued by the C.B.D.T., New Delhi is also applicable on the pending references in the High Courts, learned counsel for the revenue made a

prayer that in view of the aforesaid circular dated 10th December, 2015, as the tax effect involved in the present case is less than the monetary limit prescribed therein, the present reference may be dismissed as withdrawn and be returned unanswered. However, it was submitted that liberty be granted to the revenue to file an application for revival of the reference in case something survives therein.

4. Dismissed as withdrawn with liberty as prayed for.

5. Consequently, reference is returned unanswered. However, this shall not mean any expression of opinion on the merits of the controversy involved herein. At the same time, the question of law has been left open to be adjudicated in an appropriate case as and when occasion arises.

(AJAY KUMAR MITTAL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

February 16, 2016
J.Ram