IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ITA No. 145 of 2012 (O&M)
Decided on : 18.03.2016

Commissioner of Income Tax-II, Chandigarh . . Appellant

Versus

M/s Cheema Boilers 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.

None for the respondent.

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AJAY KUMAR MITTAL, J. (Oral)

Learned counsel for the appellant-revenue very fairly submitted that though the tax effect as mentioned in the appeal filed before this Court is ₹ 20,01,030/- but the same is comprising of interest under Section 234-B of the Income Tax Act (for short 'the Act'), amounting to ₹ 6,33,795/- and under Section 234-C of the Act, amounting to ₹ 1,41,815/- as has been stated in calculation made by the Assessing Officer in the assessment order (Annexure A1)

2. It is not disputed that the tax effect involved in the present case is ₹ 12,25,420/-, 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.

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 Dismissed as withdrawn with liberty as prayed for.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

March 18, 2016
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I attest to the accuracy and
authenticity of this document