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

**ITA No. 332 of 2007
Decided on : 23.01.2017**

The Commissioner of Income Tax, Jalandhar-II, Jalandhar

. . . Appellant

Versus

Kedar Nath Singhania

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Vivek Sethi, Advocate
for the appellant-revenue.

Mr. Rajiv Sharma, Advocate
for the respondent-assessee.

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AJAY KUMAR MITTAL, J. (Oral)

Learned counsel for the appellant-revenue has produced an affidavit of Sh. Ajay Pal Singh, Pr. Commissioner of Income Tax-2, Jalandhar, in Court today, which is taken on record, subject to all just exceptions. In Para 4 of the aforesaid affidavit, it has been stated that after re-calculating quantum of tax effect, it has been found that the tax effect, in terms of C.B.D.T. Circular No.21/2015, involved in the instant case is ₹11,98,346/-.

2. It was submitted that since the tax effect involved in the present appeal is less than ₹ 20 lacs, the monetary limit prescribed by the C.B.D.T, New Delhi, vide circular No. 21/2015, dated 10.12.2015, therefore, he has instructions to withdraw the present appeal. 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 Dismissed as withdrawn with liberty as prayed for.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

(RAMENDRA JAIN)
JUDGE

January 23, 2017
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No