IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 868 OF 2015

The Commissioner of Income Tax-TDS-2
Mumbai .. Appellant
v/s.
M/s. Indian Film Combines Pvt. Ltd. .. Respondent

Ms. Namita Shirke i/b Charanjeet ChAanderpal for the appellant

CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA J.J.
DATED : 6th FEBRUARY, 2018.

P.C.

1. This appeal filed by the Revenue relates to Assessment Year 2010-11. The issue which arises in this appeal for consideration is whether the lumpsum premium paid to MMRDA for lease of land is in the nature of rent as defined in Section 194-I of the Income Tax Act, 1961 and subject to tax deduction at source.

2. Ms. Shirke, learned Counsel appearing for the appellant-Revenue states that she has been instructed to withdraw the present appeal in view of the CBDT Circular No.35/2016 dated 13th October, 2016.

3. In the above view, the appeal is dismissed as withdrawn. Refund as per rules.

(RIYAZ I. CHAGLA, J.) **(M.S. SANKLECHA, J.)**