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

**CM-25080-CII-2018 in/and
ITA No.59 of 2011** (O&M)
Date of Decision :20.12.2018

Commissioner of Income Tax, (Central), Ludhiana
......Appellant

Versus

M/s Janta Estate & Housing Development Ltd., Mohali

...... Respondent

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Ms. Urvashi Dhugga, Advocate for the appellant.
Mr. Sunish Bindlish, Advocate for the applicant/respondents.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

CM No.25080-CII of 2018 is allowed as prayed for.

Main case is taken on record.

Learned counsel for the appellant-revenue states that since the tax effect involved is Rs.40,59,321/-, she has instructions to withdraw the present appeal in view of Circular No.03/2018, dated 11.07.2018 issued by the Central Board of Direct Taxes, New Delhi. However, she has prayed that liberty be granted to the revenue to file an application for revival of the appeal in case something survives therein.

Dismissed as withdrawn with liberty as prayed for.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.

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

20.12.2018
Manoj Bhutani

Whether speaking/reasoned Yes/No
Whether reportable Yes/No