

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

ITA-4-2012 (O&M)

Date of Decision: 17.7.2018

The Commissioner of Income Tax, Rohtak

...Appellant.

Versus

M/s Toyo Springs Ltd., Sonapat

...Respondent.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

PRESENT: Ms. Urvashi Dhugga, Advocate for
Mr. Inderpreet Singh, Sr. Standing Counsel for the appellant.

Mr. Divya Suri, Advocate and
Mr. Sachin Bhardwaj, Advocate for the respondent.

AJAY KUMAR MITTAL, J.

1. Learned counsel for the appellant-revenue states that since the tax effect involved is ₹ 24,24,388/-, she has instructions to withdraw the present appeal in view of Circular No.03/2018, dated 11th July, 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.

2. Dismissed as withdrawn with liberty as prayed for.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.

3. Learned counsel for the assessee prays for withdrawal of CM-7044-CII-2013.

4. Ordered accordingly.

**(AJAY KUMAR MITTAL)
JUDGE**

July 17, 2018
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**(AVNEESH JHINGAN)
JUDGE**