

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM-21843-CII-2018 IN/AND
ITA-402-2017 (O&M)

Date of Decision: 8.10.2018

The Principal Commissioner of Income Tax, Gurgaon ...Appellant.
Versus

M/s Beekman Helix India Consulting (P) Ltd., Gurgaon ...Respondent.

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

PRESENT: Mr. Tajender K. Joshi, Sr. Standing Counsel for the appellant.

AJAY KUMAR MITTAL, J.

CM-21843-CII-2018

This is an application for withdrawal of ITA-402-2017 in reference to Circular No.3/2018 dated 11.7.2018 issued by CBDT.

The application is allowed and at the oral request of the learned counsel for the appellant, the hearing in the main case is preponed from 16.11.2018 to today itself.

ITA-402-2017

1. Learned counsel for the appellant-revenue states that since the tax effect involved is ₹ 41,47,974/-, he 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, he 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 Dismissed as withdrawn with liberty as prayed for.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.

**(AJAY KUMAR MITTAL)
JUDGE**

October 8, 2018
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**(AVNEESH JHINGAN)
JUDGE**