

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

ITA-403-2017 (O&M)

Date of Decision: 24.9.2018

Principal Commissioner of Income Tax-2, Jalandhar

...Appellant.

Versus

M/s Capital Local Area Bank Ltd. (now Capital Small Finance Bank Ltd.),
Jalandhar

...Respondent.

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

PRESENT: Mr. Vivek Sethi, Sr. Standing Counsel for the appellant.

Mr. J.S. Bhasin, Advocate for the respondent.

AJAY KUMAR MITTAL, J.

A perusal of the record shows that the tax effect involved in the present case is ₹ 49,826/-. In view of the order of the Apex Court in **Commissioner of Income Tax v. Dhanalekshmi Bank Ltd. [2015] 373 ITR 526 (SC)**, where the Supreme Court had dismissed the appeal without going into the merits of the appeal due to low tax effect leaving the question of law open, the present appeal is dismissed. It is, however, clarified that dismissal of the appeal 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**

September 24, 2018
gbs

**(AVNEESH JHINGAN)
JUDGE**

**Whether Speaking/Reasoned
Whether Reportable**

**Yes/No
Yes/No**