IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA No. 47 of 2010
Decided on : 07.02.2019

Commissioner of Income Tax-III, Ludhiana

. . . Appellant(s)

Versus

M/s Malwa Industries Ltd.

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Rajesh Katoch, Sr. Standing Counsel
for the appellant-revenue.

None for the respondent-assessee.

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AJAY KUMAR MITTAL, J. (Oral)

As per communication dated 06/07.12.2018, addressed by the Income Tax Officer (Hq.)(Judl.), Office of the Pr. Commissioner of Income Tax-3, Ludhiana to the learned Sr. Standing Counsel, which is already taken on record in connected matter i.e. ITA No. 46 of 2010, the tax effect involved in the present case has been shown as ₹20,77,800/- and therefore, it is less than the monetary limit of ₹ 50,00,000/- fixed by the C.B.D.T., New Delhi, vide circular No. 03/2018, dated 11th July, 2018, for filing the appeals in the High Courts.

2. In view thereof, learned counsel for the revenue states that since the tax effect involved in the present case is less than the monetary limit fixed by the C.B.D.T., therefore, he has instructions to withdraw the present present appeal. He, however, prayed that liberty be granted to the revenue to file an application for revival of the appeal in case something survives therein.

3. Dismissed as withdrawn with liberty as prayed for.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

(MANJARI NEHRU KAUL)
JUDGE

February 07, 2019
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

JAWALA RAM
2019.02.11 16:12
I attest to the accuracy and
authenticity of this document
Chandigarh