IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

405 **ITA No. 10-2001 (O&M)**
Date of Decision : 10.2.2020

The Commissioner of Income-Tax, Patiala .....Appellant

Versus

M/s Sourthern Bottlers Pvt. Ltd. ...Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.JUSTICE AVNEESH JHINGAN
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Present : Mr. Kunal Sharma, Sr. Standing counsel for the appellant.

Mr. Alok Mittal, Advocate for the respondent.

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AJAY TEWARI, J. (Oral)

1. This appeal has been filed under Section 260A of the Income Tax Act-1961 against the order of the Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh passed in ITA No. 528/Chandi/98 and 551/Chandi/98 on 19.4.2000 for the assessment year :1994-95 claiming following questions of law :-

> *"Whether on the facts and circumstances of the case, the ITAT was right in law in holding that the receipt of Rs. 3 crores for surrendering the tenancy rights is a capital receipt and hence it is not exigible to tax particularly when such receipt is casual in nature and is accordingly liable to tax in view of the provisions of Section 10(3) of the Income-tax Act, 1961 ?"*

2. Counsel for the appellant states that he has not been able to ascertain about the tax effect. Learned counsel for the respondent states that tax effect is below that mentioned in the Circular No.3 of 2018 dated 11.07.2018 issued by the Central Board of Direct Taxes, further amended

vide Circular No.17 of 2019 dated 08.08.2019 read with Letter No.F.No.279/Misc/M-93/2018-ITJ dated 20.08.2019

3. In the circumstances, the appeal stands dismissed with liberty to the appellant to revive the same if the tax effect is higher than the limit prescribed in the said circular.

4. Since the main case has been decided, the pending application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

10.2.2020
anuradha

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