IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

111 ***2024:PHHC:032981-DB***

CM-4034-CII-2024 in/and
RA-CR-47-2024 in/and
ITA-115-2023
Date of Decision: 06.03.2024

Pr. Commissioner of Income Tax-1, Chandigarh .....Appellant(s)

Versus

Chandigarh Finance Pvt. Ltd. ....Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present:- Mr. Yogesh Putney, Sr. Stnading Counsel, for the appellant-department.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

CM-4034-CII-2024

1. Allowed as prayed for.

RA-CR-47-2024

2. The present application has been filed for review/recall of the order dated 01.02.2024 passed in the main appeal.

3. We have perused the said order. There are certain typographical errors in the said order, which necessarily need to be corrected. The end result, however, would be the same as we have dismissed the appeal on account of not being maintainable as the tax effect involved was only Rs.8,71,379/-. We had kept the circulars of the department in mind while dismissing the appeal.

4. Resultantly, keeping in view the above, we allow the application and recall the order dated 01.02.2024 and take up the main appeal.

ITA-115-2023

5. Mr. Putney does not dispute that the tax effect is as mentioned above, which is below the monetary limits as per the circulars dated 11.07.2018, 08.08.2019 and 16.09.2019.

6. Accordingly, we dismiss the main appeal on that ground but clarify that it is not the affirmation of the order of the Tribunal on merits and we leave the legal issue open to be adjudicated in an appropriate case in view of the judgment of the Apex Court in ***Commissioner of Income Tax vs. Dhanalekshmi Bank Ltd., (2015) 373 ITR 526 (SC)***. The averment made that the case would fall under exception (c) of Para 10 of Circular No.3 of 2018 dated 11.07.2018 and its amendment dated 20.08.2018 would not be sustainable.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

06.03.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking Yes
Whether reportable No