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% 21.09.2011

Present: Mr. Piyush Kaushik, Advocate for the appellant.  
Mr. Kamal Sawhney, Sr. Standing Counsel with  
Mr. Amit Shrivastava, Advocate for the respondent.

**+ C.M. No. 17333/2011 (Exe.)**

\* Allowed, subject to all just exceptions.

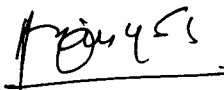
**ITA No. 1107/2011**

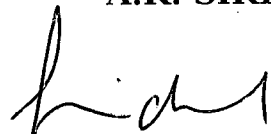
Learned counsel for the appellant/assessee submits that in the appeal filed before the Tribunal, the appellant had taken various grounds, but in the order dated 22<sup>nd</sup> December, 2010 the Tribunal dismissing the appeal did not address those grounds.

The appellant had, under these circumstances, moved a miscellaneous application under Section 254(2) of the Income Tax Act which has also been dismissed by the Tribunal vide order dated 9<sup>th</sup> September, 2011.

Under these circumstances, learned counsel wishes to withdraw the present appeal as he wants to challenge the order dated 9<sup>th</sup> September, 2011 passed by the Tribunal in the application under Section 254 (2) of the Income Tax Act.

Liberty, as prayed for, is granted. The present appeal is dismissed as withdrawn.

  
A.K. SIKRI, J.

  
SIDDHARTH MRIDUL, J.

**SEPTEMBER 21, 2011**

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