

IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "A", MUMBAI

BEFORE SHRI G.S.PANNU, ACCOUNTANT MEMBER  
AND  
SHRI RAMLAL NEGI, JUDICIAL MEMBER

ITA No. 5099/Mum/2015  
(Assessment Year 2010-11)

M/s. Atharva Construction Co.,  
(Partner- Mr. Balkrishna Shingar),  
101, Shree Shingar Apartment,  
Ashwini Compound, Opp. Deshmukh Garden,  
M.P.Road, Mulund East,  
Mumbai 400 081  
PAN:AANFA 3584G

..... Appellant

Vs.

The Principal CIT-29,  
3<sup>rd</sup> Floor, C-10, Pratyaksh Kar Bhavan,  
BKC, Mumbai 400051

.... Respondent

Appellant by : Ms. Neelam Ganatra  
Respondent by : Shri A.Ramachandran

Date of hearing : 21/09/2016  
Date of pronouncement : 23/09/2016

**ORDER**

PER G.S.PANNU,A.M:

The captioned appeal filed by the assessee pertaining to assessment year 2010-11 is directed against an order passed by Pr.CIT-29 Mumbai dated 26/02/2015 which in turn arises out of an order passed by the Assessing Officer under section 143(3) of the Income Tax Act, 1961 (in short 'the Act') dated 11/03/2013.

2. In this case, at the time of hearing, the Ld. Representative for the assessee submitted that in the assessment finalized by the Assessing Officer, consequent to the impugned order of the Commissioner, the plea of the assessee has been accepted. For this reason, it is submitted that the said appeal proceedings have become infructuous and is withdrawn.

3. The Ld. Departmental Representative has not contested the stand of the assessee .

4. Accordingly, the appeal of the assessee is dismissed as infructuous.

Order pronounced in the open court on 23/09/2016

Sd/-  
(RAMLAL NEGI)  
JUDICIAL MEMBER

Sd/-  
(G.S. PANNU)  
ACCOCUNTANT MEMBER

Mumbai, Dated 23/09/2016  
Vm, Sr. PS

**Copy of the Order forwarded to :**

1. The Appellant ,
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,  
  
(Dy./Asstt. Registrar)  
**ITAT, Mumbai**