

**IN THE INCOME TAX APPELLATE TRIBUNAL "I" BENCH, MUMBAI
BEFORE SRI MAHAVIR SINGH, JM AND SRI MANOJ KUMAR AGGARWAL, AM**

ITA No. 3142/Mum/2015

(A.Y:2010-11)

Telecom Investments India Private Limited 127, 12 th Floor, Maker chamber III Nariman Point, Mumbai-400021, Maharashtra	Vs.	The Principal Commissioner of Income Tax, Mumbai-3 Aayakar Bahwan, M.K. Marg Mumbai-400 020
Appellant	..	Respondent
PAN No.AABCT1955F		

Assessee by : Nikhil Yiwani, AR

Revenue by : B.C.S. Naik, DR

Date of hearing: 11-10-2017 **Date of pronouncement :** 11 -10-2017

ORDER

PER MAHAVIR SINGH, JM:

This appeal by the assessee is arising out of the order of Principal Commissioner of Income Tax -3, Mumbai, [in short Pr.CIT] dated 24-03-2015. The Assessment was framed by Income Tax Officer-Ward 2(3)(3), Mumbai (ITO) for the A.Y. 2010-11 vide order dated 29-11-2012 under section 143(3) of the Income Tax Act, 1961(hereinafter 'the Act').

2. At the outset, the learned Counsel for the assessee stated that the assessee want to withdraw the appeal filed against the order passed by Pr. CIT u/s. 263 of the Act for the reason that the AO pursuant to the directions of Pr. CIT conducted a fresh assessment and accepted the contentions of the assessee without making any disallowance under section 143(3) read with section 263 of the Act vide order dated 28-03-



2016. He filed a letter dated 10-10-2017 and the content of the same reads as under: -

“In this connection, on behalf and under the instructions of our above mentioned client, we wish to submit that the subject appeal is pursuant to the order passed by the Learned Principal Commissioner of Income tax - (‘PCIT’) under Section 263 of the Income Tax Act, 1961, (‘Act’) for the subject AY. 30 December 2015 and is now refiled for hearing before your Honours today.

In the interim, the learned Assessing Officer (‘AO’) pursuant to the directions of the learned PCIT, conducted a fresh assessment in relation to the issues raised by the PCIT in the order under section 263 and thereafter accepting the contentions of the assessee proceeded to pass an assessment order dated 28 March 2016 for the subject AY without making any disallowance under section 143(3) read with section 263 of the Act. A copy of the order passed by the learned AO is attached as Annexure 1.

Accordingly, considering that the learned AO passed the assessment order without making any disallowance for the subject appeal against the order of the learned PCIT has become academic in nature. Hence, we humbly request the Hon’ble Members to kindly permit the Appellant to withdraw the captioned appeal being academic in nature.”

3. When this was pointed out to the learned CIT Departmental Representative (in short DR) he fairly conceded that Revenue has no objection in withdrawal of the appeal.



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4. As both the parties has no objection in withdrawal of the appeal, we permit the withdrawal and appeal of assessee is dismissed as withdrawn.

5. **In the result, the appeal of assessee dismissed.**

Order pronounced in the open court on 11-10-2017.

Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Sd/-
(MAHAVIR SINGH)
JUDICIAL MEMBER

Mumbai, Dated: 11-10-2017

Sudip Sarkar /Sr.PS

Copy of the Order forwarded to:

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

//True Copy//
BY ORDER,
Assistant Registrar
ITAT, MUMBAI