

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH “SMC”, NEW DELHI  
BEFORE SHRI R. K. PANDA, ACCOUNTANT MEMBER  
ITA No.4244/Del/2017  
Assessment Year : 2006-07**

VIJAY KUMAR KUSHWAHA, HARIDWAR	Vs.	ITO, WARD-2, HARIDWAR
<b>PAN : ADPPK0311E</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by : None  
Revenue by : Sh. Amit Jain, Sr. DR  
Date of hearing : 25-10-2017  
Date of pronouncement : 27-10-2017

**ORDER**

**PER R. K. PANDA, AM :**

This appeal filed by the assessee is directed against the order dated 19<sup>th</sup> November, 2012 of the CIT(A)- Dehradun relating to assessment year 2006-07.

2. Levy of penalty of Rs. 6,46,920/- by the AO u/s 271(1)(c) of the IT Act, 1961 and confirmed by the CIT(A) is the only issue raised by the assessee in the grounds of appeal.

3. The Id. Counsel for the assessee at the outset filed an application seeking withdrawal of the appeal on the ground that the quantum appeal has already been set aside by the Tribunal to the file of the AO with a direction to decide the issue denovo. A copy of the order of the Tribunal vide ITA no. 797.Del.2013 order dated 30<sup>th</sup> June, 2017 was also filed. In view of the above and in absence of any objection filed by the Ld. DR, the request of the assessee seeking

withdrawal of the appeal is accepted. The Appeal filed by the assessee is accordingly dismissed as withdrawn.

4. In the result, the appeal filed by the assessee is dismissed.

(Order pronounced in the Open Court on 27/10/2017.)

Sd/-

(R. K. PANDA)

ACCOUNTANT MEMBER

Dated : 27-10-2017

*Binita*

*Copy of order to: -*

- 1) The Appellant
- 2) The Respondent
- 3) The DR, I.T.A.T., New Delhi

By Order

Assistant Registrar

ITAT, New Delhi

S.No.	Details	Date	Initials	Designation
1	Draft dictated on	25.10.2017		Sr. PS/PS
2	Draft placed before author	26.10.2017		Sr. PS/PS
3	Draft proposed & placed before the Second Member			JM/AM
4	Draft discussed/approved by Second Member			AM/AM
5	Approved Draft comes to the Sr. PS/PS			Sr. PS/PS
6	Kept for pronouncement on	.2017		Sr. PS/PS
7	Date of uploading of Order	.2017		Sr. PS/PS
8	File sent to Bench Clerk	.2017		Sr. PS/PS
9	Date on which the file goes to the Head Clerk			
10	Date on which file goes to the A.R.			
11	Date of Dispatch of order			