

आयकर अपीलीय अधिकरण “E” न्यायपीठ मुंबई में।

IN THE INCOME TAX APPELLATE TRIBUNAL “E” BENCH, MUMBAI

श्री महावीर सिंह, न्यायिक सदस्य एवं श्री राजेश कुमार लेखा सदस्य के समक्ष ।

BEFORE SRI MAHAVIR SINGH, JM AND SRI RAJESH KUMAR, AM

आयकर अपील सं./ ITA No. 2453/Mum/2018

(निर्धारण वर्ष / Assessment Year 2013-14)

Tata Projects Limited Floor 2,3, &4 Transocean House, Lake Boulevard Road, Hiranandani Business Park, Powai, Mumbai-400 076	Vs.	Principal Commissioner of Income Tax-2, Room No. 344, Aayakar Bhawan, Maharshi Karve Road, Mumbai-400 020
(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
स्थायी लेखा सं./PAN No. AAAC4119L		

अपीलार्थी की ओर से / Appellant by	:	Ms Charul Toprani, AR
प्रत्यर्थी की ओर से / Respondent by	:	Shri R Manjunathaswamy, DR

सुनवाई की तारीख / Date of hearing:	24-09-2018
घोषणा की तारीख / Date of pronouncement :	24-09-2018

आदेश / ORDER

PER MAHAVIR SINGH, JM:

This appeal filed by the assessee is arising out of the Revision order of Pr. Commissioner of Income Tax -2, Mumbai [in short CIT(A)], in appeal No. Nil, dated 22.02.2018. The Assessment was framed by the Dy. Commissioner of Income Tax, Mumbai (in short 'DCIT/ AO') for the A.Y. 2013-14 vide order dated 24.02.2016 under section 143(3) of the Income Tax Act, 1961 (hereinafter 'the Act').



2. At the outset, the learned Counsel for the assessee filed a letter dated 20.09.2018 under the instruction of the assessee and requested for withdrawal of the appeal by stating as under: -

“The above referred appeal is filed by TPL against the order dated 22 February 2018 passed by Principal Commissioner of Income-tax, Range-2 (‘PCIT’) under section 263 of the Act.

In this connection, under instructions of and on behalf of TPL, we would like to state as under:

In the said order, the Hon’ble PCIT, has remanded the matter back (on the issues considered for revision of the assessment order as per the provisions of section 263 of the Act) to the file of the Assessing Officer to allow the claims of the Appellant after due verification and inquiries. However, the Appellant contends that in respect of some of the issues raised for making a revision of the assessment order was prejudicial to the interest of the revenue as the Appellant had suo-moto made disallowances for the said amounts under dispute in its return of income for it to be prejudicial to the interest of the revenue department.

In view of the above fact, TPL also wishes to submit that as the Assessing Officer is in the process of undertaking the verification, it would not wish to argue the matter on technical grounds and accordingly wish to withdraw their appeal.



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TPL therefore request your Honours to kindly permit them to withdraw the appeal and oblige.

We regret the inconvenience caused to your Honours in this regard, if any."

3. On query from the Bench, the learned CIT Departmental Representative, has not objected to the withdrawal. Since, the AO has already adjudicated the issues in favour of assessee while giving effect to the revision order passed by PCIT under section 263 of the Act and hence, this appeal has become academic. In view of the reasons stated above, we permit the withdrawal. The appeal of assessee is dismissed as withdrawn.

4. In the result, the appeal of assessee is dismissed as withdrawn.

Order pronounced in the open court on 24-09-2018.

Sd/-

(राजेश कुमार / RAJESH KUMAR)

(लेखा सदस्य / ACCOUNTANT MEMBER)

मुंबई, दिनांक/ Mumbai, Dated: 24-09-2018

सुदीप सरकार, व.निजी सचिव / Sudip Sarkar, Sr.PS

Sd/-

(महावीर सिंह / MAHAVIR SINGH)

(न्यायिक सदस्य/ JUDICIAL MEMBER)

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai