

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

**BEFORE SHRI MAHAVIR SINGH (JUDICIAL MEMBER) AND
SHRI N.K. PRADHAN (ACCOUNTANT MEMBER)**

**ITA No. 2885/MUM/2017
Assessment Year: 2012-13**

Asst. Commissioner of
Income Tax-1(1)(1), 579,
AayakarBhavan, M.K.
Road, Mumbai-400020.

Vs.

M/s Ashajyot Mercantile
Pvt. Ltd., 3rd floor, Manu
Mansion, 16
ShahidBhagatsingh
Road, Fort, Mumbai-
400001.

PAN No. AAICA2437N
Appellant

Respondent

Revenue by : Mr. B.S. Bist, DR
Assessee by : Ms. Dinkle Hariya, AR

Date of Hearing : 07/05/2019
Date of pronouncement: 13/05/2019

ORDER

PER N.K. PRADHAN, AM

This is an appeal filed by the Revenue. The relevant assessment year is 2012-13. The appeal is directed against the order of the Commissioner of Income Tax (Appeals)-2, Mumbai [in short 'CIT(A)'] and arises out of the assessment completed u/s 143(3) of the Income Tax Act 1961, (the 'Act').

2. The Director of the respondent-company has filed an application before the Tribunal on 07.05.2019 requesting permission for not pressing the appeal and submits that :

“It is respectfully submitted that the assessee has been incurring heavy losses from past 6 years due to heavy cost of inventory and adverse market trend. Upto AY 2018-19, the accumulated loss is Rs.25,32,69,839/-. There is hardly any business activity since then. Further, and in any case, the addition on account of the closing stock has tax neutral effect as the same became part of the opening stock for the subsequent year and the years thereafter. As such, said addition would, in any case, stand allowable in the year of sale of the land.

Under the above circumstances and subject to the above, the assessee desires not to contest the above appeal of the Department. This plea is solely with a view to have certainty and to end litigations so that there is no scope for any further dispute in this regard, thereby saving precious resources of both the sides from getting consumed in litigation.”

3. There is no opposition from the Ld. DR to the above submission of the assessee for permission for not pressing the appeal.

4. Considering the above, the appeal is allowed.

Order pronounced in the open Court on 13/05/2019.

Sd/-
(MAHAVIR SINGH)
JUDICIAL MEMBER

Sd/-
(N.K. PRADHAN)
ACCOUNTANT MEMBER

Mumbai;

Dated: 13/05/2019

Rahul Sharma, Sr. P.S.

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,

(Sr. Private Secretary)
ITAT, Mumbai