

**In the Income-Tax Appellate Tribunal,
Delhi Bench 'B', New Delhi**

**Before : Shri R.K. Panda, Accountant Member And
Ms. Suchitra Kamble, Judicial Member**

**ITA No. 3641/Del/2016
Assessment Year: 2012-13**

Lanco Infratech Ltd. Plot No.397, Udyog Vihar, Phase -3 Gurgaon - 122 016 PAN: AAACL3449H (Appellant)	vs.	ACIT Circle-75(1), Aayakar Bhawan, 4th Floor, Distt. Centre, Laxmi Nagar, New Delhi - 110 092 (Respondent)
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Assessee by	Sh. Vaijayant Poliwal, Adv. For Liquidator
Revenue by	Ms. Ashima Neb, Sr. DR

Date of Hearing	28.08.2019
Date of Pronouncement	28.08.2019

ORDER

PER SUCHITRA KAMBLE, JM:

The appeal filed by the assessee is against the order dated 18.03.2016 passed by the CIT(A)-41, New Delhi pertaining to Assessment Year 2012-13.

2. The Ld. AR submitted the Letter dated 27th August, 2019 at the time of hearing for request for withdrawal of the appeal. The Ld. AR further submitted that since the filing of this appeal the assessee has been ordered to be liquidated in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 vide orders of the National Company Law Tribunal, Hyderabad (NCLT) dated 27th August, 2018. In light of the said fact and

subsequent facts which have been highlighted herein below, it was submitted by the Ld. AR that the question presented for determination before this Tribunal remains only of academic importance since the assessee does not have sufficient funds to pay the balance dues to the Income Tax Department even if this appeal is dismissed. Therefore, the Ld. AR further submitted that the assessee is hereby withdrawing the appeal with the request that the withdrawal should not be considered as concession to the issues raised in the appeal. The Ld. AR further submitted that the assessee continue to dispute the correctness of the additions made by the Assessing Officer and as upheld by the CIT(A), however, in view of the aforesaid reason, the Ld. AR wish to withdraw the appeal.

3. The Ld. DR did not have any objection for withdrawal

4. We have considered the request of the withdrawal made by the Ld. AR and perused the material available on record. We are allowing the assessee to withdraw the appeal as per letter dated 27th August, 2019 filed by the Ld. AR at the time of hearing. Thus, appeal filed by the assessee is dismissed as withdrawn with liberty to remain the issues open at the appropriate stage.

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

Order pronounced in the open court on 28th day of August, 2019.

Sd/-

(R.K. Panda)
Accountant Member

Sd/-

(Suchitra Kamble)
Judicial member

Dated: 28th August, 2019

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Copy of order forwarded to:

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|---------------------------------|--------------------|
| (1) The appellant | (2) The respondent |
| (3) Commissioner | (4) CIT(A) |
| (5) Departmental Representative | (6) Guard File |

By order

Assistant Registrar
Income Tax Appellate Tribunal
Delhi Benches, New Delhi

		Date	
1.	Draft dictated (DNS)	28.08.19	PS
2.	Draft placed before author	28.08.19	PS
3.	Draft proposed & placed before the second member		JM/AM
4.	Draft discussed/approved by Second Member.		JM/AM
5.	Approved Draft comes to the Sr.PS/PS		PS/PS
6.	Order Uploaded on		PS/Sr PS
6.	Kept for pronouncement on		PS
7.	File sent to the Bench Clerk		PS
8.	Date on which file goes to the AR		
9.	Date on which file goes to the Head Clerk.		
10.	Date of dispatch of Order.		