

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH “D” NEW DELHI**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER
&
SHRI B.R.R. KUMAR, ACCOUNTANT MEMBER**

I.T.A. No.715/DEL/2017
Assessment Year 2013-14

M/s. Landbase India Ltd., ITC Green Centre, 10, Institutional Area, Sector-32, Gurgaon.	v.	Asst. CIT, Circle-15(1), New Delhi.
TAN/PAN: AAACL 0053F (Appellant)		(Respondent)

Appellant by:	Shri Divyam Mittal, CA		
Respondent by:	Shri Arun Kumar Yadav, Sr.D.R.		
Date of hearing:	16	01	2020
Date of pronouncement:	16	01	2020

ORDER

PER AMIT SHUKLA, J.M.:

The aforesaid appeal has been filed by the assessee against the impugned order dated 01.11.2016 passed by Commissioner of Income Tax (Appeals)-V, New Delhi for the Assessment Year 2013-14.

2. During the course of hearing, at the outset, the ld. counsel for the assessee submitted that he wants to withdraw the present appeal and filed his submission dated 16th January, 2020 for withdrawal of the appeal.

3. In his rival submissions, learned Department Representative did not object if the appeal of the assessee is

dismissed as withdrawn.

4. After considering the submissions of both the parties and the material available on record, it is noticed that the counsel for the assessee filed his submission dated 16.01.2020 stating therein as under:

“The captioned appeal is fixed for hearing before the Hon’ble Bench today.

In this regard, it is respectfully submitted that the captioned appeal was filed on 07.02.2017 against the order dated 01.11.2016 (received on 10.12.2016) passed by the Commissioner of Income-tax (Appeals)-5 [“CIT(A)”], wherein the CIT(A) dismissed the appeal of the appellant on the ground that appeal was filed manually and not electronically. Accordingly, following the instruction on electronic filing of appeals notified by the CBDT vide Notification No. 11 of 2016 dated 01.03.2016, the appeal filed by the appellant was dismissed.

Subsequently, the appellant filed another appeal electronically before the CIT(A) along with application for condonation of delay vide Appeal No. Del/CIT(A)-5/0242/2016-17. The CIT(A), vide order dated 17.06.2019 condoned the delay in filing of the appeal and adjudicated the appeal on merits. Against the order passed by the CIT(A) (in appeal e-filed), the appellant has preferred appeal before the Hon’ble Tribunal in ITA No.7269/Del/2019, which is pending and yet to be listed.

In the aforesaid circumstances, the appellant craves leave to withdraw the aforesaid appeal, having been rendered infructuous in view of subsequent adjudication of electronic

appeal by the CIT(A).”

5. In view of the above, we dismiss the appeal of the assessee as withdrawn.

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

Order pronounced in the open Court on 16th January, 2020.

Sd/-

**[B.R.R. KUMAR]
ACCOUNTANT MEMBER**

DATED: 16th January, 2020

PKK:

Sd/-

**[AMIT SHUKLA]
JUDICIAL MEMBER**