

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'C' BENCH, KOLKATA**

(Before Sri J. Sudhakar Reddy, Accountant Member & Sri S.S. Godara, Judicial Member)

**ITA No. 2568/Kol/2017
Assessment Year: 2013-14**

Dongfang Electric Corporation.....Appellant
Project office, CK-189
Sector-II, Salt Lake City
Kolkata - 700 091
[PAN : AACCD 0559 L]

Vs.

Asstt. Commissioner of Income Tax (IT), Circle-1(1), Kolkata.....Appellant

Appearances by:

Ms. Neha Jhunjunwala, CA, appeared on behalf of the assessee.

Shri Vijay Shankar, CIT, D/R, appearing on behalf of the Revenue.

Date of concluding the hearing : March 12th, 2020

Date of pronouncing the order : March 13th, 2020

ORDER

Per J. Sudhakar Reddy, AM :-

This appeal filed by the assessee is directed against the order passed by the Assessing Officer u/s 144C(13) r.w.s. 143(3) of the Income Tax Act, 1961 (the 'Act'), dt. 30/10/2017, for the Assessment Year 2013-14.

2. The assessee has filed an application dated 11th March, 2020, which reads as under:-

"This bears reference to the captioned appeal filed by Appellant before the Hon'ble Income Tax Appellate Tribunal ('Hon'ble ITAT') for AY 2013-14 on 29 December 2017 (copy of appeal documents is enclosed as Annexure 1). The said appeal filed by the appellant is arising out of final assessment order passed by the Learned Assessing Officer ['Ld. AO'] dated 30 October 2017 for AY 2013-14 (attached alongside as Annexure 2). We submit that captioned appeal of AY 2013-14 is fixed for hearing on 12 March 2020 before the Bench 'C'.

The Appellant submits that the projects for which it was set up has been completed and hence, it is now required to close its operations in India. The Appellant also submits that as per final assessment order Id. AO has computed total outstanding tax demand as Nil. The Appellant wishes to submit that the Appellant is withdrawing this appeal to buy peace in litigation and reserves the right to challenge the validity of reference made by the Assessing Officer to the Transfer Pricing Officer in terms of section 92CA(1) of the Act at a later stage in accordance with the provisions of the law, if required.

In view of the above, we request permission from the Hon'ble bench to withdraw our captioned appeal.

We shall be highly obliged for this accommodation and regret any inconvenience caused."

2.1. The ld. D/R raised no objection to this application of the assessee. Hence we dismiss this appeal of the assessee as withdrawn.

3. In the result, appeal of the assessee is dismissed.

Kolkata, the 13th day of March, 2020.

Sd/-
[S. S. Godara]
Judicial Member

Dated : 13.03.2020
{SC SPS}

Sd/-
[J. Sudhakar Reddy]
Accountant Member

Copy of the order forwarded to:

1. Dongfang Electric Corporation
Project office, CK-189
Sector-II, Salt Lake City
Kolkata – 700 091

2. Asstt. Commissioner of Income Tax (IT), Circle-1(1), Kolkata

3. CIT(A)-

4. CIT- ,

5. CIT(DR), Kolkata Benches, Kolkata.

True copy
By order

Assistant Registrar
ITAT, Kolkata Benches