

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

**BEFORE SHRI N.V.VASUDEVAN, VICE PRESIDENT
AND
SHRI B.R.BASKARAN, ACCOUNTANT MEMBER**

ITA Nos.3182 & 2229/Bang/2018
(Assessment years : 2014-15 & 2015-16)

Shri Omkar Bhutra,
No.103, Maharish Alloys Pvt.Ltd.,
1/3, Mountain Road, Near Matri Pride Apartments,
Madhavan Park, 1st Cross, Byrasandra,
Bangalore-560 011
PAN No.BNNPB3215R

Appellant

Vs

The Income Tax Officer,
Ward-7(2)(1),
Bangalore

Respondent

Assessee by : None
Revenue by : Smt. R.Premi,JCIT

Date of Hearing : 09-06-2020
Date of Pronouncement : 09-06-2020

ORDER

PER B.R.BASKARAN, AM:

The assessee has filed these appeals challenging the orders passed by Ld CIT(A)-10, Bengaluru and they relate to the assessment years 2014-15 and 2015-16. The assessee is aggrieved by the decision of Ld CIT(A) in confirming the assessment of long term capital gains arising on sale of shares as income of the assessee u/s 68 of the Act in both the above said years.

2. None appeared on behalf of the assessee. However, the assessee has furnished a letter dated 06th day of June, 2020 for both the years and they read as under: -

“1. In respect of the issues disputed in appeals, the appellant has opted to file an application under Vivad se Vishwas Act, 2020.

2. Accordingly, the appellant has filed Form 1 & 2 under the said Act on 05-06-2020. Copy of screen shot for having filed the forms is enclosed.

3. Under section 5(1) of the Act, the pending appeal is deemed to have been withdrawn on the issue of Form 3 by designated authority.

4. In case of the appellant, the Form 3 has not been received and the same is awaited.

5. In the circumstances, it is request that the appeal posted for hearing on 09.06.2020 may kindly be adjourned.”

Accordingly the assessee has prayed for adjournment of these appeals.

3. The Ld D.R, however, submitted that the assessee has to withdraw the pending appeals after filing Form VSV1 as per Vivad Se Vishwas Scheme 2020. Thereafter, the assessee is required to furnish a copy of the same along with the proof of payment of tax as determined by the tax official to the department. She submitted that the Form no.3 shall be issued to the assessee in due course and accordingly she submitted that these appeals of the assessee may be dismissed as withdrawn, as the assessee, in any way, is required to withdraw the appeal.

4. We heard Ld D.R and perused the record. Since the assessee has opted for Vivad Se Vishwas Scheme, 2020, the appellant would be moving application for withdrawing the present appeals filed before the Tribunal in due course. Since the assessee has already filed the necessary applications before the tax authorities under the above said scheme, we

are of the view that no purpose will be served in keeping these appeals pending. Accordingly we dismiss all these appeals of the assessee as withdrawn.

5. The assessee has stated that he has not received Form no.3, in which the tax amount to be paid by the assessee shall be intimated by the department. Hence the assessee has sought adjournment till the time Form no.3 is received from the department, meaning thereby, the assessee wants to make sure that the tax liability mentioned by him in Form no.1 should get confirmed by the revenue. Under these set of facts, since we have dismissed the appeals, the assessee is given liberty to move appropriate application for recall of the present order in accordance with the law, if the assessee intends to do so.

6. In the result, all the three appeals of the assessee are dismissed as withdrawn.

Pronounced in the open Court on 09-06-2020

Sd/-
(N.V.VASUDEVAN)
VICE PRESIDENT

Bangalore

Dated : 09-06-2020

*am

Copy to :

1. The Assessee
2. The Revenue
3. The CIT concerned.
4. The CIT(A) concerned.
5. DR
6. GF

Sd/-
(B.R.BASKARAN)
ACCOUNTANT MEMBER

By order
Asst. Registrar

