

**IN THE INCOME TAX APPELLATE TRIBUNAL  
'B' BENCH : BANGALORE  
BEFORE SHRI. B. R. BASKARAN, ACCOUNTANT MEMBER  
AND  
SMT. BEENA PILLAI, JUDICIAL MEMBER**

|                                    |
|------------------------------------|
| <b>ITA No.1597/Bang/2019</b>       |
| <b>Assessment Year : 2009 - 10</b> |

|  |            |   |
|--|------------|---|
| Canara Bank,<br>Haveri Branch,<br>Harsha Versha Complex,<br>P.B Road,<br>Haveri-581 110. | <b>Vs.</b> | The Income Tax Officer,<br>TDS Ward,<br>Davanagere. |
| <b>PAN - AAACC 6106 G</b>  |            |   |
| <b>APPELLANT</b>   |            | <b>RESPONDENT</b>                                   |

|               |   |                                    |
|---------------|---|------------------------------------|
| Appellant by  | : | Shri S Ananthan, C.A               |
| Respondent by | : | Shri Priyadarshi Mishra, Addl. CIT |

|                       |   |            |
|-----------------------|---|------------|
| Date of Hearing       | : | 02-07-2020 |
| Date of Pronouncement | : | 07-07-2020 |

**ORDER**

**PER BEENA PILLAI, JUDICIAL MEMBER**

Present appeal has been filed by assessee against order dated 30/10/2015 passed by Ld.CIT(A), Davangere for assessment year 2009-10.

2. Only issue raised in resent appeal is against confirming the demand raised by Ld.AO u/s.201(1) and interest charged u/s.201(1A) of the Act.

3. At the outset, it has been submitted that, there was delay of 1207 days in filing present appeal before this *Tribunal*. After

considering circumstances narrated by assessee in its application and Affidavit dated 29/06/2020, this *Tribunal* was pleased to condone the delay and present appeal was admitted. This *Tribunal*, vide order dated 01/07/2020 considered application for condonation of delay.

3.1. Ld.AR submitted that assessee filed Form 1 dated 24/06/2020 under, 'The Direct Tax Vivad Se Vishwas Act' and subsequently, Form 3 has been issued by department accepting Form 1 filed by assessee. Ld.AR has filed letter dated 01/07/2020 by assessee, seeking withdrawal of present appeal in lieu of the issuance of Form 3.

4. Ld.DR, did not have any objection in the appeal being withdrawn.

5. We have heard both sides and perused record placed before us. Assessee has opted for Vivad Se Vishwas Scheme, 2020, and received Form 3 dated 24/06/2020 from department. We are therefore of the view that, no purpose will be served in keeping these appeals pending.

**Accordingly we dismiss the appeal of assessee as withdrawn.**

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

Order pronounced in the open court on 7<sup>th</sup> July, 2020

Sd/-  
(B. R. BASKARAN)  
Accountant Member  
Bangalore,  
Dated, the 7<sup>th</sup> July, 2020.  
/Vms/

Sd/-  
(BEENA PILLAI)  
Judicial Member

**Copy to:**

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore
6. Guard file

By order

Assistant Registrar, ITAT, Bangalore

|     |  | <b>Date</b> | <b>Initial</b> |          |
|-----|--|-------------|----------------|----------|
| 1.  | Draft dictated on                                | On Dragon   |                | Sr.PS    |
| 2.  | Draft placed before author                       | -06-2020    |                | Sr.PS    |
| 3.  | Draft proposed & placed before the second member | -06-2020    |                | JM/AM    |
| 4.  | Draft discussed/approved by Second Member.       | -06-2020    |                | JM/AM    |
| 5.  | Approved Draft comes to the Sr.PS/PS             | -07-2020    |                | Sr.PS/PS |
| 6.  | Kept for pronouncement on                        | -07-2020    |                | Sr.PS    |
| 7.  | Date of uploading the order on Website           | -07-2020    |                | Sr.PS    |
| 8.  | If not uploaded, furnish the reason              | --          |                | Sr.PS    |
| 9.  | File sent to the Bench Clerk                     | -07-2020    |                | Sr.PS    |
| 10. | Date on which file goes to the AR                |             |                |          |
| 11. | Date on which file goes to the Head Clerk.       |             |                |          |
| 12. | Date of dispatch of Order.                       |             |                |          |
| 13. | Draft dictation sheets are attached              | No          |                | Sr.PS    |