

**IN THE INCOME TAX APPELLATE TRIBUNAL
“B”BENCH: BANGALORE**

**BEFORE SHRI B. R. BASKARAN, ACCOUNTANT MEMBER
AND
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

IT(TP)A No.2816/Bang/2017
AssessmentYear: 2013 – 14

Novo Nordisk India Private Ltd Plot No.32, 47-50 EPIP Area, Whitefield Bengaluru-560 006 PAN NO :AAACN7425M	Vs.	Deputy Commissioner of Income-tax Circle-5(1)(1) Bengaluru
APPELLANT		RESPONDENT

Appellant by	:	N O N E
Respondent by	:	Shri Muzaffar Hussain, D.R.

Date of Hearing	:	04.08.2020
Date of Pronouncement	:	04.08.2020

ORDER

PER B.R. BASKARAN, ACCOUNTANT MEMBER:

The assessee has filed this appeal challenging the assessment order passed by the A.O. for assessment year 2013-14 u/s 143(3) r.w.s. 144C of the Income-tax Act,1961 ['the Act' for short] in pursuance of directions given by Ld. DRP.

2. None appeared on behalf of the assessee. However, the authorized representative of assessee has forwarded a letter dated 03rd August, 2020 by e-mail to the Tribunal, wherein it is stated that the assessee has entered into bilateral as well as unilateral advance pricing agreement (APA) with Central Board of Direct Taxes

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on 26.6.2020 for international transactions undertaken with its Associated Enterprises in Denmark as well as other jurisdictions. It is further stated that the terms of APA are applicable to consecutive 5 years commencing from assessment year 2017-18 with rollback of 4 years in respect of international transactions entered with AEs. Accordingly, it is stated that the year under consideration being assessment year 2013-14 would fall within rollback years.

3. The assessee has also referred to the provisions of rule 10RA of Income Tax Rules, which reads as under:

*“Rule 10RA (4) if any appeal filed by the applicant is pending before the Commissioner (Appeals), Appellate Tribunal or the High Court for a rollback year, on the issue which is subject matter of the rollback provision for that year, **the said appeal to the extent of the subject covered under the agreement shall be withdrawn by the applicant before furnishing the modified return for the said year.**”*

4. In view of the above said rules, the Ld A.R has submitted in the above said letter that the assessee seeks to withdraw the appeal, so that the APA agreement is given effective to assessment year 2013-14 also.

5. We heard Ld. D.R. on this issue. In view of the submissions made by the Ld AR in its letter referred above, we allow the assessee to withdraw the appeal.

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

Order pronounced in the open court on 04.08.2020.

Sd/-
(Pavan Kumar Gadale)
Judicial Member

Sd/-
(B.R. Baskaran)
Accountant Member

Bangalore,
Dated 04th Aug, 2020.
VG/SPS

Copy to:

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

By order

Asst. Registrar, ITAT, Bangalore.