

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

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

ITA Nos.1173 to 1177/Bang/2019
Assessment year : 2015-16

Mr. Vishal Gupta <b>PAN: ABPPG 1045M</b> Mrs. Asha Gupta <b>PAN: AAZPG 0724A</b> Mrs. Gitanjali Gupta <b>PAN: AEWPG 3525N</b> Mr. Vikas Gupta <b>PAN: AAZPG 0724A</b> Mrs. Rashi Gupta <b>PAN: AAUPG 9566H</b>  No.920, 9 <sup>th</sup> Main, 4 <sup>th</sup> Cross, Mico Layout, Bangalore – 560076.	Vs.	The Assistant Commissioner of Income Tax, Circle 4(3)(1), Bangalore.
APPELLANT		RESPONDENT

Appellant by	:	Shri Rajiv S. Nulvi, CA
Respondent by	:	Shri Priyadarshi Mishra, Jt.CIT(DR)(ITAT), Bengaluru.

Date of hearing	:	18.06.2020
Date of Pronouncement	:	13.08.2020

**ORDER**

*Per B.R. Baskaran, Accountant Member*

All the assessee herein have filed appeals challenging the order dated 15-03-2019 passed by Ld CIT(A)-4, Bengaluru in their respective hands for assessment year 2015-16. The assessee is aggrieved by the

decision of Ld CIT(A) in confirming the addition made by the AO by rejecting the claim of long term capital gains declared on sale of shares.

2. At the time of hearing, the Ld A.R submitted that all these assesseees have filed applications under the Direct Tax Vivad Se Vishwas Act, 2020 and are waiting for the certificate in Form No.3 from the Pr. CIT. Accordingly the Ld A.R submitted that the matter may be kept pending.

3. The Ld D.R, however, submitted that these assesseees have to withdraw the pending appeals after filing Form VSV1 as per Vivad Se Vishwas Act, 2020. Thereafter, the assesseees are 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. He submitted that the Form no.3 shall be issued to the assesseees in due course and accordingly he submitted that the appeals of the assessee may be dismissed as withdrawn, as the assesseees, in any way, are required to withdraw the appeal.

4. We heard the parties and perused the record. Since the assesseees herein have opted for Vivad Se Vishwas Scheme, 2020, the appellants would be moving application for withdrawing the present appeals filed by them before the Tribunal in due course. Since the assesseees have 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 the appeals of the assesseees as withdrawn.

5. The Ld A.R, however, submitted that the assesseees may be given liberty to move application for recall of the order, as the applications of these assesseees are yet to be accepted by the department. We notice that the assesseees have stated that they have not received Form no.3, in which the tax amount to be paid by the assessee shall be intimated by the

department. Hence, it appears that the assesseees want 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 assesseees are given liberty to move appropriate application for recall of the present order in accordance with the law, if the assesseees intend to do so.

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

Pronounced in the open court on this 13<sup>th</sup> day of August, 2020.

Sd/-  
( N V VASUDEVAN )  
VICE PRESIDENT

Sd/-  
( B R BASKARAN )  
ACCOUNTANT MEMBER

Bangalore,  
Dated, the 13<sup>th</sup> August, 2020.

*/Desai S Murthy /*

Copy to:

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

By order

Assistant Registrar  
ITAT, Bangalore.