

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

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

ITA No.269/Bang/2019
Assessment Year: 2014-15

Vyshnavianand Projects Pvt. Ltd 264, Ward No.4, Hotel Shivanand Complex Opp. Ice Land, College Road Hospete-583201 PAN NO : AACCV6689D	Vs.	ACIT, Circle-1 Ballari
APPELLANT		RESPONDENT

Appellant by	:	N O N E
Respondent by	:	Shri Priyadarshi Mishra, D.R.

Date of Hearing	:	17.06.2020
Date of Pronouncement	:	14.08.2020

ORDER

PER B.R. BASKARAN, ACCOUNTANT MEMBER:

The assessee has filed this appeal challenging the order dated 19-12-2018 passed by Ld CIT(A), Kalaburagi and it relates to the assessment year 2014-15. The assessee is aggrieved by the decision of Ld CIT(A) in confirming the assessment of capital gain made by the AO.

2. None appeared on behalf of the assessee. However, the Ld A.R has moved an adjournment petition mentioning therein that the assessee has filed applications under the Direct Tax Vivad Se Vishwas Act, 2020 and is waiting for the certificate in Form No.3 from

the Pr. CIT. Accordingly the Ld A.R has sought for adjournment of the matter.

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 Act, 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. He submitted that the Form no.3 shall be issued to the assessee in due course and accordingly he submitted that the appeal of the assessee may be dismissed as withdrawn, as the assessee, in any way, is required to withdraw the appeal.

4. We heard the parties 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 appeal 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 this appeal pending. Accordingly we dismiss the appeal of the assessee as withdrawn.

5. We notice that the A.R of the assessee has stated in the adjournment letter that the assessee has 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 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 appeal, 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, the appeal of the assessee is dismissed as withdrawn.

Pronounced in the open Court on 14-08-2020

Sd/-
(N.V. Vasudevan)
Vice President

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

Bangalore,
Dated 14th 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.