

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

**BEFORE SHRI A. K. GARODIA, ACCOUNTANT MEMBER AND
SMT. BEENA PILLAI, JUDICIAL MEMBER**

IT(TP)A Nos.1636/Bang/2017

Assessment year : 2013-14

M/s. July Systems and Technologies Pvt. Ltd., #17/9C, 17/4C, 4 th Floor, Maruthi Chambers, Roopena Agrahara, Hosur Road, Bengaluru – 560 068. PAN : AABCB 6543 M	Vs.	The Deputy Commissioner of Income-tax, Circle – 4(1)(1) Bengaluru.
APPELLANT		RESPONDENT
Assessee by	:	Shri. Bharath. L, CA
Revenue by	:	Shri. T. Roumuan Paite, CIT (DR)(ITAT), Bengaluru
Date of hearing	:	03.09.2020
Date of Pronouncement	:	04.09.2020

ORDER

Per A. K. Garodia, Accountant Member:

This appeal is filed by the assessee and the same is directed against the Assessment Order dated 31.05.2017 passed by the AO under section 143(3) r.w.s. 144C(1) of the Income Tax Act, 1961 (hereafter called ‘the Act’) as per the directions of DRP.

2. Learned AR of the assessee has moved an application on 02.09.2020 in which it is stated that the assessee had filed Form 1 and 2 under Direct Tax Vivad Se Vishwas Scheme, 2020 in respect of the present appeal . He also submitted in the said letter that the assessee is yet to receive certificate

containing particulars of tax arrears and the amount payable in Form 3 from the Income Tax Department. He submitted that because of this reason that Form 3 is yet to be received from the Department, the hearing may be adjourned. In the course of hearing, it was the proposition put forward by the Bench that under these facts, the appeal of the assessee may be dismissed as withdrawn and liberty may be granted to the assessee to approach this Tribunal for recall of this order under section 254(2) of the Act in case the assessee finally opts out of Vivad Se Vishwas Scheme, 2020. In reply, it was submitted by learned AR of the assessee that if the liberty is granted to the assessee, then he has no objection about dismissal of the appeal as withdrawn. Learned DR of the Revenue also agreed to this proposition put forward by the Bench.

3. In view of above discussion, we dismiss this appeal as withdrawn and grant liberty to the assessee to approach this Tribunal for recall of this Tribunal order under section 254(2) of the Act in case the assessee finally opts out of Vivad Se Vishwas Scheme, 2020 for any reason.

4. In the result, assessee's appeal is dismissed.

Pronounced in the open court on the date mentioned on the caption page.

Sd/-
(BEENA PILLAI)
Judicial Member

Sd/-
(A.K. GARODIA)
Accountant Member

Bangalore,

Dated: 04th September, 2020.

/NS/*

Copy to:

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

By order

Assistant Registrar,
ITAT, Bangalore.