

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND
DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER
ITA No. 43/SRT/2019 (AY : 2011-12)
(Virtual hearing in Virtual Court)

Jayantibhai P Patel, 1, Sukhshanati Society, GIDC, Gattu School Road, Ankleshwar PAN : AEBPP4502M	Vs	Assistant Commissioner of Income Tax, Circle-2, Bharuch
APPELLANT		RESPONDEDNT

Appellant by	None
Respondent by	Shri O P Meena (Sr. DR)
Date of hearing	31-08-2020
Date of pronouncement	31-08-2020

ORDER

PER PAWAN SINGH, JUDICIAL MEMBER:

1. This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax, Appeals-5 [in short "the CIT(A)-5"], Vadodara dated 06/04/2017, which in turn arises against penalty levied u/s.271(1)(c) by the Assessing Officer (AO) by order dated 25/03/2020 for the Assessment Year (AY) 2011-12.

2. The assessee has raised the following grounds:-

"1. CIT(A) has erred in not deleting the penalty on Rs.584500/- being the business development expenditure added by A.O. on account of Unexplained R & D expenses and on account of Non deduction of TDS thereon. The A.O. has levied penalty treating the same as inaccurate

particulars and levied penalty U.S.271(1)(c) on the same. CIT(A) has not appreciated facts and retained penalty.

Leavy of penalty being not as per law requested to be delete.

2. Your appellant requests for leave to add, to delete, to omit, to amend all or any of the grounds of appeal at or before the time of final disposal of the appeal.”

3. This appeal has taken up for hearing on the application filed by assessee *vide* application dated 24/01/2019. In the said application the assessee has contended that he has applied under scheme “Vivad Se Vishwas” and has received approval from Principal Commissioner of Income Tax (in short “the PCIT”), Vadodara-3 under Form 3. The assessee prayed for withdrawal of the appeal to enable him for filing of Form 4 of Direct Tax “Vivad Se Vishwas” (VSV). The assessee has also placed on record a copy of Form 3 of “Vivad Se Vishwas” Scheme, Acknowledgement No.456289270110820. Copy of the application for withdrawal of the appeal is also supplied to Revenue for their record.

4. None appeared on behalf of assessee when the appeal was listed for hearing. The Id. Senior Departmental Representative (Sr. DR) appearing for the Revenue has no objection, if the appeal of the assessee is dismissed as withdrawn to enable the assessee for filing Form 4 in compliance of “Vivad Se Vishwas” Scheme.

5. Considering the contents of application dated 24/08/2020 filed by the assessee, the appeal of the assessee in dismissed as withdrawn.

Order pronounced on 31/08/2020, as per Rule 34 of Income Tax
Appellate Tribunal, Rule 1963.

Sd/-
(DR. ARJUN LAL SAINI)
ACCOUNTANT MEMBER

Sd/-
(PAWAN SINGH)
JUDICIAL MEMBER

Surat, Dated: 31/08/2020
Samanta, PS

Copy to:

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

// TRUE COPY //

By order

Asstt. Registrar, ITAT, Surat