

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

**BEFORE SHRI. A. K. GARODIA, ACCOUNTANT MEMBER
AND SHRI. GEORGE GEORGE K, JUDICIAL MEMBER**

ITA No.1443/Bang/2019
Assessment year : 2014-15

Mr. Nityanand M. Shet, Prop: Mahableshwar Jewellers, Near Mailarling Temple, Peth Bana, Laxmeshwar – 582 116. PAN : AFKPS 1238 R	Vs.	The Income Tax Officer, Ward – 1, ‘Aayakar Bhavan’, Near Hatalgeri Naka, Gadag – 582 101.
APPELLANT		RESPONDENT
Assessee by	:	Shri. B. S. Balachandran, Advocate
Revenue by	:	Shri. Priyadarshi Mishra, JCIT (DR)(ITAT), Bengaluru
Date of hearing	:	23.09.2020
Date of Pronouncement	:	25.09.2020

ORDER

Per A. K. Garodia, Accountant Member:

This appeal is filed by the assessee and the same is directed against the order of CIT (A), Hubballi dated 29.03.2019.

2. Learned AR of the assessee has moved an application on 23.09.2020 in which it is stated that the assessee is opting for Vivad Se Vishwas Scheme, 2020. 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it was the proposition put forward by the Bench that under these facts, the appeal of the assessee may be dismissed as withdrawn and liberty may be granted to the assessee to approach this Tribunal for recall of this order under section 254(2) of the Act in case the assessee finally opts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assessee, then he has no objection about dismissal of the appeal as withdrawn.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 In view of above discussion, we dismiss this appeal as withdrawn and grant liberty to the assessee to approach this Tribunal for recall of this Tribunal order under section 254(2) of the Act in case, the assessee finally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/-
(GEORGE GEORGE K)
Judicial Member

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

Bangalore,

Dated: 25th September, 2020.

/NS/*

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

By order

Assistant Registrar,
ITAT, Bangalore.