

**IN THE INCOME TAX APPELLATE TRIBUNAL
PATNA BENCH, Virtual Court at KOLKATA**

(Before Sri J. Sudhakar Reddy, Accountant Member & Sri S.S. Godara, Judicial Member)

**I.T.A. No. 80/Pat/2019
Assessment Year: 2008-09**

**Shri Khurshid Ahmad.....Appellant
[PAN: AARPA 4165 H]**

Vs.

DCIT, Circle-4, Patna.....Respondent

Appearances by:

Sh. Manish Rastogi, Adv., appeared on behalf of the Assessee.

Sh. Ajay Kumar, Addl. CIT, appeared on behalf of the Revenue.

Date of concluding the hearing : September 23rd, 2020

Date of pronouncing the order : September 30th, 2020

ORDER

Per J. Sudhakar Reddy, AM:

This appeal filed by the assessee is directed against the order of the Learned Commissioner of Income Tax (Appeals)-II, Patna [hereinafter the "CIT(A)"], passed u/s. 250 of the Income Tax Act, 1961 (the 'Act'), dated 04.02.2019 for the Assessment Year 2008-09.

2. The ld. Counsel for the assessee submitted that the assessee is availing the "Vivad Se Vishwas Scheme" and has filed an application in this regard. He wanted an adjournment or in the alternative pleaded for protection that, if its application under the scheme is rejected by the authorities, the appeal may be restored. He submitted that if such an assurance is recorded in the order, he would withdraw this appeal before the Tribunal. The ld. DR had no objection.

3. After hearing rival contentions, we dismiss this appeal as withdrawn with the condition that the same shall be restored in case the authorities do not approve the application filed by the assessee for resolution of the dispute under "Vivad Se Vishwas Scheme".

4. In the result, appeal of the assessee is dismissed as withdrawn.

Kolkata, the 30th September, 2020.

Sd/-
[S.S. Godara]
Judicial Member

Sd/-
[J. Sudhakar Reddy]
Accountant Member

Dated: 30.09.2020
Bidhan

Copy of the order forwarded to:

1. ***Shri Khurshid Ahmad, 22, Basant Vihar Colony, Boring Road, Patna-800 001.***
2. ***DCIT, Circle-4, Patna.***
3. CIT(A)-II, Patna.
4. CIT-
5. CIT(DR), Patna Bench, Patna.

True copy

By order

Private Secretary
ITAT, Kolkata Benches