

**IN THE INCOME TAX APPELLATE TRIBUNAL  
BANGALORE BENCHES "A", BANGALORE**

**Before Shri George George K, JM & Shri B.R.Baskaran, AM**

ITA No.1677/Bang/2019 : Asst.Year 2008-2009

Sri.Nasir Pasha No.12, Industrial Suburb Mysuru - 570 014. <b>PAN : AJSPP5762F.</b>	v.	The Income Tax Officer Ward 2(2) Mysuru.
(Appellant)		(Respondent)

Appellant by : Sri.V.Srinivasan, Advocate

Respondent by : --- None ---

<b>Date of Hearing : 19.10.2020</b>	<b>Date of Pronouncement : 19.10.2020</b>
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**ORDER**

**Per George George K, JM :**

This appeal at the instance of the assessee is directed against CIT(A)'s order dated 23<sup>rd</sup> May, 2019. The relevant assessment year is 2008-2009.

2. The assessee has furnished a letter dated 15<sup>th</sup> June, 2020, wherein it is stated that the assessee has filed application under Direct Tax Vivad Se Vishwas Act for settlement of the dispute and Form No.3 is awaited. Accordingly, the assessee has prayed that the appeal may be adjourned.

3. None appeared on behalf of the Revenue. Therefore, we proceed to dispose of this appeal on merits, after hearing the learned Counsel for the assessee.

4. We have heard the learned Counsel for the assessee and perused the material on record. Since the assessee has already

filed applications under Direct Tax Vivad Se Vishwas Act, 2020, the assessee 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 Act, 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 Accordingly, we dismiss the appeal of the assessee as withdrawn.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. The learned AR has stated that he has not received Form No.3, in which the tax amount to be paid by the assessee shall be intimated by the Department and the process will be completed upon receipt of Form No.3, meaning thereby, 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 In the result, the appeal filed by the assessee is dismissed, as withdrawn.

Order pronounced on this day of 19<sup>th</sup> October, 2020.

**Sd/-**  
**(B.R.Baskaran)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(George George K)**  
**JUDICIAL MEMBER**

Bangalore; Dated : 19<sup>th</sup> October, 2020.  
Devadas G\*

Copy to :

1. The Appellant.
2. The Respondent.
3. The CIT(A) Mysuru.
4. The CIT - Mysuru.
5. The DR, ITAT, Bengaluru.
6. Guard File.

Asst.Registrar/ITAT, Bangalore