

आयकर अपीलीय अधिकरण, जयपुर न्यायपीठ, जयपुर  
IN THE INCOME TAX APPELLATE TRIBUNAL, JAIPUR BENCHES "A", JAIPUR  
श्री संदीप गोसाई, न्यायिक सदस्य एवं श्री विक्रम सिंह यादव, लेखा सदस्य के समक्ष  
BEFORE SHRI SANDEEP GOSAIN, JM & SHRI VIKRAM SINGH YADAV, AM

आयकर अपील सं./ITA No. 175/JP/2018  
निर्धारण वर्ष / Assessment Year :2012-13

Rockdrills Projects Private Limited, C-260, Nirman Nagar, Jaipur.	बनाम Vs.	D.C.I.T. Circle-7, Jaipur.
स्थायी लेखा सं./जीआईआर सं./PAN/GIR No.: AAECR 7383 N		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती की ओर से / Assessee by : None (Withdrawal of Appeal)  
राजस्व की ओर से / Revenue by : Smt. Rooni Paul (Addl.CIT)

सुनवाई की तारीख / Date of Hearing : 12/10/2020  
उदघोषणा की तारीख / Date of Pronouncement : 21/10/2020

आदेश / ORDER

**PER: SANDEEP GOSAIN, J.M.**

This appeal has been filed by the assessee against the order of the  
Id. CIT(A)-3, Jaipur dated 05/01/2018 for the A.Y. 2012-13.

2. The hearing of the appeal was concluded through video conference  
in view of the prevailing situation of Covid-19 Pandemic.
3. An application for withdrawal of this appeal has been filed by the  
assessee vide letter dated 31<sup>st</sup> August, 2020. The contention made in the  
said application reads as under:

*"Please note that in the above appeal the assessee has opted for  
settlement under Vivad Se Vishwas Scheme and the certificate in  
Form-3 has duly been issued by the department with*

*acknowledgement No. 490918540250820 and a copy of which is enclosed herewith.*

*Accordingly, the appeal has become infructuous and therefore, we request you to allow the withdrawal of our appeal which has not been fixed on 12<sup>th</sup> October, 2020.*

*Kindly acknowledge receipt.*

*Thanking you  
Yours sincerely,  
For N. Kataria & Associates.  
Chartered Accountants*

*(Nikhilesh Kataria, FCA)“*

4. During the course of hearing the Ld. Counsel for the assessee submitted that the assessee has availed the immunity scheme i.e. Vivad Se Vishwas and the Income Tax Department has since issued Form 3 bearing Certificate No. 490918540250820 in response to the application filed by the assessee, under section 5(1) of the Direct Tax Vivad se Vishwas Act, 2020, therefore the appeal of the assessee may be allowed to be withdrawn.

5. The Ld. DR did not object if appeal of the assessee is dismissed as withdrawn.

6. Therefore, in view of the fact that the assessee has already approached the department to settle the matter under Vivad Se Vishwas

scheme, we permit the assessee to withdraw its appeal. Accordingly, the appeal of the assessee is dismissed as withdrawn.

7. In the result, this appeal of the assessee is dismissed.

Order pronounced in the open court on 21<sup>st</sup> October, 2020.

Sd/-  
(विक्रम सिंह यादव)  
(VIKRAM SINGH YADAV)  
लेखा सदस्य / Accountant Member

Sd/-  
(संदीप गोसाईं)  
(SANDEEP GOSAIN)  
न्यायिक सदस्य / Judicial Member

जयपुर / Jaipur  
दिनांक / Dated:- 21/10/2020

\*Ranjan

आदेश की प्रतिलिपि अग्रेषित / Copy of the order forwarded to:

1. अपीलार्थी / The Appellant- Rockdrills Projects Private Limited, Jaipur.
2. प्रत्यर्थी / The Respondent- The D.C.I.T., Circle-7, Jaipur.
3. आयकर आयुक्त / CIT
4. आयकर आयुक्त(अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur
6. गार्ड फाईल / Guard File (ITA No. 175/JP/2018)

आदेशानुसार / By order,

सहायक पंजीकार / Asst. Registrar