

ITA No. 2107/KOL/2019
Assessment Year: 2015-2016
&
CO No. 17/KOL/2020 (in ITA No.2107/KOL/2019)
Ritum Jain

**IN THE INCOME TAX APPELLATE TRIBUNAL,
KOLKATA 'A' BENCH, KOLKATA
[Virtual Court Hearing]**

**Before Shri P.M. Jagtap, Vice-President
&
Shri A.T. Varkey, Judicial Member**

**I.T.A. No. 2107/KOL/2019
Assessment Year: 2015-2016**

Assistant Commissioner of Income Tax,.....Appellant
Central Circle-3(2), Kolkata,
Aayakar Bhawan Poorva,
110, Shanti Pally, 5th Floor, Kolkata-700107

-Vs.-

Ritum Jain,.....Respondent
Metro Towers,
1, Ho-Chi-Minh Sarani, Kolkata-700071
[PAN:ACTPJ4441K]

&

C.O. No. 17/KOL/2020
(in ITA No. 2107/KOL/2019)
Assessment Year: 2015-2016

Ritum Jain,.....Cross Objector
Metro Towers,
1, Ho-Chi-Minh Sarani, Kolkata-700071
[PAN:ACTPJ4441K]

-Vs.-

Assistant Commissioner of Income Tax,.....Respondent
Central Circle-3(2), Kolkata,
Aayakar Bhawan Poorva,
110, Shanti Pally, 5th Floor, Kolkata-700107

Appearances by:

Shri Ram Bilash Meena, CIT (D.R.), appeared on behalf of the Revenue
Smt. Shikha Agarwal, A.R., appeared on behalf of the assessee

Date of concluding the hearing : October 19, 2020
Date of pronouncing the order : October 19, 2020

O R D E R

Per Shri P.M. Jagtap, Vice-President:-

This appeal is preferred by the Revenue against the order of Id. Commissioner of Income Tax (Appeals)-21, Kolkata dated 23.07.2019 and the same is being disposed of along with the Cross Objection filed by the assessee being C.O. No. 17/KOL/2020.

2. At the time of hearing fixed in this case, a letter dated 17.10.2020 is filed by the Id. Authorized Representative of the assessee intimating that the assessee has decided to resolve a controversy involved in this appeal of the Revenue under the Direct Tax involved Vivad Se Vishwas Scheme, 2020. As stated in the said letter, the assessee has already filed the revised declaration in Form Nos. 1 and 2 but the certificate in Form no. 3 determining the tax payable by the assessee is not yet issued by the Competent Authority. Keeping in view this information given by the assessee, we treat this appeal of the Revenue as withdrawn and dismiss the same with the rider that if the Competent Authority as per the Scheme does not accept the assessee's proposal to opt for the Vivad Se Vishwas Scheme, 2020 or the assessee by whatever reason is unable to settle the dispute under the said Scheme of Vivad Se Vishwas, 2020, then the Revenue is at liberty to move an application before this Tribunal for recalling of this order and restoring its appeal. The assessee is also directed to inform the Competent Authority of the Income Tax Department as well as this Tribunal if he fails to settle the dispute under the Vivad Se Vishwas Scheme, 2020 for any reason. With the aforesaid caveat, we treat this appeal of the Revenue as withdrawn and dismiss the same.

3. As regards the Cross Objection of the assessee, the Id. Counsel for the assessee has submitted that the assessee is not interested to press the same. The Cross Objection of the assessee is accordingly dismissed as not pressed.

4. In the result, the appeal of the Revenue as well as the Cross Objection of the assessee both are dismissed.

Order pronounced in the open Court on October 19, 2020.

Sd/-
(A.T. Varkey)
Judicial Member

Sd/-
(P.M. Jagtap)
Vice-President)

Kolkata, the 19th day of October, 2020

- Copies to :
- (1) *Assistant Commissioner of Income Tax,
Central Circle-3(2), Kolkata,
Aayakar Bhawan Poorva,
110, Shanti Pally, 5th Floor, Kolkata-700107*
 - (2) *Ritum Jain,
Metro Towers, 1, Ho-Chi-Minh Sarani, Kolkata-700071*
 - (3) *Commissioner of Income Tax (Appeals)-21. Kolkata;*
 - (4) *Commissioner of Income Tax- ,*
 - (5) *The Departmental Representative*
 - (6) *Guard File*

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.