

IN THE INCOME TAX APPELLATE TRIBUNAL “D” BENCH, MUMBAI
BEFORE SHRI SHAMIM YAHYA, AM AND SHRI AMARJIT SINGH, JM

आयकर अपील सं/ I.T.A. No.4720/Mum/2018
(निर्धारण वर्ष / Assessment Year: 2016-17)

Rajaram Shanbhag A-10, 2 nd Floor, Kanika CHS Ltd., Dr. Radhakrishnan Cross Road, Andheri (E), Mumbai-400069.	बनाम/ Vs.	DCIT, Central Circle-5(1) Mumbai.
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AMFPS6518N		
(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
Assessee by:	Shri Vinita Shah	
Revenue by:	Shri Manpreet Singh Duggal (Sr. AR)	

सुनवाई की तारीख / Date of Hearing: 05/11/2020
घोषणा की तारीख /Date of Pronouncement: 05/11/2020

आदेश / ORDER

PER AMARJIT SINGH, JM:

This is an appeal filed by the assessee against the order dated 25.05.2018 passed by the Commissioner of Income Tax (Appeals), 53 Mumbai [hereinafter referred to as the “CIT(A)”]. Relevant to the A.Y. 2016-17.

2. The assessee has raised the following grounds.:-

- “1. *On the facts and circumstances of the case as well as in law, the Ld. CIT(A) has erred in confirming the action of Learned Assessing Officer in making an addition of Rs.18,55,000/- by treating the jewellery found during the course of search as alleged unexplained investment, without considering the facts and circumstances of the case.*
2. *The appellant craves leave to add, amend, alter or delete the said ground of appeal.”*

3. When this appeal was called out for hearing, the ld. Counsel of the assessee submitted that he has filed the necessary declaration under Direct Tax Vivad se Vishwas Act, 2020 (Act 3 of 2020) and is awaiting for final resolution of the matter under the said scheme. He submitted that upon



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completion of the necessary formalities, he will withdraw the appeal. In response to the suggestion from the Bench, he fairly accepted that he has no objection to the appeal being dismissed as withdrawn as long as his right for revival of the appeal are protected, in the event of, for some unfortunate reason, the matter being not settled under the *Vivad se Vishwas scheme*.

4. The Ld. DR also did not object to disgrace so suggested.
5. In view of the above, we dismiss the appeal as withdrawn, subject to be rider that in the unlikely event of matter not being resolved under the *Vivad se Vishwas scheme*, the assessee shall have liberty to approach the Tribunal for restoration of his appeal.
6. In the result, the appeal is dismissed as withdrawn – subject to the observation above.

Order pronounced in the open court on 05/11/2020

Sd/-
(SHAMIM YAHYA)
लेखा सदस्य / ACCOUNTANT MEMBER
मुंबई Mumbai; दिनांक Dated : 05/11/2020
Vijay Pal Singh (Sr.PS)

Sd
(AMARJIT SINGH)
न्यायिक सदस्य/JUDICIAL MEMBER

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)-
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार / (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai