

**IN THE INCOME TAX APPELLATE TRIBUNAL
VISAKHAPATNAM "SMC" BENCH, VISAKHAPATNAM**
(Through web-based video conferencing platform)

BEFORE SHRI V. DURGA RAO, HON'BLE JUDICIAL MEMBER

**I.T.A. No. 76/VIZ/2020
(Asst. Year : 2010-11)**

Silla Murali, D.No. 16-10-152, vs. ITO, Ward-2,
Faxulh Beg Peta, Gujarathipeta, Srikakulam.
Srikakulam.

PAN No. BICPS 1490 R (Appellant) (Respondent)

Assessee by : None.
Department By : Shri B.Rama Krishna, Sr.DR

Date of hearing : 24/11/2020.
Date of pronouncement : 24/11/2020.

ORDER

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals)-2, Guntur, dated 26/11/2019 for the Assessment Year 2010-11.

2. When this appeal is taken up for hearing, I have noticed that assessee has filed a letter stating that he opted for Vivad Se Vishwas Scheme and the Principal Commissioner, Visakhapatnam was pleased to issue a certificate in Form No.3 dated 23/10/2020. Once Form No.3 is issued by the Pr. Commissioner, the appeal shall be deemed to be withdrawn from the date on which Form No.3 is filed, however, he stated that appeal may be recalled in

case the certificate issued by the Pr. Commissioner is withdrawn at a future date due to any unforeseen contingencies.

3. Ld.DR has not raised any objection.

4. I have heard Id.DR and gone through the Form No.3 and also gone through the withdrawal petition filed by the assessee. I find that in this case Form No.3 is issued by the Pr.Commissioner and the assessee has stated that he may be permitted to be withdrawn the appeal. Therefore, I dismiss the appeal as withdrawn, however, with a rider that in any case the certificate issued by the Pr.Commissioner is withdrawn at a future date for any reason, it is open to the assessee to file an appropriate application before the Tribunal. In that event, the order passed by the Tribunal would be recalled in accordance with law.

5. In the result, appeal filed by the assessee is dismissed as withdrawn.

Order Pronounced in open Court on this 24th day of Nov., 2020.

Sd/-
(V. DURGA RAO)
Judicial Member

Dated: 24th November, 2020.

vr/-

Copy to:

1. *The Assessee – Silla Murali, D.No. 16-10-152, Faxulh Beg Peta, Gujarathipeta, Srikakulam..*
2. *The Revenue – ITO, Ward-2, Srikakulam.*
3. *The Pr.CIT-2, Visakhapatnam.*
4. *The CIT(A)-2, Guntur.*
5. *The D.R., Visakhapatnam.*
6. *Guard file.*

By order

(VUKKEM RAMBABU)
Sr. Private Secretary,
ITAT, Visakhapatnam.