

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'B' BENCH, KOLKATA
(Virtual Court)**

(Before Sri J. Sudhakar Reddy, Accountant Member & Sri Aby T. Varkey, Judicial Member)

**I.T.A. No. 399/Kol/2019
Assessment Year: 2015-16**

***KanicaDurgesh Agarwal*.....*Appellant*
*[PAN: ANRPM 3957 G]***

Vs.

DCIT, Circle-35, Kolkata*.....*Respondent

Appearances by:

Sh. A.K. Tibrewal, FCA, appeared on behalf of the Assessee.

Smt. Ranu Biswas, Addl. CIT, appeared on behalf of the Revenue.

Date of concluding the hearing : November 19th, 2020

Date of pronouncing the order : November 26th, 2020

ORDER

Per J. Sudhakar Reddy, AM:

This is an appeal filed by the assessee directed against the order of the Learned Commissioner of Income Tax (Appeals)-10, Kolkata, [hereinafter the "CIT(A)"], passed u/s. 250 of the Income Tax Act, 1961 (the 'Act'), dated 31.12.2018 for the Assessment Year 2015-16.

2. The ld. Counsel for the assessee submitted that the assessee is availing the "*Vivad Se Vishwas Scheme*" and has filed an application in this regard. He wanted an adjournment or in the alternative pleaded for protection that, if its application under the scheme is rejected by the authorities, the appeal may be restored. He submitted that if such an assurance is recorded in the order, he would withdraw this appeal before the Tribunal. The ld. D/R had no objection.

3. After hearing rival contentions, we dismiss this appeal as withdrawn with the condition that the same shall be restored in case the authorities do not approve the application filed by the assessee for resolution of the dispute under "*Vivad Se Vishwas Scheme*".

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 In the result, the appeal filed by the assessee is dismissed as withdrawn.

Kolkata, the 26th November, 2020.

Sd/-
[Aby T. Varkey]
Judicial Member

Dated: 26.11.2020
Bidhan (P.S.)

Sd/-
[J. Sudhakar Reddy]
Accountant Member

Copy of the order forwarded to:

1. ***KanicaDurgesh Agarwal, 11, Brabourne Road, Draupadi Mansion, 3rd Floor, Kolkata-700 001.***
2. ***DCIT, Circle-35, Kolkata.***
3. CIT(A)-10, Kolkata. (sent through mail)
4. CIT-
5. CIT(DR), Kolkata Benches, Kolkata. (sent through mail)

True copy

By order

Assistant Registrar
ITAT, Kolkata Benches