

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“C” BENCH: BANGALORE**

**BEFORE SHRI GEORGE GEORGE K., JUDICIAL MEMBER  
AND  
SHRI B.R. BASKARAN, ACCOUNTANT MEMBER**

ITA No.80/Bang/2019
Assessment Year: 2012-13

M/s. Heera Granites Pvt. Ltd. No.301, West Minister, No.13 Cunningham Road Bangalore-560 052.  <b>PAN NO : AAACH4155N</b>	<b>Vs.</b>	ITO Ward-3(1)(3) Bangalore
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Appellant by</b>	:	Shri V. Srinivasan, A.R.
<b>Respondent by</b>	:	Smt. R. Premi, D.R.

Date of Hearing	:	08.12.2020
Date of Pronouncement	:	08.12.2020

**ORDER**

**PER B.R. BASKARAN, ACCOUNTANT MEMBER:**

The assessee has filed this appeal challenging the order dated 27-11-2018 passed by Ld CIT(A)-3, Bengaluru and it relates to the assessment year 2012-13.

2. The Ld Counsel for the assessee has furnished a letter stating that the assessee has opted to settle the dispute under Direct Tax Vivad Se Vishwas Act for settlement of the dispute by filing Form No.1 & 2 and awaiting for Form No.3. Accordingly the Ld A.R has sought adjournment of the case.

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3. The Ld D.R, however, submitted that the assessee has to withdraw the pending appeal after filing Form VSV1 as per Direct Tax Vivad Se Vishwas Act, 2020. Thereafter, the assessee is required to furnish a copy of the same along with the proof of payment of tax as determined by the tax official to the department. Accordingly she submitted that the appeal of the assessee may be dismissed as withdrawn, as the assessee, in any way, is required to withdraw the appeal. She submitted that the Bangalore bench of Tribunal is giving liberty to the assessee to seek recall of the order, if so warranted.

4. We heard the parties and perused the record. Since the assessee has opted to settle the dispute under Direct Tax Vivad Se Vishwas Act, 2020, the appellant would be moving application for withdrawing the present appeal filed before the Tribunal in due course. Accordingly, we are of the view that no purpose will be served in keeping this appeal pending. Accordingly we dismiss the appeal of the assessee as withdrawn. However, the assessee is given liberty to move appropriate application for recall of the present order in accordance with the law, if the assessee intends to do so.

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 In the result, the appeal of the assessee is dismissed as withdrawn.

Order pronounced in the open court on 8<sup>th</sup> Dec, 2020

**Sd/-**  
**(George George K.)**  
**Judicial Member**

**Sd/-**  
**(B.R. Baskaran)**  
**Accountant Member**

Bangalore,  
Dated 8<sup>th</sup> Dec, 2020.  
VG/SPS

**Copy to:**

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore.