

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "J" MUMBAI**

**BEFORE SHRI SAKTIJIT DEY (JUDICIAL MEMBER) AND
SHRI N.K. PRADHAN (ACCOUNTANT MEMBER)**

**ITA No. 1905/MUM/2017
Assessment Year: 2012-13**

&

**ITA No. 5947/MUM/2017
Assessment Year: 2013-14**

M/s Smith & Nephew
Healthcare Private Limited,
501-509, Dynasty Business
Park, 5th floor, Kurla Andheri
Road, Andheri East,
Mumbai-400059.
PAN No. AAACS8136N
Appellant

Vs.

Income Tax Officer, Range-
11(2)(4),
Room No. 349, Aayakar
Bhavan, Maharshi Karve
Road,
Mumbai-400020.

Respondent

Assessee by : Mr. M.P. Lohia, AR
Revenue by : Mr. Sunil Umap, DR

Date of Hearing : 08/12/2020
Date of pronouncement : 08/12/2020

ORDER

PER N.K. PRADHAN, A.M.

The captioned appeals filed by the assessee are directed against the order passed by the Income Tax Officer-11(2)(4), Mumbai u/s 143(3) r.w.s. 144C(13) of the Income Tax Act, 1961 (the Act).

2. The Ld. counsel for the appellant/assessee submits that they are in the process of filing an application under the Direct Tax Vivad Se Vishwas Act,

2020 for the captioned years, *vide* Form Nos. 1 & 2 of the Direct Tax Vivad Se Vishwas, Rules, 2020 to settle the matters pending before the Tribunal.

In response to the suggestion from the Bench, the Ld. counsel fairly accepts that they have no objection to the appeal being dismissed as withdrawn as long as their right for revival of the appeal is protected, in the event of some unfortunate reason, the matter being not settled under the above Scheme.

The Ld. DR has no objection to the above.

3. We have heard the rival submissions and perused the relevant materials on record. The Government of India enacted the Direct Tax Vivad Se Vishwas Act, 2020 (Act No. 3 of 2020) to provide for resolution of disputed tax and for matter connected therewith or incidental thereto. The Act of the Parliament received the assent of the President on 17.03.2020 and published in the Gazette of India on 17.03.2020. In terms of the said Act, the assessee has been given an option to put an end to the tax disputes, which may be pending at different levels either before the First Appellate Authority or before the Tribunal or before the High Court or before the Supreme Court of India.

In view of the above, we dismiss the appeal as withdrawn, subject to the rider that in the unlikely event of matter not being resolved under the above Scheme, the assessee shall have liberty to approach the Tribunal for restoration of its appeal.

4. In the result, the appeals are dismissed as withdrawn, subject to the observation above.

Order pronounced in the open Court on 08/12/2020.

Sd/-
(SAKTIJIT DEY)
JUDICIAL MEMBER

Sd/-
(N.K. PRADHAN)
ACCOUNTANT MEMBER

Mumbai;

Dated: 08/12/2020.

Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai