

**IN THE INCOME TAX APPELLATE TRIBUNAL,
RAJKOT BENCH, RAJKOT**

(through web-based video conferencing platform)

**BEFORE SHRI RAJPAL YADAV, VICE PRESIDENT
AND SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

**ITA No. 299/Rjt/2018
Assessment Year : 2009-10**

Ojash Jaysukhlal Dave, C/o. Shukla & Co., 310-311, Aalap-B, Limda Chowk, Opp. Shastri Maidan, Rajkot 360001 [PAN : ABQPD 7998 H]	Vs	The Deputy Commissioner of Income-tax (Intl. taxation), Rajkot
अपीलार्थी/ (Appellant)		प्रत्यर्थी/ (Respondent)
Assessee by :		Devina Patel, AR
Revenue by :		S.S. Rathi, Sr. DR

सुनवाई की तारीख/Date of Hearing : 16/12/2020

घोषणा की तारीख /Date of Pronouncement: 16/12/2020

आदेश/O R D E R

PER RAJPAL YADAV, VICE PRESIDENT:

The assessee is in appeal before the Tribunal against the order of the learned CIT(A)-13, Ahmedabad dated 28th June 2018 passed for Assessment Year 2009-10.

2. We have heard the Learned Representatives of both the parties through video conferencing. Learned Counsel for the Assessee, at the outset, submitted that assessee has opted to avail the benefits of "Vivad Se Vishwas Scheme, 2020" and has also placed on record the copy of Form No.3 before the Tribunal in this regard. An application dated 11.12.2020 requesting for withdrawal of appeal under the said scheme is also placed on record.

3. The learned Departmental Representative, on the other hand, submitted that he has no objection to the withdrawal of appeal in the circumstances narrated on behalf of the assessee.

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4. We have considered the submission and application of the assessee for withdrawal of the appeal under the scheme "Vivad se Vishwas". In the light of aforesaid request made by the assessee, the appeal of the assessee is dismissed as withdrawn. However, in the event, the assessee fails to avail the benefit of Vivad se Vishwas Scheme for any bonafide reasons, then the assessee will be at liberty to seek restoration of original appeal for hearing before ITAT in accordance with law.

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 In the result, the appeal of the assessee is dismissed as withdrawn.

Order pronounced in the Court on 16th December 2020 at Ahmedabad.

Sd/-

(AMARJIT SINGH)
ACCOUNTANT MEMBER

Ahmedabad; Dated 16/12/2020

Bijiv T., Sr.PS

Sd/-

(RAJPAL YADAV)
VICE-PRESIDENT

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

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

TRUE COPY

आदेशानुसार/ BY ORDER,

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