

आयकर अपीलीय अधिकरण
मुंबई पीठ "एस एम सी"
IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "SMC", MUMBAI
श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER
आअसं. 4252/मुं/2019 (नि.व.2014-15)
ITA NO. 4252/MUM/2019 (A.Y.2014-15)

Bab Developers Private Limited,
144 VT Mansion, Perin Nariman Street,
Fort, Mumbai 400 001
PAN:AACCB 1833F

: अपीलार्थी/ Appellant

बनाम/ Vs.

Income Tax Officer – 2(1)(1)
Room No.561, 5th Floor,
Aaykar Bhavan, M.K.Road,
M.K.Road, Mumbai 400 020.

: प्रत्यर्थी/ Respondent

Assessee by : None (Opted forVSVS)
Revenue by : Ms. Smita Verma
सुनवाई की तारीख/
Date of Hearing : 10/12/2020
घोषणा की तारीख /
Date of Pronouncement : 10/12/2020

आदेश/ ORDER

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals)-4, Mumbai (in short 'the CIT(A)') dated 24/05/2019 for the assessment year 2014-15.

2. A request letter dated 04/12/2020 has been received from the assessee stating that the assessee company has opted for 'Vivad Se Vishwas Scheme, 2020' (in short 'VSVS') and hence, does not want to litigate

further. The Relevant extract of the aforesaid letter is reproduced herein below:

“Respected Madam/Sir,

*Re Tribunal Appeal No.ITA 4252/Mum/2019 Hearing Bench SMC
PAN No.AACCB1833F ASSESSMENT YEAR 2014-15*

The undersigned Director wishes to state that the Company has gone for ‘Viwad Se Vishwas Scheme Bill 2020 and has already received Form-3 from PCIT, Mumbai -2. We are attaching herewith the same for your reference.

Hence we wish to state that we do not want to litigate the matter further.

*Thanking you,
Yours faithfully
Sd/- B.Z.Bhathena
Director.”*

3. Ms. Smita Verma, representing the Department stated that the Department has no objection if the assessee wants to withdraw the appeals to avail the benefit of ‘VSVS’.

4. In view of above request, the assessee is allowed to withdraw the appeal. Thus, the appeal of assessee is dismissed as withdrawn.

5. Liberty is granted to the assessee to restore the appeal in the event application filed by the assessee under VSVS fails to mature. It is further made clear that if the assessee /appellant seeks to restore the appeal in the event assessee’s declaration made under VSVS is not accepted, the Registry shall not insist for filing of application for condonation of delay, if the Miscellaneous Application for recalling the order is filed beyond time on account of delay in communication of outcome under VSVS. [Re. M/s. Nannusamy Mohan(HUF) vs. ACIT in T.C.A No.372 of 2020 decided on 16/10/2020 by Hon’ble Madras High Court]

6. The appeal of assessee is dismissed as withdrawn with the liberty aforesaid.

Order pronounced in the open Court on Thursday, the 10th day of December, 2020.

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

मुंबई/ Mumbai, दिनांक/Dated: 10/12/2020
Vm, Sr. PS(O/S)

प्रतिलिपि अग्रेषितCopy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त(अ)/ The CIT(A)-
4. आयकर आयुक्त CIT
5. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,
Mumbai
6. गार्ड फाइल/Guard file.

BY ORDER,

//True Copy//

(Dy./Asstt. Registrar)
ITAT, Mumbai