

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

(THROUGH VIRTUAL COURT),

**BEFORE SHRI.VIJAY PAL RAO, JUDICIAL MEMBER
AND SHRI. RAMIT KOCHAR, ACCOUNTANT MEMBER**

**ITA No.144/ALLD/2019
Assessment Year: 2015-16**

M/s Veekay Connectors Pvt. Ltd., H-12, UPSIDC Industrial Area, Naini, Allahabad PAN-AABCV0585H	v.	Commissioner of Income Tax, Allahabad
(Appellant)		(Respondent)

Appellant by:	Mr. S. Khanduja, CA
Respondent by:	Mr. A.K. Singh, Sr. DR
Date of hearing:	18.12.2020
Date of pronouncement:	18.12.2020

ORDER

PER SHRI VIJAY PAL RAO, JUDICIAL MEMBER:

This appeal by the assessee is directed against the order dated 13.08.2019 of CIT(A) for the assessment year 2015-16. The assessee has raised the following grounds:-

"1. BECAUSE the learned ACIT erred both on facts and in law in making an addition of Rs.25,75,000/- under the head income from other sources which the appellant derived from sale of trees planted during 1991 to 1997 and treated as agricultural income following the decision of the Hon'ble Supreme Court in the case of CIT v Raja Benoy Kumar Sahas Roy (1957) 32 ITR 466 (SC.) in which conditions laid down have been fulfilled for treating income derived from planted sale of trees as agricultural income.

2. BECAUSE irrespective of the quantum of assessment and the dispute raised it is contended that interest under section 234B is not leviable.

3. *BECAUSE order of the learned ACIT is generally erroneous bad both on facts and in law and is against the principals of natural justice.*

4. *BECAUSE with regard to the grounds of appeal, the appellant begs to refer and rely upon the averments made in the accompanying Statement of Facts also that is being filed along-with the memo of appeal itself."*

2. At the time of hearing, learned AR of the assessee has stated at bar that the assessee has already opted for Vivad Se Vishwas Scheme, 2019 and therefore does not want to pursue the present appeal. Thus he has pleaded that the present appeal of the assessee may be allowed to be withdrawn. The learned AR has also filed an application dated 18th December, 2020 alongwith copy of Form No. 1 and 2 under the Vivad Se Vishwas Scheme, 2019. The learned DR has not raised any objection if the appeal of the assessee is dismissed as withdrawn.

3. Accordingly, in view of the fact that the assessee has already opted for Vivad Se Vishwas Scheme, 2019 to settle / resolve the dispute as well as by considering the prayer of the assessee the appeal of the assessee is dismissed being withdrawn. It is clarified that in case the competent authority declined to approve the application under the Vivad Se Vishwas Scheme, 2019 the assessee shall have a liberty to revive the present appeal. The appeal of the assessee is dismissed as withdrawn.

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

Order pronounced in the open Court on 18.12.2020 through video conferencing.

Sd/-
[RAMIT KOCHER]
ACCOUNTANT MEMBER

Sd/-
[VIJAY PAL RAO]
JUDICIAL MEMBER

DATED: 18/12/2020

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Copy forwarded to:

1. Appellant –
2. Respondent –
3. CIT(A) , Allahabad
4. CIT
5. DR -

By order
Assistant Registrar

		Date	Initials	
	Original dictation pad is enclosed at the end of file			
1.	Draft dictated on:	17.12.2020		Sr. PS/PS
2.	Draft placed before author:	.12.2020		Sr. PS/PS
3.	Draft proposed & placed before the second member:			JM/AM
4.	Draft discussed/approved by Second Member:			JM/AM
5.	Approved Draft comes to the Sr. PS/PS:	.12.2020		Sr. PS/PS
6.	Order pronounced on:	.12.2020		Sr. PS/PS
7.	File sent to the Bench Clerk:	.12.2020		
8.	Date on which file goes to the Head Clerk:			Sr. PS/PS
9.	Date on which file goes to AR			
10.	Date of dispatch of Order:			