

**आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ ।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL, RAJKOT**  
**[Conducted through "Virtual Court" at Ahmedabad]**  
**BEFORE SHRI RAJPAL YADAV, VICE-PRESIDENT**  
**AND**  
**SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

**आयकर अपील सं./ ITA.No.271/RJT/2016**  
**निर्धारण वर्ष/ Asstt. Year: 2012-13**

ACIT, Morbi Circle Morbi.	Vs	M/s.Italica Floor Tiles Ltd. 8-A, National Highway Nr. Bandhunagar At. Makansar, Morbi.
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<b>अपीलार्थी/ (Appellant)</b>		<b>प्रत्यर्थी/ (Respondent)</b>
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Revenue by :	Shri S.S. Rathi, Sr.DR
Assessee by :	Shri Vimal Desai, AR

सुनवाई की तारीख/Date of Hearing : 15/12/2020

घोषणा की तारीख /Date of Pronouncement: 15/12/2020

**आदेश/O R D E R**

**PER RAJPAL YADAV, VICE-PRESIDENT:**

Revenue is in appeal before the Tribunal against order of Id.CIT(A)-3 Rajkot dated 25.5.2016 passed for the Asstt.Year 2012-13 against deletion of addition of Rs.1,60,00,000/- under section 68 of the Income Tax Act, 1961.

2. When the cases were called for hearing, the Id.counsel for the assessee submitted at the Bar that though it is the appeal of the Revenue, but the assessee has already applied for settlement of disputed tax under Vivad se Vishwas ("VSV") Scheme. Therefore, he prayed that this appeal be dismissed at this stage. The Id.DR, on the other hand was unable to controvert this contention of the Id.counsel for the assessee for want of complete details. Considering statement made by the Id.counsel

for the assessee in the Open Court, we are of the view that the assessee must have settled the dispute involved in this appeal under Vivad se Vishwas Scheme launched by the Government.

3. In the light of the above submissions both the parties, appeal filed by the Revenue stands dismissed as withdrawn. However, in the event, the assessee fails to avail the benefit of VSV Scheme for any *bonafide* reasons, then the Revenue will be at liberty to seek restoration of original appeal for adjudication before ITAT in accordance with law.

4. In the result, the appeal of the Revenue is stand withdrawn under VSV Scheme.

**Order pronounced in the Court on 15<sup>th</sup> December, 2020 at Ahmedabad.**

**Sd/-  
(AMARJIT SINGH)  
ACCOUNTANT MEMBER**

**Sd/-  
(RAJPAL YADAV)  
VICE-PRESIDENT**