



IN THE INCOME TAX APPELLATE TRIBUNAL

"SMC" BENCH, MUMBAI

BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER

ITA no.4259/Mum./2019
(Assessment Year : 2013-14)

Pace Equipment Pvt. Ltd.
Unit no.2, Leela Apartment
355, S.V. Road, Vile Parle (W)
Mumbai 400 056 PAN – AAACP6111G

..... Appellant

v/s

Income Tax Officer
Ward-10(3)(3), Mumbai

..... Respondent

Assessee by : None
Revenue by : Shri Sanjay J. Sethi

Date of Hearing – 10.12.2020

Date of Order – 10.12.2020

ORDER

Aforesaid appeal has been filed by the assessee challenging the order dated 17TH May 2019, passed by the learned Commissioner of Income Tax (Appeals)-17, Mumbai, for the assessment year 2013-14.

2. The learned counsel for the assessee has filed letter dated 13th November 2020, before the Registry of the Tribunal stating that the assessee has applied for settling the tax dispute arising in the present appeal under the Direct Tax Vivad Se Vishwas Act, 2020.

3. Heard the learned Departmental Representative and perused the material on record. Considering the fact that the assessee has already applied for settling the dispute in the present appeal under the Direct Tax Vivad Se Vishwas Act, 2020, I am inclined to dismiss the appeal as withdrawn. However, liberty is granted to the assessee to seek restoration of this appeal in the event the application to be filed under the Vivad Se Vishwas Act, 2020 is not accepted by the Department. In other words, in the event of non acceptance of assessee's declaration by the Revenue, the assessee can file a miscellaneous application seeking recall of this order and restoration of the appeal. This is in view of the decision of the Hon'ble Madras High Court in order dated 16th October 2020, delivered in M/s. Nannusamy Mohan (HUF) v/s ACIT, TCA no.372 of 2020.

4. In the result, appeal is dismissed with aforementioned liberty.

Order pronounced in the open court on 10.12.2020.

MUMBAI, DATED:10.12.2020

**Sd/-
SAKTIJIT DEY
JUDICIAL MEMBER**

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The CIT(A);*
- (4) *The CIT, Mumbai City concerned;*
- (5) *The DR, ITAT, Mumbai;*
- (6) *Guard file.*

Pradeep J. Chowdhury
Sr. Private Secretary

True Copy
By Order

Assistant Registrar
ITAT, Mumbai