

## आयकर अपीलीय अधिकरण "C" न्यायपीठ मुंबई

### **IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH, MUMBAI**

श्री विकास अवस्थी, न्यायिक सदस्य एवं श्री एन. के. प्रधान, लेखा सदस्य के समक्ष

BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER AND

SHRI N.K. PRADHAN, ACCOUNTANT MEMBER

आयकर अपील सं./ ITA No. 6939/Mum/2014

(निर्धारण वर्ष / Assessment Year 2001-02)

Companhia De Navegacao Norsul C/o Deloitte Haskins & Sells LLP India Bulls Finance Centre, Tower 3, 28 <sup>th</sup> floor, Senapati Bapat Marg, Elphinstone West Mumbai-400 013	बनाम/ Vs.	The Asst. Director of Income-tax (International Taxation) - 1(2), Mumbai 1 <sup>st</sup> Floor, Scindia House, Ballard Estate, N.M. Road, Mumbai-400 038
(अपीलार्थी / Appellant)		(प्रत्यर्थी/ Respondent)
स्थायी लेखा सं./PAN No. AABCC9156D		

अपीलार्थी की ओर से/ Appellant by	:	Ms. Urvi Mehta, AR
प्रत्यर्थी की ओर से/ Respondent by	:	Ms. Shreekala Pardeshai, DR

सुनवाई की तारीख / Date of hearing:	22.12.2020
घोषणा की तारीख / Date of pronouncement:	22.12.2020

### **आदेश / ORDER**

श्री विकास अवस्थी, न्यायिक सदस्य के द्वारा

**PER VIKAS AWASTHY, JM:**

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals)-10, Mumbai (in short 'the CIT(A)') dated 25.03.2014 for the Assessment Year 2001-02.

2. A request letter dated 21/12/2020 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 Sirs,*

*The captioned appeal has been fixed for hearing before the Mumbai Bench 'C; on 22 December 2020 at Sr. No.05.*

*In this connection we would like to point out that the above-mentioned appeal is in connection with the levy of penalty under section 271(1)(c) of the Income-tax Act, 1961. Further, the quantum appeal bearing ITA No.2030/Mum/2011 for the very same assessment year, has been pronounced to be dismissed as withdrawn in open Court by the Mumbai Bench 'I' on 14 December 2020 with a liberty to revive at a later stage since, the Appellant has filed an application under section 2 of the Direct Tax Vivad Se Vishwas Act, 2020 with the Designated Authority for resolution of the quantum appeal and is awaiting the approval in 'Form-3' from the concerned Commissioner of Income-tax – an Order dismissing the quantum appeal is, as yet, awaited.*

*Under the circumstances we have to request your Honours to adjourn the hearing of the captioned appeal for the time being and oblige.*

*We trust our reasonable request will be acceded to and regret the inconvenience caused.*

*Regards,*

*Ketan K. Ved*

*Authorised representative"*



3. Ms. Shreekala Pardeshai, 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 the assessee is dismissed as withdrawn with the liberty aforesaid.

Order pronounced in the open court on Tuesday the 22<sup>nd</sup> day of December, 2020.

Sd/-

(एन. के. प्रधान / N.K. PRADHAN)

(लेखा सदस्य / ACCOUNTANT MEMBER)

Sd/-

(विकास अवस्थी / VIKAS AWASTHY)

(न्यायिक सदस्य / JUDICIAL MEMBER)

मुंबई, दिनांक/ Mumbai, Dated: 22.12.2020

सुदीप सरकार, व. निजी सचिव/ Sudip Sarkar, Sr.PS



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

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

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Asstt. Registrar)

आयकर अपीलीय अधिकरण, मुंबई / **ITAT, Mumbai**