

आयकर अपीलीय अधिकरण "SMC" न्यायपीठ मुंबई में

IN THE INCOME TAX APPELLATE TRIBUNAL "SMC" BENCH, MUMBAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री एम. बालगणेश, लेखा सदस्य के समक्ष
BEFORE SHRI MAHAVIR SINGH, VP AND SHRI M. BALAGANESH, AM

आयकर अपील सं./ ITA No. 5359/Mum/2019

(निर्धारण वर्ष / Assessment Year 2009-10)

M/s Siddharth Pharma 15, Ladhani House, Valji Ladha road, Mulund West, Mumbai-400 080	बनाम/ Vs.	The Income Tax Officer Ward 29(3)(4) Bandra Kurla complex, Mumbai-400 051
(अपीलार्थी / Appellant)		(प्रत्यर्थी/ Respondent)
स्थायी लेखा सं./PAN No. AAYFS1418A		

अपीलार्थी की ओर से/ Appellant by	:	Shri Hitesh M Shah, AR
प्रत्यर्थी की ओर से/ Respondent by	:	Shri T.S. Khalsa, DR

सुनवाई की तारीख / Date of hearing:	18.12.2020
घोषणा की तारीख / Date of pronouncement:	18.12.2020

आदेश / ORDER

महावीर सिंह, उपाध्यक्ष के द्वारा /

PER MAHAVIR SINGH, VP:

This appeal of assessee is arising out of the order of the Commissioner of Income Tax (Appeals)-40, Mumbai [in short CIT(A)], dated 16.05.2019. The assessment was framed by the Income Tax Officer (in short ITO/ AO) for the A.Y. 2009-10 vide order dated 04.03.2015 under section 143(3) of the Income-tax Act, 1961 (hereinafter 'the Act').

2. The assessee has moved petition seeking withdrawal of the appeal on the ground that the matter is settled under Vivad Se Vishwas Scheme 2020.

3. The Learned Departmental Representative does not oppose the prayer so made by the assessee.

4. We have heard the learned Departmental Representative Shri. T.S. Khalsa and also perused the letter of the assessee dated 04.12.2020. In the letter, the assessee has opted to settle the dispute under the Direct Tax Vivad Se Vishwas Act, 2020.

5. We find that the assessee has enclosed the copy of application of Form No. 3 under section 5(1) of the Direct Tax 'Vivad Se Vishwas Scheme-2020' filed before the competent authority. We noted that once the assessee has opted for 'Vivad Se Vishwas Scheme-2020' and filed Form-3 under the 'Vivad Se Vishwas Scheme-2020' with the competent authority and the competent authority has issued Form No.3, it is not necessary for the Tribunal to decide the above raised issue as the Govt. of India has enacted the direct tax Vivad Se Vishwas Scheme Act 2020 to provide for resolution of dispute mechanism in regard to direct tax disputes and for matters connected therewith or incidental thereto. In terms of the said Act, the assessee has been given an option to put an end to the tax disputes which may be pending at different levels including the Income Tax Appellate Tribunal. Under section 25 of the Direct Tax 'Vivad Se Vishwas Scheme-2020' disputed tax has been defined and also in terms of Section 3, a declarant means a person who has filed a declaration on or before the



last date with declaration before designated or competent authority in accordance with the provisions of Section 4 in respect of tax arrears. Then, notwithstanding anything contained in the Income Tax Act, 1961 or any other law for the time being in force, the amount payable by the declarant shall be determined in terms of section 3 of direct tax 'Vivad Se Viswas Scheme Act 2020'.

6. In view of the facts that the assessee has submitted form No.3 issued by the competent authority under direct tax 'Vivad Se Viswas Scheme-2020', we dismiss this appeal of assessee as withdrawn.

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

Order pronounced in the open court on 18.12.2020

Sd/-

(एम. बालगणेश / M. BALAGANESH)

(लेखा सदस्य / ACCOUNTANT MEMBER)

मुंबई, दिनांक/ Mumbai, Dated: 18.12.2020

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

Sd/-

(महावीर सिंह /MAHAVIR SINGH)

(उपाध्यक्ष / VICE PRESIDENT)

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**