

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. 6128/Mum/2016

(निर्धारण वर्ष / Assessment Year 2002-03)

Powergen Holdings B.V. C/o. Deloitte Haskin & Sells LLP Indiabulls Finance Centre, Tower- 3, 28 th Floor, Senapati Bapat marg, Elphinstone Road (West), Mumbai-400 013	बनाम/ Vs.	The Dy. Director of Income Tax, (International Taxation)-2(1), Mumbai
(अपीलार्थी / Appellant)		(प्रत्यर्थी/ Respondent)
स्थायी लेखा सं./PAN No. AACCP5035H		

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)-55, Mumbai (in short 'the CIT(A)') dated 28.06.2016 for the Assessment Year 2002-03.

2. A request letter dated 01.12.2020 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:



"Dear Sir

Re.: Powergen Holdings B.V. –Netherlands----appellant

*The Deputy Director of Income-tax (International Taxation)-Circle
2(1), Mumbai*

ITA No.: 6128/Mum/2016

Assessment Year 2002-03

Sub: Application for withdrawal of appeal

We refer to the captioned appeal filed by us for the captioned assessment year against the Order dated 28 June 2016 passed u/s 250 of the Income-tax Act, 1961.

In this connection, we would like to point out that we have opted for resolution of disputes under 'the Direct Tax Vivad Se Vishwas Act, 2020' [VsV Act"] for the year under consideration. Copies of the following documents in this connection are forwarded herewith

i. Form 1 being declaration under sub-section (1) of section 4 of the VsV Act and Form 2 being undertaking referred to in sub-section (5) of section 4 VsV Act –refer "Appendix-A; and

ii. Form 3 being certificate under sub-section (1) of section 5 of the VsV Act- refer "Appendix-B".

In view of the foregoing, we hereby withdraw the current appeal before the Bench and request the Hon'ble Members to Order accordingly.

Yours faithfully

For Powergen Holdings BV

Sd/-

(Gurjit Aujla)"



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 22nd day of December, 2020.

Sd/-

(एन. के. प्रधान / N.K. PRADHAN)

(लेखा सदस्य / ACCOUNTANT MEMBER)

मुंबई, दिनांक/ Mumbai, Dated: 22.12.2020

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

Sd/-

(विकास अवस्थी / VIKAS AWASTHY)

(न्यायिक सदस्य / JUDICIAL MEMBER)



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**