

आयकर अपीलिय अधिकरण "SMC" न्यायपीठ मुंबई

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

श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER

आयकर अपील सं./ ITA No. 7114/Mum/2018

(निर्धारण वर्ष / Assessment Years 2009-10)

Varad Fashions Private Limited Aryston Centre, Juhu Road, Near J-49 Club, Juhu, Mumbai-400 049	बनाम/ Vs.	The Addl. commissioner of Income Tax (TDS), Range3, Mumbai-400 002
(अपीलार्थी / Appellant)		(प्रत्यर्थी/ Respondent)
स्थायी लेखा सं./PAN No. AABCV2850P		

अपीलार्थी की ओर से/ Appellant by	:	Shri Nitin Joshi, AR
प्रत्यर्थी की ओर से/ Respondent by	:	Shri Shreekala Pardeshi, DR

सुनवाई की तारीख / Date of hearing:	29.12.2020
घोषणा की तारीख / Date of pronouncement:	29.12.2020

आदेश / ORDER

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals)-60, Mumbai [in short 'the CIT(A)'] dated 19.09.2018 for the Assessment year 2009-10.

2. A request letter dated 21.12.2020 has been received from the assessee stating that the assessee's application under 'Viwad Se Vishwas Scheme, 2020' (in short 'VSVS') has been accepted, hence, the assessee wishes to withdraw the appeal. The relevant extract of the aforesaid letter is reproduced herein below:



*“Respected Sir,
Permanent Account No. AABCV2850P
Assessment Year: 20099-10
Appellant: Varad Fashions Private Limited
Respondent : Additional Commissioner of Income Tax (TDS), Range 3
Appeal No. ITA 7114/Mum/2018
Subject: Withdrawal of appeal pursuant to Direct Tax Vivad Se Vishwas
Act, 2020*

*The appellant has filed aforesaid appeal No. ITA 7114/Mum/2018 for
Assessment Year 2009-10.*

*The appellant has filed Form 1 and Form 2 under the Direct Tax Vivad
Se Vishwas Act, 2020 (“VSVS”). The Designated Authority has issued
Certificate No. 826197210161220 dated 16 December 2020 in Form 3
accepting the application of the Appellant. Copy of Form 3 issued by the
Designated Authority is attached.*

*The Appellant, pursuant to the VSVS, is required to withdraw all pending
appeals before the final order in Form 5 is issued by the Designated
Authority.*

*In view of the above the Appellant Withdraws aforesaid appeal No. ITA
No. 7114/Mum/2018 for Assessment Year 2009-10.*

Thanking You,

For Varad Fashions Private Limited

*Sd/-
Rahul Agasti
(Director)”*

3. Shri Sushil Mishra, 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. The assessee has filed above request letter to withdraw the appeal in the light of fact that the assessee’s application under VSVS has been accepted.



5. As prayed, the appeal of assessee is dismissed as withdrawn.

Order pronounced in the open court on Tuesday, the 29th of December, 2020.

Sd/-

(विकास अवस्थी/VIKAS AWASTHY)

(न्यायिक सदस्य / JUDICIAL MEMBER)

मुंबई, दिनांक/ Mumbai, Dated: 29.12.2020

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**