

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'B' BENCH, KOLKATA
VIRTUAL COURT HEARING**

(Before Sri Waseem Ahmed, Hon'ble Accountant Member & Sri Partha Sarathi Chaudhury, Hon'ble Judicial Member)

**ITA No. 55/Kol/2019
Assessment Year: 2010-11**

Mr. Uttam Kumar Mondal.....Appellant
Sumath Pally
Rash Danga
S.B. Gorai Road
Asansol - 713 301
[PAN : ADZPM 7775 Q]

Vs.

Income Tax Officer, Ward-2(2), Asansol.....Respondent

Appearances by:

None, appeared on behalf of the assessee.

Smt. Ranu Biswas, Addl. CIT D/R, appearing on behalf of the Revenue.

Date of concluding the hearing : November 11th, 2020

Date of pronouncing the order : December 16th, 2020

ORDER

Per Partha Sarathi Chaudhury, JM :-

This appeal filed by the assessee is directed against the order of the Learned Commissioner of Income Tax (Appeals) - Asansol, (hereinafter the "ld. CIT(A)"), passed u/s. 250 of the Income Tax Act, 1961 (the 'Act'), dt. 14/11/2018, for the Assessment Year 2010-11.

3. None appeared on behalf of the assessee. There is no petition for adjournment either. Under these circumstances, we dispose off the case *ex-parte*, on merits, *qua* the assessee after hearing the ld. Departmental Representative.

4. The assessee has filed an application under "*Vivad Se Viswas Scheme*" and submitted that the appeal may be dismissed as withdrawn. The ld. D/R submitted that she has no objection if the prayer of the assessee is accepted, subject to a rider that, the same should be restored, in case the application for settlement of dispute under the scheme is not accepted by the competent authorities.

5. Heard the ld. D/R. The assessee filed a letter dt. 28/10/2020 for withdrawal of the appeal stating that he has preferred an application the "*Vivad Se Viswas Scheme*". The letter is extracted under:-

From :-

MR. UTTAM KUMAR MONDAL
SUMATH PALLY
RASHDANGA
S.B.GORAI ROAD
ASANSOL, PIN – 713301

Dated : 28/10/2020

To,
The Honourable Member
Income Tax Appellate Tribunal
Bench – B
Kolkata - 1

Dear Sir,

In Appeal No. : ITA /55/KOL/2019
Asst. Year : 2010-11
BENCH – B
Sub : - Withdraw of ITAT Appeal petition – Request for.

Kindly refer to your appeal No. ITA/55/KOL/2019 dated 01/10/2020, I would like to inform you that i intend to withdraw my above appeal petition which has been filed by me, on 11/01/2019 for the Assessment Year 2010-11. In this connection, please note that I prefer to apply "VIVAD SE VISHWAS SCHEME 2020" in the respective Jurisdiction before the Income Tax Department.

I, therefore, humbly request you to kindly allow me to withdraw my appeal petition at your earliest.

Thanking You,

Your's faithfully,

Uttam Kumar Mondal
(UTTAM KUMAR MONDAL)

5.1. After perusing the application filed by the assessee, we dismiss this appeal of the assessee as withdrawn with a protection that, the assessee will be at liberty to apply for restoration of this appeal so dismissed, in case the application made by the assessee under "Vivad Se Viswas Scheme" is not accepted by the competent authorities.

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

Kolkata, the 16th day of December, 2020.

Sd/-
[Waseem Ahmed]
Accountant Member

Dated : 16.12.2020
{SC SPS}

Copy of the order forwarded to:

1. ***Mr. Uttam Kumar Mondal***
Sumath Pally
Rash Danga
S.B. Gorai Road
Asansol - 713 301

2. ***Income Tax Officer, Ward-2(2), Asansol***

3. CIT(A)-
4. CIT- ,
5. CIT(DR), Kolkata Benches, Kolkata.

Sd/-
[Partha Sarthi Chaudhury]
Judicial Member

True copy
By order

Assistant Registrar
ITAT, Kolkata Benches