

IN THE INCOME TAX APPELLATE TRIBUNAL "A", BENCH MUMBAI
BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER
&
SHRI AMARJIT SINGH, JUDICIAL MEMBER

ITA No.2716/Mum/2018
(Assessment Year: 2009-10)

ITO-9(1)(1) Room No.205 2 nd Floor Aaykar Bhavan M.K.Road Mumbai-400 020	Vs.	M/s. ABJ Developers Pvt.Ltd. A6, Bldg No.2, Mittal Estate, Andheri Kurla Road, Andheri(E) Mumbai-400 059
		PAN/GIR No.AADCR9242D
Appellant)	..	Respondent)

&
Cross Objection No.171/Mum/2019
(Assessment Year: 2009-10)

M/s. ABJ Developers Pvt.Ltd. A6, Bldg No.2, Mittal Estate, Andheri Kurla Road, Andheri(E) Mumbai-400 059	Vs.	ITO-9(1)(1) Room No.205 2 nd Floor Aaykar Bhavan M.K.Road Mumbai-400 020
		PAN/GIR No.AADCR9242D
Appellant)	..	Respondent)

&
ITA No.6075/Mum/2019
(Assessment Year: 2009-10)

M/s. ABJ Developers Pvt.Ltd. A6, Bldg No.2, Mittal Estate, Andheri Kurla Road, Andheri(E) Mumbai-400 059	Vs.	ITO-9(1)(1) Room No.205 2 nd Floor Aaykar Bhavan M.K.Road Mumbai-400 020
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Assessee by	Shri Sachin Romani, AR
Revenue by	Shri Brajendra Kumar, DR
Date of Hearing	22/12/2020
Date of Pronouncement	23/12/2020

आदेश / O R D E R**PER RAJESH KUMAR, Accountant Member:**

This appeal filed by the revenue and cross objections filed by the assessee are directed against order of the Ld. Commissioner of Income tax (Appeals)-16 Mumbai, dated 02/03/2016 for the Asst.Year 2009-10. Since, facts are identical and issues are common for the sake of convenience, the appeal filed by the revenue and cross objection filed by the assessee are heard together and are disposed-off by this consolidated order.

2. At the outset, the Ld. Counsel of the assessee submitted that the assessee has gone into for Vivad Se Viswas Scheme 2020, therefore, the case may kindly be adjourned.

3. Since the assessee has gone into for Vivad Se Vishvas Scheme 2020, the adjournment application by the assessee is rejected. Besides, we are inclined to dismiss the appeal of the assessee in view of the decision of the Hon'ble Madras High Court Nannu Samy Mohan (HUF) vs. ACIT TCA No.372 of 2020 with the liberty to assessee to get this appeal recalled in case assessee does not succeed in VSVS 2020. Accordingly, the appeal of the assessee is dismissed. Similarly, the Revenue appeal and cross objections of the assessee are also dismissed.

Order pronounced in the open court on this 23/12/2020

Sd/-
(AMARJIT SINGH)
JUDICIAL MEMBER

Sd/-
(RAJESH KUMAR)
ACCOUNTANT MEMBER

Mumbai; Dated: 23/12/2020

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

सत्यापित प्रति //True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai