

**INCOME TAX APPELLATE TRIBUNAL
MUMBAI 'D' BENCH, MUMBAI**

**[Coram: Justice P. P. Bhatt (President)
And Pramod Kumar (Vice President)]**

ITA No. 949/Mum/2019
Assessment Year: 2012-13

Mahindra Defence Systems Limited
(Defence Land Systems India Limited,
now As amalgamated entity with Mahindra
Defence Systems Limited)
Mahindra Towers, P.K Kurne Chowk,
Worli, Mumbai 400018
[PAN: AAGCM0058F]

..... Appellant

Vs.

Joint Commissioner of Income Tax(OSD)-6(2)(1)
Mumbai.

.....Respondent

Appearances:

None for the appellant

Bharat Andhale *for the respondent*

Date of concluding the hearing: : December 22nd, 2020

Date of pronouncement : December 22nd, 2020

O R D E R

Per Bench :

1. By way of this appeal, the Assessing Officer has challenged correctness of the order dated 29.10.2018, passed by the learned CIT(A)-55, Mumbai in the matter of assessment u/s.143(3)/144C of the Income Tax Act, 1961, for the assessment year 2012-13.

2. When this appeal was called out for hearing, it is noticed that the assessee has filed the necessary declaration under Direct Tax Vivad se Vishwas Act, 2020 (Act 3 of 2020) has is awaiting for final resolution of the matter under the said scheme.

3. The ld. DR also did accept our suggestion that this appeal can be dismissed, with the liberty to the assessee to approach the Tribunal, if for some unforeseen reason, there are issues with respect to settlement of the matter under Vivad se Vishwas scheme, 2020.

4. In view of the above, we dismiss the appeal as withdrawn, subject to be rider that in the unlikely event of matter not being resolved under the Vivad se Vishwas scheme, the assessee shall have liberty to approach the Tribunal for restoration of his appeal.

5. In the result, the appeal is dismissed as withdrawn – subject to the observation above. Pronounced in the open court today on the 22nd December, 2020.

Sd/-
Justice P. P. Bhatt
(President)

Sd/-
Pramod Kumar
(Vice President)

Mumbai, dated the 22nd day of December, 2020

N.V, Sr.PS

Copies to:

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|-----|----------------------|-----|-----------------------|
| (1) | <i>The Applicant</i> | (2) | <i>The respondent</i> |
| (3) | <i>CIT</i> | (4) | <i>CIT(A)</i> |
| (5) | <i>DR</i> | (6) | <i>Guard File</i> |

By order

*Assistant Registrar
Income Tax Appellate Tribunal
Mumbai benches, Mumbai*