

**IN THE INCOME TAX APPELLATE TRIBUNAL  
(DELHI BENCH 'I-2' : NEW DELHI)**

**BEFORE SHRI R.K. PANDA, ACCOUNTANT MEMBER  
and  
SHRI KULDIP SINGH, JUDICIAL MEMBER**

**(THROUGH VIDEO CONFERENCE)**

**ITA No.6638/Del./2016  
(ASSESSMENT YEAR : 2009-10)**

M/s. Kobelco Construction Equipment India vs. Addl.CIT, Range 5,  
Private Limited, New Delhi.  
H – 200, Sector 63,  
Noida – 201 307 (Uttar Pradesh).

**(PAN : AACCK9469N)**

**(APPELLANT)**

**(RESPONDENT)**

**ASSESSEE BY : Shri Yash Varman, Advocate  
Shri Bhuwan Dhoopar, Advocate  
REVENUE BY : Shri Anupam Kant Garg, CIT DR**

**Date of Hearing : 04.01.2021**

**Date of Order : 04.01.2021**

**ORDER**

**PER KULDIP SINGH, JUDICIAL MEMBER :**

Appellant, M/s. Kobelco Construction Equipment India Private Limited (hereinafter referred to as 'the assessee'), by filing the present appeal, sought to set aside the impugned order dated 10.08.2016 passed by Ld. CIT (A)-44, New Delhi qua the assessment year 2009-10.

2. Ld. Counsel for the assessee filed an application seeking adjournment of the case on the ground that the assessee has opted to settle the dispute relating to the tax arrears for the assessment year under consideration under the “Vivad Se Vishwas Scheme, 2020” and has filed necessary Forms 1 & 2 with the Tax Department.

3. Keeping in view the aforesaid facts, present appeal is hereby dismissed with liberty to get it restored by the assessee in case dispute is not settled as per scheme. The Revenue has no objection with regard to the aforesaid caveat. Consequently, the present appeal is dismissed.

**Order pronounced in open court on this 4<sup>th</sup> day of January, 2021 after the conclusion of the virtual hearing.**

Sd/-

**(R.K. PANDA)**  
**ACCOUNTANT MEMBER**

sd/-

**(KULDIP SINGH)**  
**JUDICIAL MEMBER**

**Dated the 4<sup>th</sup> day of January, 2021**

**TS**

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- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT(A)-44, New Delhi.
- 5.CIT(ITAT), New Delhi.

AR, ITAT  
NEW DELHI.