

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“K” Bench, Mumbai**

**Before Shri S. Rifaur Rahman, Accountant Member  
and Shri Ravish Sood, Judicial Member**

**ITA No.5366/Mum/2015  
(Assessment Year: 2011-12)**

Asus Technology Pvt. Ltd.  
401, Supreme Chambers,  
4<sup>th</sup> Floor, 17/18, Shah & Nahar  
INDL, Estate, Veera Desai  
Road, Andheri West,  
Mumbai – 400053

Vs.

The Dy. CIT, Circle 9(1)(2),  
Aayakar Bhavan, 2<sup>nd</sup> Floor,  
M.K. Road, Mumbai - 400020

PAN – AAFCA8787N

**(Appellant)**

**(Respondent)**

**ITA No.7025/Mum/2016  
(Assessment Year: 2012-13)**

Asus Technology Pvt. Ltd.  
401, Supreme Chambers,  
4<sup>th</sup> Floor, 17/18, Shah & Nahar  
INDL, Estate, Veera Desai  
Road, Andheri West,  
Mumbai – 400053

Vs.

The ITO, Ward 9(1)(4),  
Room No. 260A, 2<sup>nd</sup> Floor,  
Aayakar Bhavan, M.K. Road,  
Mumbai - 400020

PAN – AAFCA8787N

**(Appellant)**

**(Respondent)**

**ITA No.4916/Mum/2017  
(Assessment Year: 2013-14)**

Asus Technology Pvt. Ltd.  
401, Supreme Chambers,  
4<sup>th</sup> Floor, 17/18, Shah & Nahar  
INDL, Estate, Veera Desai  
Road, Andheri West,  
Mumbai – 400053

Vs.

The Dy. CIT, Circle 9(1)(2),  
Room No. 260A, 2<sup>nd</sup> Floor,  
Aayakar Bhavan, M.K. Road,  
Mumbai - 400020

PAN – AAFCA8787N

**(Appellant)**

**(Respondent)**

Appellant by: Shri Lalchand Choudhary, A.R  
Respondent by: S/Shri Anand Mohan &  
Sushil Kumar Mishra, D.Rs

Date of Hearing: 06.01.2021  
Date of Pronouncement: 06.01.2021

**ORDER**

**PER BENCH:**

The captioned appeals filed by the assessee company are directed against the respective orders passed by the A.O under Sec. 143(3) r.w.s 144C(13) of the Income Tax Act, 1961(for short 'Act') for A.Y. 2011-12, A.Y. 2012-13 and A.Y. 2013-14.

2. The Id. Authorized Representative (for short 'A.R') for the assessee at the very outset of the hearing of the appeal submitted that as the assessee company for the aforementioned appeals had opted for "Vivad se Vishwas Scheme, 2020", therefore, as per instructions it is requested that the said appeals may be allowed to be withdrawn. The Id. A.R took us through the letter that was filed with the Tribunal on 05/06.01.2021 requesting for permission for withdrawal of the aforementioned appeals. It was further submitted by the Id. A.R that "Form 3", dated 28.12.2020 i.e Certificate under sub-section (1) of Sec. 5 of the Direct Tax Vivad Se Vishwas Act, 2020 had been issued to the assessee by the designated authority. Our attention was drawn by the Id. A.R to the scanned copies of "Form 3" that had been issued to the assessee by the designated authority for the aforementioned years under consideration. In the backdrop of the aforesaid facts the Id. A.R sought liberty for withdrawing the aforementioned appeals.

3. Per contra, the Id. Departmental Representative (for short 'D.R') did not raise any objection to the aforesaid request of the counsel for the assessee for withdrawing the abovementioned appeals.

4. In the backdrop of the aforesaid facts, we herein permit the assessee appellant to withdraw the aforementioned appeals viz. (i) ITA No. 5366/Mum/2015 for A.Y.2011-12; (ii) ITA No. 7025/Mum/2016 for A.Y. 2012-13; and (iii) ITA No. 4916/Mum/2017 for A.Y. 2013-14.

5. Resultantly, the captioned appeals filed by the assessee are dismissed as withdrawn.

Order pronounced in the open court on 06.01.2021

Sd/-  
S. Rifaur Rahman  
(ACCOUNTANT MEMBER)

Mumbai, Date: 06.01.2021  
PS: Rohit

Sd/-  
Ravish Sood  
(JUDICIAL MEMBER)

**Copy of the Order forwarded to :**

1. Assessee
2. Respondent
3. The concerned CIT(A)
4. The concerned CIT
5. DR "K" Bench, ITAT, Mumbai
6. Guard File

BY ORDER,

Dy./Asst. Registrar  
ITAT, Mumbai