

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'D' NEW DELHI**

**BEFORE SHRI N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER**

I.T.A. No. 3968/DEL/2010 (A.Y 2006-07)

(THROUGH VIDEO CONFERENCING)

Jay Shiva Earthmovers & Construction Pvt. Ltd. BU-60, SFS Flats, Outer Ring Road, Pitampura, New Delhi AABCJ1414D (APPELLANT)	Vs	ITO Ward-4(2) New Delhi (RESPONDENT)
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Appellant by	Sh. Kapil Goel, Adv
Respondent by	Sh. Umesh Takyar, Sr. DR

Date of Hearing	06.01.2021
Date of Pronouncement	06.01.2021

ORDER

PER SUCHITRA KAMBLE, JM

This appeal is filed by the assessee against the order dated 30/6/2010 passed by CIT(A)-VII, New Delhi for Assessment Year 2006-07.

2. Before us, the assessee has moved an application dated 23/12/2020 where in it is submitted that the assessee is interested to resolve the pending issue through Direct Tax " Vivad se Vishwash Scheme" (VSV) Act, 2020, and has filed application under the Vivad se Vishwash Scheme with Direct Tax Vivad se Vishwas Act, 2020 and filed Form I & 2 dated 03.12.2020. Thus, the Ld. AR submitted that the assessee wish to withdraw the present appeal.

3. In view of the aforesaid facts and after considering the submissions of the assessee, we dismiss the appeal of assessee as withdrawn subject to a caveat that in case the dispute relating to tax arrears for the captioned assessment year is not ultimately resolved in terms of the aforesaid Act, the assessee shall be at liberty to approach the Tribunal for reinstatement of the appeal and the Tribunal shall consider directions the appeal of the assessee is dismissed as withdrawn.

4. In the result, appeal of the assessee is dismissed.

5. Order is pronounced in the open court in presence of both the parties on 06th January, 2021.

Order pronounced in the Open Court on this 06th Day of JANUARY, 2021

**Sd/-
(N. K. BILLAIYA)
ACCOUNTANT MEMBER**

**Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER**

Dated : 06/01/2021

*R. Naheed **

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1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR

ITAT NEW DELHI

Date of dictation	06.01.2020
Date on which the typed draft is placed before the dictating Member	06.01.2020
Date on which the typed draft is placed before the Other Member	06.01.2020
Date on which the approved draft comes to the Sr. PS/PS	06.01.2020
Date on which the fair order is placed before the Dictating Member for pronouncement	06.01.2020
Date on which the fair order comes back to the Sr. PS/PS	06.01.2020
Date on which the final order is uploaded on the website of ITAT	06.01.2020
Date on which the file goes to the Bench Clerk	06.01.2020
Date on which the file goes to the Head Clerk	