

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "SMC" MUMBAI**

**BEFORE SHRI VIKAS AWASTHY (JUDICIAL MEMBER) AND
SHRI N.K. PRADHAN (ACCOUNTANT MEMBER)**

**ITA No. 2861/MUM/2019
Assessment Year: 2009-10**

Morex Industries Pvt. Ltd.,
803, Ruby Crescent Business
Boulevard, Chakravarty Ashok
Chakravarthi Road, Ashok
Nagar, Kandivali East,
Mumbai-400101.

PAN No. AAACM2892B

Appellant

Vs. DCIT, Central Circle 5(1),
ITO 12(3)(4),
1st floor, Aayakar Bhavan, M.K.
Road, Mumbai-400020.

Respondent

Assessee by : None
Revenue by : Ms. Smita Verma, DR

Date of Hearing : 22/12/2020
Date of pronouncement : 22/12/2020

ORDER

PER N.K. PRADHAN, A.M.

This is an appeal filed by the assessee. The relevant assessment year is 2009-10. The appeal is directed against the order of the Commissioner of Income Tax (Appeals)-21, Mumbai [in short 'CIT(A)'] and arises out of the assessment completed u/s 143(3) r.w.s. 147 the Income Tax Act 1961, (the 'Act').

2. The Ld. counsel for the appellant has filed a letter dated 21.12.2020 stating that the assessee has already filed Form No. 1 & 2 under "Vivad Se

Vishwas Scheme” for the captioned year and therefore, an adjournment may be given till the formalities with respect to the above is completed.

3. We have heard the Ld. DR and perused the relevant materials on record. The Government of India enacted the Direct Tax Vivad Se Vishwas Act, 2020 (Act No. 3 of 2020) to provide for resolution of disputed tax and for matter connected therewith or incidental thereto. The Act of the Parliament received the assent of the President on 17.03.2020 and published in the Gazette of India on 17.03.2020. In terms of the said Act, the assessee has been given an option to put an end to the tax disputes, which may be pending at different levels either before the First Appellate Authority or before the Tribunal or before the High Court or before the Supreme Court of India.

Considering the submission filed by the assessee and keeping in view the decision of the Hon’ble Madras High Court in the case of *M/s Nannusamy Mohan (HUF) v. ACIT* (TCA No. 372 of 2020, order dated 16.10.2020), we are inclined to dismiss this appeal. However, liberty is granted to the assessee to seek the restoration of this appeal in the event the declaration filed under the aforesaid Scheme is not accepted by the Department. It is further made clear, in such eventuality, if the assessee seeks restoration of this appeal by filing miscellaneous application, the delay if any would be condoned without insisting upon filing any application for condonation of delay.

4. In the result, the appeal is dismissed, subject to the observation above.

Order pronounced in the open Court on 22/12/2020.

Sd/-
(VIKAS AWASTHY)
JUDICIAL MEMBER

Sd/-
(N.K. PRADHAN)
ACCOUNTANT MEMBER

Mumbai;

Dated: 22/12/2020

Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

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

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai