

**IN THE INCOME TAX APPELLATE TRIBUNAL
ALLAHABAD BENCH ,ALLAHABAD**

(THROUGH VIRTUAL COURT),

**BEFORE SHRI.VIJAY PAL RAO, JUDICIAL MEMBER
AND SHRI RAMIT KOCHAR, ACCOUNTANT MEMBER**

**ITA No.263/ALLD/2018
Assessment Year: 2012-13**

Mr. Afzal Khan C/O Babloo Cement Store Jama Masjid Gular Naka Banda-210001, U.P.	v.	The Income-tax Officer- 5(4) Banda, U.P.
PAN:AAUPPK9947D		
(Appellant)		(Respondent)

Appellant by:	Through Application filed by assessee
Respondent by:	Shri A.K.Singh,Addl. CIT(Sr. DR)
Date of hearing:	13.01. 2021
Date of pronouncement:	13.01.2021

ORDER

PER SHRI RAMIT KOCHAR, ACCOUNTANT MEMBER:

This appeal, filed by assessee, being ITA No. 263/Alld/2018, is directed against appellate order dated 24.04.2018 in Appeal No. CIT(A)-II/10160/15-16/29 passed by learned Commissioner of Income Tax (Appeals)-II, Kanpur, U.P.(hereinafter called "the CIT(A)"),for assessment year(ay)2012-13, the appellate proceedings had arisen before learned CIT(A) from assessment order dated 30.01.2015 passed by learned Assessing Officer (hereinafter called "the AO") u/s 143(3) of the Income-tax Act, 1961 (hereinafter called "the Act") for ay: 2012-13. We have heard ld. DR through video conferencing mode through virtual court. The assessee did not appear in person , but has filed applications dated 09.12.2020 and 08.01.2021, which are placed on record in file.

2. At the time of hearing, the ld. DR stated that that the assessee has approached Department to settle its outstanding tax liabilities pertaining to the appeal, in question, under “Vivad Se Viswas” scheme 2020 (hereinafter called VSVS, 2020) . The ld. DR further stated that the Department has approved application of the assessee under VSVS, 2020 and issued Form No.3. The learned DR has also filed written letter dated 13.01.2021 along with copy of Form No. 3 issued by Department under VSVS, 2020 to the assessee, pursuant to directions given by the Bench when this appeal came up for hearing on earlier occasion. The assessee has also filed an application in writing dated 09.12.2020 and 08.01.2021 along with Form No. 1 and 2 filed under VSVS, 2020 , informing the Bench that he has availed VSVS,2020 and prayers were made to dismiss the appeal of the assessee as being withdrawn owing to assessee availing VSVS,2020.

3. Accordingly, in the facts and circumstances of the case, when the assessee has made the prayers for withdrawal of his appeal filed with the tribunal on the grounds that the assessee has availed Vivad Se Vishwas Scheme, 2020 and Revenue having confirmed the fact of the same as detailed above, the assessee is hereby allowed to withdraw his appeal in ITA No. 263/All/2018 for ay: 2012-13 , and consequently the same is dismissed as being withdrawn. We order accordingly.

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

Order pronounced in the open Court on 13 /01/2021 through video conferencing.

Sd/-
[VIJAY PAL RAO]
JUDICIAL MEMBER

Sd/-
[RAMIT KOCHAR]
ACCOUNTANT MEMBER

DATED: 13 /01/2021

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1. Appellant –Mr. Afzal Khan
2. Respondent – ITO 5(4), Banda,U.P.
3. CIT(A) –II,Kanpur,U.P.
4. CIT
5. DR -

By order
Assistant Registrar