

**आयकर अपीलीय अधिकरण “आई” न्यायपीठ मुंबई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“I” BENCH, MUMBAI**

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं  
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।  
**BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND**  
**HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**  
(Hearing through Video Conferencing Mode)

1. आयकरअपील सं./ I.T.A. No.116/Mum/2006  
(निर्धारण वर्ष / Assessment Year: 1999-2000)  
&
2. आयकरअपील सं./ I.T.A. No.117/Mum/2006  
(निर्धारण वर्ष / Assessment Year: 2000-01)  
&
3. आयकरअपील सं./ I.T.A. No.1801/Mum/2007  
(निर्धारण वर्ष / Assessment Year: 1999-2000)  
&
4. आयकरअपील सं./ I.T.A. No.1802/Mum/2007  
(निर्धारण वर्ष / Assessment Year: 2000-01)

<b>Nagase and Company Limited</b> C/o. S.R. Batliboi & Co 14 <sup>th</sup> Floor, The Ruby 29 Senapati Bapat Marg Dadar (W), Mumbai-400 028.	<b>बनाम</b> / Vs.	<b>Asstt. Director of Income Tax</b> <b>(International Taxation)-Range-3 (1)</b> Mittal Court, Nariman Point Mumbai-400 021.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>AABCN-2879-G</b>		
(□ पीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

&

5. आयकर□ पील सं./ I.T.A. No.370/Mum/2006  
(निर्धारण वर्ष / Assessment Year: 1999-2000)  
&
6. आयकरअपील सं./ I.T.A. No.366/Mum/2006  
(निर्धारण वर्ष / Assessment Year: 2000-01)

<b>Asstt. Director of Income Tax</b> <b>(International Taxation)-Range-3 (1)</b> Mittal Court, Nariman Point Mumbai-400 021.	<b>बनाम</b> / Vs.	<b>Nagase and Company Limited</b> C/o.S.R. Batliboi & Co 14 <sup>th</sup> Floor, The Ruby, 29 Senapati Bapat Marg Dadar (W), Mumbai-400 028.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>AABCN-2879-G</b>		
(□ पीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

<b>Assessee by</b>	:	Shri Nitesh Joshi-Ld. AR
<b>Revenue by</b>	:	Shri Vijay Kumar Subramanian- Ld. DR
सुनवाई की तारीख/ <b>Date of Hearing</b>	:	20/01/2021
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	20/01/2021

## **आदेश / ORDER**

### **Per Bench**

1. The captioned cross-appeals for various assessment years contest separate orders of learned first appellate authority on certain grounds as mentioned along with Form 36.
2. The Ld. Counsel for assessee, Shri Nitesh Joshi, at the outset, submitted that the assessee has already opted for settlement of dispute for all these years under Direct Tax *Vivad Se Vishwas Scheme (VVS Scheme), 2020* and therefore, the appeals may be dismissed with a liberty to seek restoration in case the assessee do not succeed therein. The Ld. DR also raised similar plea.
3. Since the assessee has already opted for settlement of dispute as aforesaid, all the appeals stand dismissed as withdrawn with liberty to assessee-appellant as well as revenue-appellant to seek restoration of the appeals in case the aforesaid declaration filed under the scheme is not accepted, for whatever reasons.

4. All the appeals stand dismissed as withdrawn in terms of our above order.

*Order pronounced on 20<sup>th</sup> January, 2021.*

Sd/-

**(Mahavir Singh)**

उपाध्यक्ष / **Vice President**

Sd/-

**(Manoj Kumar Aggarwal)**

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 20/01/2021  
Sr.PS, Jaisy Varghese

**आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT– concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

**आदेशानुसार/ BY ORDER,**

**उप/सहायक पंजीकार (Dy./Asstt.Registrar)  
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.**