

**IN THE INCOME TAX APPELLATE TRIBUNAL (VIRTUAL COURT)  
"SMC" BENCH, MUMBAI**

**BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER**

**ITA NO. 6828/MUM/2019 (A.Y:2009-10)**

Shri Gita Yogendra Divecha 807, Cumbulla Crest 42, Peddar Road Mumbai - 400026  <b>PAN: AAIPD2688R</b>	v.	Income Tax Officer – 16(1)(1) Kautilya Bhavan Bandra Kurla Complex Bandra(E), Mumbai - 400051
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee by</b>	<b>:</b>	<b>None</b>
<b>Department by</b>	<b>:</b>	<b>Shri Sanjay J. Sethi</b>
<b>Date of Hearing</b>	<b>:</b>	<b>21.01.2021</b>
<b>Date of Pronouncement</b>	<b>:</b>	<b>21.01.2021</b>

**ORDER**

**PER C.N. PRASAD (JM)**

**1.** This appeal is filed by the assessee against order of the Learned Commissioner of Income Tax (Appeals)-30, Mumbai [hereinafter in short "Ld.CIT(A)"] dated 16.09.2019 for the A.Y. 2009-10.

**2.** Assessee through its Authorized Representative filed a letter dated 19<sup>th</sup> January, 2021 and submitted as under: -

*"With reference to the above appeal, and under Instructions of the Client, we state and submit that the Appellant have filed an appeal on 06/11/2019 bearing the appeal No. **6828/MUM/2019** and marked for hearing in **SMC Bench** at the time of filing.*

*We would like to bring to your Honours' Kind attention that for the Appeal under reference, Appellant have applied in Form 1 & 2 under the VSVS Scheme 2020 and the application has been accepted and Form 3 having acknowledgement No. 219005810180121 is enclosed herewith.*

*In view of the same, the said appeal is withdrawn and accordingly we may request your Honour's to kindly pass an order for the withdrawal of appeal, so as to enable the Appellant to file the required FORM 4 before the Designated Authority.*

*We shall remain highly obliged for an early action from your end."*

**3.** On a perusal of the above letter of the assessee and the enclosed copies of Form-3 it is noticed that assessee has already filed declaration and undertaking in Form-1 under Vivad Se Vishwas Scheme and received Form-3 from the Revenue accepting the said declaration. Assessee requested for withdrawal of the appeal. Accepting the request of the assessee for withdrawal of appeal, this appeal is dismissed as withdrawn.

**4.** In the result, appeal of the assessee is dismissed as withdrawn.

Order pronounced in virtual court on 21.01.2021.

Sd/-  
**(C.N. PRASAD)**  
**JUDICIAL MEMBER**  
Mumbai / Dated 21/01/2021  
Giridhar, Sr.PS

**Copy of the Order forwarded to:**

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

//True Copy//

BY ORDER

(Asstt. Registrar)  
**ITAT, Mum**