

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'C': NEW DELHI)
(THROUGH VIDEO CONFERENCING)**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 2121/Del/2014
(Assessment Year: 2007-08)**

Interarch Building Products Pvt. Ltd., Farm No. 8, Dera Mandi Road, Mandi Village, Mehrauli, New Delhi-110047.	Vs.	Addl. CIT, Range 11, New Delhi.
APPELLANT		RESPONDENT
PAN No: AAACI0106J		

Assessee By : Shri M.P. Rastogi, Adv.
Revenue By : Ms. Sunita Singh, CIT(DR)

Per Anadee Nath Misshra, AM

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals)- XV, New Delhi, ["Ld. CIT(A)", for short], dated 31.01.2014 for Assessment Year 2007-08. Grounds taken in this appeal of Assessee are as under:

"1. The learned CIT(A) has erred in upholding the re-opening when neither any fresh / further facts have come to the knowledge of the learned AO, since the passing of the Regular Assessment Order- nor any concealment of facts have been brought out.

2. The learned CIT[A] has erred in confirming the enhancing Book profits u/s 115 JB by the Depreciation Reserve written back.

3. That the tax determined is wrong.

4. That the interest charged u/s 234B is wrong.

5. That the above grounds are independent and without prejudice to each other."

(B) At the time of hearing, the learned Counsel for the Assessee informed us that the assessee has opted to settle the aforementioned appeals under Vivad Se Vishwas Scheme, 2020 ("VSVS", for short) and that the assessee has already filed the relevant forms, but the acceptance from the Department in Form No. 3 has not been yet issued. He drew our attention to Email sent from assessee's side in Income Tax Appellate Tribunal ("ITAT", for short) giving intimation of the same. In view of this, the learned Counsel as well as the Commissioner of Income Tax (Departmental Representative) ["Ld. CIT(DR), for short] submitted before us that this appeal may be treated as withdrawn and may be dismissed on account of the aforesaid VSVS. After due consideration, we are of the opinion that this appeal has become infructuous on account of aforesaid VSVS, and this appeal may be treated as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal having become infructuous, is treated as withdrawn and is hereby dismissed.

(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason the disputes under this appeal before us are not settled under the

aforesaid VSVS, then the assessee will be at liberty to approach ITAT for restoration of this appeal, in accordance with law.

(C) In the result, this appeal is dismissed.

This order was already pronounced on 02nd February, 2021 in Open Court, in the presence of representatives of both sides, after conclusion of the hearing.

Sd/-
(KUL BHARAT)
JUDICIAL MEMBER

Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

Dated: 02/02/2021
(Pooja)

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI

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