

**INCOME TAX APPELLATE TRIBUNAL  
MUMBAI 'I' BENCH, MUMBAI**

**[Coram: Pramod Kumar (Vice President)  
And Saktijit Dey (Judicial Member)]**

ITA No. 1697/Mum/2014  
Assessment Year: 2009-10

**General Electric Capital Corporation** .....Appellant  
*C/o Dutt Menon Dunmorr Sett,  
127, Maker Chambers III, Nariman Point,  
Mumbai 400021  
[PAN: AACCG0933H]*

**Vs**

**Assistant Director of Income Tax** .....Respondent  
**(International Taxation)-3(1), Mumbai.**

**Appearances by**

**Ameya Pant** *for the appellant*  
**Sanjay Singh** *for the respondent*

Date of concluding the hearing : January 13, 2021  
Date of pronouncement : January 14, 2021

**ORDER**

**Per Bench:-**

1. By way of this appeal, the assessee appellant has challenged the correctness of DRP's order dated 10.12.2013 in the matter of assessment under section 144C(5) of the Income Tax Act 1961 for the assessment year 2009-10.

2. When this appeal was called out for hearing, the Id. Counsel of the assessee submitted that he has filed the necessary declaration under Direct Tax Vivad se Vishwas Act, 2020 (Act 3 of 2020) and is awaiting for final resolution of the matter under the said scheme. He submitted that upon completion of the necessary formalities, he will withdraw the appeal. In response to the suggestion from the Bench, he fairly accepted that he has no objection to the

appeal being dismissed as withdrawn as long as his right for revival of the appeal are protected, in the event of, for some unforeseen reason, the matter being not settled under the Vivad se Vishwas scheme.

3. The ld. DR also did not object to course so suggested.

4. In view of the above, we dismiss the appeal as withdrawn, subject to be rider that in the unlikely event of matter not being resolved under the Vivad se Vishwas scheme, the assessee shall have liberty to approach the Tribunal for restoration of his appeal.

5. In the result, the appeal is dismissed as withdrawn – subject to the observation above.  
Pronounced in the open court today on the 14 January, 2021.

Sd/-  
**Saktijit Dey**  
(Judicial Member)

Sd/-  
**Pramod Kumar**  
(Vice President)

**Mumbai, dated the 14 day of January, 2021**

*N.V, Sr. PS*

*Copies to:*

|            |                      |            |                       |
|------------|----------------------|------------|-----------------------|
| <i>(1)</i> | <i>The Applicant</i> | <i>(2)</i> | <i>The respondent</i> |
| <i>(3)</i> | <i>CIT</i>           | <i>(4)</i> | <i>CIT(A)</i>         |
| <i>(5)</i> | <i>DR</i>            | <i>(6)</i> | <i>Guard File</i>     |

*By order*

*Assistant Registrar  
Income Tax Appellate Tribunal  
Mumbai benches, Mumbai*

