

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

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

ITA No. 5701/Mum/2016
Assessment Year: 2011-12

**Deputy Commissioner of Income Tax
(International Taxation)-2(3)(2), Mumbai**Appellant

Vs

General Electric Capital CorporationRespondent
*C/o SRBC & Associates, 16th Floor,
The Ruby, 29 Senapati Bapat Marg,
Mumbai 400028
[PAN: AACCG0933H]*

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. This appeal, filed by the Assessing Officer, calls into question the correctness of the order dated 28.06.2016, passed by the Ld. CIT(A)-56, Mumbai in the matter of assessment u/s.143(3) r.w.s. 144C (3) of the Income Tax Act, 1961, for the assessment year 2011-12.

2. When the 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.

3. On a suggestion from the Bench the learned Departmental Representative accepted for withdrawal of appeal as long as the right of the Revenue is protected for revival of the

appeal, if for some unforeseen reason the matter being not settled under Vivad se Vishwas scheme.

4. In view of the above, we dismiss the appeal as withdrawn, subject to the rider that in the unlikely event of matter not being resolved under the Vivad se Vishwas scheme, the appellant shall have liberty to approach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 In the result, the appeal is dismissed as withdrawn – subject to the observation above.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: (1) *The Applicant* (2) *The respondent*
 (3) *CIT* (4) *CIT(A)*
 (5) *DR* (6) *Guard File*

By order

Assistant Registrar
Income Tax Appellate Tribunal
Mumbai benches, Mumbai