

**IN THE INCOME TAX APPELLATE TRIBUNAL (VIRTUAL COURT),
'E' BENCH MUMBAI**

BEFORE SHRI C.N. PRASAD, JM

&

SHRI M. BALAGANESH, AM

**ITA No.1315/Mum/2016
(Assessment Year :2007-08)**

The Thane District Central Co-op Bank Ltd., Shivaji Path, Thane (W) – 400 601	Vs.	Dy. CIT Circle-3, Ashar IT Park Wagle Industrial Estate Thane
PAN/GIR No.AAAAT0739N		
(Appellant)	..	(Respondent)

Assessee by	Shri Ashok Patil
Revenue by	Shri Vijay Kumar Menon
Date of Hearing	28/01/2021
Date of Pronouncement	28/01/2021

आदेश / O R D E R

PER M. BALAGANESH (A.M):

This appeal in ITA No.1315/Mum/2016 for A.Y.2007-08 arises out of the order by the Id. Commissioner of Income Tax (Appeals)-2, Mumbai in appeal No.126/13-14 dated 27/01/2016 (Id. CIT(A) in short) against the order of assessment passed u/s.143(3) r.w.s. 147 of the Income Tax Act, 1961 (hereinafter referred to as Act) dated 28/03/2013 by the Id. Dy. Commissioner of Income Tax, Circle-3, Thane (hereinafter referred to as Id. AO).

2. Assessee vide its authorised representative's letter dated 27/01/2021, prayed for withdrawal of appeal in ITA No.1315/Mum/2016.

For the sake of convenience, we are reproducing the contents of the said Application as under:-

“The above captioned appeal is fixed for hearing before your honours today, and I have been engaged to appear in the said appeal.

The Appellant has filed for amnesty under the Vivad se Vishwas Scheme. have been instructed by the assessee to withdraw the Appeal.

In view of the above the matter may be decided accordingly.”

3. Ld. DR has not raised any objection.

4. We have heard both the parties and perused the records, especially the Application for withdrawal of the Appeal. We find that assessee had preferred application under ‘Vivad se Vishwas Scheme-2020’ to settle its tax dispute for the impugned assessment year. Hence, there is no point in keeping this appeal pending in view of the decision of the Hon’ble Madras High Court in the case of Nannusamy Mohan (HUF) vs. ACIT in T.C.A. No.372 of 2020 dated 16.10.2020. Accordingly, we treat this appeal of the assessee as withdrawn giving liberty to the assessee that in case if the declaration filed by it under ‘Vivad Se Viswas Scheme-2020’ does not attain logical conclusion for any reason whatsoever, then this appeal shall get restored to its original form based on the application preferred by the assessee in this regard. With aforesaid observations, this appeal of the assessee is dismissed as withdrawn.

5. In the result, the appeal of the Assessee is dismissed as withdrawn.

Order pronounced in the open Court on 28/01/2021.

Sd/-
(C.N. PRASAD)
VICE PRESIDENT

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 28/01/2021

KARUNA, *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, Mumbai