

आयकर अपीलीय अधिकरण, जयपुर न्यायपीठ, जयपुर  
IN THE INCOME TAX APPELLATE TRIBUNAL, JAIPUR BENCHES "B", JAIPUR  
श्री संदीप गोसाई, न्यायिक सदस्य एवं श्री विक्रम सिंह यादव, लेखा सदस्य के समक्ष  
BEFORE SHRI SANDEEP GOSAIN, JM & SHRI VIKRAM SINGH YADAV, AM

आयकर अपील सं./ITA No. 539 & 540/JP/2019  
निर्धारण वर्ष / Assessment Year : 2013-14

Kamal Kumar Kanstiya, 4-M-5 Jawahar Nagar, Jaipur.	बनाम Vs.	I.T.O., Ward 5(3), Jaipur.
स्थायी लेखा सं./जीआईआर सं./PAN/GIR No.: ABPPK 5965 N		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती की ओर से / Assessee by : Withdrawal application  
राजस्व की ओर से / Revenue by: Smt. Monisha Choudhary(Addl.CIT)

सुनवाई की तारीख / Date of Hearing : 25/01/2021  
उदघोषणा की तारीख / Date of Pronouncement : 28/01/2021

आदेश / ORDER

**PER: SANDEEP GOSAIN, J.M.**

Both are the appeals filed by the assessee against the separate orders of the Id. CIT(A)-2, Jaipur dated 25/02/2019 and 26/02/2019 for the 2013-14.

2. The hearing of the appeals was concluded through video conference in view of the prevailing situation of Covid-19 Pandemic.

3. At the time of hearing, the assessee furnished application for withdrawal of both these appeals. The contention made in the said application reads as under:

*"Against the CIT(A) order passed against the assessee in the reference to the Original order passed u/s 147 and penalty order u/s 271(1)(c) of the I.T. Act, 1961 for AY 2013-14 the assessee in second appeal before your honour and whereas a Certificate No. 794278790081220 u/s 5(1) of the Direct Tax Vivad Se Vishwas Act, 2020 (3 of 2020) has been received from the office Designated Authority/PCIT, Jaipur-2 (copy enclosed/uploaded), therefore, the assessee applies for withdrawal of both the appeals, supra, filed in Form No. 36 on 16/04/2019.*

*Kindly acknowledged*

*(Kamal Kumar Kanstiya)"*

4. The Id DR has raised no objection if the appeals of the assessee are allowed to be withdrawn.

5. Therefore, in view of the fact that the assessee has already approached the department to settle the matter under Vivad Se Vishwas Scheme, we permit the assessee to withdraw their appeals. Accordingly, both these appeals of the assesses are dismissed as withdrawn.

6. In the result, both these appeals of the assessee are dismissed.

Order pronounced in the open court on 28<sup>th</sup> January, 2021.

Sd/-  
(विक्रम सिंह यादव)  
(VIKRAM SINGH YADAV)  
लेखा सदस्य / Accountant Member

Sd/-  
(संदीप गोसाईं)  
(SANDEEP GOSAIN)  
न्यायिक सदस्य / Judicial Member

जयपुर / Jaipur  
दिनांक / Dated:- 28/01/2021

**\*Ranjan**

आदेश की प्रतिलिपि अग्रेषित / Copy of the order forwarded to:

1. अपीलार्थी / The Appellant- Shri Kamal Kumar Kanstiya, Jaipur.
2. प्रत्यर्थी / The Respondent- The ITO, Ward 5(3), Jaipur.
3. आयकर आयुक्त / CIT
4. आयकर आयुक्त(अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur
6. गार्ड फाईल / Guard File (ITA No. 539 & 540/JP/2019)

आदेशानुसार / By order,

सहायक पंजीकार / Asst. Registrar