

**THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH, MUMBAI**

BEFORE SHRI SAKTIJIT DEY (JUDICIAL MEMBER)

I.T.A. No.4907/Mum/2019
(Assessment year : 2015-16)

Mr Mahavir K Jain Shop No.5, Prem Niwas, Kajupada Pipe Line, Kurla (W) Mumbai-400 072 PAN : ADHPJ3129M	vs	Income-tax Officer-26(2)(2), Mumbai
(APPELLANT)		(RESPONDENT)

Appellant by	None
Respondent by	Smt. Smita Verma (DR)

Date of hearing	02 -02-2021
Date of Pronouncement	02/02/2021

ORDER

Per Saktijit Dey, JM

This is an appeal by the assessee against the order dated 22-03-2019 of learned Commissioner of Income Tax (Appeals)-38, Mumbai for the assessment year 2015-16.

2. When the appeal was called for hearing, no one was present on behalf of the assessee. However, the assessee, through e-mail has communicated that he has filed declaration under the Direct Tax Vivad se Vishwas Act, 2020 for settling

the dispute arising in this appeal. He has further stated that the designated authority has not yet issued form No.3.

3. I have heard the learned Departmental Representative and perused the materials on record. Considering the fact that the assessee has already filed a declaration under the Vivad se Vishwas Scheme, 2020 for settling the dispute arising in the appeal, I am inclined to dismiss the appeal as withdrawn. However, in the unlikely event of assessee's declaration not being accepted by the department, liberty is granted to the assessee to seek recall of this order and restoration of the appeal. Accordingly, appeal is dismissed as withdrawn.

4. In the result, appeal is dismissed with aforementioned liberty.

Order pronounced in the Open Court on this 02 /02/2021.

Sd/-

	(SAKTIJIT DEY)
	JUDICIAL MEMBER

Mumbai, Dated : 02/ 02/2021.

Pavanan, Sr.P.S (on contract)

Copy of the order forwarded to :

1. The Appellant.
2. The Responent.
3. The CIT(A)
4. 4. The CIT
5. D.R., ITAT, Mumbai.
6. Guard File.

//True Copy//

By order

I.T.A.T., Mumbai.