

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

**BEFORE SHRI SAKTIJIT DEY (JUDICIAL MEMBER)**

I.T.A. No.4967/Mum/2019  
(Assessment year : 2009-10)

ITO-19(3)(1), Mumbai	vs	Shri Rajesh B Bohra Flat No.404, 4 <sup>th</sup> Floor E-2, Bharat Nagar, Grant Road Mumbai-400 007 PAN :AAJPB2571D
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>

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

Date of hearing	03-02-2021
Date of Pronouncement	03/02/2021

**ORDER**

**Per Saktijit Dey, JM**

This is an appeal by the revenue against the order dated 07-05-2019 of learned Commissioner of Income Tax (Appeals)-7, Mumbai for the assessment year 2009-10.

2. When the appeal was called for hearing, no one was present on behalf of the assessee. However, the assessee has filed letter dated 02-02-2021 stating that he has made declaration under the Direct Tax Vivad se Vishwas Act, 2020 for

settling the dispute arising in this appeal. A copy of the said declaration has also been attached to the letter.

3. Heard learned Departmental Representative. Considering the fact that the assessee has filed declaration under the Direct Tax Vivad se Vishwas Act, 2020 for settling the dispute arising in this appeal, I am inclined to dismiss the appeal as withdrawn. However, if for any unforeseen reason assessee's declaration is not accepted by the department, liberty is granted to the revenue to seek recall of this order and restoration of the appeal.

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

Order pronounced in the Open Court on this 03 /02/2021.

Sd/-

<b>(SAKTIJIT DEY)</b>
<b>JUDICIAL MEMBER</b>

Mumbai, Dated : 03/ 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.