

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "C" MUMBAI**

**BEFORE SHRI C.N. PRASAD (JUDICIAL MEMBER) AND  
SHRI N.K. PRADHAN (ACCOUNTANT MEMBER)**

**ITA No. 4433/MUM/2018  
Assessment Year: 2013-14**

M/s Prism Construction,  
505/506, Shalimar Morya  
Park, New Link Road,  
Andheri (W),  
Mumbai-400053

**Vs.**

The Deputy Commissioner of  
Income Tax Office, Central  
Circle-7(4), 6<sup>th</sup> floor, Aayakar  
Bhavan, M.K. Road,  
Churchgate,  
Mumbai-400020.

**PAN No. AAHFP 8872 C  
Appellant**

**Respondent**

Assessee by : Mr. Kapil K. Jain, AR  
Revenue by : Ms. Shreekala Pardeshi, DR

Date of Hearing : 11/02/2021  
Date of Pronouncement : 11/02/2021

**ORDER**

**PER N.K. PRADHAN, A.M.**

This is an appeal filed by the assessee. The relevant assessment year is 2013-14. The appeal is directed against the order of the Commissioner of Income Tax (Appeals)-49, Mumbai [in short 'CIT(A)'] and arises out of penalty levied u/s 271(1)(c) the Income Tax Act 1961, (the 'Act').

2. The Ld. counsel for the assessee submits that the appellant has filed declaration in Form No. 1 and Form No. 2 under the Direct Tax Vivad Se Vishwas Scheme , 2020 and they have received Form No. 3 u/s 5(1) of the Direct Tax Vivad Se Vishwas Act, 2020 from the designated authority, accepting declaration. A copy of Form No. 3 is filed by the Ld. counsel. Thus it is stated that the present appeal be withdrawn.

We drew the attention of the Ld. Departmental Representative to the above submission.

3. We have heard the Ld. counsels and perused the relevant materials on record. The Government of India enacted the Direct Tax Vivad Se Vishwas Act, 2020 (Act No. 3 of 2020) to provide for resolution of disputed tax and for matter connected therewith or incidental thereto. The Act of the Parliament received the assent of the President on 17.03.2020 and was published in the Gazette of India on 17.03.2020. In terms of the said Act, the assessee has been given an option to put an end to the tax disputes, which may be pending at different levels either before the First Appellate Authority or before the Tribunal or before the High Court or before the Supreme Court of India.

Considering the statement of the Ld. counsel and keeping in view the decision of the Hon'ble Madras High Court in the case of *M/s Nannusamy Mohan (HUF) v. ACIT* (TCA No. 372 of 2020, order dated 16.10.2020), we are inclined to dismiss this appeal filed by the assessee as withdrawn.

4. In the result, the appeal filed by the assessee is dismissed as withdrawn.

**Order pronounced in the open Court on 11/02/2021.**

Sd/-  
(C.N. PRASAD)  
JUDICIAL MEMBER

Sd/-  
(N.K. PRADHAN)  
ACCOUNTANT MEMBER

Mumbai;

Dated: 11/02/2021

Rahul Sharma, Sr. P.S.

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Dy./Assistant Registrar)  
**ITAT, Mumbai**