

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

**BEFORE SHRI MANOJ KUMAR AGGARWAL (ACCOUNTANT MEMBER) AND
SHRI RAVISH SOOD (JUDICIAL MEMBER)**

**ITA No. 1939/MUM/2017
(Assessment Year: 2009-10)**

DCIT, Central Circle-8(1),
Room No. 656, 6th Floor,
Aayakar Bhavan, M.K.Road,
Mumbai – 400 020

Smt. Sheela K. Mehta
Vs. 31, 3rd Floor, Air Condition
Markeet, Tardeo Road,
Mumbai - 400034

PAN No. AADPM1395B

(Assessee)

(Revenue)

Assessee by : Shri Durga Prasad Poojari, A.R
Revenue by : Shri T.S. Khalsa, D.R

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

ORDER

PER RAVISH SOOD, J.M:

The present appeal filed by the revenue is directed against the order passed by the CIT(A)-50, Mumbai, which in turn arises from the assessment order passed by the A.O under Sec. 153A r.w.s 143(3) of the Income-tax Act, 1961, dated 27.03.2015 for assessment year 2009-10.

2. The Id. Authorised representative (for short "A.R") for the assessee has e-filed a letter on 09th February, 2021, wherein it is stated that the assessee had filed an application under the Direct Tax Vivad se Vishwas Act, 2020 in order to settle the aforesaid matter pending before the Tribunal. In support of his aforesaid claim the Id. A.R had stated that "Form 5" has been issued to the assessee by the designated authority. It is stated by the assessee that in the backdrop of the aforesaid facts the captioned appeal filed by the revenue may be directed to be withdrawn.

3. The Id. D.R did not controvert the aforesaid factual position as was canvassed before us.

4. In view of the above, we dismiss the revenue's appeal as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme the appellant revenue shall have liberty to approach the Tribunal for restoration of its appeal.

5. Resultantly, the appeal is dismissed as withdrawn subject to the observations recorded hereinabove.

Order pronounced in the open court on 11/02/2021.

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Ravish Sood)
JUDICIAL MEMBER

Mumbai;

Dated: 11.02.2021

PS: Rohit

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.

BY ORDER,
//True Copy//
(Sr. Private Secretary)
ITAT, Mumbai