

**IN THE INCOME TAX APPELLATE TRIBUNAL (VIRTUAL COURT)
"SMC" BENCH, MUMBAI**

BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER

ITA NO. 211/MUM/2019 (A.Y: 2009-10)

Shri Mihir Bipin Parekh Ruby Mansion 9 Forjette Cross Lane Gowalia Tank, Mumbai Maharashtra-400036 PAN: AADPP 4223 D	v.	ACIT – 19(2) Room No. 207, 2 nd Floor Matru Mandir, Tardev Road Mumbai – 400 007
(Appellant)		(Respondent)

Assessee by	:	None
Department by	:	Shri Sreenivasa Raghvan
Date of Hearing	:	12.02.2021
Date of Pronouncement	:	12.02.2021

ORDER

PER C.N. PRASAD (JM)

1. This appeal is filed by the assessee against order of the Learned Commissioner of Income Tax (Appeals)–6, Mumbai [hereinafter in short "Ld.CIT(A)"] dated 19.12.2018 for the A.Y. 2009-10.

2. Assessee through its authorized representative filed a letter dated 27th January, 2021 and submitted as under: -

"Re: Mihir B. Parekh
A.Y: 2009-2010
PAN: AADPP4223D
Appeal No. ITA 211/MUM/2019
Sub: Withdrawal of Appeal on receipt of certificate - form 3 from PCIT,
Mumbai-19 under the DTVSV scheme

On behalf of our above client, we have to state as under: -Enclosing the following documents: -

- a) Copy of Form 1 & 2 filed by assessee*
- b) Copy of Form 3 received*

1. The assessee has availed the benefits of the Vivad se Vishwas scheme for refund with reference to pending appeal in AY 2009-2010, wherein form 1 & 2 had been filed on 25-12-2020. We have also received a certificate from the PCIT, Mumbai-19 in form 3 accepting the above forms, attached herewith for your reference.

2. We have to file form 4 under the DTVS scheme for completion of the said process, and for the same we are required to attach a proof of withdrawal of appeal.

3. Hence, we request you to kindly withdraw the aforesaid appeal under ITAT with appeal no. ITA 211/MUM/2019 as per the above stated reasons."

3. On a perusal of the above letter filed by the authorized representative of the assessee and the enclosed copies of Form-3 it is noticed that assessee has already filed declaration and undertaking in Form-1 under Vivad Se Vishwas Scheme and received Form-3 from the Revenue accepting the said declaration. Assessee requested for withdrawal of the appeal. Accepting the request of the assessee for withdrawal of appeal, this appeal is dismissed as withdrawn.

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 In the result, appeal of the assessee is dismissed as withdrawn.

Order pronounced in the virtual court on 12.02.2021

Sd/-
(C.N. PRASAD)
JUDICIAL MEMBER
Mumbai / Dated 12/02/2021
Giridhar, Sr.PS

Copy of the Order forwarded to:

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

//True Copy//

BY ORDER

(Asstt. Registrar)
ITAT, Mum