

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

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

**ITA NO. 5209/MUM/2019 (A.Y: 2009-10)**

M/s. Kaycee Diamonds DE 8090 B Bharat Diamond Bourse Bandra Kurla Complex Bandra(E), Mumbai - 400051  <b>PAN: AAAFK1975</b>	v.	ACIT – 19(2) 2 <sup>nd</sup> Floor Matru Mandir, Tardev Road Mumbai – 400 007
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee by</b>	<b>:</b>	<b>None</b>
<b>Department by</b>	<b>:</b>	<b>Shri Sreenivasa Raghvan</b>
<b>Date of Hearing</b>	<b>:</b>	<b>12.02.2021</b>
<b>Date of Pronouncement</b>	<b>:</b>	<b>12.02.2021</b>

**ORDER**

**PER C.N. PRASAD (JM)**

**1.** This appeal is filed by the assessee against order of the Learned Commissioner of Income Tax (Appeals)-29, Mumbai [hereinafter in short "Ld.CIT(A)"] dated 13.06.2019 for the A.Y. 2009-10.

**2.** Assessee filed a letter dated 01<sup>st</sup> February, 2021 and submitted as under: -

**"Sub: ITA 5209/MUM/2019 Dated: 08.08.2019.**

**Ref: Notice U/S 250 for Kaycee Diamonds.**

**A.Y. 2009-10**

**PAN No. AAAPK1975E**

*With reference to above, we hereby inform you that we have already filed form 1 in VSV scheme for AY 2009-10.*

*We further state that the same has been accepted and form 3 is issued to us dated 23.12.2020 vide certificate number 871942750231220 with balance amount payable at Rs. 72,672.00.*

*With reference to the same we hereby withdraw the appeal filed in view of the form no 3 issued to us vide certificate number 871942750231220.*

*Please find attached herewith Form 3 along with the withdrawal letter for your reference and records."*

- 3.** On a perusal of the above letter 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 Accepting the request of the assessee for withdrawal of appeal, this appeal is dismissed as withdrawn.
- 4.** In the result, appeal of the assessee is dismissed as withdrawn.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**