

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

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

**ITA No. 5438/MUM/2019
(Assessment Year: 2010-11)**

Shri Ashok K. Shah
C-228(1), Ghatkopar Industrial
Estate, LBS Marg, Ghatkopar
(West), Mumbai 400 086

Vs. ACIT-27(1),
Room No. 415, 4th Floor, Vashi,
Railway Station Complex, Vashi,
Navi Mumbai – 400 703

PAN No. AAFPS7940C

(Assessee)

(Revenue)

Assessee by : (Withdrawal request letter, dated 17.02.2021)
Revenue by : Shri Brajendra Kumar, D.R

Date of Hearing : 18/02/2021
Date of pronouncement : 18/02/2021

ORDER

PER RAVISH SOOD, J.M:

The present appeal filed by the assessee is directed against the order passed by the CIT(A)-25, Mumbai, which in turn arises from the assessment order passed by the A.O under Sec. 271(1)(c) of the Income-tax Act, 1961, dated 29.03.2018 for assessment year 2010-11.

2. The assessee has filed a letter on 17th February, 2021, wherein it is stated that he has filed an application vide Form No. 1 on 21.12.2020 under the Direct Tax Vivad se Vishwas Act, 2020 in order to settle the aforesaid matter pending before the Tribunal and has received the certificate in 'Form 3' from the designated authority. In support of his aforesaid claim the assessee has enclosed alongwith his letter 'Form 1' and 'Form 3' issued by the designated authority. It is stated by the assessee that in the backdrop of the aforesaid facts the captioned appeal may allowed to be withdrawn.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 In view of the above, we dismiss the appeal as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme the assessee shall have liberty to approach the Tribunal for restoration of his appeal.

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 Resultantly, the appeal is dismissed as withdrawn subject to the observation recorded hereinabove.

Order pronounced in the open court on 18/02/2021.

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Ravish Sood)
JUDICIAL MEMBER

Mumbai;

Dated: 18.02.2021

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