



**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**"E" BENCH, MUMBAI**

**BEFORE SHRI C.N. PRASAD, JUDICIAL MEMBER AND**  
**SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER**

ITA no.4613/Mum./2019  
(Assessment Year : 2011-12)

Shri Sanjay Shrichand Uttam  
203, Joanna, 10 Pali Road  
Bandra (W), Mumbai 400 050  
PAN – AAAPU0429K

..... Appellant

v/s

Asstt. Commissioner of Income Tax  
Circle-23(2), Mumbai

..... Respondent

Assessee by : Shri Phalgun Desai  
Revenue by : Shri Vijay Kumar Menon

Date of Hearing – 16.02.2021

Date of Order – 23.02.2021

**ORDER**

**PER S. RIFAUR RAHMAN, A.M.**

The present appeal preferred by the assessee challenging the order dated 9<sup>th</sup> April 2019, passed by the learned Commissioner (Appeals)-34, Mumbai, for the assessment year 2011-12.

2. During the course of hearing, we find that the assessee has filed a letter dated 19<sup>th</sup> February 2021, sent through electronic mode seeking withdrawal of the appeal in view of the fact that he has applied for settling the tax dispute under the Vivad Se Vishwas Tax

Scheme, 2020. The letter submitted by the assessee is accompanied by the acknowledgement in Form-3 of the declaration filed under the aforesaid scheme. The aforesaid letter and the declarations are kept on record.

3. The learned Departmental Representative has no objection for withdrawal of the appeal by the assessee.

4. Heard the learned Departmental Representative and perused material on record. Considering the fact that the assessee has sought withdrawal of the present appeal, as the assessee has applied for settling the dispute under Vivad Se Vishwas Scheme, 2020, we permit the assessee to withdraw the appeal at this stage, as the Department issued Form no.3. With the aforesaid observations, the appeal is dismissed as withdrawn.

5. In the result, appeal is dismissed as withdrawn.

Order pronounced in the open court on 23.02.2021

**Sd/-**  
**C.N. PRASAD**  
**JUDICIAL MEMBER**

**Sd/-**  
**S. RIFAUH RAHMAN**  
**JUDICIAL MEMBER**

**MUMBAI, DATED: 23.02.2021**

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The CIT(A);*
- (4) *The CIT, Mumbai City concerned;*
- (5) *The DR, ITAT, Mumbai;*
- (6) *Guard file.*

*Pradeep J. Chowdhury*  
*Sr. Private Secretary*

True Copy  
By Order

Assistant Registrar  
ITAT, Mumbai