

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

**BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER &  
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

**ITA No. 5043/Mum/2019  
(A.Y: 2011-12)**

Milind Manohar Deshpande, C/o K.G. Kulkarni & Associates, I-1007, Kolhapur Udyam Co-op, Society, Y.P. Powar Nagar, Kolhapur - 416008	<b>बनाम/ Vs.</b>	Income Tax Officer, Ward 29 (2)(2), C-10, 3 <sup>rd</sup> Floor, Pratyaksh Kar Bhavan, Bandra Kurla Complex, Bandra (E), Mumbai - 400051
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AAMPD5174G		
(अपीलार्थी / <b>Appellant</b> )	..	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थी ओर से / <b>Appellant by</b> :	Shri Sarang gudhate AR
प्रत्यर्थी की ओर से/ <b>Respondent by</b> :	Shri Sanjay Sethi, DR

सुनवाई की तारीख / <b>Date of Hearing</b>	16/02/2021
घोषणा की तारीख / <b>Date of Pronouncement</b>	16/02/2021

आदेश / O R D E R

**PER PAVAN KUMAR GADALE:**

This appeal has been filed by the assessee against the order of the Commissioner of Income Tax (Appeals) - 40, Mumbai, passed u/s. 143 (3) r.w.s. 263 of the Income Tax Act, 1961.

2. At the time hearing, the Ld. AR of the assessee submitted that the assessee is intend to settle the tax litigation by opting for 'Vivad se Vishwas Scheme 2020'(VSVS2020) and filed an application in Form No. 1 & 2 under VSVS Rules 2020. Contra, the Ld. DR has no objections.

3. We heard the rival contentions and perused the material on record. Since the assessee has opted for 'Vivaad se Vishwas Scheme 2020' and filed application as envisaged by the Ld.AR . We are of the view that, no purpose will be served in keeping the appeal pending. Accordingly, we dismiss the appeal of the assessee as withdrawn and the assessee is given liberty to move an application u/s 254(2) of the Act to recall the present order in accordance with the provisions of law.

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4. In the result, the appeal filed by the assessee is dismissed.

Order pronounced in the open court on 16.02.2021.

*Sd/-*  
(M. BALAGANESH)  
**ACCOUNTANT MEMBER**

*Sd/-*  
(PAVAN KUMAR GADALE)  
**JUDICIAL MEMBER**

Mumbai, Dated 16.02.2021

AK, PS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / The CIT(A)
4. आयकर आयुक्त (अपील) / Concerned CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

1.

उप/सहायक पंजीकार ( Asst. Registrar)  
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai