

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DELHI BENCH: 'E' NEW DELHI**

**BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI O.P. KANT, ACCOUNTANT MEMBER
[Through Video Conferencing]**

ITA No.1725/Del./2016
Assessment Year: 2009-10

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| M/s. Lakshmi Narain Diamond (India) Pvt. Ltd., B-7/112A, Safdarjung Enclave, New Delhi | Vs. | ITO, Ward-15(2), New Delhi |
| PAN :AABCL4826B | | |
| (Appellant) | | (Respondent) |

| | |
|---------------|--------------------------|
| Appellant by | Shri Shailesh Gupta, CA |
| Respondent by | Shri Bhopal Singh, Sr.DR |

| | |
|-----------------------|------------|
| Date of hearing | 15.02.2021 |
| Date of pronouncement | 15.02.2021 |

ORDER

PER O.P. KANT, AM:

This appeal by the assessee is directed against the order dated 29.01.2016 passed by learned Commissioner of Income Tax (Appeals)-5, Delhi, for assessment year 2009-10.

- 2.** We have heard both the parties through Video Conferencing.
- 3.** At the outset, the learned counsel for the assessee has requested for withdrawal of the appeal as the assessee has opted

to settle the dispute relating to the tax arrears for the assessment year under consideration, under the “Vivad Se Vishwas Scheme, 2020” for which, he has filed Form No. 1 & 2 and Form No. 3 is awaited.

2. However, it is submitted by the appellant that the aforesaid be subjected to a caveat that in case the dispute relating to tax arrears for the assessment year under consideration is not ultimately resolved in terms of the aforesaid Scheme, the appellant shall be at liberty to approach the Tribunal for reinstatement of the appeal and the Tribunal shall consider such application appropriately as per law.

3. In view of the aforesaid, the appeal of the assessee is dismissed as withdrawn.

Order pronounced in the open court.

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Sd/-
(O.P. KANT)
ACCOUNTANT MEMBER

Dated: 15th February, 2021.

RK/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi