

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

**BEFORE SHRI RAVISH SOOD (JUDICIAL MEMBER) AND
SHRI N.K. PRADHAN (ACCOUNTANT MEMBER)**

**ITA Nos. 3989 & 3990MUM/2019
(Assessment Years: 2000-01 & 2001-02)**

ACIT-2(2)(2),
Room No. 545, 5th Floor,
Aayakar Bhavan,
Mumbai – 400 020

M/s Mahindra & Mahindra Ltd.
Vs. Gateway Building, Apollo Bunder,
Mumbai - 400001

PAN No. AAACM3025E

(Revenue)

(Assessee)

Assessee by : None
Revenue by : Shri Bharat Andhale, D.R

Date of Hearing : 26/02/2021
Date of pronouncement : 01/03/2021

ORDER

PER RAVISH SOOD, J.M:

The captioned appeals filed by the revenue are directed against the respective orders passed by the CIT(A)-5, Mumbai, both dated 08.03.2019, which in turn arises from the respective penalty orders passed by the A.O under Sec.271(1)(c) of the Income-tax Act, 1961, dated 28.02.2018 for A.Y. 2000-01 and A.Y. 2001-02.

2. The assessee has filed a letter dated 09th February, 2021, wherein it is stated that it has filed an application under the Direct Tax Vivad se Vishwas Act, 2020 with respect to its quantum appeals for A.Y. 2000-01 and A.Y. 2001-02 which are pending before the Hon'ble High Court of Bombay. It is stated by the assessee that "Form 3" as regards both of its quantum appeals had been issued to the assessee by the designated authority (copies placed on record). Accordingly, it is stated by the assessee that now when its quantum appeals have been resolved under the 'Vivad se Vishwas scheme' thus, the revenue's appeals for the aforesaid years pertaining to the penalty orders passed u/s 271(1)(c) for the said respective years would be rendered as infructuous. It is stated by the assessee that in the backdrop of the aforesaid facts the captioned appeals filed by the revenue may be directed to be withdrawn.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 In view of the above, we dismiss the revenue's appeals as withdrawn, subject to a rider that in the unlikely event of the quantum appeals of the assessee pending before the Hon'ble High Court are not resolved under the Vivad se Vishwas scheme then, the appellant revenue shall have liberty to approach the Tribunal for restoration of the aforesaid appeals.

5. Resultantly, the appeals are dismissed as withdrawn subject to the observations recorded hereinabove.

Order pronounced in the open court on 01/03/2021.

Sd/-
(N.K. Pradhan)
ACCOUNTANT MEMBER

Sd/-
(Ravish Sood)
JUDICIAL MEMBER

Mumbai;

Dated: 01.03.2021

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