

आयकर अपीलिय अधिकरण

मुंबई पीठ "आई", मुंबई

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "I", MUMBAI

श्री प्रमोद कुमार, उपाध्यक्ष एवं

श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष

BEFORE SHRI PRAMOD KUMAR, VICE PRESIDENT &
SHRI VIKAS AWASTHY, JUDICIAL MEMBER

आअसं. 2825/मुं/2012 (नि.व. 2008-09)

ITA NO.2825/MUM/2012(A.Y.2008-09)

आअसं. 7344/मुं/2012 (नि.व. 2009-10)

ITA NO.7344/MUM/2012(A.Y.2009-10)

Deputy/Asstt. Director of Income Tax

(International Taxation) 4(1),

133, Scindia House, Ballard Pier,

Mumbai 400 038

..... अपीलार्थी /Appellant

बनाम Vs.

M/s. Macquarie Bank Ltd.,

C/o.SRBC And Associates LLP,

14th Floor, The Ruby, 29 Senapati Bapat Marg,

Dadar (West), Mumbai 400028

PAN; AAECM 2014P

..... प्रतिवादी/Respondent

आअसं. 1146/मुं/2017 (नि.व. 2012-13)

ITA NO.1146/MUM/2017(A.Y.2012-13)

आअसं. 1237/मुं/2017 (नि.व. 2013-14)

ITA NO.1237/MUM/2017(A.Y.2013-14)

आअसं. 7176/मुं/2017 (नि.व. 2014-15)

ITA NO.7176/MUM/2017(A.Y.2014-15)

M/s. Macquarie Bank Ltd.,

C/o.SRBC And Associates LLP,

Mumbai 400 038

PAN: AABTJ1167E

..... अपीलार्थी/Appellant

बनाम Vs.

DCIT (International Taxation) 3(2)(1)

Mumbai 400 021

..... प्रतिवादी/Respondent

Assessee by : Shri Jejoo Kothari
Revenue by : Shri S.S.lyengar

सुनवाई की तिथि/ Date of hearing : 16/02/2021
घोषणा की तिथि/ Date of pronouncement : 16/02/2021

आदेश/ ORDER

PER VIKAS AWASTHY,JM:

These bunch of appeals include appeals by the Revenue, as well as the assessee. The Revenue is in appeal for the assessment years 2008-09 and 2009-10. The appeals by the assessee are for assessment years 2012-13 to 2014-15.

2. The assessee has filed a letter dated 12/02/2021 intimating that the assessee has opted for 'Viwad Se Vishwas Scheme, 2020'(in short 'VSVS') in all the impugned assessment years and has made application in the prescribed Form No. 1 & 2 on 22/01/2021. Shri Jejoo Kothari appearing on behalf of assessee made statement during the proceedings that the assessee may be allowed to withdraw the appealswith liberty to revive in case the declaration made under VSVS is not accepted.

3. Shri S.S.lyengar representing the Department stated that the Department has no objection if the assessee wants to avail the benefit of 'VSVS'.

4. Heard. In view of the fact that the assessee has opted for VSVS, and the Id. Authorized Representative for the assessee has made statement that the assessee wishes to withdraw appeals subject to acceptance of declaration made under VSVS, the appeals of assessee for impugned assessment years are dismissed as withdrawn at this stage.

5. The assessee has also opted for 'VSVS' in respect of the assessment years where the Revenue has filed appeals i.e. assessment year 2008- 09 and 2009-10. Since the assessee has opted for 'VSVS' the appeals by the Revenue have become infructuous and are dismissed, as such.

6. Liberty is granted to the assessee/Revenue to revive the appeals in the event declaration filed by the assessee under VSVS fails to mature. It is further made clear that if the assessee /Revenue seeks to revive the appeals in the event assessee's declaration made under VSVS is not accepted, the Registry shall not insist for filing of application for condonation of delay, if the Miscellaneous Application for recalling the order is filed beyond time on account of delay in communication of outcome under VSVS. [Re. M/s. Nannusamy Mohan(HUF) vs. ACIT in T.C.A No.372 of 2020 decided on 16/10/2020 by Hon'ble Madras High Court]

7. The appeals by assessee are dismissed as withdrawn and the appeals by Revenue are dismissed as infructuous, with the liberty aforesaid.

Order pronounced in the open court on Tuesday the 16th day of February, 2021.

Sd/-

(PRAMOD KUMAR)

उपाध्यक्ष /VICE PRESIDENT

मुंबई/ Mumbai, दिनांक/Dated 16/02/2021

Vm, Sr. PS (O/S)

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

प्रतिलिपि अग्रेषित Copy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त(अ)/ The CIT(A)-
4. आयकर आयुक्त CIT
5. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,
Mumbai
6. गार्ड फाइल/Guard file.

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai