

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'E': NEW DELHI)
(THROUGH VIDEO CONFERENCING)**

**BEFORE SHRI SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 5947/Del/2017
(Assessment Year: 2013-14)**

Overtch Engineers & Fabricators Pvt. Ltd., New Delhi.	Vs.	DCIT, Circle-19(1), New Delhi.
APPELLANT		RESPONDENT
PAN No: AAACO1453E		

Assessee By : None
Revenue By : Ms. Rakhi Vimal, Sr. DR

Per Anadee Nath Misshra, AM

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals)-7, New Delhi, ["Ld. CIT(A)", for short], dated 27.07.2017 for Assessment Year 2013-14. Grounds taken in this appeal of Assessee are as under:

"1. That on the facts of the case and in law, the Commissioner of Income Tax (Appeal)-7, Delhi erred in confirming the order of the assessing officer levying penalty of Rs. 8,64,500/- under the provision of Section 271(1)(c) of the Act. The basis adopted and the finding recorded is simply based on surmises and conjectures and on hypothetical calculations thereby holding the appellant in default. The penalty order confirmed is thus, illegal, unjustified and bad in law."

(B) At the time of hearing, we took notice of letter dated 12.03.2021 filed by Sri Ashok Gandhi, Advocate. In this letter it has been intimated from the assessee's side that the appellant had already opted for Vivad Se Vishwas Scheme, 2020 ("VSVS", for short) and as such the appeal filed is withdrawn. In view of this, the learned Senior Departmental Representative ("Ld. Sr. DR", for short) submitted before us that this appeal may be treated as withdrawn and may be dismissed on account of the aforesaid VSVS. After due consideration, in view of the foregoing; we treat this appeal as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal is dismissed.

(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason the disputes under this appeal before us are not settled under the aforesaid VSVS, then the assessee will be at liberty to approach ITAT for restoration of this appeal, in accordance with law.

(C) In the result, this appeal is dismissed.

This order was already pronounced on 16th March, 2021 in Open Court, in the absence of any representative from assessee's side, but in the presence of Ld. Sr. DR; after conclusion of the hearing.

**Sd/-
(SUDHANSHU SRIVASTAVA)
JUDICIAL MEMBER**

**Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER**

Dated: 16/03/2021
(Pooja)

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	