

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'H' BENCH  
MUMBAI**

**BEFORE: SHRI VIKAS AWASTHY, JM  
&  
SHRI M.BALAGANESH, AM**

**ITA No.5356/Mum/2019  
(Assessment Year :2015-16)**

M/s. Shreeji Aluminium Pvt. Ltd., 502, 5 <sup>th</sup> Floor Majestic Shopping Centre 144, J.S. Girgaum, Mumbai – 400 004	Vs.	ACIT-5(3)(1), Room No.519, Aaykar Bhavan M.K.Road, Mumbai – 400 020
<b>PAN/GIR No.AABCS4299M</b>		
<b>(Appellant)</b>	..	<b>(Respondent)</b>

Assessee by	None
Revenue by	Ms. Bharati Singh
<b>Date of Hearing</b>	<b>17/03/2021</b>
<b>Date of Pronouncement</b>	<b>17/03/2021</b>

**आदेश / O R D E R**

**PER M. BALAGANESH (A.M.):**

This appeal in ITA No.5356/Mum/2019 for A.Y.2015-16 arises out of the order by the Id. Commissioner of Income Tax (Appeals)-10, Mumbai in appeal No.CIT(A)-10,Mumbai/10044/2018-19 dated 10/05/2019 (Id. CIT(A) in short) in the matter of imposition of penalty u/s.271(1)(c) of the Income Tax Act, 1961.

2. Assessee vide its letter dated 01/03/2021, prayed for withdrawal of appeal in ITA No. 5356/Mum/2019 for A.Y.2015-16. For the sake of

convenience, we are reproducing the contents of the said Application as under:-

*“This is with reference to our appeal against the order passed by ACIT-5(3)(1), Mumbai for the above-mentioned assessment year, the date of hearing for which has been fixed on 17<sup>th</sup> March,2021, we would like to state that we have applied for Direct Tax Vivad se Vishwas Scheme for the above appeal which has been accepted by the department. We are attaching herewith the Form-1 (Form for filing declaration and undertaking) and Form -3 (vide certificate number 828252380161220) which is attached herewith the letter.*

*Hence, we request you to take the above on record and withdraw our **appeal** as required by Direct Tax Vivad se Vishwas Act,2020.”*

3. Ld. DR has not raised any objection.

4. We have heard the Id. DR and perused the records, especially the Application of assessee for withdrawal of the Appeal. We find considerable cogency in the contentions of Assessee as aforesaid. Keeping in view of the facts and circumstances of the case, we accept the request of the assessee for withdrawal of the Appeal and accordingly, we dismiss the Appeal as withdrawn.

**5. In the result, the appeal of the Assessee is dismissed as withdrawn.**

Order pronounced in the open Court on 17/03/2021.

**Sd/-**  
**(VIKAS AWASTHY)**  
JUDICIAL MEMBER

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

Mumbai; Dated 17/03/2021  
KARUNA, sr.ps

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)  
**ITAT, Mumbai**