

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
MUMBAI BENCH "G", MUMBAI**

**BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER AND  
SHRI RAM LAL NEGI, JUDICIAL MEMBER**

**ITA No.6545/M/2018  
Assessment Year: 2009-10**

Mr. Sanjay A. Mahadik, 1501, Dwarkamai Towers, Bhagat Galli, Taikal Wadi, Mahim, Mumbai – 400 016 <b>PAN: AAHPM 7703P</b>	Vs.	The ACIT-26(3), Bandra Kurla Complex, C-11, Bandra, Mumbai - 400051
(Appellant)		(Respondent)

**Present for:**

Assessee by : Shri Rajesh Kumar, A.R.  
Revenue by : Shri Srinivas Botta, D.R.

Date of Hearing : 07.11.2020  
Date of Pronouncement : 28.12.2020

**ORDER**

**Per Rajesh Kumar, Accountant Member:**

The present appeal has been preferred by the assessee against the order dated 29.06.2018 of the Commissioner of Income Tax (Appeals) [hereinafter referred to as the CIT(A)] relevant to assessment year 2009-10.

2. The assessee has filed this appeal challenging the order of Ld. CIT(A) upholding the imposition of penalty of Rs.2,92,000/- as against made by the AO under section 271(1)(c) of the Act in respect of the addition of bogus purchases. At the outset, the Ld. Counsel of the assessee brought to the notice of the Bench that the assessee has gone in Vishwas Se Vivad Scheme (VSVS) 2020 and therefore the case may be adjourned.

3. Since the assessee has gone into VSVS 2020, the appeal of the assessee is being dismissed pursuant to the ratio laid down by the Hon'ble Madras High Court in the case of Nannu Samy Mohan (HUF) vs. ACIT TCA No.372 of 2020 with the liberty to assessee to get these appeal recalled in case assessee does not succeed in VSVS 2020. Accordingly, the appeal of the assessee is dismissed.

**Order pronounced in the open court on 28.12.2020.**

**Sd/-  
(Ram Lal Negi)  
JUDICIAL MEMBER**

**Sd/-  
(Rajesh Kumar)  
ACCOUNTANT MEMBER**

Mumbai, Dated: 28.12.2020.

\* Kishore, Sr. P.S.

Copy to: The Appellant  
The Respondent  
The CIT, Concerned, Mumbai  
The CIT (A) Concerned, Mumbai  
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.