

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A", HYDERABAD
(Through Virtual Hearing)

BEFORE HON'BLE JUSTICE P.P. BHATT, PRESIDENT
AND
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER

ITA No. 683 & 684/Hyd/2016		
AYs:2005-06 and 2008-09		
Assistant Commissioner of Income Tax, Circle-14(1), Hyderabad.	Vs.	M/s. Suresh Productions Private Limited, Hyderabad. PAN: AADCS 0841 F
(Appellant)		(Respondent)

C.O. Nos. 45 & 46/Hyd/2016		
(ITA No. 683 & 684/Hyd/2016)		
(AYs: 2005-06 & 2008-09)		
M/s. Suresh Productions Private Limited, Hyderabad. PAN: AADCS 0841 F	VS.	Assistant Commissioner of Income Tax, Circle-14(1), Hyderabad.
(Appellant / Cross-Objector)		(Appellant in appeal)

Assessee by:	Shri K.C. Devdas
Revenue by:	Shri Sunil Kumar Pandey.
Date of hearing:	31/03/2021
Date of pronouncement:	31/03/2021

ORDER

PER BENCH:

The captioned two appeals are filed by the Revenue and the corresponding Cross Objections are filed by the assessee. All these appeals arise out of the orders of the Ld. CIT(A)-8, Hyderabad in appeal Nos.0059 & 0060/CIT(A)-8, Hyd/15-16 passed U/s. 143(3) r.w.s 147 and U/s. 250(6) of the Act for the AYs 2005-06 and 2008-09 respectively.

2. At the outset, Ld.AR submitted before us that for the both the AYs the assessee has opted to avail 'Vivad Se Viswas' scheme and has filed Form No.1 & 2 and Form No.3 is also issued by the Revenue. It was therefore pleaded, that the appeals of the Revenue may be dismissed.

3. The Ld. DR submitted before us that if the appeals of the Revenue are dismissed then liberty may be granted to reinstate the appeals of the Revenue if the applications filed by the assessee for availing the benefit under Vivad-se-Vishwas scheme are rejected by the Revenue subsequently.

4. Having regard to the facts and circumstances of the cases, we are inclined to dismiss the appeals of the Revenue since the assessee has preferred to avail the Vivad-se-Vishwas Scheme for the A.Y. 2005-06 and 2008-09 by filing Form No.1 & 2 and has also received Form No.3

from the Revenue. However, we also make it clear that, if the assessee's case/s are not accepted in the Vivad-se-Vishwas Scheme by the Revenue for whatsoever may be reason on a subsequent date, then as requested by the Ld. DR the Revenue shall be at liberty to file Miscellaneous Petition/s before the Tribunal within the time limit prescribed under the Act to reinstate its appeal/s. It is ordered accordingly.

5. With regard to the assessee's Cross Objections, since We have dismissed the Revenue's appeals considering the assessee's request to avail Vivad-se-Vishwas Scheme, both the Cross Objections filed by the assessee do not survive.

6. In the result, both the appeals of the Revenue as well as both the Cross Objections of the assessee are dismissed.

Pronounced in the open Court on the 31st March, 2021.

Sd/-
(P.P. BHATT)
PRESIDENT

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated: 31st March, 2021.

OKK

Copy to:-

- 1) (i) M/s. Suresh Productions Private Limited, Ramanaidu Studios, Filmnagar, Jubilee Hills, Hyderabad-33.
(ii) Suresh Productions, D.No. 8-2-293/82/J/111/6, Ramanaidu Studios, Jubilee Hills, Hyderabad – 500 033.
- 2) Asst. Commissioner of Income Tax, Circle-14(1), IT Towers, 6th Floor, C-Block, AC Guards, Hyderabad-500 004.
- 3) The CIT (A)-8, Hyderabad.
- 4) The Pr. CIT-6, Hyderabad.
- 5) The DR, ITAT, Hyderabad
- 6) Guard File