

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "A": HYDERABAD
(THROUGH VIRTUAL CONFERENCE)**

**BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER
and
LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

ITA No. 958/H/2016 Assessment Year: 2010-11		
Rajender Kumar Agarwal, Secunderabad. PAN - ABGPA 4131R	Vs.	Dy. Commissioner of Income-tax, Central Circle - 4, Hyderabad.
(Appellant)		(Respondent)
Assessee by:		Smt. S. Sandhya
Revenue by:		Shri Sunil Kumar Pandey
Date of hearing:		26/03/2021
Date of pronouncement:		05/04/2021

ORDER

PER L.P. SAHU, A.M.:

This appeal filed by the assessee for AY 2010-11 is directed against CIT(A) - 12, Hyderabad's order dated 16/03/2016 involving proceedings u/s 143(3) rws 153A of the Income Tax Act, 1961 ; in short "the Act".

2. At the outset, the ld. counsel for the assessee submitted that that the assessee has opted to avail the benefit under the 'Direct Tax Vivad Se Viswas Scheme-2020' in prescribed Form No.1 & 2 and received Form(s)-3 in

tune thereto, which is placed on record and therefore, requested the Bench to permit to withdraw this appeal of the assessee.

3. Having regard to the facts and circumstances of the case, we are inclined to dismiss the appeal of the assessee as withdrawn since the assessee has preferred to avail the Vivad-se-Vishwas Scheme by filing Form No.1 & 2 and received Form(s)-3 in tune thereto, with a rider that it shall be very much open for the assessee to file for revival of this case, if the settlement benefit under the scheme is denied to him for technical reasons.

4. In the result, assessee's appeal is dismissed in above terms.

Pronounced in the open court on 5th April, 2021.

**Sd/-
(P. MADHAVI DEVI)
JUDICIAL MEMBER**

**Sd/-
(L.P. SAHU)
ACCOUNTANT MEMBER**

Hyderabad, Dated: 6th April, 2021.

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copy to :

1	<i>Rajender Kumar Agarwal, C/o Sri S. Rama Rao, Advocate, Flat No. 102, Shriya's Elegance, 3-6-643, Street No. 9, Himayatnagar, Hyderabad - 500 029.</i>
2	<i>DCIT, Central Circle - 4(Presently Central Circle 2(2), Tilak Road, Hyderabad.</i>
3	<i>CIT(A) - 12, Hyderabad</i>
4	<i>Pr. CIT (Central), Hyderabad.</i>
5	<i>ITAT, DR, Hyderabad</i>
6	<i>Guard File.</i>