

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

BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER
AND
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER

ITA NO.1694/Hyd/2016		
A.Y. 2005-06		
Conexant Systems Private Limited, Hyderabad. PAN: AAACF 2723 N	VS.	DCIT, Circle-1(2), Hyderabad.
(Appellant)		(Respondent)
Assessee by:	Shri Karan Mehta	
Revenue by:	Shri Sunil Kumar Pandey, DR	
Date of hearing:	15/04/2021	
Date of pronouncement:	19/04/2021	

ORDER

PER A. MOHAN ALANKAMONY, A.M:

This appeal is filed by the assessee against the order of the Ld. CIT(A)-1, Hyderabad in appeal No. 0666/CIT(a)-1/Hyd/2014-15/2016-17, dated 26/08/2016 passed U/s.143(3) r.w.s 250(6) of the Act for the A.Y. 2005-06.

2. At the outset, Ld. AR submitted before us that the assessee desires to avail 'Vivad Se Viswas' scheme. He further submitted that the

assessee could not file Form No.1 & 2 due to paucity of time, however he assured the Bench that the Form No.1&2 shall be filed shortly.

3. The Ld. DR submitted that if the assessee desires to avail the Vivad se Vishwas scheme the Revenue has no objection.

4. Having heard both the parties through video conference, We are inclined to treat the instant appeal of the assessee as withdrawn relying on the decision of the Hon'ble High Court of Madras in the case of DCIT vs. M/s. Keyaram Hotels P. Ltd in T.C.A. No. 694 of 2019, dated 13/10/2020 wherein it was held as under:-

“3. The Learned Counsel for the respondent / assessee, on instructions, submitted that the respondent / assessee intends to avail the benefit of Vivad se Vishwas scheme (VVS Scheme for brevity) and in this regard, the assessee is taking steps to file the application / declaration in form No.1.

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7. As observed, the assessee is given liberty to restore this appeal in the event the ultimate decision to be taken on the declaration to be filed by the assessee under Section 4 of the said Act is not in favour of the assessee. If such a prayer is made, the Registry shall entertain the prayer without insisting upon any application to be filed for condonation of delay in restoration of the appeal and on such request made by the assessee by filing a Miscellaneous Petition for Restoration, the Registry shall place such petition before the Division Bench for orders.

8. In the light of the above, we direct the respondent / assessee to file Form No.1 on or before 09/11/2020 and the competent authority [http://www.judis.nic.in/5/6 T.C.A.No.694](http://www.judis.nic.in/5/6/T.C.A.No.694) of 2019.”

Accordingly, We hereby dismiss the instant appeal of the assessee for the A.Y. 2005-06 as withdrawn. However, We also make it clear that, if the assessee's case is not accepted in the Vivad-se-Vishwas Scheme by the Revenue for whatsoever may be reason on a subsequent date, then the assessee shall be at liberty to file Miscellaneous Petition before the Tribunal within the time limit prescribed under the Act to reinstate its appeal. It is ordered accordingly.

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

Pronounced in the open Court on 19th April, 2021.

Sd/-
(P. MADHAVI DEVI)
JUDICIAL MEMBER

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated: 19th April, 2021.

OKK

Copy to:-

- 1) Conexant Systems Private Limited, 6-3-249/3/1, SSK Building, 2nd Floor, Ranga Raju Lane, Naveen Nagar, Road No.1, Banjara Hills, Hyderabad.
- 2) Deputy Commissioner of Income Tax, Circle-1(2), Hyderabad.
- 3) The CIT(A)-1, Hyderabad.
- 4) The Pr. CIT-1, Hyderabad.
- 5) The DR, ITAT, Hyderabad
- 6) Guard File