

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "H" MUMBAI**

**BEFORE SHRI RAJESH KUMAR (ACCOUNTANT MEMBER) AND  
SHRI RAVISH SOOD (JUDICIAL MEMBER)**

**ITA No. 3461/MUM/2019  
(Assessment Year: 2015-16)**

Kusum Jagdish Gupta  
16A, Andheri Industrial Estate,  
Veera Desai Road, Andheri (W)  
Mumbai – 400053

Dy. CIT, C.C. -5(1)  
Vs. Room No. 1928,  
Air India Building, Nariman Point,  
Mumbai - 400021

**PAN No. AAEPG9952H**

**(Assessee)**

**(Revenue)**

Assessee by : Withdrawal letter dated 24.04.2021  
Revenue by : Shri Gurbinder Singh, D.R

Date of Hearing : 08/06/2021  
Date of pronouncement : 08/06/2021

**ORDER**

**PER RAVISH SOOD, J.M:**

The present appeal filed by the assessee is directed against the order passed by the CIT(A)-53, Mumbai, which in turn arises from the assessment order passed by the A.O under Sec. 143(3) r.w.s 153A of the Income-tax Act, 1961, dated Nil for assessment year 2015-16.

2. The assessee's counsel has filed a letter, wherein it is stated that she had filed an application under the Direct Tax Vivad se Vishwas Act, 2020 in order to settle the aforesaid matter pending before the Tribunal. It is stated by the assessee that she had received "Form 3" from the designated authority on 07.12.2020 (copy enclosed). It is further stated by her that the balance outstanding amount of Rs.27,49,688/- had been deposited by her vide challan no. 0001, dated 31.03.2021 (copy enclosed). It is stated by the assessee that in the backdrop of the aforesaid facts the captioned appeal may be allowed to be withdrawn.

3. The Id. D.R did not controvert the aforesaid factual position as was canvassed before us.

4. In view of the above, we dismiss the appeal as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme the assessee shall have liberty to approach the Tribunal for restoration of her appeal.

5. Resultantly, the appeal is dismissed as withdrawn subject to the observation recorded hereinabove.

Order pronounced in the open court on 08/06/2021.

Sd/-  
(Rajesh Kumar)  
ACCOUNTANT MEMBER

Sd/-  
(Ravish Sood)  
JUDICIAL MEMBER

Mumbai;

Dated: 08.06.2021

PS: Rohit

**Copy of the Order forwarded to :**

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

BY ORDER,  
//True Copy//  
(Sr. Private Secretary)  
**ITAT, Mumbai**