

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

**BEFORE SHRI PRAMOD KUMAR (VICE PRESIDENT) AND
SHRI RAVISH SOOD (JUDICIAL MEMBER)**

**ITA No. 1943/MUM/2019
(Assessment Year: 2010-11)**

M/s Rakesh Udyog
Pawar Compound,
Siddheshwar Talao,
Opp Cadbury Company,
Easter Express Highway, Thane
Maharashtra - 400601

Income Tax Officer-19(3)(1)
Vs. Room No. 202,
Matru Mandir, Tardeo,
Mumbai - 400007

PAN No. AACFR 7531D

(Assessee)

(Revenue)

Assessee by : Shri Anki Bubna, A.R
Revenue by : Shri Bharat Andhale, D.R

Date of Hearing : 29/04/2021
Date of pronouncement : 03/06/2021

ORDER

PER RAVISH SOOD, J.M:

The present appeal filed by the assessee is directed against the order passed by the CIT(Appeals)-3, Mumbai, dated 03.12.2018, which in turn arises from the assessment order passed by the A.O under Sec.143(3) r.w.s. 147 of the Act, dated 17.02.2016 for assessment year 2010-11.

2. The assessee's counsel had stated that the assessee firm had filed an application under the Direct Tax Vivad se Vishwas Act, 2020 in order to settle the aforesaid matter pending before the Tribunal and has been issued Form 4 by the designated authority.

3. The Id. D.R did not controvert the aforesaid factual position as was stated 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 In view of the above, we dismiss the appeal as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme the assessee shall have liberty to approach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 its appeal.

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 Resultantly, the appeal is dismissed as withdrawn subject to the observation recorded hereinabove.

Order pronounced in the open court on 03/06/2021.

Sd/-
(Pramod Kumar)
VICE PRESIDENT

Sd/-
(Ravish Sood)
JUDICIAL MEMBER

Mumbai;

Dated: 03.06.2021

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