

**IN THE INCOME TAX APPELLATE TRIBUNAL, JABALPUR BENCH,
JABALPUR (SMC)**
(through Video Conferencing)

BEFORE SH. SANJAY ARORA, HON'BLE ACCOUNTANT MEMBER

ITA Nos. 241 & 242/JAB/2018
Assessment Years: 2012-13 & 2013-14

Malviya Jewellers, Itarsi (M.P.) [PAN: AATFM 8883G]	vs.	Income Tax Officer -1, Itarsi (M.P.)
(Appellant)		(Respondent)

Appellant by	Ms. Apoorva Agrawal, Adv. (for Sh. Sapan Usrethe, Adv.)
Respondent by	Ms. Swati Agarwal, Sr. DR
Date of hearing	25/06/2021
Date of pronouncement	25/06/2021

ORDER

Per Sanjay Arora, AM

This is a set of two Appeals by the Assessee for two consecutive years, i.e., assessment years 2012-13 & 2013-14, directed against the combined Order dated 12/9/2018 by the Commissioner of Income Tax (Appeals)-1, Bhopal ('CIT(A)' for short), confirming the levy of penalty under section 271(1)(c) of the Income Tax Act, 1961 ('the Act' hereinafter) by the Assessing Officer vide his separate orders of even date, i.e., 28/9/2015.

2. Adverting to the assessee's withdrawal applications dated 23/6/2021 on record, it was, at the very outset, submitted by Ms. Agrawal, the Id. counsel representing the assessee, that the assessee has opted for 'Vivad Se Viswas Scheme, 2019', depositing the requisite sums (penalty) thereunder with the Central Government in terms of the Certificate under The Direct Tax Vivad Se

Viswas Act, 2020 ('DTVsV Act') read with the relevant Rule, i.e., Form 3, also enclosed along with. The assessee's appeals be therefore permitted to be withdrawn. The Id. Sr. DR, Ms. Agarwal, conveyed her no objection to the assessee withdrawing its' appeals under the circumstances.

3. I have heard the parties. The assessee having opted for availing the benefits under the DTVsV Act, it does not intend to prosecute its' captioned appeals, but to settle its dispute with the Department. Rather, in terms of the said Act, it has, in principle, relinquished its' rights under the appeal/s, which becomes unmaintainable under the said Act. I, accordingly, have no hesitation in permitting the withdrawal of its' captioned appeals by the assessee.

4. The assessee's appeals are allowed to be withdrawn. I decide accordingly.

5. In the result, the assessee's appeals are dismissed as withdrawn/not maintainable.

Order pronounced in the Open Court on June 25, 2021

Sd/-
(Sanjay Arora)
Accountant Member

Dated: 25/06/2021

Copy of the Order forwarded to:

1. The Appellant: M/s. Malviya Jewellers, Chhota Sarafa, Itarsi - 461 111, Hoshangabad (M.P.)
2. The Respondent: Income Tax Officer -1, Itarsi (M.P.)
3. The Pr. CIT-1, Bhopal
4. The CIT(A)-1, Bhopal
5. The Sr. DR, ITAT, Jabalpur
6. Guard File

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