

**IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH: BANGALORE**

**BEFORE SHRI N.V. VASUDEVAN, VICE PRESIDENT
AND
SHRI B.R. BASKARAN, ACCOUNTANT MEMBER**

ITA No.2291/Bang/2019
Assessment Year : 2010-11

ACIT (TDS) Circle-1(1) Bengaluru	Vs.	M/s. Goldman Sachs Services Pvt. Ltd. 4 th Floor, HMT Bhavan, Bellary Road Ganganagar Bengaluru PAN NO : BLRGO3407F
APPELLANT		RESPONDENT

Appellant by	:	Shri Dhiraj R., A.R.
Respondent by	:	Smt. R. Premi, D.R.

Date of Hearing	:	24.06.2021
Date of Pronouncement	:	25.06.2021

ORDER

PER B.R. BASKARAN, ACCOUNTANT MEMBER:

The revenue has filed this appeal challenging the order dated 09-07-2019 passed by Ld CIT(A)-13, Bengaluru and it relates to the assessment years 2010-11.

2. The assessee has filed a letter stating that it is opting to settle the issues contested in this appeal under Direct Taxes Vivad Se Vishwas Act, 2020 and has filed Form 1 and 2. It is further stated that the assessee has also received Form no.3. Accordingly the assessee has prayed that the appeal of the revenue may be dismissed.

Page 2 of 3

3. The Ld D.R, submitted that the appeal has been filed by the revenue and hence, if the appeal is dismissed and if something goes wrong with the application filed by the assessee for settlement of disputes, then the revenue should be given liberty to file application seeking recall of the order. The Ld D.R further submitted that the assessee should be directed to intimate the AO about the results of the application filed by it and if they do not go through as desired by the assessee, then the assessee should persuade the AO to file necessary application for recall of this order within the statutory time limit prescribed under the Act.

4. We heard the parties and perused the record. Since the assessee has already filed application under VSVS Act for the year under consideration, we are of the view that no purpose would be served in keeping this appeal pending, since the present appeal has to be withdrawn by the revenue once the dispute is settled under the above said Act. Accordingly, we dismiss the appeal of the revenue.

5. However, we find merit in the submissions made by Ld D.R. Since the appeal filed by the revenue is dismissed by us at the instance of the assessee, we direct the assessee to persuade the AO to file necessary application for recall of this order in accordance with law within the statutory time period, if something goes wrong in respect of applications filed by the assessee under VSVS Act.

6. In the result, the appeal of the revenue is dismissed.

Order pronounced in the open court on 25th June, 2021.

Sd/-
(N.V. Vasudevan)
Vice President

Sd/-
(B.R. Baskaran)
Accountant Member

Bangalore,
Dated 25th June, 2021.
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore.