

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“SMC-I” BENCH, MUMBAI**

**BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER &  
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

**ITA Nos. 660/Mum/2019**

**(A.Y: 2010-11)**

|  |                      |   |
|--|----------------------|---|
| Sheth Mercantile Corp,<br>11/15, Essaji Street, GR<br>Floor, Mandvi, Masjid (W)<br>Mumbai – 400063 | <b>बनाम/<br/>Vs.</b> | ACIT 17 (2)<br>Aayakar Bhavan,<br>Churchgate, Mumbai. |
| स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AACFS5130P  |                      |   |
| (अपीलार्थी /Appellant)   | ..                   | (प्रत्यर्थी / Respondent)                             |

|                                     |                      |
|-------------------------------------|----------------------|
| अपीलार्थी ओर से/ Appellant by :     | None                 |
| प्रत्यर्थी की ओर से/Respondent by : | Shri Smita Verma, DR |

|                                      |            |
|--------------------------------------|------------|
| सुनवाई की तारीख / Date of Hearing    | 28/01/2021 |
| घोषणा की तारीख/Date of Pronouncement | 29/01/2021 |

**आदेश / ORDER**

**PER RAJESH KUMAR-AM:**

The assessee has filed the appeal against the order of the Commissioner of Income Tax (Appeals) - 28, Mumbai, passed u/s. 143(3) r.w.s 147 and 250 of the Income Tax Act, 1961.

2. At the time hearing, the assessee filed letter dated 27-01-2021 mentioning that the assessee is intending to settle the tax litigation by opting for

‘Vivad se Vishwas Scheme 2020’(VSVS2020) and filed an application in Form No. 1 & 2 under VSVS Rules 2020. Contra, the Ld. DR has no objections.

3. We heard the rival contentions and perused the material on record. Since the assessee has opted for ‘Vivaad se Vishwas Scheme 2020’ and Form-3 is received from the Income Tax Department. We are of the view that, no purpose will be served in keeping the appeal pending. Accordingly, we dismiss the appeal of the assessee as withdrawn and the assessee is given liberty to move an application u/s 254(2) of the Act to recall the present order in accordance with the provisions of law.

4. In the result, the appeal filed by the assessee is dismissed.

Order pronounced in the open court on 29-01-2021

Sd/-

(PAVAN KUMAR GADALE)  
**JUDICIAL MEMBER**

Mumbai, Dated 29/01/2021

Sd/-

(RAJESH KUMAR)  
**ACCOUNTANT MEMBER**