

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'C' BENCH
MUMBAI**

**BEFORE: SHRI VIKAS AWASTHY, JUDICIAL MEMBER
&
SHRI M.BALAGANESH, ACCOUNTANT MEMBER,**

**ITA No.5552/Mum/2018
(Assessment Year :2015-16)**

M/s. Penvelkar Classic Investment First Floor, Nandi Commercial Complex, Near DNS Bank, Opp. Dombivali Nagari Sahakari Bank, Shiv Dham, Ambarnath- 421 501	Vs.	DCIT Circle- 2 Kalyan
PAN/GIR No.AABAP6178J		
(Appellant)	..	(Respondent)

Assessee by	None
Revenue by	Shri R.K. Sahu, CIT DR
Date of Hearing	05/08/2021
Date of Pronouncement	05/08/2021

आदेश / ORDER

PER M. BALAGANESH (A.M):

This appeal in ITA No.5552/Mum/2018 for A.Y.2015-16 arises out of the order by the Id. Commissioner of Income Tax (Appeals)-3, Mumbai in appeal No.10217-THN/2017-18 dated 12/07/2018 (Id. CIT(A) in short) against the order of assessment passed u/s.143(3) of the Income Tax Act, 1961 (hereinafter referred to as Act) dated 28/12/2017 by the Id. Dy. Commissioner of Income Tax, Circle-2, Kalyan (hereinafter referred to as Id. AO).

2. We find that the assessee filed a letter mentioning that an application had been preferred under direct tax "Vivad Se Viswas Scheme 2020" to settle this tax dispute for the year under consideration and had obtained Form-3 from the designated authority thereon, copy of which was enclosed alongwith this letter.

3. In view of this, we hereby treat the appeal pending before us as dismissed and withdrawn with a liberty given to the assessee to get the appeal restored in the event that assessee's declaration made under "Vivad Se Viswas Scheme 2020" is declared bad in law in future for any reason whatsoever.

4. In the result, appeal of the assessee is dismissed.

Order pronounced in open Court on 05/08/2021.

Sd/-
(VIKAS AWASTHY)
JUDICIAL MEMBER

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 05/08/2021
KARUNA, *sr.ps*

Copy of the Order forwarded to :

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

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai