

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'B': NEW DELHI)
(THROUGH VIDEO CONFERENCING)**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 3224/Del/2018
(Assessment Year: 2015-16)**

DCIT, Circle-2, Meerut.	Vs.	Sarva UP Gramin Bank, C-39/5, Jagriti Vihar, Meerut.
APPELLANT		RESPONDENT
PAN No: AACAS9891G		

Assessee By : Shri Vivek Gupta, CA
Revenue By : Ms. Nidhi Srivastava, CIT(DR)

Per Anadee Nath Misshra, AM

(A) This appeal by Revenue is filed against the order of Learned Commissioner of Income Tax (Appeals), Meerut, ["Ld. CIT(A)", for short], dated 20.02.2018 for Assessment Year 2015-16. Grounds taken in this appeal of Revenue are as under:

"1. Whether in the facts and circumstances of the case, the Ld. Commissioner of Income Tax (Appeals) has erred in law and fact in deleting the addition of Rs. 192,98,55,860/- made by the A.O. on account of disallowance of Provision for Bad & Doubtful Debts claimed by the assessee u/s 36(1) (vii) of the Income Tax Act, 1961, without recording his findings and by ignoring the observations of the A.O. that the deduction has been claimed as standard deduction and that in view of the facts there was no

need to create the said provision during the year?

2. Whether in the facts and circumstances of the case, the Id. Commissioner of Income Tax (Appeals) has erred in law and fact, by ignoring the findings of the AO that the accumulation of Provision for Bad & Doubtful Debts by the assessee every year, without actual requirement and without considering the opening balance for Bad & Doubtful Debts will go higher than the outstanding balance of loans.

3. That in the facts and circumstances of the case, the order of the Id. Commissioner of Income Tax (A), Meerut may be set aside and that of the AO be restored.

4. That the appellant craves leave to add, modify and / or delete any ground(s) of appeal."

(B) At the time of hearing, at the outset, the Ld. Authorized Representative ("Ld. AR", for short) for the Assessee informed us that the assessee has availed of Vivad Se Vishwas Scheme, 2020 ("VSVS", for short). The Ld. AR for assessee also drew our attention to Form 5 dated 25/05/2021 issued by Designated Authority under the Direct Tax Vivad Se Vishwas Act, 2020 read with the Direct Tax Vivad Se Vishwas Rules, 2020 (Copy whereof was filed from assessee's side in the course of appellate proceedings in Income Tax Appellate Tribunal.) giving intimation for the same. At the time of hearing before us, the Ld. AR for assessee as well as the learned Commissioner of Income Tax (Departmental Representative) ["Ld. CIT(DR)", for short] submitted before us that this appeal may be treated as withdrawn and may be dismissed on account of the aforesaid VSVS. After due consideration, and in view of the foregoing; and as both sides have agreed to this; we treat this appeal as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal is dismissed, subject to settlement of the disputes in the appeal, under the aforesaid VSVS.

(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason it is found by Revenue that the disputes under this appeal before us are not fully settled under the aforesaid VSVS, then Revenue will be at liberty to approach ITAT for restoration of this appeal, in accordance with law.

(C) In the result, this appeal is dismissed.

This order has been already pronounced on 12th August, 2021 in Open Court, in the presence of Representatives of both sides; after conclusion of the hearing. Now, this written order is signed today on 12/08/2021.

Sd/-
(KUL BHARAT)
JUDICIAL MEMBER

Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

Dated: 12/08/2021
(Pooja)

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	