

आयकर अपीलीय अधिकरण, 'डी' न्याय पीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL, 'D' BENCH, CHENNAI
श्री धुव्वुरु आर.एल रेड्डी, न्यायिक सदस्य एवं श्री जी.मंजुनाथ, लेखा सदस्य के समक्ष
BEFORE SHRI DUVVURU RL REDDY, JUDICIAL MEMBER
AND SHRI G. MANJUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./I.T.A.No.2537/Chny/2019

(निर्धारणवर्ष / Assessment Year: 2010-11)

R.Palanisamy (HUF) 202/1, Pachakattuvalavu Chamrajpet, Mecheri-636 451. Salem District.	Vs	The Income Tax Officer, Ward-2(4) Salem.
PAN: AACHR 0740Q		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	None
प्रत्यर्थी की ओरसे/Respondent by	:	Ms. R.Anita, JCIT

सुनवाई की तारीख/Date of hearing	:	11.08.2021
घोषणा की तारीख/Date of Pronouncement	:	11.08.2021

आदेश / ORDER

PER G.MANJUNATHA, AM:

This appeal filed by the assessee is directed against the order passed by the learned CIT(A), Salem dated 31.05.2019 and pertains to assessment year 2010-11.

2. At the outset, we find that there is a delay in filing the appeal by the assessee for 11 days for which necessary petition for condonation of delay explaining the reasons for the delay has been filed. The assessee submitted that assessee could not file appeal within the time allowed under the Act, therefore delay may be condoned. Having heard learned DR and considered the petition filed by the assessee for condonation of delay, we are of the considered view that

reasons given by assessee for not filing the appeal within the time allowed under the Act comes under reasonable cause as provided under the Act for condonation of delay and hence, delay in filing of above appeal is condoned and appeal filed by the assessee is admitted for adjudication.

2. At the time of hearing, none appeared on behalf of the assessee. We have heard learned DR and also perused the materials available on record. The learned counsel for the assessee has filed a letter along with Form No.3 issued by the Department under 'Vivad se Vishwas Scheme, 2020' and submitted that the assessee has availed the VSVS scheme to settle its pending disputes. The Id.counsel for the assessee further submitted that the Department has accepted application filed by the assessee and issued Form 3 quantifying amount of taxes payable under VSVS scheme. Therefore, the Id. counsel for the assessee submitted that the appeal filed by the assessee may be dismissed as withdrawn. The Id. DR, on the other hand, has no objection for dismissing the appeal as the Designated Authority has issued Form 3. Therefore, considering the fact that the assessee has filed application for withdrawal of appeal and has also filed Form 3 issued by the

Department, we dismiss the appeal filed by the assessee as withdrawn. However, a liberty is given to the assessee to restore the appeal, in case the application filed by the assessee before the Designated Authority, is rejected for any reason.

3. In the result, appeal filed by the assessee is dismissed as withdrawn.

Order pronounced in the open court on 11th August, 2021

Sd/-
(धुव्वुरु आर.एल रेड्डी)
(Duvvuru RL Reddy)
न्यायिक सदस्य /Judicial Member

Sd/-
(जी.मंजुनाथ)
(G.Manjunatha)
लेखा सदस्य / Accountant Member

चेन्नई/Chennai,

दिनांक/Dated 11th August, 2021

DS

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. Appellant
2. Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. आयकर आयुक्त/CIT
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.