

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "E", MUMBAI**

**BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER AND
SHRI RAVISH SOOD, JUDICIAL MEMBER**

**ITA No.4866/M/2017
Assessment Year: 2008-09**

| | | |
|---|-----|---|
| Income Tax Officer- 1(3)(3), Room No.528, 5 th Floor, Aayakar Bhavan, Mumbai - 400020 | Vs. | M/s. Terrain Properties Pvt. Ltd., 1B, 1 st Floor, Court Chambers, 35, Sir Vithaldas Thackersey Marg New Marine Lines, Mumbai - 400 020 PAN: AACCT7421P |
| (Appellant) | | (Respondent) |

**ITA No.4535/M/2017
Assessment Year: 2008-09**

| | | |
|---|-----|---|
| M/s. Terrain Properties Pvt. Ltd., 1B, 1 st Floor, Court Chambers, 35, Sir Vithaldas Thackersey Marg New Marine Lines, Mumbai - 400 020 PAN: AACCT7421P | Vs. | Income Tax Officer- 1(3)(3), Room No.528, 5 th Floor, Aayakar Bhavan, Mumbai - 400020 |
| (Appellant) | | (Respondent) |

Present for:

Assessee by : None (letter dt.03.02.21)
Revenue by : Shri Vijay Kumar Menon, Sr. D.R.

Date of Hearing : 11.06.2021
Date of Pronouncement : 11.06.2021

ORDER

Per Rajesh Kumar, Accountant Member:

The above cross appeals have been preferred by assessee and Revenue against the order dated 28.04.2017 of the

Commissioner of Income Tax (Appeals) [hereinafter referred to as the CIT(A)] relevant to assessment year 2008-09.

ITA No.4535/M/2017 (Assessee's appeal)

2. None has appeared on behalf of the assessee. However, the assessee filed a letter dated 03.02.2021 requesting the Bench to allow the assessee to voluntarily withdraw the appeal as the assessee has gone into Vivad Se Vishwas Scheme and form No.3 has already been issued.

3. The Ld. D.R. fairly conceded to the fact that form 3 has been issued to the assessee and it may be decided accordingly.

4. Considering the above facts, we are inclined to dismiss the appeal of the assessee.

ITA No.4866/M/2017 (Revenue's appeal)

5. Since the assessee's appeal has been dismissed as withdrawn the Revenue's appeal has become infructuous.

6. In the result, the appeals of the assessee as well as of the Revenue are dismissed.

Order pronounced in the open court on 11.06.2021.

**Sd/-
(Ravish Sood)
JUDICIAL MEMBER**

**Sd/-
(Rajesh Kumar)
ACCOUNTANT MEMBER**

Mumbai, Dated: 11.06.2021.

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent having
The CIT, Concerned, Mumbai
The CIT (A) Concerned, Mumbai

The DR Concerned Bench
//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.