

**IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCHES "A": HYDERABAD**

**(THROUGH VIRTUAL CONFERENCE)**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER  
and  
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

ITA No. 1067/H/2019 Assessment Year: 2015-16		
Sri Murali Narayan Rathi Hyderabad  PAN - ABGPR8665K  (Appellant)	Vs.	ITO, Ward 5(1)Hyderabad  (Respondent)
Assessee by:		Shri K.C. Dev Das
Revenue by		Shri A. Venkata Rao
Date of hearing:		18/08/2021
Date of pronouncement:		24/08/2021

**ORDER**

**PER LAXMI PRASAD SAHU, A.M.:**

This appeal filed by the assessee for AY 2015-16 is directed against CIT(A)-4, Hyderabad's order dated 23/04/2019 involving proceedings u/s 143(3) of the Income Tax Act, 1961 ;[ in short "the Act"].

2. At the outset, the Id. AR submitted that the assessee has opted to avail the benefit under the 'Direct Tax Vivad Se Viswas Scheme-2020' in prescribed Forms 1 and 2, and Form 3 also was issued by the Pr.CIT-4, copy of which is placed on

record, and requested the Bench to permit the assessee to withdraw the appeal.

3. Having regard to the facts and circumstances of the case, we are inclined to dismiss the appeal of the assessee as withdrawn, since the assessee has preferred to avail the Vivad-se-Vishwas Scheme and also received Form-3 in tune thereto, with a rider that it shall be very much open for the assessee to file for revival of this case, if the settlement benefit under the scheme is denied to the assessee for technical reasons.

4. In the result, assessee's appeal is dismissed in above terms.

Pronounced in the open court on 24<sup>th</sup> August, 2021.

**Sd/-**  
**(S. S. GODARA)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(L.P. SAHU)**  
**ACCOUNTANT MEMBER**

Hyderabad, Dated: 24<sup>th</sup> August, 2021.

*\*gmv*

*copy to :*

1	<i>Sri Murali Narayan Rathi, D.No 4-7-746, Esamia bazar, Hyderabad 500 027</i>
2	<i>ITO, Ward 5(1), Hyderabad</i>
3	<i>ACIT, Range 5, Hyderabad</i>
4	<i>CIT(A)-4, Hyderabad</i>
5	<i>Pr.CIT-4, Hyderabad</i>
6	<i>ITAT, DR, Hyderabad</i>
7	<i>Guard File.</i>

S.No.	Details	Date
1	Draft dictated on	
2	Draft placed before author	
3	Draft proposed & placed before the Second Member	
4	Draft discussed/approved by Second Member	
5	Approved Draft comes to the Sr. PS/PS	
6	Kept for pronouncement	
7	File sent to Bench Clerk	
8	Date on which the file goes to Head Clerk	
9	Date on which file goes to A.R.	
10	Date of Dispatch of order	