

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

**[Coram: Pramod Kumar (Vice President)
And Pavan Kumar Gadale (Judicial Member)]**

ITA No. 2030/Mum/2011
Assessment Year: 2001-02

Cia De Navegacao Norsul BrazilAppellant
*C/o Wilhelmsen Maritime Service Pvt. Ltd.,
7th Floor, Merchant Chambers,
41, Sir V. Thackersey Marg, Churchgate,
Mumbai 400038.
[PAN:AABCC9156D]*

Vs

Assistant Director of Income Tax (IT)-1(2)Respondent
Mumbai

Appearances by

Ninad Patade *for the appellant*
Sanjay Singh *for the respondent*

Date of concluding the hearing : December 14th, 2020
Date of pronouncement : December 15th, 2020

ORDER

Per Pramod Kumar, VP:

1. By way of this appeal, the assessee appellant has called into question correctness of the order dated 31.12.2010 passed by the learned CIT(A)-10, Mumbai in the matter of assessment u/s.143(3) of the Income Tax Act, 1961, for the assessment year 2001-02.
2. When this appeal was called out for hearing, the Id. Counsel of the assessee submitted that he has filed the necessary declaration under Direct Tax Vivad se Vishwas Act, 2020 (Act 3 of 2020) and is awaiting for final resolution of the matter under the said scheme. He

submitted that upon completion of the necessary formalities, he will withdraw the appeal. In response to the suggestion from the Bench, he fairly accepted that he has no objection to the appeal being dismissed as withdrawn as long as his right for revival of the appeal are protected, in the event of, for some unforeseen reason, the matter being not settled under the Vivad se Vishwas scheme.

3. The Id. DR also did not object to course so suggested.

4. In view of the above, we dismiss the appeal as withdrawn, subject to be rider that in the unlikely event of matter not being resolved under the Vivad se Vishwas scheme, the assessee shall have liberty to approach the Tribunal for restoration of his appeal.

5. In the result, the appeal is dismissed as withdrawn – subject to the observation above. Pronounced in the open court today on the 15th December, 2020.

Sd/-
Pavan Kumar Gadale
(Judicial Member)

Sd/-
Pramod Kumar
(Vice President)

Mumbai, dated the 15th day of December 2020

Nishant Verma, Sr. PS

Copies to:

| | | | |
|-----|----------------------|-----|-----------------------|
| (1) | <i>The Applicant</i> | (2) | <i>The respondent</i> |
| (3) | <i>CIT</i> | (4) | <i>CIT(A)</i> |
| (5) | <i>DR</i> | (6) | <i>Guard File</i> |

By order

*Assistant Registrar
Income Tax Appellate Tribunal
Mumbai benches, Mumbai*

