

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "SMC" MUMBAI**

**BEFORE SHRI SAKTIJIT DEY (JUDICIAL MEMBER) AND
SHRI MANISH BORAD (ACCOUNTANT MEMBER)**

**ITA No. 2850/MUM/2019
Assessment Year: 2008-09**

M/s Shree Shankar Plastics Ltd.,
11, Orchid Tower Yamuna Nagar,
Lokhandwala Complex, Andheri
(West),
Mumbai-400053.

PAN No. AAFCS 6383 Q

Appellant

ITO-11(2)(2),
Vs. Aayakar Bhavan, M.K. Road,
Mumbai-400020

Respondent

Assessee by : None
Revenue by : Ms. Smita Verma, DR

Date of Hearing : 11/08/2021
Date of pronouncement : 11/08/2021

ORDER

PER MANISH BORAD, A.M.

The present appeal is filed by the assessee against the order of the Commissioner of Income Tax (Appeals)-18, Mumbai [in short 'CIT(A)'] for the assessment year 2008-09 dated 05.03.2019 and arises out of assessment completed u/s 143(3) r.w.s. 147 of the Income Tax Act, 1961 (in short the Act).

2. At the outset, when the appeal was called out for hearing, none has appeared on behalf of the assessee in spite of calls. Vide letter dated 19.04.2021, assessee submitted that it has filed the necessary declaration under Direct Tax

Vivad se Vishwas Act, 2020 (Act 3 of 2020) and confirmed the receipt of Form-3 and prayer to withdraw the appeal.

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

4. We have heard rival contentions and perused records placed before us. In view of the above stated facts, we dismiss these appeals filed by assessee treating the same as withdrawn/not pressed. However, the assessee is at liberty to file Miscellaneous Application for recalling this order within the stipulated time as prescribed under the law if the assessee's application for availing this scheme could not be accepted by the Revenue for some reason or if the assessee could not fulfill the condition prescribed in the said scheme namely "Vivad Se Vishwas Scheme 2020".

5. In the result, the appeal in ITA No. 2850/Mum/2019 is dismissed as withdrawn.

Order pronounced in the open Court on 11/08/2021.

Sd/-
(SAKTIJIT DEY)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

Mumbai;

Dated: 11/08/2021.

Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Dy./Assistant Registrar)
ITAT, Mumbai