

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

**BEFORE SHRI SHAMIM YAHYA (ACCOUNTANT MEMBER) AND  
SHRI RAVISH SOOD (JUDICIAL MEMBER)**

**ITA No.1335/MUM/2020  
(Assessment Year: 2009-10)**

Composite Buildings Technologies Pvt. Ltd., Flat No. 10, Building No. 2, Pushpa Vihar, Colaba Mumbai – 400 005	Vs.	ITO, Ward 3(1)(3), Aayakar Bhawan, M.K. Road, Mumbai – 400 020
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**PAN No. AACCC6787F**

**(Assessee)**

**(Revenue)**

Assessee by	:	Shri Abhishek Jhunjunwala, A.R
Revenue by	:	Ms. Shreekala Pardeshi, D.R

Date of Hearing	:	02/09/2021
Date of pronouncement	:	02/09/2021

**ORDER**

**PER RAVISH SOOD, J.M:**

The present appeal filed by the assessee company is directed against the order passed by the CIT(A)-8, Mumbai, dated 30.01.2020, which in turn arises from the assessment order passed by the A.O under Sec. 144 r.w.s 147 of the Income-tax Act, 1961, dated 26.03.2015 for assessment year 2009-10.

2. The assessee has filed before us a letter dated 31.08.2021, wherein it is inter alia stated that it had filed an application under the Direct Tax Vivad se Vishwas Act, 2020 in Form 1 & 2 in order to settle the aforesaid matter pending before the Tribunal. It is further stated by the assessee that it had received the 'Form No. 3'. In support of his aforesaid claim the assessee had enclosed alongwith his letter copy of the 'Form No. 3' issued by the designated authority. It is submitted by the assessee that in the backdrop of the aforesaid facts the captioned appeal may be allowed to be withdrawn.

3. The Id. D.R did not controvert the aforesaid factual position as was canvassed before us.

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 In view of the above, we dismiss the appeal as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme, then, the assessee shall have liberty to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

5. Resultantly, the appeal is dismissed as withdrawn subject to the observations recorded hereinabove.

Order pronounced in the open court on 02/09/2021

Sd/-  
(Shamim Yahya)  
ACCOUNTANT MEMBER

Sd/-  
(Ravish Sood)  
JUDICIAL MEMBER

Mumbai;

Dated: 02.09.2021

PS: Rohit

**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.

BY ORDER,  
//True Copy//

(Sr. Private Secretary)  
**ITAT, Mumbai**