

आयकर अपीलीय अधिकरण "D" न्यायपीठ मुंबई में

IN THE INCOME TAX APPELLATE TRIBUNAL "D" BENCH, MUMBAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री एस रिफाउर रहमान, लेखा सदस्य के समक्ष
BEFORE SHRI MAHAVIR SINGH, VP AND SHRI S. RIFAUZ RAHMAN, AM

आयकर अपील सं./ ITA No. 6220/Mum/2017

(निर्धारण वर्ष / Assessment Year 2007-08)

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| Metal Tube & Rolling Mills 1 st Floor, MarolMaroshi Road, Marol Village, Andheri East, Mumbai-400 059 | बनाम/ Vs. | Income Tax Officer, Ward 24(2)(5), Piramal Chambers, Lalbaug, Parel, Mumbai-400 012 |
| (अपीलार्थी / Appellant) | | (प्रत्यर्थी/ Respondent) |
| स्थायी लेखा सं./PAN No. AAEFM9353N | | |

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| अपीलार्थी की ओर से/ Appellant by | : | Shri Deepak Tralshwala, AR |
| प्रत्यर्थी की ओर से/ Respondent by | : | Shri Bharat Andhle, DR |

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| सुनवाई की तारीख / Date of hearing: | 14.07.2021 |
| घोषणा की तारीख / Date of pronouncement: | 14.07.2021 |

आदेश / ORDER

महावीर सिंह, उपाध्यक्ष के द्वारा /

PER MAHAVIR SINGH, VP:

This appeal of the assessee is arising out of order of the Commissioner of Income Tax (Appeals)-39, Mumbai [in short CIT(A)], in Appeal No. CIT(A)-39/IT-548/ITO 24(2)(5)/2015-16 vide dated 16.12.2016. The Assessment was framed by the Income Tax Officer, Mumbai (in short ITO/ AO) for the A.Y. 2007-08 vide order dated 23.03.2015 under section 143(3) of the Income-tax Act, 1961 (hereinafter 'the Act').

2. At the outset, the learned Counsel for the assessee Shri Deepak Tralshwala stated that for this year i.e. AY 2007-08 there seems to be confusion regarding filing of appeal. He stated that the first appeal i.e. ITA No. 847/Mum/2007 is also listed for hearing today and simultaneously in ITA No.6220/Mum/2017 is for the same year and may have been filed by the earlier representative of the assessee. When this fact was examined it came to our notice that the assessee has filed revised form No.36 which is again listed as appeal No. 6220/Mum/2017, whereas this revised form pertains to ITA No.845/Mum/2017 and when these facts were confronted, both learned counsel for the assessee as well as learned Sr. DR fairly conceded that only one appeal will survive. On this, the learned Counsel for the assessee Shri Deepak Tralshwala requested for withdrawal of this appeal in ITA No. 6220/Mum/2017. Hence, we dismiss this appeal as withdrawn. This order may kept in the file of ITA No. 847/Mum/2007.

3. In the Result, the appeal of assessee is dismissed as withdrawn.

Order pronounced in the open court on 14.07.2021.

Sd/-

(एस रिफाउर रहमान/ S. RIFAUR RAHMAN)

(लेखा सदस्य / ACCOUNTANT MEMBER)

Sd/-

(महावीर सिंह /MAHAVIR SINGH)

(उपाध्यक्ष / VICE PRESIDENT)

मुंबई, दिनांक/ Mumbai, Dated: 14.07.2021

सुदीप सरकार ,व .निजी सचिव/ *Sudip Sarkar, Sr.PS*



आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त (अपील)/ The CIT(A)
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि आयकर ,अपीलीय अधिकरण मुंबई ,/
DR, ITAT, Mumbai
6. गार्ड फाईल /Guard file.

आदेशानुसार / BY ORDER,

सत्यापित प्रति //True_ व .निजी सचिवyraterceS etavirP .rS /

आयकर अपीलीय अधिकरण ,मुंबई / ITAT, Mumbai