

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

**BEFORE SHRI S. RIFAUR RAHMAN (ACCOUNTANT MEMBER) AND
SHRI RAVISH SOOD (JUDICIAL MEMBER)**

**ITA No. 6904/MUM/2019
Assessment Year: 2012-13**

Asst. Commissioner of Income
Tax-32(1),
Room No. 702, 7th floor, Kautilya
Bhavan, Bandra Kurla Complex,
Bandra (East),
Mumbai-400051.

Vs. M/s Chheda Housing Development
Corporation,
109-111, Goyal Shopping, Centre, S V
Road, Borivali (West),
Mumbai-400092.

Appellant

**PAN No. AAFC 1484 E
Respondent**

Revenue by : Ms. R.K. Sahu, DR
Assessee by : Mr. Nirav Vora, AR

Date of Hearing : 24/08/2021
Date of pronouncement : 24/08/2021

ORDER

PER S. RIFAUR RAHMAN, A.M.

The present appeal filed by the Revenue is against the order of Commissioner of Income Tax (Appeals)-44, Mumbai [in short 'CIT(A)'] for the assessment year 2012-13 dated 13.08.2019 and arises out of penalty levied u/s 271(1)(c) of the Income Tax Act, 1961 (in short the Act).

2. At the outset, the Ld. AR submitted that assessee has preferred to settle the issue under Vivad Se Vishwas Act, 2020 and relevant information is filed *vide* letter dated 02.07.2021 and 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 & Form-5.

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

4. Heard the learned Counsels for both the parties and perused material on record. Considering the fact that the assessee has sought dismissal of the present appeal, as it has applied for settling the dispute under Vivad Se Vishwas Scheme, 2020, and receive the confirmation of Form-3 & Form-5. We noticed that the assessee has submitted the declaration in Form 1, 2 & 3. The same was accepted by the Revenue. The assessee filed Form-5 before us. It shows that the plea of the assessee is accepted by the Revenue. Therefore, we are inclined to dismiss the appeal as per assessee's request. The Ld. DR has no objection to the above said preposition of the assessee. In case for some reason, the Revenue dismiss the plea of the assessee under Vivad Se Vishwas Scheme, 2020, it can apply to restore the matter in due course. With that liberty, we are dismissing the appeal of the Revenue.

5. In the result, the appeal filed by the Revenue is dismissed.

Order pronounced in the open Court on 24/08/2021.

Sd/-
(RAVISH SOOD)
JUDICIAL MEMBER

Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER

Mumbai;
Dated: 24/08/2021
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