

THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "SMC" : DELHI

BEFORE SMT. DIVA SINGH, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER

ITA.No.3867/Del./2019
Assessment Year 2008-09

Arnav Realtech Pvt. Ltd. A-3, FF, Saraswati Vihar, Pitampura, New Delhi. PAN No. AAGCA8109H	vs.	ITO Ward 3(2) New Delhi.
(Appellant)		(Respondent)

For Assessee :	None
For Revenue :	Shri R.K. Gupta, Sr. DR

Date of Hearing :	08.09.2021
Date of Pronouncement :	09.09.2021

Hearing conducted via Webex

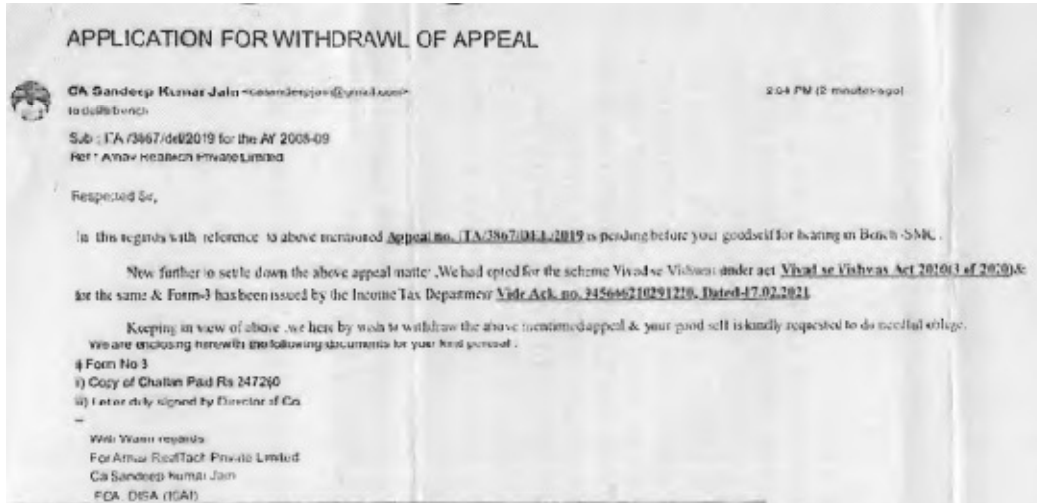
ORDER

PER DIVA SINGH, J.M.

The present appeal has been filed by the assessee challenging the order dated 23.03.2016 of Ld. CIT(Appeals)-32, New Delhi pertaining to 2008-09 assessment year on the following grounds: -

S.No.	Grounds of Appeal	Tax effect relating to each Ground of appeal
1.	On facts and circumstances of the case, the Ld. Commissioner of Income Tax (Appeals) has erred in law in upholding the validity of proceedings u/s 147 read with section 148 of the Act.	
2.	That both the initiation of proceedings and the assessment framed without satisfying the pre-conditions for invoking the provisions of section 148 of the Act is invalid and untenable.	
3.	Without prejudice to the ground 1 & 2 above, on facts and circumstances of the case, the Ld. CIT(Appeals) has erred in law in upholding the addition of Rs. 12.50 lacs made u/s 68 of the Act on account of share application money received.	3,86,250.00
4.	On the facts and circumstances of the case and in law, Ld. CIT(Appeals) has erred in confirming the addition of Rs. 22,500/- on account of payment of undisclosed commission.	6,953.00
5.	That the appellant craves leave to add, alter or delete the above grounds of appeal at the time of hearing.	
	Total Tax Effect	3,93,203.00

2. None appeared on behalf of assessee at the time of virtual hearing. The Registry has received email on behalf of the assessee requesting permission to withdraw the appeal. Same is extracted hereunder: -



3. Ld. Sr. DR Shri R.K. Gupta considering the material available on record submitted that the appeal may be treated as withdrawn.

4. We have heard the Ld. Sr. DR and perused the material available on record. Considering the submissions in the light of the facts on record the appeal of the assessee is treated as withdrawn. Accordingly, the appeal is dismissed as withdrawn.

5. However, before parting by way of abundant caution, we deem it appropriate to observe that in case it is found by the assessee that the dispute under the appeal is not fully settled under the Vivad se Vishwas Scheme then the assessee will be at liberty to approach the ITAT with a prayer for restoration of this appeal in accordance with law.

6. In the result, the appeal is dismissed as withdrawn.

Order pronounced in the open Court on 09.09.2021

Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER
Delhi.

Sd/-
(DIVA SINGH)
JUDICIAL MEMBER

*Kavita Arora, SPS

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT 'SMC-2' Bench, Delhi
6.	Guard File.

// BY Order //

Assistant Registrar, ITAT Delhi Benches :
Delhi.