

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

**BEFORE SHRI PRAMOD KUMAR (VICE PRESIDENT) AND
SHRI RAVISH SOOD (JUDICIAL MEMBER)**

**ITA No.7021/MUM/2019
(Assessment Year: 2011-12)**

ACIT-23(3)
Room No. 104, 1st Floor,
Matru Mandir, Tardeo Road,
Mumbai – 400007

Sumanlata Bansal,
Vs. 101, Naman Centre, G-Block,
BKC, Bandra (E),
Mumbai – 400 051

PAN No. AAHPB0141N

(Revenue)

(Assessee)

Assessee by : None
Revenue by : Shri Narendra Jangpani, D.R

Date of Hearing : 23/09/2021
Date of pronouncement : 29/09/2021

ORDER

PER RAVISH SOOD, J.M:

The present appeal filed by the revenue is directed against the order passed by the CIT(A)-34, Mumbai, dated 20.08.2019, which in turn arises from the order passed by the A.O under Sec. 143(3) r.w.s 147 of the Income-tax Act, 1961 (for short 'Act'), dated 26.12.2018 for assessment year 2011-12.

2. The assessee's counsel has placed on record a letter dated 11.09.2021, therein intimating that the assessee had filed an application under the Direct the Tax Vivad se Vishwas, Act, 2020 in order to settle the aforesaid matter pending before the Tribunal. It is stated by the assessee that it has received 'Form 3', dated 04.02.2021 (copy enclosed) from the designated authority. Also, copy of 'Form 4' intimating the payment made under sub-section (2) of Sec. 5 of the Direct Tax Vivad Vishwas Act, 2020 (3 of 2020) has been enclosed a/w a copy of the challan. It is stated by the assessee that in the backdrop of the aforesaid facts the appeal filed by the revenue having been rendered as infructuous may be directed to be withdrawn.

3. The Id. Departmental Representative (for short 'D.R') did not controvert the aforesaid factual position as was canvassed before us.

4. In view of the above, the appeal filed by the revenue having been rendered as infructuous is dismissed as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme, then, the revenue shall have liberty to approach the Tribunal for restoration of its appeal.

5. Resultantly, the appeal filed by the revenue having been rendered as infructuous is dismissed as withdrawn subject to the observations recorded hereinabove.

Order pronounced in the open court on 29/09/2021.

Sd/-
(Pramod Kumar)
VICE PRESIDNET

Sd/-
(Ravish Sood)
JUDICIAL MEMBER

Mumbai;

Dated: 29.09.2021

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