

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

**BEFORE SHRI AMARJIT SINGH (JUDICIAL MEMBER) AND SHRI MANOJ
KUMAR AGGARWAL (ACCOUNTANT MEMBER)**

(Hearing through Video Conferencing Mode)

**ITA No . 7596/MUM/2016
Assessment Year : 2012-13**

ACIT-13 (3) (2)
Room No . 229, 2nd Floor, Aayakar
Bhavan, M . K . Road, Mumbai-
400020 .

Appellant

M/s . You Broadband & Cable
India Ltd .
Plot No . 54, Marol Co-operative
Industrial Estate, Makwana
(East) , Mumbai-400059 .
PAN No . AABCB6062F

Respondent

**ITA . No . 7612/MUM/2016
Assessment Year : 2012-13**

M/s . You Broadband & Cable India
Ltd .
Plot No . 54, Marol Co-operative
Industrial Estate, Makwana (East) ,
Mumbai-400059 .

PAN No . AABCB6062F

Appellant

DCIT-13 (3) (2)
Room No . 229, 2nd Floor,
Aayakar Bhavan, M . K . Road,
Mumbai-400020 .

Respondent

Revenue by : Shri T . S . Khalsa, DR
Assessee by : Ms . Urvi Mehta, AR

Date of Hearing : 14/09/2021
Date of pronouncement : 14/09/2021

ORDER

PER : AMARJIT SINGH, (JM)

The present appeal filed by the Revenue as well as assessee are against the common order of Commissioner of Income Tax (Appeals) -21, Mumbai [in short 'CIT (A)'] for the assessment year 2012-13 dated 17.10.2016 and arises out of assessment completed u/s 143 (3) r.w.s. 147 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 16.02.2021 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 .

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 withdrawal of the present appeal, as it has applied for settling the dispute under Vivad Se Vishwas Scheme, 2020, we permit the assessee to withdraw the appeal at this stage . However, liberty is granted to the assessee to seek restoration of this appeal in the event the application filed under Vivad Se Vishwas Tax Scheme is not accepted by the Department. It is further made clear that in such eventuality if the assessee seeks restoration of the present appeal by filing misc. application, the delay, if any, should be condoned without insisting upon filing any application for condonation of delay. This is in view of the decision of the Hon'ble Madras High Court in order dated 16th October 2020, delivered in

M/s. Nannusamy Mohan (HUF) v/s ACIT, TCA no. 372 of 2020. With the aforesaid observations, the appeal is dismissed as withdrawn.

5. In the result, the appeal filed by the Revenue and the appeal filed by the assessee are dismissed as withdrawn.

Order pronounced in the open Court on 14/09/2021.

Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Sd/-
(AMARJIT SINGH)
JUDICIAL MEMBER

Mumbai;

Dated: 14/09/2021

Vijay Pal Singh (Sr. PS)

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