

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

BEFORE SHRI S. RIFAUZ RAHMAN, AM AND SHRI AMARJIT SINGH, JM

(Hearing through Video Conferencing Mode)

आयकर अपील सं/ I.T.A. No.2702/Mum/2019

(निर्धारण वर्ष / Assessment Year: 2014-15)

Sai Everest Builders & Developers 12/B, 4 th Floor, Silver Apts, Datta Mandir Road, Santacruz (East), Mumbai-400055.	बनाम/ Vs.	ITO, Ward-22(3)(2) Piramal Chambers, 3 rd Floor, Lalbaug, Parel, Mumbai-400012.
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

&

C.O. No.60/Mum/2020

(Arising out of ITA. No.4096/Mum/2019

(निर्धारण वर्ष / Assessment Year: 2014-15)

Sai Everest Builders & Developers 12/B, 4 th Floor, Silver Apts, Datta Mandir Road, Santacruz (East), Mumbai-400055.	बनाम/ Vs.	ITO, Ward-22(3)(2) 306 Piramal Chambers, Parel, Mumbai-400012.
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : ABLFS0449M		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

Assessee by:	Shri Prakash Jhunjunwala
Revenue by:	Shri Ajit Kumar Shrivastava (DR)

सुनवाई की तारीख / Date of Hearing: 16/09/2021

घोषणा की तारीख /Date of Pronouncement: 16/09/2021

आदेश / ORDER

PER AMARJIT SINGH (JM):

1. The present appeal filed by the assessee as well as cross-objection filed by the assessee are against the common order of Commissioner of Income Tax (Appeals)-34, Mumbai (in Short 'CIT(A)') for



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A.Y.2014-15

the A.Y. 2014-15 dated 19.03.2019 and arises out of assessment completed u/s 143(3) 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 14.09.2021 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



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5. In the result, the appeal filed by assessee and cross-objection filed by the assessee are dismissed as withdrawn. Pronounced in the open court today on the 16/09/2021

Sd/-

(S. RIFAUR RAHMAN)

लेखा सदस्य / ACCOUNTANT MEMBER

मुंबई Mumbai; दिनांक Dated : 16/09/2021

Vijay Pal Singh/Sr.PS

Sd/-

(AMARJIT SINGH)

न्यायिक सदस्य/JUDICIAL MEMBER

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 Copy//

उप/सहायक पंजीकार / (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai