

**IN THE INCOME TAX APPELLATE TRIBUNAL (VIRTUAL COURT)  
"SMC" BENCH, MUMBAI**

**BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER**

**ITA NO. 416/MUM/2019 (A.Y: 2013-14)**

Shri Rashmin R. Shah 23/24, Kirtikar Market Dr. S'Sva Road, Dadar (W) Mumbai – 400028  <b>PAN: ANBPS2968R</b>	v.	Income Tax Officer – 21(3)(1) 207, Piramal Chambers Lalbaug, Parel Mumbai – 400012
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee by</b>	<b>:</b>	<b>Shri Jitendra Singh</b>
<b>Department by</b>	<b>:</b>	<b>Shri Sanjay J. Sethi</b>
<b>Date of Hearing</b>	<b>:</b>	<b>28.09.2021</b>
<b>Date of Pronouncement</b>	<b>:</b>	<b>01.10.2021</b>

**ORDER**

**PER C.N. PRASAD (JM)**

1. This appeal is filed by the assessee against order of Learned Commissioner of Income Tax (Appeals)–58, Mumbai [hereinafter in short "Ld.CIT(A)"] dated 11.01.2019 for the A.Y. 2011-12.

2. Assessee through his authorized representative filed a letter dated 03<sup>rd</sup> September, 2021 and submitted as under: -

***"Ref: In the matter of Shri Rashmin R. Shah  
ITA No.: 416/Mum/2019  
Bench: "SMC"  
Fixed for hearing: 28/09/2021  
Assessment Year: 2013-14***

***Sub: Request to allow us to withdraw the present appeal as per the provisions of DTVSV Act, 2020***

*The above mentioned appeal is filed by the assessee against the order dated 26.11.2018 passed by the Ld. CIT(A) - 48, Mumbai. The assessee submits that he has filed an application before the designated authority under the provisions of Direct Tax Vivad se Vishwas Act, 2020 and the designated authority has also issued certificate in Form No. 3 on 21.12.2020. Copy of Form No. 3 issued by the designated authority has enclosed along with this application.*

*The assessee further submits that he has to file Form No. 4 together with the proof of withdrawal of appeal filed by him. The assessee, therefore, humbly requests Your Honours to kindly allow the assessee to withdraw the present appeal as per the provisions of Direct Tax Vivad se Vishwas Act, 2020 and oblige."*

**3.** On a perusal of the above letter filed by the authorized representative of the assessee and enclosed copy of Form-3 it is noticed that assessee has already filed declaration and undertaking under Vivad Se Vishwas Scheme and received Form-3 from the Revenue accepting the said declaration. Assessee requested for withdrawal of the appeal. Accepting the request of the assessee for withdrawal of appeal, this appeal is dismissed as withdrawn.

**4.** In the result, appeal of the assessee is dismissed as withdrawn.

Order pronounced on 01.10.2021 as per Rule 34(4) of ITAT Rules by placing the pronouncement list in the notice board.

Sd/-  
**(C.N. PRASAD)**  
**JUDICIAL MEMBER**  
Mumbai / Dated 01.10.2021  
Giridhar, Sr.PS

**Copy of the Order forwarded to:**

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER

(Asstt. Registrar)  
**ITAT, Mum**