

THE INCOME TAX APPELLATE TRIBUNAL
“SMC” Bench, Mumbai
Shri Shamim Yahya (AM)

I.T.A. No. 2282/Mum/2019 (Assessment Year 2014-15)

Shirish Mody Enterprises LLP 83, B&C, Sheth Govindrao Smriti, Dr. Annie Besant Road Worli, Mumbai-400 018. PAN : ACJFS6961P (Appellant)	Vs.	ACIT, Circle-21(3) 2 nd Floor Piramal Chambers Lalbaug, Parel Mumbai-400 012. (Respondent)
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Assessee by	None
Department by	Ms. Smita Verma
Date of Hearing	14.10.2021
Date of Pronouncement	14.10.2021

ORDER

This appeal by the assessee is directed against order of learned CIT-A dated 27.2.2019 pertaining to assessment year 2014-15.

2. The grounds of appeal read as under :-

“1.1. The learned CIT (A) has erred in upholding the additions made by the AO on the grounds that the appellant has failed to comply with the provisions of section 47(xiiib) and as a result, the benefit under section 49(l)(e) read with explanation 1(b) of section 2(42A) cannot be granted to the appellant with regards to the period of holding in respect of long term capital assets.

1.2. She has also erred in not appreciating the facts placed on record evidencing that the appellant has duly complied with all the conditions stipulated in proviso to section 47(xiiib).”

3. At the outset it is noted that the assessee has made an application that he shall be withdrawing the appeal. Learned departmental representative did not have any objection to this proposition.

4. Up on careful consideration I have granted permission to withdraw the appeal. Accordingly this appeal is dismissed as withdrawn.

Pronounced in the open court on 14.10.2021.

Sd/-
(SHAMIM YAHYA)
ACCOUNTANT MEMBER

Mumbai; Dated : 14/10/2021

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,

(Assistant Registrar)
ITAT, Mumbai

PS