

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

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

**ITA No.1285/MUM/2020  
(Assessment Year: 2014-15)**

Mohammed Gulrez Qureshi  
32, 2<sup>nd</sup> Floor, Kantharia Mahal,  
Above Naaz Hotel, LBS Marg,  
Kamani, Kurla (W),  
Mumbai – 400 070.

ITO, Ward 26(2)(3), Kautilya  
Vs. Bhavan, B.K.C, Bandra (E),  
Mumbai – 400 051.

**PAN No. AACPQ2450N**

**(Assessee)**

**(Revenue)**

Assessee by : Withdrawal letter dated 25.08.2021  
Revenue by : Shri KPRR Murty, D.R

Date of Hearing : 06/10/2021  
Date of pronouncement : 08/10/2021

**ORDER**

**PER RAVISH SOOD, J.M:**

The present appeal filed by the assessee is directed against the order passed by the CIT(A)-38, Mumbai, dated 19.12.2019, which in turn arises from the penalty order passed by the A.O under Sec. 271(1)(c) of the Income-tax Act, 1961, dated 28.06.2017 for assessment year 2014-15.

2. The assessee has filed a letter dated 25.08.2021, wherein it is stated by him that in order to settle the aforesaid appeal pending before the Tribunal an application has been filed under the Direct Tax Vivad se Vishwas Act, 2020 and "Form 5" have been received from the designated authority. Backed by the aforesaid facts it is requested by him that the captioned appeal may be allowed to be withdrawn.

3. The Id. D.R did not controvert the aforesaid factual position as had been stated before us.

4. In view of the above, we dismiss the appeal as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme, then, the appellant shall have liberty to approach the Tribunal for restoration of his appeal.

5. Resultantly, the appeal is dismissed as withdrawn subject to the observation recorded hereinabove.

Order pronounced in the open court on 08/10/2021.

Sd/-  
(Pramod Kumar)  
VICE PRESIDENT

Sd/-  
(Ravish Sood)  
JUDICIAL MEMBER

Mumbai;

Dated: 08.10.2021

\*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**