

आयकर अपीलिय अधीकरण, न्यायपीठ –“C” कोलकाता,  
**IN THE INCOME TAX APPELLATE TRIBUNAL “C” BENCH: KOLKATA**  
[Before Shri P. M. Jagtap, Vice President (KZ) & Shri A. T. Varkey, Judicial Member]

**I.T.A. No. 601/Kol/2019**  
**Assessment Year: 2011-12**

Kishan Gopal Mohta (PAN: ADQPM0469E)	Vs.	ACIT, Circle-31, Kolkata
Appellant		Respondent

Date of Hearing (Virtual)	22.10.2021
Date of Pronouncement	22.10.2021
For the Appellant	N o n e
For the Respondent	Shri Jayanta Khanra, JCIT

**ORDER**

**Per Shri A. T. Varkey, JM:**

This is an appeal preferred by the assessee against the order of Ld. CIT(A)-09, Kolkata dated 18.01.2019 for AY 2011-12.

2. None appeared on behalf of the assessee. However, vide an application dated 08.10.2021 which is placed on file, the assessee has submitted that the assessee has opted for Direct Tax Vivad Se Vishwas Scheme, 2020 (hereinafter, the ‘scheme’) and had filed Form-1 & Form-2 before the Competent Authority and the competent authority has issued Form no. 3. According to assessee, even though he is in receipt of Form 3, he need not remit any tax since there is refund of Rs.20,10,110/- which is due for him, which he has not yet received from the department. According to assessee, in the light of the aforesaid facts, he requests to withdraw the appeal filed by him. Taking into consideration the aforesaid facts and since the assessee has opted for the Scheme for the AY 2011-12 and Form 3 has been issued by the Department which is placed on file, we allow the assessee to withdraw the captioned appeal filed by him.

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 In the result, the appeal of assessee is dismissed as withdrawn.

Order is pronounced in the open court on 22 October, 2021.

Sd/-

(P. M. Jagtap)  
Vice President

*JD, Sr. PS*

Dated: 22 October, 2021

Sd/-

(A. T. Varkey)  
Judicial Member

Copy of the order forwarded to:

1. Appellant- Shri Kishan Gopal Mohta, 2<sup>nd</sup> floor, Calcutta Stock Exchange Buildings, 7, Lyons Range, Kolkata-700 001.
2. Respondent – ACIT, Circle-31, Kolkata.
3. CIT(A)-9, Kolkata (sent through e-mail)
4. CIT, Kolkata.
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Senior Private Secretary/DDO  
ITAT, Kolkata Benches, Kolkata

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