

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI “A” BENCH: NEW DELHI**

(THROUGH VIDEO CONFERENCING)

**BEFORE SHRI G.S.PANNU, PRESIDENT &
SHRI KUL BHARAT, JUDICIAL MEMBER**

**ITA No.5541/Del/2017
Assessment Year : 2014-15**

ITO, Ward-3(3), New Delhi.	vs	Ashoka Distellers & Chemicals Pvt.Ltd., 501, Chiranjeev Tower, 41 Nehru Place, New Delhi-110019. PAN-AAACA4962E
APPELLANT		RESPONDENT
Appellant by		Mrs. Alka Gautam, Sr.DR
Respondent by		Sh. Rahul Chaurasia, CA
Date of Hearing		14.10.2021
Date of Pronouncement		14.10.2021

ORDER

PER KUL BHARAT, JM :

This appeal filed by the Revenue for the assessment year 2014-15 is directed against the order of Ld. CIT(A)-1, New Delhi dated 07.06.2017.

2. The assessee, vide its letter dated 14.10.2021, received through email, has requested for dismissal of the appeal filed by Department and stated that the assessee has opted to settle the dispute relating to the tax arrears for the assessment year under consideration under the “Vivad Se Vishwas Scheme, 2020”. A certificate to this effect under Section 5(1) of The Direct Tax Vivad Se Vishwas Act, 2020 has also been filed.

3. The assessee company is also filed Form No.4 issued by the Department. However, it is stated that Form No.5 is still awaited.

4. Ld. Sr. DR submitted that the assessee has not filed Form No.5 therefore, the Revenue may be given liberty to approach the Tribunal in the

event the assessee fail to obtain Form No.5. In view of the submissions made by the assessee, Form Nos. 3 & 4 issued by the Department is placed on record. We, therefore, allow the prayer of the assessee for dismissing the appeal of the Revenue subject to the condition that all due taxes are paid and Form No.5 is obtained from the Department in the event of failure on the part of the assessee to do so. The Revenue would be at liberty to approach this Tribunal for recalling of our order. Thus, appeal of the Revenue is dismissed.

5. In the result, the appeal of the Revenue is dismissed.

Above decision was pronounced on conclusion of Virtual Hearing in the presence of both the parties on 14th October, 2021.

Sd/-

(G.S.PANNU)
PRESIDENT

Amit Kumar

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

(KUL BHARAT)
JUDICIAL MEMBER

ASSISTANT REGISTRAR
ITAT, NEW DELHI