

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT  
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND  
DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER  
ITA No.421/SRT/2019 (AY 2012-13)  
(Hearing in Virtual Court)

M/s.J.P.Extrusiontech Ltd., Plot No.1701, GIDC, Estate, Ankleshwar, Bharuch – 393 001. PAN: AACCJ 5616 Q	Vs	The Assistant Commissioner of Income Tax, Circle-2, Bharuch.
Assessee / appellant		Revenue /respondent

Assessee by	Shri Mehul K. Patel – AR
Revenue by	Ms. Anupama Singla – Sr. DR
Date of hearing	13.10.2021
Date of pronouncement	13.10.2021

**Order under section 254(1) of Income Tax Act**

**PER PAWAN SINGH, JUDICIAL MEMBER:**

1. This appeal by assessee is directed against the order of ld. Commissioner of Income Tax(Appeals-3), Vadodara dated 2012-13 under section 271(1)(c) of the I.T.Act, 1961 for Assessment Year (AY) 2013-14. This appeal came up hearing on 13<sup>th</sup> October, 2021, the learned Counsel for the assessee submits that the assessee has already settled dispute with department in quantum assessment for the assessment year under consideration by availing the benefits of Vivad se Visvas Scheme -2020 (VSV-20) and have the received FORM-5 from Designated Authority vide Certificate No.808785600121220 dated 12.12.2020. The learned counsel for the assessee further submits that the quantum appeal in ITA No.849/SRT/2017 has already been disposed of by the Hon'ble Tribunal vide order dated 18.02.2021. It was submitted that

once the assessee has settled dispute in quantum assessment the penalty order under section 271(1)(c) would not survive, hence, he may be allowed to withdraw this penalty appeal.

2. On the other hand the learned Senior Departmental Representative (Sr. DR) submits that he has no objection, if the appeal of the assessee is dismissed as withdrawn.
3. We have considered the submissions of both the parties and considering the facts that the assessee has already FORM-5 under VSV-20 vide acknowledgement No.808785600121220 dated 12.12.2020 from Designated Authority. The appeal of the assessee in quantum assessment has already dismissed as withdrawn as mentioned above. Hence, the present appeal of the assessee is also dismissed as withdrawn. However, the assessee as well as to the revenue is given liberty that in case, if the applications preferred by the assessee under VSV-20 does not get finally settled for any reason whatsoever, then both the parties are at liberty to prefer Miscellaneous Application before this Tribunal for restoration of this appeal or any further direction and in such event, the appeals shall get restored.
4. In the result, the appeal of the assessee is dismissed as withdrawn.

Order announced on 13<sup>th</sup> October, 2021 at the time of hearing in virtual court hearing.

Sd/-

**(Dr ARJUN LAL SAINI)**  
**ACCOUNTANT MEMBER**

Surat, Dated: 13/10/2021 / SGR\*

Sd/-

**(PAWAN SINGH)**  
**JUDICIAL MEMBER**

Copy to:

1. Appellant
2. Respondent
3. CIT(A)
4. CIT
5. DR
6. Guard File

By order

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Sr.Pvt. Secretary, ITAT, Surat