

आयकर अपीलीय अधिकरण “SMC” न्यायपीठ मुंबई में।

IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH, MUMBAI

श्री महावीर सिंह, उपाध्यक्ष के समक्ष ।

BEFORE SRI MAHAVIR SINGH, VICE PRESIDENT

आयकर अपील सं./ ITA No. 6025/Mum/2019

(निर्धारण वर्ष / Assessment Year 2010-11)

Neelam Mukesh Kumar Patel B-34, Utkarsh CHS Ltd., Bldg No.5, Mahakali Caves Road, Andheri East, Mumbai-400 093	Vs.	The Income Tax Officer, Ward 14(3)(1) R. No. 415, 4 th Floor, Piramal Chambers Lal Baug Patel Mumbai-400 012
(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
स्थायी लेखा सं./PAN No. AWLPP3401F		

अपीलार्थी की ओर से / Appellant by	:	None
प्रत्यर्थी की ओर से / Respondent by	:	Shri V.K. Chaturvedi, DR

सुनवाई की तारीख / Date of hearing:	04.10.2021
घोषणा की तारीख / Date of pronouncement :	04.10.2021

आदेश / ORDER

महावीर सिंह, उपाध्यक्ष के द्वारा /

PER MAHAVIR SINGH, VP:

This appeal of the assessee is arising out of order of the Commissioner of Income Tax (Appeals)-36, Mumbai [in short CIT(A)], in appeal No. CIT(A)-36/IT-222/ITO-24(3)(1)/2017-18 vide dated 28.06.2019. The Assessment was framed by the Income Tax Officer, Ward-24(3)(1) Mumbai (in short ITO/ AO) for the A.Y. 2010-11 vide order dated 15.12.2017 under section 143(3) read with section 147 of the Income-tax Act, 1961 (hereinafter 'the Act').

2. None appeared on behalf of the assessee. I have heard the learned Sr. Departmental Representative and gone through the facts and circumstances of the case. During the course of



hearing the Registry has placed a letter dated 11th August, 2021, the context of the letter read as under:-

“1. As assessment order date 15.12.2017 was passed under section 143(3) by the Ld. Income Tax Officer-24(3)91), Mumbai completing the assessment at ₹9,46,230/- income. However, the said assessment order was cancelled by the Hon’ble CIT(A)-36, Mumbai vide the impugned order dated 28.06.2019 partly allowing the appeal with the direction to the Ld. Assessing Officer to incorporate the finding of DVO under section 50 in arriving at correct figure of the value of the property sold and the Tax implication thereon.

2. pursuant to the CIT(A) order dated 28.06.2019, the Id. Asst. Valuation officer-I had passed the Valuation Report dated 11.09.2020. The copy of said Valuation Report is Annexed hereto as Annexure-1. Accordingly, the Ld. Assessing Officer passed the Order dated 26.02.2021 under section 154 of the Income Tax Act 1961 by incorporating the fair market value of the property proposed by the Id. Asst. Valuation Officer-1 and re-computed income to ₹2,66,640/- and issued the tax demand of ₹11,688/-. The copy of Order under section 154 passed by the Ld. Income Tax Officer-24(3)(1)- Mumbai is annexed thereto as Annexure-II.

3. In order to buy peace, the Appellate decided to pay the aforesaid tax demand and accordingly appellant had paid the tax demand of ₹14,668/- vide challan dated 31.03.2021. The copy of the said tax paid challan is attached thereto as Annexure III.



4. *Accordingly, the Appellant intends to withdraw the present appeal challenging the order of Ld. CIT(Appeal) dated 28.06.2019 and prays to Your Honours permit as aforesaid.”*
3. Form the above facts it is noticed that assessee preferred the appeal for settlement of dispute by paying the disputed tax and to withdraw the present appeal.
4. The learned Departmental Representative has not objected for the withdrawal.
5. As the assessee requested for the withdrawal and learned Departmental Representative has also not objected for the same, I permit the withdrawal.
6. In the result, the appeal of assessee is dismissed as withdrawn.

Order pronounced in the open court on 04.10.2021.

Sd/-
(महावीर सिंह /MAHAVIR SINGH)
(उपाध्यक्ष / VICE PRESIDENT)

मुंबई, दिनांक/ Mumbai, Dated: 04.10.2021

सुदीप सरकार, व.निजी सचिव / Sudip Sarkar, Sr.PS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai



ITA No. 6025/Mum/2019
Neelam Mukesh Kumar Patel; AY 10-11

6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai