

**IN THE INCOME TAX APPELLATE TRIBUNAL (VIRTUAL COURT)  
"SMC" BENCH, MUMBAI**

**BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER**

**ITA NO. 2042/MUM/2020 (A.Y: 2011-12)**

Power Track System Pvt. Ltd., C/o. Dinesh Sahu Flat No. 904, Shiv Shankar Plaza 2 CHSL Above Domino's Pizza Sector – 7, Airoli, Mumbai - 400708  <b>PAN: AAACP5292L</b>	v.	Income Tax Officer – 15(2)(4) Room No. 360, 3 <sup>rd</sup> Floor Aayakar Bhavan, M.K. Road Mumbai – 400020
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee by</b>	:	<b>Shri Subodh Ratnaparkhi</b>
<b>Department by</b>	:	<b>Shri Sanjay J. Sethi</b>
<b>Date of Hearing</b>	:	<b>30.09.2021</b>
<b>Date of Pronouncement</b>	:	<b>04.10.2021</b>

**ORDER**

**PER C.N. PRASAD (JM)**

1. This appeal is filed by the assessee against order of Learned Commissioner of Income Tax (Appeals)–24, Mumbai [hereinafter in short "Ld.CIT(A)"] dated 19.11.2019 for the A.Y. 2011-12.

**2.** Assessee through his authorized representative filed a letter dated 16<sup>th</sup> March, 2021 and submitted as under: -

*"Subject: - Appeal No. ITA 2042/MUM/2020 for AY 2011-12*

*Reference: - Power Track System Private Limited hearing date fixed on 30/09/2021*

*In context with the personal hearing fixed on 30/09/2021 we want to intimate that we had filed an application under Form 1 and 2 of Vivad se Vishwas Scheme to have a peace of mind and to avoid further litigations. Accordingly we had received Form 3 against our application and have paid the amount in full. We are submitting the copy of Form 3 and 4 along-with tax paid challan for your kind perusal.*

*We want to draw your kind attention to Section 4 and Section 5 of the Vivad se Vishwas Act, 2020 wherein the Form 3 issued under Vivad se Vishwas shall be deemed to be appeal withdrawal in case the appeal is pending with ITAT or Commissioner (Appeals). However we received a Notice intimating the hearing with the honorable ITAT was fixed on 30/09/2021.*

*As we have already applied for Vivad Se Vishwas and hence we are withdrawing the said appeal. Kindly do the needful."*

**3.** On a perusal of the above letter filed by the authorized representative of the assessee and enclosed copy of Form-3 it is noticed that assessee has already filed declaration and undertaking under Vivad Se Vishwas Scheme and received Form-3 from the Revenue accepting the said declaration. Assessee requested for withdrawal of the appeal.

Accepting the request of the assessee for withdrawal of appeal, this appeal is dismissed as withdrawn.

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

Order pronounced on 04.10.2021 as per Rule 34(4) of ITAT Rules by placing the pronouncement list in the notice board.

Sd/-  
**(C.N. PRASAD)**  
**JUDICIAL MEMBER**  
Mumbai / Dated 04.10.2021  
Giridhar, Sr.PS

**Copy of the Order forwarded to:**

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER

(Asstt. Registrar)  
**ITAT, Mum**