

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**‘C’ BENCH : BANGALORE**  
**BEFORE SHRI. CHANDRA POOJARI, ACCOUNTANT MEMBER**  
**AND**  
**SMT. BEENA PILLAI, JUDICIAL MEMBER**

<b>ITA No. 703/Bang/2020</b>
<b>Assessment Year : 1998-99</b>

Shri K.I. Venkatesh, No. 323, 14 <sup>th</sup> Cross, 2 <sup>nd</sup> Block, R.T. Nagar, Bangalore – 560 032. PAN: AACPI3934R	<b>Vs.</b>	The Income Tax Officer, Ward – 8 (3), Bangalore.
<b>APPELLANT</b>		<b>RESPONDENT</b>

Assessee by	:	None
Revenue by	:	Smt. Priyadarshini Besaganni, JCIT (DR)

Date of Hearing	:	06-12-2021
Date of Pronouncement	:	07-12-2021

**ORDER**

**PER BEENA PILLAI, JUDICIAL MEMBER**

Present appeal by the assessee has been filed by assessee against the order dated 13.03.2012 by ITO, Ward-8(2), Bangalore u/s. 271(1)(c) of the Act for assessment year 1998-99.

**2.** The Ld.AR submitted that the appeal relates to penalty levied u/s. 271(1)(c) of the Act. In the letter filed before us today, it is submitted that the assessee filed application under VSVS in respect of quantum appeal, filed before the *Hon’ble High Court of Karnataka* in ITA 52/2020.

The assessee has filed Form No. 4, 5 for the appeal filed by the assessee. Accordingly it is submitted that present penalty appeal get abated.

**3.** We heard Ld D.R, who did not object to the prayer of the assessee. Since the issues contested in the appeal of the assessee have been settled under the Direct Taxes Vivad Se Vishwas Act, 2020, we dismiss the appeal of the assessee as withdrawn. However, we give liberty to the revenue/assessee to seek recall of this order in accordance with law, if the circumstances so warrant.

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 In the result, the appeal of the assessee is dismissed as withdrawn.**

Order pronounced in the open court on 07<sup>th</sup> December, 2021.

Sd/-  
(CHANDRA POOJARI)  
Accountant Member

Sd/-  
(BEENA PILLAI)  
Judicial Member

Bangalore,  
Dated, the 07<sup>th</sup> December, 2021.  
/MS /

**Copy to:**

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

By order

Assistant Registrar,  
ITAT, Bangalore