

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'C': NEW DELHI)
(THROUGH VIDEO CONFERENCING)**

**BEFORE SHRI C.N. PRASAD, JUDICIAL MEMBER
AND
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

**ITA No:- 24/Del/2019
(Assessment Year: 2011-12)**

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| DCIT, Circle-11(1), New Delhi. | Vs. | Hero Investment Pvt. Ltd, (Now amalgamated into M/s Hero Motocorp Ltd.), Ludhiana. |
| APPELLANT | | RESPONDENT |
| PAN No: AAACH4072N | | |

Revenue By : Shri T. Kipgen , CIT(DR)
Assessee By : Shri Gaurav Jain, Adv.

Date of hearing : 20.12.2021
Date of Pronouncement : 20.12.2021

PER PRADIP KUMAR KEDIA, AM :

The captioned appeal has been filed by the Revenue against the order passed by the Commissioner of Income Tax (Appeals)-2, Ludhiana, ("CIT", for short) dated 30.10.2018 arising from the Assessment Order passed by the Assessing Officer under

Section 143(3) of the Income Tax Act, 1961, ("the Act", for short) dated 29.01.2014 concerning Assessment Year 2011-12.

2. As per its grounds of appeal, Revenue has challenged the reversal of additions made by the Assessing Officer under section 14A of the Act.

3. When the captioned appeal of Revenue was called for hearing, the Ld. Counsel for the assessee, at the outset submitted that the assessee has sought to avail 'Vivad Se Vishwas Scheme, 2020' (VSVS) read with Rule framed thereunder. The necessary formality in this regard was stated to be carried out with the Revenue Authorities. The Ld. Counsel accordingly submitted that he does not seek to defend the said appeal owing to exercise of option for availing the VSV Scheme and consequently urged that assessee's request for closure of Revenue's appeal may be granted.

4. The Ld. CIT (DR) for Revenue stated that he has no objection to withdrawal of revenue appeal having regard to the application from assessee to avail ongoing scheme.

5. In the light of written request made on behalf of the Assessee, the captioned appeal by Revenue is dismissed *in limine*. However, in the event, the assessee fails to avail the benefit of VSV Scheme for any reasons, the Revenue will be at liberty to seek restoration of original appeal for hearing before ITAT in accordance with law.

6. In the result, the captioned appeal of Revenue is dismissed, *in limine*.

Order pronounced in the open court on 20 /12/2021.

Sd/-

(C.N. PRASAD)
JUDICIAL MEMBER

Sd/-

(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

Dated: 20.12.2021

Pooja/-

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI.

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| Date of dictation | |
| Date on which the typed draft is placed before the dictating Member | |
| Date on which the typed draft is placed before the Other Member | |
| Date on which the approved draft comes to the Sr. PS/PS | |
| Date on which the fair order is placed before the Dictating Member for pronouncement | |
| Date on which the fair order comes back to the Sr. PS/PS | |
| Date on which the final order is uploaded on the website of ITAT | |
| Date on which the file goes to the Bench Clerk | |
| Date on which the file goes to the Head Clerk | |
| The date on which the file goes to the Assistant Registrar for signature on the order | |
| Date of dispatch of the Order | |