

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND
Dr. ARJUN LAL SAINI, ACCOUNTANT MEMBER
ITA No. 210/SRT/2020 (AY 2012-13)
(Hearing in **Virtual** Court)

M/s Arta Brouch Ceramics Pvt.Ltd., Plot No. 109A, GIDC Estate,Narmadanagar, Bharuch-392015 PAN : AAJCA 2332 B	Vs	Income Tax Officer, Bharuch Ward-1(4),
Applicant / Assessee		Respondent / Revenue

Assessee by	Ms. Amrin Pathan, A.R
Revenue by	Mrs. Anupama Singla, Sr-DR
Date of hearing	27.12.2021
Date of pronouncement	27.12.2021

Order under section 254(1) of Income Tax Act

PER PAWAN SINGH, JUDICIAL MEMBER:

1. This appeal by assessee is directed against the orders of Id. Commissioner of Income tax (Appeals)-3, Vadodara, dated 25.08.2020, which in turn arises from the penalty imposed by Assessing Officer under section 271(1)(c) of the Income Tax Act, 1961 dated 29.09.2015 for assessment year 2012-13. The appeal came up hearing on today (27.12.2021). At the time of hearing the learned authorised representative (AR) of the assessee submits that the assessee has applied for seeking the benefits of Vivad se Visvas Scheme -2020 (VSV-20) in quantum assessment and settled dispute with the department and received Form-5 of VSV-20 from designated authority. The Id AR for the assessee further submits that once, the dispute in the quantum assessment is settled, the order of penalty would also be treated as settled. The learned AR for the assessee further submits that she may be allowed to withdraw this appeal.

2. On the other hand the learned Senior Departmental Representative (Sr. DR) submits that she has no objection, if the appeal of the assessee is dismissed as withdrawn.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 settled dispute in quantum assessment and filed and have received Form-5 of VSV-20 vide acknowledgement No. 34629820240421 dated 24.04.2021 from designated authority for full and final settlement of tax arrears of Rs.6,85,800/- issued by Designated Authority. Hence, the appeal of the assessee is dismissed as withdrawn under VSV-20. However, both the parties are given liberty to move appropriate application before this Tribunal in case the matter is not finally settled for any reasons. The assessing officer is directed to pass consequential order.
4. In the result the appeal of the assessee is dismissed as withdrawn.

Order announced at the time of hearing of appeal on 27th December 2021 in the Virtual Court hearing.

Sd/-

(Dr ARJUN LAL SAINI)
ACCOUNTANT MEMBER

Surat, Dated: 27/12/2021

DKP Outsourcing Sr P.S

Copy to:

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

// True Copy //

Sd/-

PAWAN SINGH)
JUDICIAL MEMBER

By order

Assistant Registrar, ITAT, Surat