

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "D" MUMBAI**

**BEFORE MS. SUCHITRA RAGHUNATH KAMBLE (JUDICIAL MEMBER) AND
SHRI AMARJIT SINGH (ACCOUNTANT MEMBER)**

**ITA No. 191/MUM/2020
Assessment Year: 2009-10**

Dukansh Trading Pvt. Ltd. (Formerly
known as Shamrock
Pharmaceuticals Pvt. Ltd.),
1008, Maker Chamber-V, 221,
Nariman Point,
Mumbai-400021.

Alternate Address:
83E, Hansraj Parag Ji Building, Off.
Dr. E Moses Road, Worli,
Mumbai-400018.

PAN No. AAKCS 4029 G

Appellant

Income Tax Officer-3(3)(2),
R/No. 602, 6th floor, Aayakar
Bhavan, M.K. Road,
Mumbai-400020.

Vs.

Respondent

Assessee by : Mr. Dinesh Tiwari, AR
Revenue by : Ms. Neha Thakur, DR

Date of Hearing : 23/12/2021
Date of pronouncement : 10/01/2022

ORDER

PER AMARJIT SINGH, A.M.

The present appeal is filed by the assessee against the order of the Commissioner of Income Tax (Appeals)-8, Mumbai [in short 'CIT(A)'] for the assessment year 2009-10 dated 22.10.2019 and arises out of assessment completed u/s 143(3) r.w.s. 147 of the Income Tax Act, 1961 (in short the Act).

2. At the outset, the Ld. AR submitted that assessee has opted for Vivad Se Vishwas Scheme, 2020 and furnished copy of Form-3 dated 16.04.2021. The Ld. counsel at the outset has submitted that he does not want to pursue the said appeal and requested that his application for withdrawal of appeal may please be granted. The Ld. Departmental Representative stated that he has no objection to withdraw the appeal in the circumstances narrated on behalf of the assessee.

3. Heard both the sides and perused the material on record. A reference has been made in sub-section (2) & (3) of section 4 of Direct Tax Vivad Se Vishwas Scheme, 2020 for the purpose of withdrawal of appeal. In the light of the provision made in the scheme and after considering the material on record, the aforesaid request for the withdrawal of appeal of the assessee to avail the VSV Scheme, 2020 in accordance with law is allowed. However, in case any issue is remained non-resolved under the said Scheme, then the assessee will be at liberty to file the miscellaneous application to recall this order to restore the original appeal within the time limit prescribed in the Act.

4. In the result, the appeal filed by the assessee is dismissed as withdrawn.

Order pronounced in the open Court on 10/01/2022.

Sd/-
(SUCHITRA RAGHUNATH KAMBLE)
JUDICIAL MEMBER

Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER

Mumbai;
Dated: 10/01/2022
Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT

5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,
(Sr. Private Secretary)
ITAT, Mumbai