

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCH: 'D' NEW DELHI**

**BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER  
AND  
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

ITA No. 6090/Del/2018  
Assessment Year: 2013-14

**With**

ITA No.7786/Del/2018  
Assessment Year: 2014-15

M/s. Kelly Services India Pvt. Ltd., 10 <sup>th</sup> Floor, Tower C, Unitech Cyber Park, Sector-39, Gurgaon	<b>Vs.</b>	Addl. CIT, Special Range-5, New Delhi
<b>PAN :AABCK6665K</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

**With**

ITA No.7818/Del/2018  
Assessment Year: 2014-15

Addl. CIT, Special Range-5, New Delhi	<b>Vs.</b>	M/s. Kelly Services India Pvt. Ltd., 10 <sup>th</sup> Floor, Tower C, Unitech Cyber Park, Sector-39, Gurgaon
<b>PAN :AABCK6665K</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Ms. Rajnandini Shukla, Advocate
Department by	Sh. Sanjay Kumar, Sr.DR

Date of hearing	08.02.2022
Date of pronouncement	08.02.2022

**ORDER****PER BENCH:**

Captioned appeals pertain to the same assessee and arise out of two separate orders, dated 07.06.2018 and 27.09.2018 of learned Commissioner of Income Tax (Appeals), New Delhi, for the assessment years 2013-14 and 2014-15 respectively. While appeal for the assessment year 2013-14 is filed by the assessee, there are cross appeals for assessment year 2014-15.

**2.** When the appeals were called out for hearing, at the outset, learned counsel for the assessee submitted that the assessee had opted for settling the dispute arising in these appeals under the Direct Tax Vivad Se Vishwas Act, 2020 and accepting assessee's declarations, the designated authority has issued form no. 5. Thus, she submitted, all the appeals may be treated as withdrawn and accordingly be dismissed.

**3.** Learned Departmental Representative was unable to controvert the aforesaid factual position, as submitted by the learned counsel for the assessee.

**4.** We have heard the parties and perused the materials on record. As could be seen from the documents placed on record, accepting assessee's declarations under the Direct Tax Vivad Se

Vishwas Act, 2020, the designated authority has issued form no. 5 in respect of these appeals. Thus, with the issuance of form no. 5, for all intent and purpose, the dispute arising in the appeals have been settled. That being the factual position, assesee's request for withdrawal of its appeals is accepted and appeals are dismissed as withdrawn.

**6.** Insofar as the appeal of Revenue is concerned, with the issuance of form no. 5 by the designated authority, the appeal having become infructuous, is dismissed.

**7.** In the result, all the appeals are dismissed.

***Order pronounced in the open court on 8<sup>th</sup> February, 2022***

***Sd/-***  
**(PRADIP KUMAR KEDIA)**  
**ACCOUNTANT MEMBER**

***Sd/-***  
**(SAKTIJIT DEY)**  
**JUDICIAL MEMBER**

Dated: 8<sup>th</sup> February, 2022.

RK/-

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi