

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'E': NEW DELHI  
(Through Video Conferencing)**

**BEFORE,  
SHRI KUL BHARAT, JUDICIAL MEMBER  
AND  
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No.1791/Del/2015  
(ASSESSMENT YEAR 2008-09)**

Mansi Sehkari Awas Samiti Ltd., Akhilesh Kumar, Adv. Chamber No.206-207, Ansal "Satyam", RDC Raj Nagar, Ghaziabad.  PAN-AACTM 8741Q	Vs.	Add. CIT, Range-1, Ghaziabad.
<b>(Appellant)</b>		<b>(Respondent)</b>

Appellant By	<b>Sh. Lokinder Kumar Choudhary, AR</b>
Respondent by	<b>Sh. Sumit Kumar Verma, Sr. DR</b>

**ORDER**

**PER ANADEE NATH MISSHRA, AM:**

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals), Ghaziabad [Ld. CIT(A)", for short], dated 12.01.2015 for Assessment Year 2008-09. Grounds taken in this appeal of Assessee are as under:

*"1. Because the order of Ld. Lower Authority is bad in law as well as is against the facts and circumstances of the case.*

2. *Because learned commissioner of Income Tax erred in sustaining the addition of Rs.1,09,20,744/- u/s 50 C(1) of the IT Act, 1961 even after recording a finding that assessee was under obligation to receive the consideration as per Hon'ble High Courts order as per the original bid.*
3. *Because learned commissioner of Income Tax further erred in rejecting the claim that property was tfd. at the time of bid and not the of regn. in terms of S.65 of the CPC 1908 when Hon'ble High Court has accepted the said bid and hence order is inherently illegal.*
4. *Because learned commissioner of Income Tax failed to appreciate that the said addition is also against the provisions of s.50C(2)(b) and so the addition is illegal.*
5. *Because learned commissioner of Income Tax went wrong in rejecting the alternative claims that deemed income if any is exempt on the principle of 'mutuality', and in worst to worst case the matter of FMV should have been referred to DVO. "*

(B) At the time of hearing, the Learned Authorized Representative ("Ld. AR", for short) for the assessee informed us that the assessee has opted to settle the aforementioned appeal under Vivad se Vishwas ACT, 2020 ("VSVS", for short) and that the Designated Authority has already issued Form-3 under VSVS. He also drew our attention to letter dated 07.12.2021 sent to Income Tax Appellate Tribunal ('ITAT', for short) by e-mail, in this regard. Copy of Form-3 issued by designated authority under VSVS was also enclosed with the aforesaid letter. Learned Senior Departmental Representative for Revenue submitted before us that this appeal may be treated as withdrawn and may be dismissed on

account of the aforesaid VSVS. After due consideration and in view of the foregoing, we are of the opinion that this appeal has become infructuous on account of aforesaid VSVS, and this appeal may be treated as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal having become infructuous, is treated as withdrawn and is hereby dismissed.

**(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason the disputes under this appeal before us are not settled under the aforesaid VSVS, then the assessee will be at liberty to approach ITAT for restoration of this appeal in accordance with law.**

(C) In the result, this appeal is dismissed.

This order was already pronounced orally on 14<sup>th</sup> February, 2022 in Open Court, in the presence of representatives of both sides, after conclusion of the hearing. Now this order in writing is signed today on 16.02.2022.

Sd/-  
**(KUL BHARAT)**  
**JUDICIAL MEMBER**  
Dated: 16.02.2022  
PK/PS

Sd/-  
**(ANADEE NATH MISSHRA)**  
**ACCOUNTANT MEMBER**

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT NEW DELHI