

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

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

**ITA No.4098/Del/2019
(ASSESSMENT YEAR 2015-16)**

Addl. CIT, Special Range-3, New Delhi.	Vs.	M/s Delhi Transco Ltd., Shakti Sadan, Kotla Marg, Kotla Road, New Delhi-110 002. PAN-AABCD 6342A
(Appellant)		(Respondent)

Appellant By	None
Respondent by	Sh. Parikshit Singh, Sr. DR

ORDER

PER ANADEE NATH MISSHRA, AM:

(A) This appeal by Revenue is filed against the order of Learned Commissioner of Income Tax (Appeals)-34, New Delhi, ["Ld. CIT(A)", for short], dated 18.02.2019 for Assessment Year 2015-16.

Grounds taken in this appeal of Revenue are as under:

"1. Whether on facts and in circumstances of the case and in law, the CIT(A) has erred in deleting the addition on account of interest income to be taxed under the head income from other sources of Rs.17,25,96,000/- made by the Assessing Officer.

2. Whether on facts and in circumstances of the case and in law, the CIT(A) has erred in deleting the disallowance on account of foreign

exchange fluctuation loss of Rs.13,25,27,689/- made by the Assessing Officer.

3. *The appellant craves, leave modify, add or forego in any ground(s) of appeal at any time before or during the hearing of this appeal.”*

(B) At the time of hearing, no one was present on behalf of the assessee. However, through a written communication vide letter dated 3rd March, 2021, filed in Income Tax Appellate Tribunal from the assessee's side, it has been intimated 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. We took notice of the aforesaid letter dated 03.03.2021. 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 Learned Senior Departmental Representative for Revenue submitted before us that this appeal may be treated as withdrawn and may be dismissed on account of the aforesaid VSVS.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of the opinion that this appeal has become infructuous on account of aforesaid VSVS, and this appeal may be treated as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal having become infructuous, is treated as withdrawn and is hereby dismissed.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 23rd February, 2022 in Open Court, in the presence of Learned Sr. Departmental Representative, after conclusion of the hearing. Now this order in writing is signed today on 24.02.2022.

Sd/-
(KUL BHARAT)
JUDICIAL MEMBER

Dated:24.02.2022

PK/Ps

Copy forwarded to:

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

Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI