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.5385/Del/2013
(ASSESSMENT YEAR 2006-07)

M/s Delhi Development Authority, C/o The Chief Accounts Officer, Delhi Development Authority, Vikas Bhawan, INA, New Delhi-110 023. PAN-AAALD 0031A	Vs.	Assistant Director of Income Tax (Exemption), Trust Circle-II, Delhi.
(Appellant)		**(Respondent)**

Appellant By	**Sh. Y.K. Maghan, CA**
Respondent by	**Sh. G.C. Srivastava, Special Counsel for Revenue &** **Sh. Kalrav Mehrotra, Adv.**

ORDER

PER ANADEE NATH MISSHRA, AM:

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals)-XXI, New Delhi,

[Ld. CIT(A)", for short], dated 17.09.2013 for Assessment Year 2006-07. Grounds taken in this appeal of Assessee are as under:

> *"1. That the impugned Order of the learned Asst. Director of Income Tax (Exemption) is patently against law, erroneous and deserves to be quashed.*
>
> *2. That the impugned Order is liable to be quashed as being beyond limitation period which expired on 31.12.2008.*
>
> *3. That the learned Assessing Officer has erred in denying the benefit of exemption under section 11 of the Income Tax Act, 1961 to the appellant and holding the surplus as reflected by the Income & Expenditure Account of the appellant as adjusted for book depreciation, pension fund account, etc. amounting to Rs.1,32,24,70,700 as taxable. The exemption ought to be allowed and the addition of Rs.1,32,24,70,700 to the taxable income of the appellant needs to be deleted.*
>
> *4. That the Assessing Officer ought to have computed the taxable income of the appellant based on the utilization of income towards its objectives as the appellant has duly complied with the conditions stipulated in section 11 of the Act. The computation of income needs to be revised.*
>
> *5. That without prejudice to the claim of the appellant to exemption of its income under section 11 of the Act, the Assessing Officer ought to have allowed standard deduction of 30% on the amount taxed by her under the head 'Income from House Property' which works out to Rs.11,59,57,364. Hence, the deduction needs to be allowed.*
>
> *6. That the learned Assistant Director of Income Tax (Exemption) has erred in treating the status of the appellant as "Association of Persons" instead of 'Local Authority" which needs to be corrected.*
>
> *7. That the appellant craves leave to add, amend or modify the grounds at the time of hearing for the sake of justice."*

(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). Learned Senior Departmental Representative for Revenue did not express any objection to withdrawal of appeal by the assessee. 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 accordingly, this appeal is treated as withdrawn on account of the aforesaid VSVS. Thus, 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 as withdrawn.

(D) This order was already pronounced orally on 03.03.2022 in Open Court, in the presence of representatives of both sides,

after conclusion of the hearing. This written order is now signed today on 03.03.2022.

Sd/-	Sd/-
(KUL BHARAT)	**(ANADEE NATH MISSHRA)**
JUDICIAL MEMBER	**ACCOUNTANT MEMBER**

Dated:03.03.2022
Pk

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI