

**INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "I-2": NEW DELHI**

**BEFORE  
SHRI R.K. PANDA, ACCOUNTANT MEMBER  
AND  
MS. ASTHA CHANDRA, JUDICIAL MEMBER**

ITA No. 8366/Del/2019  
Asstt. Year : 2015-16

Sany Heavy Industry India Pvt. Ltd. DTJ-417, 4 <sup>th</sup> Floor, DLF Tower-B, Jasola, New Delhi – 110 025 PAN AAGCS7754L (Appellant)	Vs.	ACIT Circle 22(1). New Delhi.  (Respondent)
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Assessee by:	Ms. Shipra, CA
Department by :	Shri M Baranwal, Sr. DR
Date of Hearing	07.03.2022
Date of pronouncement	.03.2022

**ORDER**

**PER ASTHA CHANDRA, JM**

This appeal by the assessee for the assessment year 2014-15 is directed against the order of the Ld. ACIT, Circle -22(1) New Delhi under section 143(3) read with section 144C of the Income Tax Act, 1961, dated 30<sup>th</sup> August, 2019.

2. At the time of hearing before us, the Ld. Counsel for the assessee requested for withdrawal of the appeal filed by the assessee with an intent to drop any prolonged litigation. The assessee vide letter dated 10<sup>th</sup> January, 2022 has informed as follows :-

*“This is with reference to the notice dated 08 December 2021 wherein the hearing is scheduled for 17 January 2022. In this regard, we would like to apprise the Hon’ble Bench that we have received the rectification order from the Ld. TPO wherein all the additions made are reduced to Nil covering all grounds from Ground No. 1 to 10 raised in appeal before the Hon’ble Bench, except Ground No. 4 which is reproduced as under :-*

*“4. That the Ld. DRP and LD. TPO has erred in facts and law in not granting the Production Capacity benefit or cost adjustment to the appellant and not considering all the details/documents available on record in toto.”*

*Without prejudice to the right of the Appellant to contest on the above ground of appeal in any further proceedings, the Appellant is of the considerable view that since the demand raised is reduced to Nil and there is no monetary obligation on the Appellant, the appeal filed should be withdrawn. The rectified appeal effect order covering all the grounds as issued by Ld. TPO is enclosed as Annexure 1 for ready reference of the Hon’ble Bench.*

*Would request the Hon’ble Bench to please allow us to withdraw the appeal with an intent to drop any prolonged litigation.”*

3. Ld. Counsel for the Revenue had no objection to the prayer of the assessee for withdrawal of the appeal.

4. Without going into the merits the request of the assessee for withdrawal of the appeal is accepted.

5. In the result, the appeal of the assessee is dismissed as withdrawn.

**The order was pronounced in the open court on conclusion of the hearing itself, i.e., on 7<sup>th</sup> March, 2022.**

**sd/-**

**(R.K. PANDA)  
ACCOUNTANT MEMBER**

**sd/-**

**(ASTHA CHANDRA)  
JUDICIAL MEMBER**

Dated: 07/03/2022

***Veena***

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR  
ITAT, New Delhi

