

**IN THE INCOME TAX APPELLATE TRIBUNAL
CIRCUIT 'SMC' BENCH, VARANASI**

BEFORE SHRI.VIJAY PAL RAO, JUDICIAL MEMBER

**ITA No.247/VNS/2019
Assessment Year: 2011-12**

Shri. Navneet Sinha, J-67/81 P-32, Bharat Milap Colony, Nati Imli, Varanasi, U.P.-221001 PAN-AYMPS4319L	v.	Income Tax Officer Ward-3(2), Varanasi
(Appellant)		(Respondent)

Appellant by:	Sh. Ashutosh Bhardawaj, Advocate
Respondent by:	Sh. A.K. Singh, Sr. D.R.
Date of hearing:	24.03.2022
Date of pronouncement:	24.03.2022

ORDER

SHRI VIJAY PAL RAO, JUDICIAL MEMBER:

This appeal by the assessee is directed against the order dated 14.11.2019 of CIT(A), Varanasi for the assessment year 2011-12. The assessee has filed an application dated 22.03.2022 for withdrawal of the present appeal. The assessee has also filed Form No. 3 and *challan* for payment of the tax liability as determined under Form No. 3. The learned AR of the assessee has submitted that though the assessee paid the due tax as determined by the designated authority vide *challan* dated 28.01.2022 however, the Form No. 5 is yet to be issued.

2. On the other hand, the learned DR has raised no objection if the present appeal of the assessee is dismissed being withdrawn.

3. I have gone through the Form No. 3 issued by the designated authority on 30th March, 2021, wherein the tax payable under Vivad Se Vishwas Scheme, 2020 is determined at Rs. 65,644/- on or before 30th April, 2021 and Rs. 82,208/- after 30th April, 2021. The assessee has also filed *challan* dated 28th January, 2022

whereby a sum of Rs. 82,208/- has been paid. Thus, the assessee has paid the due tax as determined by the designated authority while issuing the Form No. 3 which also contains the particulars of the present appeal and therefore, the tax dispute involved in the present appeal stand settled under Vivad Se Vishwas Scheme, 2020. Accordingly, the present appeal of the assessee is dismissed being withdrawn as the dispute is settled under Vivad Se Vishwas Scheme, 2020.

4. It is clarified that in case the dispute is not finally settled for want of Form No. 5 to be issued by the designated authority, the assessee is at liberty to get the present appeal revived.

5. In the result, the appeal is dismissed being withdrawn pursuant to the settlement of tax dispute under Vivad Se Vishwas Scheme, 2020.

Order pronounced in the open Court after conclusion of hearing on 24.03.2022.

Sd/-
[VIJAY PAL RAO]
JUDICIAL MEMBER

DATED: 24/03/2022

Varanasi
Sh

Copy forwarded to:

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

By order
Assistant Registrar

