

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "C", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
SHRI S. S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.2077/PUN/2019
निर्धारण वर्ष / Assessment Year: 2015-16

Symantec Software India Pvt. Ltd., EON Free Zone, 5 th Floor, Wing 1, Cluster B, Plot 1, Survey 77, MIDC, Knowledge Park, Kharadi, Pune- 411004. PAN : AAACV6015F	Vs.	DCIT, Circle-6, Pune.
Appellant		Respondent

Assessee by : Shri Rajat Soni
Revenue by : Shri Anurag Shrivastava

Date of hearing : 08.04.2022
Date of pronouncement : 19.04.2022

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the final assessment order dated 18.10.2019 passed u/s 143(3) r.w.s. 144C(13) r.w.s. 92CA of the Income Tax Act, 1961 ('the Act') for the assessment year 2015-16.

2. When the matter had come up for hearing, ld. AR for the assessee filed a letter dated 28.01.2022 seeking permission to withdraw the above captioned appeal on the ground that the addition made on transfer pricing issues have been settled through the APA

between NIPL and the CBDT. The relevant contents of the said letter dated 28.01.2022 are reproduced hereunder :-

“This is with reference to the captioned appeal filed by NIPL with the Hon’ble Income Tax Appellate Tribunal (‘Hon’ble ITAT’) in respect of AY 2015-16 on 24 December 2019. NIPL had filed the captioned appeal against the additions made by the Assessing officer on Transfer Pricing issues and Corporate Tax issues and the same is pending for adjudication with the Hon’ble ITAT.

NIPL had also filed an application for Advance Pricing Agreement (‘APA’) with the Central Board of Direct Taxes (‘CBDT’) in relation to international transactions of provision of software coding services and back-office support services (copy of the signed APA application is enclosed as Annexure 1). The same has reached a conclusion and NIPL has signed an agreement with CBDT on 24th November 2021. The Agreement is applicable to consecutive five years commencing from Financial Year (‘FY’) 2014-15 to FY 2018-19 (relevant to AY 2015-16 to AY 2019-20).

The grounds of appeals (Ground No.1 to 11 of the appeal filed) in the captioned appeal pertain to the adjustment made by the learned TPO towards the international transactions in respect of provision of software coding services and back-office support services and the same are the subject matter of the signed APA. Consequently, these grounds do not require any further adjudication by the Hon’ble ITAT. Hence, NIPL wishes to withdraw the Grounds No. 1 to 11 pertaining to addition made on transfer pricing issues as aforesaid grounds have been settled through the APA between NIPL and the CBDT.

However, NIPL wishes to continue to agitate on additions made by AO on corporate tax issues (covered by Ground No. 12 to 15 of the appeal filed) and above request of NIPL for withdrawal for grounds of appeal pertaining to transfer pricing issues should not be construed as consent for withdrawal of entire appeal.

We request you to take the above on record and accede to our request. We shall be pleased to provide you with any further information/clarification that you may require in this regard.”

3. Considering the above submissions of the ld. AR for the assessee and ld. Sr. DR’s no objection for withdrawal of the present appeal, we hereby grant permission to the assessee to withdraw the

present appeal. Accordingly, the above captioned appeal stands dismissed as 'withdrawn'.

4. In the result, the appeal filed by the assessee stands dismissed as 'withdrawn'.

Order pronounced on this 19th day of April, 2022.

Sd/-
(S. S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 19th April, 2022.

Sujeet

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The DRP-3, Mumbai.
4. The DCIT (Transfer Pricing)-2 (2), Pune.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "C" बेंच, पुणे / DR, ITAT, "C" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.