

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ 'C' अहमदाबाद ।
IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH, AHMEDABAD

BEFORE SHRI WASEEM AHMED, ACCOUNTANT MEMBER
& MS. MADHUMITA ROY, JUDICIAL MEMBER

S. No.	Appeal	A.Y.	Appellant (PAN NO.)	Respondent
1.	ITA No. 343/Ahd/2018	2014-15	Hope Entrepreneurs Pvt. Ltd., C-9, Bhavna Flats, Narayan Nagar Road, Paldi ahmedabad (AADCH0026M)	ITO Ward-2(1)(3), Ahmedabad
2.	C.O. No. 05/Ahd/2018	2014-15	ITO Ward-2(1)(3), Ahmedabad	M/s. Hope Entrepreneurs Pvt. Ltd., C-9, Bhavana Flats, Narayan Nagar Road, Paldi, Ahmedabad (PAN: AADCH0026M)

Appellant by :	Withdrawal Application
Respondent by :	Shri V. K. Singh, Sr. DR

सुनवाई की तारीख / Date of Hearing	26/04/2022
घोषणा की तारीख /Date of Pronouncement	27/04/2022

आदेश/ORDER

PER MADHUMITA ROY, JM:

The captioned appeal has been filed at the instance of the assessee and the Cross Objection has been filed by the Revenue against the order of the Commissioner of Income Tax (Appeals)-2, Ahmedabad ('CIT(A)' in short), dated 06.12.2017 arising in the assessment order dated 21.11.2016 passed by the ITO, Ward-2(1)(3), Ahmedabad under Section 143(3) of the Income Tax Act, 1961 (the Act) concerning AY 2014-15.

2. When the matter was called for hearing, it is pointed out to the Bench that the assessee has filed declaration and undertaking

in Form No. 5 as per provisions of the Direct Tax Vivad Se Vishwas Act, 2020 for availment of the benefit under the scheme. In view of this, the Ld. Counsel for the assessee submitted that assessee does not want to pursue the said appeal owing to exercise of option for availing VSV Scheme and it has complied with the requisite formalities, and sought permission for withdrawal of appeal before the Tribunal. The Ld. Counsel has placed on record copy of Form No. 5.

3. The Ld. Departmental Representative for the Revenue stated that he has no objection to withdraw the appeals in the circumstances narrated on behalf of the assessee.

4. In the light of written requests made on behalf of the captioned party, the appeal is dismissed as withdrawn. However, in the event, the assessee fails to avail the benefit of VSV Scheme for any bonafide reasons, then the assessee concerned will be at liberty to seek restoration of original appeal for hearing before ITAT in accordance with law.

5. Cross Objection is found to be not maintainable due to low tax effect fact of which has also accepted by the Ld. D.R. Hence, the C.O. is also dismissed.

6. In the combined result, the captioned appeal is dismissed as withdrawn and the C.O. is also dismissed.

This Order pronounced on

27/04/2022

Sd/-

(WASEEM AHMED)

ACCOUNTANT MEMBER

Ahmedabad: Dated 27/04/2022

TANMAT

Sd/-

(MADHUMITA ROY)

JUDICIAL MEMBER

TRUE COPY

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT.
- आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण, अहमदाबाद ।