

IN THE INCOME TAX APPELLATE TRIBUNAL  
RAJKOT BENCH, RAJKOT  
**Before: Ms. Annapurna Gupta, Accountant Member  
And Shri Siddhartha Nautiyal, Judicial Member**

[Conducted through E-Court at Ahmedabad]

**ITA No. 86/Rjt/2021  
Assessment Year 2015-16**

Newage Industries, Ambawadi Industrial Estate, Wadhwan city Surendranagar-363001, Gujarat PAN: AACFN3696B (Appellant)	Vs	Pr. CIT, Ahmedabad-3 (Respondent)
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**Assessee by: Shri Deepak Shah, A.R.  
Revenue by: Shri James Kurian, CIT-D.R.**

Date of hearing : 02-03-2022  
Date of pronouncement : 28-04-2022

**आदेश/ORDER**

**PER : SIDDHARTHA NAUTIYAL, JUDICIAL MEMBER:-**

This is an appeal filed by the assessee against the order of the Id. Principal Commissioner of Income Tax, Ahmedabad-3 in Appeal no. ITBA/REV/F/REV5/2020-21/1031880709(1) vide order dated 29/03/2021 passed for the assessment year 2015-16.

2. The brief facts of the case are that the assessee had filed its return of income for the A.Y. 2015-16 on 28.09.2015 declaring total income at Rs. 95,17,510/-. Thereafter, the case was selected for Limited scrutiny through CASS. Assessment order was finalized u/s. 143(3) of the Act vide order dated 26.12.2017 assessing total income at returned income of Rs.95,17,510/-. On verification of P&L account, it was noticed that the assessee firm had debited EMD/PBG/SD not recoverable of Rs. 67,22,537/- (bad debt). However, in respect of the above claim, no details were found to be called for or submitted by the assessee in respect of this claim with any cogent evidence before the Ld. Assessing Officer during the course of assessment proceedings. In the absence of such any enquiry by Ld. Assessing Officer and any details/documentary evidences being filed the assessee in respect of the above claim, notice u/s 263 of the Act was issued by Ld. Pr. CIT to disallow the above amount. In response thereto, the assessee filed response dated 26-03-2021 and further reply dated 27-03-2021 before Ld. Pr. Ld. CIT(A). However, the Ld. Pr. CIT rejected the assessee's contention and held the assessment order as being erroneous and prejudicial to the interests of the revenue. We had heard the matter on 02-03-2022 and kept the file for orders.

3. However, on perusing the file of the assessee while drafting the order, we required clarity on certain factual aspects, and accordingly we fixed the case for clarifications, which was heard on 28-04-2022. However, during the course of hearing, Ld. Counsel for the assessee submitted that pursuant to order passed by Ld. Pr. CIT setting aside the original assessment order directing the Ld. Assessing Officer to pass order after making requisite

inquiries and proper verification, the Ld. Assessing Officer in assessment proceedings accepted the stand of the assessee after making due inquiries as directed, and passed assessment order deleting the additions proposed in the order passed u/s 263 of the Act order. Accordingly, the Ld. Counsel for the assessee submitted that the assessee wishes to withdraw the appeal. Ld. Counsel for the assessee also placed on record the assessment order dated 28-03-2022 passed by Ld. Assessing Officer pursuant to directions of the 263 order. The Ld. Departmental Representative also did not object to the withdrawal of appeal. Accordingly, the appeal of the assessee is dismissed as withdrawn.

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

Order pronounced in the open court on 28-04-2022

**Sd/-**  
**(ANNAPURNA GUPTA)**  
**ACCOUNTANT MEMBER**  
**Ahmedabad : Dated 28/04/2022**

**Sd/-**  
**(SIDHHARTHA NAUTIYAL)**  
**JUDICIAL MEMBER**

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

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order,

Assistant Registrar,  
Income Tax Appellate Tribunal,  
Rajkot