

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "G" MUMBAI**

**BEFORE SHRI VIKAS AWASTHY (JUDICIAL MEMBER) AND
SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER)**

**ITA No. 1808/MUM/2019
Assessment Year: 2014-15**

Samrat Amarjit Nagi,
B-602, Foreshore Juhu Tara Road,
Santacruz West,
Mumbai-400049.

Vs.

Deputy Commissioner of
Income Tax-CC-3(2),
19th Floor, Air India Building,
Nariman Point,
Mumbai-400021.

**PAN No. ABTPN 3900 G
Appellant**

Respondent

Assessee by : None
Revenue by : Mr. Hoshang B. Irani, DR

Date of Hearing : 13/04/2022
Date of pronouncement : 13/04/2022

ORDER

PER OM PRAKASH KANT, AM

This appeal has been preferred by the assessee against the order dated 25.02.2019 passed by the Ld. Commissioner of Income Tax (Appeals)-51, Mumbai [in short 'the Ld. CIT(A) '] for assessment year 2014-15 raising following grounds of appeal:

- 1. The ld. CIT(A) has erred in law and on the facts of the case in confirming the penalty levied by the Assessing Officer which*

is made on the basis of defective notice as the Assessing Officer has not specified under which limb penalty is being initiated.

2. *The Ld. CIT(A) has erred in law and on the facts of the case in confirming the action of Assessing Officer levying penalty of Rs.1,29,780/- under section 271(1)(c) of the Income Tax Act. The action is unjustified and unwarranted.*

2. At the outset, the Ld. counsel of the assessee filed a letter wherein it is submitted that assessee wish to withdraw the appeal as dispute has been settled by the assessee under Vivad Se Vishwas Scheme and Form No. 3 has already been issued by the competent authority.

3. The Ld. Departmental Representative (DR) did not object to withdrawal of the appeal by the assessee.

4. In view of the issue in dispute involved in the appeal already settled under Vivad Se Vishwas Scheme, the assessee is permitted to withdraw the appeal and accordingly same as dismissed as infructuous.

5. In the result, the appeal filed by the assessee is dismissed.

Order pronounced in the open Court on.

Sd/-

**(VIKAS AWASTHY)
JUDICIAL MEMBER**

Sd/-

**(OM PRAKASH KANT)
ACCOUNTANT MEMBER**

Mumbai;
Dated: 13/04/2022
Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Sr. Private Secretary)
ITAT, Mumbai