

**IN THE INCOME TAX APPELLATE TRIBUNAL
"E" BENCH, MUMBAI**

**BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER AND
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER**

आयकर अपील सं/ I.T.A. No. 5469/Mum/2014
(निर्धारण वर्ष / Assessment Year: 2008-09)

Shri Tejas Ramniklal Kothari, 304, Pushp Kung, A Road, Churchgate, Mumbai - 400020 PAN : AABPK3545M	बनाम/ Vs.	Assistant Commissioner of Income Tax – 14(2), Mumbai, 3 rd Floor, Room No. 304, Earnest House, Mumbai - 400021
(अपीलार्थी / Appellant)	:	(प्रत्यर्थी) / Respondent)

For the Appellant/Assessee: None
For the Respondent/Revenue: Shri B.K. Bagchi

सुनवाई की तारीख / Date of Hearing : 20.04.2022
घोषणा की तारीख /Date of Pronouncement : 28.04.2022

आदेश / O R D E R

Per Rahul Chaudhary, Judicial Member:

1. By way of the present appeal the Appellant/Assessee has challenged the order dated, 16.07.2014 passed by the Ld. Commissioner of Income Tax (Appeals)-25, Mumbai (hereafter referred to as 'the CIT(A)'] for the Assessment Year 2008-09, whereby the Ld. CIT(A) had partly allowed the appeal against the Assessment Order, dated 05.01.2014, passed under Section 143(3) read with Section 148 of the Income Tax Act, 1961 (hereafter referred to as 'the Act'),
2. The Assessee has raised the following grounds:
 1. The learned CIT(A) erred in confirming the addition made by the Assessing Officer of Rs. 40,94,555/- by invoking the provisions of section 2(22)(e) of the I.T. Act.
 2. The learned CIT(A) failed to consider the submissions made before him.

3. The Assessee has, vide letter dated 22.03.2022, made a request for withdrawal of the present appeal having opted for Direct Tax Vivad Se Vishwas Scheme, 2020. In this regard, the Assessee has placed on record Form No. 5 issued by the designated authority (Acknowledgement No. 367508950140621). The learned Departmental Representative has no objection to the aforesaid request of the assessee.
4. In view of the above, the present appeal is dismissed as withdrawn

Order pronounced on 28.04.2022.

Sd/-
(Shamim Yahya)
Accountant Member

Sd/-
(Rahul Chaudhary)
Judicial Member

मुंबई Mumbai; दिनांक Dated : 28.04.2022
Alindra, PS

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)-
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

**उप/सहायक पंजीकार // (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai**