

आयकर अपीलीय अधिकरण, जयपुर न्यायपीठ, जयपुर
IN THE INCOME TAX APPELLATE TRIBUNAL, JAIPUR BENCH "B" VC JAIPUR

श्री संदीप गोसाई, न्यायिक सदस्य एवं डॉ. मीठा लाल मीना, लेखा सदस्य के समक्ष
BEFORE: SHRI SANDEEP GOSAIN, JM & DR. MITHA LAL MEENA, AM

आयकर अपील सं./ITA Nos. 316, 317 & 318/JP/2020
निर्धारण वर्ष/Assessment Years : 2013-14, 14-15 & 15-16.

Shri Rakesh Garg 2, Pragati Colony, Near St. Stephen School, Madanganj, Kishangarh- 305801.	बनाम Vs.	The Income Tax Officer, Ward-2, Kishangarh.
स्थायी लेखा सं./जीआईआर सं./PAN/GIR No. AATPG 8087 C		
अपीलार्थी/ Appellant		प्रत्यर्थी/ Respondent

निर्धारिती की ओर से/ Assessee by : Shri S.L. Poddar (Advocate)
राजस्व की ओर से/ Revenue by : Smt. Runi Pal (Addl. CIT)

सुनवाई की तारीख/ Date of Hearing : 23/05/2022
उदघोषणा की तारीख/ Date of Pronouncement: 31/05/2022

आदेश/ ORDER

PER BENCH :

The present appeals have been filed by the assessee against the orders of CIT(A), Ajmer all dated 07.05.2019 for the assessment years 2013-14 to 2015-16.

2. Hearing of the appeal was concluded through video conference in view of the prevailing situation of Covid-19 pandemic.

3. The Id. Counsel for the assessee furnished application dated 20.05.2022 for withdrawal of these appeals. The contention in the said application reads as under:-

"Respected Sir,

With reference to above we would like to submit that the assessee has opted Vivad se Vishwas Scheme-2020 for the above assessment years and the assessee has filed form no. 1 & 2. Against the rejection of application for Vivad se Vishwas. The assessee has filed a writ petition before the Hon'ble Rajasthan High Court in D.B. Civil Writ Petition No. 4178/2021. The Hon'ble Rajasthan High Court has allowed the writ petition of the assessee vide their order dated 17.02.2022 and directed to the department not to reject the application for Vivad se Vishwas Scheme on the ground that the appeals are not pending on 31.01.2020. Therefore, you are requested to allow us for withdrawal of appeals in all the three years and oblige."

4. The Id. DR has raised no objection if the appeals of the assessee are allowed to be withdrawn.

5. The assessee has already approached the department to settle the matter under "Vivad Se Vishwas Scheme" but on rejection of the assessee's request by the department, the assessee has approached the Hon'ble Rajasthan High Court in DB Civil Writ Petition No. 4178/2021. The Hon'ble Rajasthan High Court has allowed the writ petition vide their order dated 17.02.2022 and directed the department not to reject the application for Vivad se Vishwas Scheme. Therefore, in view of the fact that the Hon'ble High Court has allowed the writ petition of the assessee to settle the matter under

Vivad Se Vishwas Scheme, we permit the assessee to withdraw these appeals.

Accordingly, the appeals of the assessee are dismissed as withdrawn.

6. In the result, the appeals of the assessee are dismissed as withdrawn.

Order pronounced in the open court on 31/05/2022.

Sd/-

(डॉ. मीठा लाल मीना)
(Dr. Mitha Lal Meena)
लेखा सदस्य / Accountant Member

(संदीप गोसाईं)
(Sandeep Gosain)
न्यायिक सदस्य / Judicial Member

जयपुर / Jaipur

दिनांक / Dated:- 31/05/2022.

Das/

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

1. अपीलार्थी / The Appellant- Shri Rakesh Garg, Madanganj, Kishangarh.
2. प्रत्यर्थी / The Respondent- The ITO Ward-2, Kishangarh.
3. आयकर आयुक्त / CIT
4. आयकर आयुक्त / CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur.
6. गार्ड फाईल / Guard File {ITA No. 316, 317 & 318/JP/2020}

आदेशानुसार / By order,

सहायक पंजीकार / Asst. Registrar

