

**IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH, MUMBAI**

**BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER &
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

**ITA No. 6440/Mum/2019
(A.Y. 2015-16)**

Prakash Dugar Shop No. 3, Labh Niwas 95, Dr. A.M. Road, Kalbadevi, Mumbai - 400002	Vs.	ITO-18(2)(5) Earnest House, Nariman Point, Mumbai - 400021
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No: AKRPD4068N		
Appellant	..	Respondent

Appellant by :	None
Respondent by :	R.A. Dhyani

Date of Hearing	30.05.2022
Date of Pronouncement	30.05.2022

आदेश / O R D E R

PER AMARJIT SINGH, AM:

The present appeal filed by the assessee is directed against the order passed by the CIT(A)-29, Mumbai, which in turn arises from the order passed by the A.O. u/s 143(3) of the Income Tax Act, 1961 for A.Y. 2015-16.

2. During the course of appellate proceedings before us the assessee has filed application for withdrawal of appeal vide letter dated 23.02.2022 stating that he opted for “Vivad se Vishwas Scheme” and also enclosed copies of Form No. 1 to 4 along with the application.

3. The ld. D.R did not controvert the aforesaid factual position as had been stated before us.

4. In view of the above, we dismiss the appeal as withdrawn, subject to a rider that in the unlikely event of the matter not being resolved under the Vivad se Vishwas scheme the assessee shall have liberty to approach the Tribunal for restoration of his appeal within the time limit provided in the Act.

5. Resultantly, the appeal is dismissed as withdrawn subject to the observation recorded hereinabove.

Order pronounced in the open court on 30.05.2022.

Sd/-
(Vikas Awasthy)
JUDICIAL MEMBER

Sd/-
(Amarjit Singh)
ACCOUNTANT MEMBER

Mumbai;

Dated: 30.05.2022

PS: Rohit

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.

BY ORDER,
//True Copy//

(Sr. Private Secretary)
ITAT, Mumbai