

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'E': NEW DELHI**

**BEFORE,
SHRI SAKTIJIT DEY, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No.8260/Del/2019
(ASSESSMENT YEAR 2006-07)**

M/s Nav Tarang Travels Pvt. Ltd. D-369, Defence Colony, New Delhi-110 024 PAN-AAACN 0335L	Vs.	Asst.CIT Circle-17(2) New Delhi
(Appellant)		(Respondent)

Appellant By	Sh. Aneesh Gupta, CA
Respondent by	Sh. Dilip Singh Kothari, CIT-DR

ORDER

PER ANADEE NATH MISSHRA, AM:

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals)-36, New Delhi [Ld. CIT(A)", for short], dated 31.07.2019 for Assessment Year 2006-07.

Grounds taken in this appeal of Assessee are as under:

"1. That on the facts and circumstances of the case the Learned Commissioner of Income Tax (Appeals)-36 was not justified in deciding penalty of Rs.51,00,000/- as per section 271(1)(c) of the I.T. Act, 1961.

2. That the Ld. AO has erred in imposing penalty proceedings u/s 271(1)(c) of the I.T. Act, which is misconceived on facts and in law and liable to be deleted.

3. *That the above grounds of appeal are without prejudice to one another.*

4. *That the assessee prays permission to add, delete or amend one or more grounds of appeal.”*

(B) In the course of appellate proceedings in Income Tax Appellate Tribunal (“ITAT”, for short) the Learned Authorized Representative (“Ld. AR”, for short) for the assessee submitted a letter informing that the assessee has opted for Vivad se Vishwas Scheme, 2020 (“VSVS”, for short) and that the Designated Authority has already issued Form-3 under VSVS. A copy of Form-3 issued by the Designated Authority was also enclosed with the aforesaid letter. At the time of hearing, the Ld. AR submitted that the appeal has become infructuous in view of the assessee opting for VSVS; and that the appeal may be dismissed as withdrawn. Learned Senior Departmental Representative was in agreement with this. After due consideration and in view of the foregoing, we are of the opinion that this appeal has become infructuous on account of aforesaid VSVS, and that this appeal may be treated as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal having become infructuous, is treated as withdrawn and is hereby dismissed.

(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason the disputes under this appeal before us are not settled under the aforesaid VSVS, then the assessee will be at liberty to approach ITAT for restoration of this appeal in accordance with law.

(C) In the result, this appeal is dismissed.

This order was already pronounced orally on 15th June, 2022 in Open Court, in the presence of representatives of both sides, after conclusion of the hearing. Now this order in writing is signed today on 16.06.2022.

Sd/-
(SAKTIJIT DEY)
JUDICIAL MEMBER

Dated: 16.06.2022

Pk

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW, DELHI