

IN THE INCOME TAX APPELLATE TRIBUNAL DELHI

(DELHI BENCH 'E' : NEW DELHI)

**BEFORE SH. G.S.PANNU, HON'BLE PRESIDENT
AND
SH. ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No.5864/Del/2019
(Assessment Year : 2015-16)

Mohd. Nadeem Khan Near Akansha Automobile, Moradabad PAN : AERPK6217Q	Vs.	ACIT-1, Aaykar Bhawan, Civil Lines, Moradabad
(APPELLANT)		(RESPONDENT)

Assessee by	None
Revenue by	Sh. Sumit Kumar Verma, Sr. DR

Date of hearing:	17.05.2022
Date of Pronouncement:	17 .05.2022

ORDER

PER ANUBHAV SHARMA, JM:

This appeal has been preferred by the assessee against the appellate order dated 04.06.2019 u/s 250(6) of the Income Tax Act, 1961 (hereinafter referred to as "The Act") passed by Commissioner of Income Tax (Appeals)- Moradabad, being appeal no. 285/17-18 .

2. Heard and perused the record. An application has been filed, for withdrawal of the appeal by the assessee, in furtherance of settlement arrived under The Direct Tax Vivad Se Vishwas Act, 2020 (The Act of 2020).

3. On behalf of the appellant, Form 5 under the Act of 2020 has been placed on record.

4. The sub section (2) of section 4 of the Act of 2020 provides that on issuance of certificate under sub section (1) of section 5 by the designated authority the appeal pending before this tribunal shall be deemed to have been withdrawn from the date on which the said certificate is issued.

5. In the light of aforesaid, the appeal in hand stands dismissed.

6. However, subject to a caveat that in case the dispute relating to tax arrears for the captioned assessment year is not ultimately resolved in terms of The Act of 2020, the assessee shall be at liberty to approach the Tribunal for reinstatement of the appeal and the Tribunal shall consider such application, appropriately as per law.

Order pronounced in the open court on 17th May, 2022.

Sd/-

**(G.S.PANNU)
PRESIDENT**

Sd/-

**(ANUBHAV SHARMA)
JUDICIAL MEMBER**

Date:- 17.05.2022

Binita, SR.P.S

Copy forwarded to:

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

**ASSISTANT REGISTRAR
ITAT, NEW DELHI**