

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

**BEFORE,
SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No.8732/Del/2019
(ASSESSMENT YEAR 2011-12)**

AR Manufacturing Solutions Pvt. Ltd., C/o RRA Taxindia D-28, South Extn. Part-I, New Delhi. PAN- AAGCA4702L	Vs.	ACIT, Circle-1(1), New Delhi
(Appellant)		(Respondent)

Appellant By	Shri Anshu Mittal, Adv.
Respondent by	Shri Kanav Bali, Sr. DR

ORDER

PER ANADEE NATH MISSHRA, AM:

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals)-I, New Delhi [“Ld. CIT(A)”, for short], dated 16.09.2019 for Assessment Year 2011-12.

Grounds taken in this appeal of Assessee are as under:

“1. That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of Ld. AO in framing the impugned reassessment order u/s 147/143(3) without assuming jurisdiction under law and without recording valid reason in the

eyes of law and without recording requisite sanction/approval of the higher authority as prescribed under the law and without complying with the other mandatory conditions u/s 147 to 151 as envisaged under the Income Tax Act, 1961 and without disposing the objection of assessee with regard to validity of reassessment proceedings.

2. *That in any case and in any view of the matter, action of Ld. CIT(A) in confirming the action of Ld. AO in framing the impugned reassessment order u/s 147/143(3), is bad in law and against the facts and circumstances of the case and the same is not sustainable on various legal and factual grounds.*

3. *That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of Ld. AO in making aggregate addition of Rs. 1,00,00,000/- on account of share application money by treating it as alleged income of the assessee company u/s 68 of the Act and that too by recording incorrect facts findings and without giving adequate opportunity of hearing and without bringing anything contrary on record and by disregarding the submissions, evidences and material placed by the assessee and in violation of principal of natural justice and without providing the opportunity of cross examination.*

That in any case and in any view of the matter, action of Ld. CIT(A) in confirming the action of Ld. AO in making aggregate addition of Rs. 1,00,00,000/- on account of share application money u/s 68, is bad in law and against the facts and circumstances of the case.

5. *That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of Ld. AO in making addition of Rs.2,00,000/- on account of alleged commission paid.*

6. *That in any case and in any view of the matter, action of the Ld. CIT(A) in confirming the action of Ld. AO in making impugned addition and framing the impugned reassessment order is contrary to law and facts and*

void ab initio and the same is not sustainable on various legal and factual grounds and without observing the principles of natural justice and deserves to be quashed.

7. *That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in not reversing the action of Ld. AO in charging interest u/s. 234A, 234B and 234C of Income Tax Act, 1961.”*

(B) At the time of hearing, learned counsel for the assessee submitted 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. He also filed a copy of Form-4 filed by the assessee in pursuance of the aforesaid Form-3. Learned counsel for the assessee, as well as, the ld. Senior Departmental Representative for Revenue submitted before us, at the time of hearing, that the appeal has become infructuous in view of the assessee opting for VSVS; and that the appeal may be dismissed as withdrawn. 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 6th July, 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 07.07.2022.

Sd/-

(CHALLA NAGENDRA PRASAD)
JUDICIAL MEMBER

Dated: 07.07.2022

Prabhat

Sd/-

(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER