

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
'A' BENCH, KOLKATA**

**Before Shri Rajpal Yadav, Vice-President (KZ)  
&  
Shri Rajesh Kumar, Accountant Member**

**I.T.A. No. 1296/KOL/2019  
Assessment Year: 2014-2015**

***Arya Construction,.....Appellant  
Amar Bhaban, Milan Para,  
P.O. Raiganj,  
Dist. Uttar Dinajpur-733134, West Bengal  
[PAN: AAWFA6140R]  
-Vs.-***

***Assistant Commissioner of Income Tax,.....Respondent  
Circle-2(2), Jalpaiguri,  
Central Revenue Building,  
Race Course Road, Naya Basti,  
Jalpaiguri-735101***

**Appearances by:**

*None, appeared on behalf of the assessee  
Shri Biswanath Das, Addl. CIT, appeared on behalf of the Revenue*

**Date of concluding the hearing : July 07, 2022**

**Date of pronouncing the order: July 07, 2022**

**O R D E R**

**Per Bench:-**

The present appeal is directed at the instance of assessee against the order of ld. Commissioner of Income Tax (Appeals), Jalpaiguri dated 18.01.2019 passed for the assessment year 2014-15.

2. Ld. Authorized Representative of the assessee-company Shri N.C. Mondal, FCA has filed an application dated 07.07.2022 pleading therein that the assessee has resolved the issue in dispute with the Revenue under Vivad Se Viswas Scheme and intend to withdraw the appeal. For buttressing this plea, the assessee has filed a copy of Declaration in Form No. 5 which is being placed on record. Since the Department has issued

Form No. 5, which is the ultimate declaration for the resolution of the dispute with the assessee, therefore, there is no ideal to keep this appeal pending. Accordingly, we dismiss this appeal of the assessee as withdrawn on the ground that dispute has been resolved under Vivad Se Viswas Scheme.

**3. In the result, the appeal filed by the assessee is dismissed as withdrawn.**

Order pronounced in the open Court on July 7<sup>th</sup>, 2022.

**Sd/-  
(Rajesh Kumar)  
Accountant Member**

**Sd/-  
(Rajpal Yadav)  
Vice-President (KZ)**

***Kolkata, the 7<sup>th</sup> day of July, 2022***

- Copies to :*
- (1) Arya Construction,  
Amar Bhaban, Milan Para,  
P.O. Raiganj,  
Dist. Uttar Dinajpur-733134, West Bengal*
  - (2) Assistant Commissioner of Income Tax,  
Circle-2(2), Jalpaiguri,  
Central Revenue Building,  
Race Course Road, Naya Basti, Jalpaiguri-735101*
  - (3) Commissioner of Income Tax(Appeals),  
Income Tax Department, National Faceless Appeal Centre  
(NFAC), Delhi- ,*
  - (4) The Departmental Representative*
  - (5) Guard File*
- TRUE COPY**

*By order*

*Assistant Registrar,  
Income Tax Appellate Tribunal,  
Kolkata Benches, Kolkata*

***Laha/Sr. P.S.***