

**IN THE INCOME TAX APPELLATE TRIBUNAL  
CIRCUIT 'SMC' BENCH, VARANASI**

**BEFORE SHRI.VIJAY PAL RAO, JUDICIAL MEMBER**

**ITA No.197/VNS/2019  
Assessment Year: 2008-09**

Sh. Krishna Kumar Singh, Churamanpur, GT Road India Tyre Bhulapur PAC Churamanpur, Varanasi PAN-AGVPS2086F	v.	Income Tax Officer, Ward-3(1), Varanasi
(Appellant)		(Respondent)

Appellant by:	Sh. Praveen Godbole, Advocate
Respondent by:	Sh. A.K. Singh, Sr. D.R.
Date of hearing:	06.07.2022
Date of pronouncement:	06.07.2022

**ORDER**

**SHRI VIJAY PAL RAO, JUDICIAL MEMBER:**

This appeal by the assessee is directed against the order dated 02.07.2019 of CIT(A) for the assessment year 2008-09.

2. At the time of hearing, the learned AR of the assessee has submitted that the assessee has opted for Vivad Se Vishwas Scheme, 2020 and the Designated Authority has issued Form No. 5 dated 30.11.2021. Accordingly, the assessee is seeking withdrawal of the present appeal. The learned AR has filed copies of Form No. 3, Form No. 4 and Form No. 5 under Vivad Se Vishwas Scheme, 2020.

3. On the other hand, the learned Sr. DR has raised no objection, if the present appeal of the assessee is dismissed being withdrawn.

4. Having considered the submissions of the learned AR as well as learned Sr. DR and careful perusal of the relevant record, it is noted that the assessee has opted for Vivad Se Vishwas Scheme, 2020 to settle the tax dispute for the assessment year under consideration. The Designated Authority issued Form No. 3, dated 30.3.2021 determining the outstanding tax liability as refund of Rs.

74,907/-. Thereafter, the assessee filed Form No. 4 and consequentially the Designated Authority has issued Form No. 5 dated 30.11.2021, whereby accepted the declaration of the assessee towards full and final settlement of tax arrears. Accordingly, the present appeal of the assessee is allowed to be withdrawn and consequentially the same is dismissed being withdrawn.

5. In the result, the appeal of the assessee is dismissed being withdrawn in view of the settlement of the dispute under Vivad Se Vishwas Scheme, 2020.

Order pronounced in the open Court after conclusion of hearing on 6.7.2022, in the presence of both the parties.

***Sd/-***  
**[VIJAY PAL RAO]**  
**JUDICIAL MEMBER**

DATED: 6/7/2022

Varanasi

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1. Appellant
2. Respondent
3. CIT(A), Varanasi
4. CIT
5. DR

By order  
Sr. P.S.