

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

**SHRI PARTHA SARATHI CHAUDHURY, JM AND  
DR. DIPAK P. RIPOTE, AM**

**ITA No. 701 and 702/PUN/2019  
A.Y. 2009-10 & 2010-11**

The Asstt. C.I.T. Central Circle 2, Nashik

Appellant

Vs.

M/s. BNC Power Projects Ltd.,  
3<sup>rd</sup> floor, Butte Patil Complex,  
Karve Road, Paud Phata,  
PUNE – 411 038  
PAN: AADCC 2599R

Respondent

Appellant by : Shri Arvind Desai (through Physical)  
Respondent by : Shri Devendra Kulkarni (through virtual)  
Date of Hearing : 27-07-2022  
Date of Pronouncement : 28-07-2022

**ORDER**

**PER BENCH**

These appeals preferred by the Revenue emanates from the common order of the Id. CIT(A)-12, Pune, dated 25-02-2019 for A.Y. 2009-10 & 2010-11 as per the grounds of appeal on record.

2. That at the time of hearing, the assessee submitted that they have opted for the Direct Tax Vivad se Vishwas Scheme 2020 for A.Y. 2009-10 and 2010-11 and has already received Form 5 for both the assessment years, which is on record.

3. On the basis of this submission of the assessee, the Id. D.R submitted that since the assessee has opted for the Direct Tax Vivad se Vishwas Scheme 2020 and has received Form No. 5, the Revenue would like to withdraw the said appeals with the permission of the Bench.

4. Having heard the parties, we find that the assessee has opted for the Direct Tax Vivad se Vishwas Scheme 2020 and has also received form 5 in respect of both the assessment years and hence the Revenue wishes to withdraw these appeals. We therefore, allow the Revenue to withdraw these appeals. We also mention here that in future if any difficulty arises in fulfilling the obligation under Direct Tax Vivad se Vishwas Scheme 2020 in these cases, the Revenue may make separate application, if required, for restoration of the said appeals. In view thereof, both the appeals are dismissed as withdrawn.

5. In the result, Revenue's appeals are dismissed as withdrawn.

Order pronounced in the open court on 28<sup>th</sup> day of July 2022.

Sd/-  
**(DR. DIPAK P. RIPOTE)**  
**ACCOUNTANT MEMBER**

sd/-  
**(PARTHA SARATHI CHAUDHURY)**  
**JUDICIAL MEMBER**

Pune; Dated, this 28<sup>th</sup> day of July 2022  
 Ankam

**Copy of the Order forwarded to :**

1. The Appellant.
2. The Respondent.
3. The CIT (A)-12, Pune.
3. The Pr. CIT Central, Nagpur.
4. The D.R. ITAT A' Bench, Pune.
5. Guard File

BY ORDER,

**/// TRUE COPY ///**

Sr. Private Secretary  
 ITAT, Pune.

		Date	
1	Draft dictated on	27-07-2022	Sr.PS
2	Draft placed before author	28-07-2022	Sr.PS
3	Draft proposed and placed before the second Member		JM/AM
4	Draft discussed/approved by second Member		AM/JM
5	Approved draft comes to the Sr. PS		Sr.PS
6	Kept for pronouncement on	28-07-2022	Sr.PS
7	Date of uploading of order	28-07-2022	Sr.PS
8	File sent to Bench Clerk	28-07-2022	Sr.PS
9	Date on which the file goes to the Head Clerk		
10	Date on which file goes to the A.R		
11	Date of dispatch of order		