

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'H', NEW DELHI**

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER  
AND  
SH. ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No.5408/Del/2019  
Assessment Year: 2010-11

<b>Kailash Communication (P) Ltd. D-369, Defence Colony, New Delhi-110024 PAN No.AACCK4709P</b>	<b>Vs</b>	<b>ITO Ward-14 (1) New Delhi</b>
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>

<b>Appellant</b>	Sh. Aneesh Gupta, CA
<b>Respondent</b>	Sh. M. Baranwal, CIT (DR)

Date of hearing:	01/09/2022
Date of Pronouncement:	01/09/2022

**ORDER**

**PER N.K. BILLAIYA, AM:**

This appeal by the assessee is preferred against the order of the CIT(A)-36, New Delhi dated 29.03.2019 for A.Y.2010-11.

2. The solitary grievance of the assessee is that the CIT(A) erred in confirming the penalty of Rs.52530/- levied by the AO u/s. 271 (1) (c) of the Act.

3. At the very outset the authorised representative of the assessee moved an application for the withdrawal of the captioned appeal. The application read as under :-

To,  
The Income Tax Appellate Tribunal,  
Bench H,  
New Delhi.

Date: 31.08.2022

**Subject: Request for withdrawal of appeal in the case of Kailash Communication Pvt Ltd (PAN No. AACCK4709P) for the AY 2010-11 against Appeal No ITA 5408/DEL/2019.**

Honorable Sir,

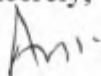
The above captioned Appeal was filed before the Income Tax Appellate Tribunal, New Delhi on 17.06.2019. The captioned Appeal is pending before this Honorable Tribunal.

However, it is informed that the assessee has opted for "Vivad se Vishwas Scheme-2020". The assessee has moved the present application for withdrawing the Appeal pending before this Honorable Tribunal.

**Prayer:**

Sir, it is respectfully submitted to allow the assessee to withdraw the present Appeal with the liberty to re-file if nothing comes out during the proceedings of Vivad se Vishwas Scheme or any other liberty your Honours deems necessary and fit.

Yours Sincerely,



Ca Anish Gupta  
The Counsel of Assessee.

4. In the light of the above this appeal by the assessee is dismissed.

5. Decision announced in the open court on 01.09.2022.

Sd/-  
**(ANUBHAV SHARMA)**  
**JUDICIAL MEMBER**

\*NEHA, Sr. Private Secretary\*

Date:- 01.09.2022

Copy forwarded to:

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

Sd/-  
**(N. K. BILLAIYA)**  
**ACCOUNTANT MEMBER**

ASSISTANT REGISTRAR  
ITAT NEW DELHI

Date of dictation	01.09.2022
Date on which the typed draft is placed before the dictating Member	02.09.2022
Date on which the typed draft is placed before the Other member	02.09.2022
Date on which the approved draft comes to the Sr.PS/PS	02.09.2022
Date on which the fair order is placed before the Dictating Member for Pronouncement	02.09.2022
Date on which the fair order comes back to the Sr. PS/ PS	02.09.2022
Date on which the final order is uploaded on the website of ITAT	02.09.2022
Date on which the file goes to the Bench Clerk	02.09.2022
Date on which file goes to the Head Clerk.	
The date on which file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	