

INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "A": NEW DELHI  
BEFORE SHRI N. K. BILLAIYA, ACCOUNTANT MEMBER  
AND  
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER

ITA No. 7565/Del/2018  
(Assessment Year: 2015-16)

Ankit Yadav, 15, Harcharan Bagh, Andheria More, Mehrauli, New Delhi (Appellant)	Vs.	ITO, Ward-32(3), New Delhi (Respondent)
--	-----	--

PAN: **ABGPY7153B**

Assessee by :	Shri Morh Mukht Yadav, Adv
Revenue by:	Shri R. K. Gupta, CIT DR

Date of Hearing	01/09/2022
Date of pronouncement	01/09/2022

O R D E R

PER ANUBHAV SHARMA, J. M.:

1. The present appeal has been preferred by the Assessee against the order dated 03.10.2018 of Ld. CIT(A)-11, New Delhi (hereinafter referred as Ld. First Appellate Authority) arising out of an appeal before it against the assessment order dated 31.12.2017 passed u/s 153C/ 153A of the Income Tax Act, 1961 (hereinafter referred as 'the Act') by the AO, ITO, Ward-32(3), New Delhi (hereinafter referred as the Ld. AO).

2. At the time of hearing of the appeal the assessee submitted a letter dated 21.05.2022 stating that the assessee has already opted for settlement of the impugned dispute involved in this appeal under the Direct Taxes Vivaad se Vishwas Act, 2020. The relevant form No. 3 issued on 17.02.2021 issued by Ld. Pr. CIT, Delhi-10. Therefore,

the appeal filed by the assessee may be treated as withdrawn subject to the rider that in case Form No. 5 is not issued to the assessee the dispute involved in this appeal may be recalled.

3. The Id DR fairly agreed with the above contention.

4. Giving thoughtful consideration to aforesaid pleas, it is ordered that as Assessee has already been issued Form No. 3 on 17.02.2021 issued by Id. Pr. CIT, Delhi-10 with respect to dispute involved in the above appeal and Form No. 5 u/s 5(2) of the Act has not still been issued, therefore, appeal of the Assessee is dismissed as withdrawn but subject to liberty to the assessee that in the event, dispute is not settled under the Direct Taxes Vivaad se Vishwas Act, 2020, the assessee may apply for recall of this order.

Order pronounced in the open court on 01/09/2022.

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

-Sd/-  
(ANUBHAV SHARMA)  
JUDICIAL MEMBER

Dated:01/09/2022  
A K Keot

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR  
ITAT, New Delhi