

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'F' BENCH
MUMBAI**

**BEFORE: SHRI M.BALAGANESH, ACCOUNTANT MEMBER
&
SMT KAVITHA RAJAGOPAL , JUDICIAL MEMBER**

**ITA No.1238/Mum/2022
(Assessment Year :2012-13)**

M/s. Vasudeo Prabhukhanolkar Erstwhile Trustee of Erstwhile Infrastructure Investment Trust 201A, Janmabhoomi Chamber 29 W.H. Marg, Ballard Estate Mumbai – 400 038	Vs.	Principal Commissioner of Income Tax, PCIT, Mumbai – 17 120, 1 st Floor, Kautilya Bhavan, C-41 to C-43, G Block Bandra Kurla Complex Bandra East Maharashtra – 400 051
PAN/GIR No.AABTG1578N		
(Appellant)	..	(Respondent)

Assessee by	Shri K Shivram
Revenue by	Shri Achal Sharma
Date of Hearing	07/09/2022
Date of Pronouncement	07/09/2022

आदेश / O R D E R

PER M. BALAGANESH (A.M):

This appeal in ITA No.1238/Mum/2022 for A.Y.2012-13 preferred by the order against the revision order of the Id. Pr. Commissioner of Income Tax-Mumbai-17, u/s.263 of the Act dated 25/03/2022 for the A.Y. 2012-13.

2. Assessee vide its letter dated 07/09/2022, prayed for withdrawal of appeal in ITA No. 1238/Mum/2012 for A.Y.2012-13. For the sake of convenience, we are reproducing the contents of the said Application as under:-

“The hearing of the captioned appeal is fixed before the Hon'ble 'F' Bench of the Income Tax Appellate Tribunal, Mumbai (ITAT) on September 07, 2022.

In this connection, the Appellant wishes to state as under.

The captioned appeal is filed against the order u/s 263 of the Income Tax Act, 1961 passed by the

Hon'ble Principal Commissioner of Income Tax, Mumbai -17 on March 25, 2022. Aggrieved by the said order, along with the present appeal, the Appellant had filed an Application for Stay of Operation on May 25, 2022 which has been dismissed by the Hon'ble Bench vide order dated May 27, 2022.

The Appellant wishes to contest the issues under consideration on their merits before the Assessing authority in the set-aside proceedings.

In view of the foregoing, the Assessee most humbly requests the Bench to kindly consider the captioned appeal as withdrawn. Permitted.

Hoping to be excused for the inconvenience caused.”

3. Ld. DR has not raised any objection.

4. We have heard the Id. DR and perused the records, especially the Application of assessee for withdrawal of the Appeal. We find considerable cogency in the contentions of Assessee as aforesaid. Keeping in view of the facts and circumstances of the case, we accept the request of the assessee for withdrawal of the Appeal and accordingly, we dismiss the Appeal as withdrawn.

5. In the result, the appeal of the Assessee is dismissed as withdrawn.

Order pronounced in open Court on 07/09/2022

Sd/-
(KAVITHA RAJAGOPAL)
JUDICIAL MEMBER

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 07/09/2022
KARUNA, *sr.ps*

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Sr. Private Secretary / Asstt. Registrar)
ITAT, Mumbai