

INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "C": NEW DELHI
BEFORE SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER

ITA No. 707/Del/2021
(Assessment Year: 2016-17)

Kalidas Khanna, D-239, Sector-47, Noida, Uttar Pradesh (Appellant)	Vs.	Pr. CIT, Delhi-10, New Delhi (Respondent)
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PAN: **ANEPK5626M**

Assessee by :	None
Revenue by:	Shri Anuj Gupta, Sr. DR
Date of Hearing	12/09/2022
Date of pronouncement	12/09/2022

O R D E R

PER ANUBHAV SHARMA, J. M.:

1. This is an appeal filed by the Assessee against the order of the Id Pr. CIT, Delhi-10 dated 20.03.2021 for Assessment Year 2016-17.
2. None appeared on behalf of the Assessee, however, the Assessee submitted a letter 08.09.2022, wherein, the Assessee requested that this appeal may be allowed to be withdrawn for the reason that the Assessee Ld. PCIT-10 New Delhi passed an order u/s 263 of the Act for AY 2016-17 setting aside the order of the Assessing officer dated 29/12/2018 u/s 143(3) of the Act assessing the income of the appellant at Rs 1,72,41,808/- against the returned income of Rs 10,22,840/-. The Ld. PCIT- 10 in his order under section 263, directed the AO to compute the long term capital gains u/s 50C afresh correctly applying the provisions of section 50C of the Act on the proportionate share of property disposed off by the appellant during the FY 2015-16. The appellant challenged the

order passed by the Ld. PCIT-10 on the grounds of jurisdiction before the tribunal. During the proceedings u/s 143(2) read with section 263, the AO referred the property under assessment for valuation to the Departmental Valuation Officer [DVO] under section 142A of the Act. The DVO issued his report in 31.03.2022. After considering the report of the valuation officer, the Assessing officer has not made any further additions to the earlier assessed income in his order passed u/s 143(3)/263. Thus the order passed u/s 143(3)/263 dated 10.08.2022 is not causing any grievance to the Assessee, the appeal filed before the tribunal against the order of Ld. PCIT-10 becomes infructuous.

3. The Ld. DR does not have any objection for the said request of the Id AR.

4. Heard and perused the letter dated 08.09.2022. We have gone through the request submitted by the Assessee and since the Id DR does not have any objection, the appeal is allowed to be withdrawn.

5. In the result the appeal of the assessee is dismissed as withdrawn.

Order pronounced in the open court on 12/09/2022.

-Sd/-
(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

-Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 12/09/2022
A K Keot

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

ASSISTANT REGISTRAR
ITAT, New Delhi