

**IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH KOLKATA**

आयकर अपीलीय अधीकरण, न्यायपीठ - "C" कोलकाता,

**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER  
AND SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

(समक्ष श्री संजय गर्ग न्यायिक सदस्य एवं श्री गिरीश अग्रवाल लेखा सदस्य)

**ITA No.1463/Kol/2019  
Assessment Year: 2010-11**

<b>Sudershan Prasad Bagaria</b> 3A, Hare Street, Ashoka House, 3 <sup>rd</sup> Floor, Room No. 303, Dalhousie, Kolkata-700001. <b>(PAN: (ADFPB 4376 A)</b> <b>(Appellant)</b>	<b>Vs.</b>	<b>ACIT, Circle-36, Kolkata</b> <b>(Respondent)</b>
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**Present for:**

Appellant by : Shri Chirag Desai, AR

Respondent by : Smt. Ranu Biswas, Addl. CIT, DR

Date of Hearing : 12.09.2022

Date of Pronouncement : 13.09.2022

**ORDER**

**PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:**

This appeal by the assessee is directed against the order of ld. CIT(A)-10, Kolkata dated 22.04.2019 for A.Y. 2010-11 against the assessment order passed u/s 147 r.s.s. 143(3) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') by ACIT, Circle-36, Kolkata.

2. Shri Chirag Desai, AR appeared for the assessee and Smt. Ranu Biswas, Sr. DR appeared on behalf of the revenue.

3. At the time of hearing ld. AR of the assessee submitted that the assessee has opted for Direct Tax Vivad Se Vishwas Scheme, 2020 (hereinafter, the 'scheme') and had filed Form no. 1 and Form no. 2 before the Competent Authority and the Competent Authority had accepted it and had issued Form-3. Thereafter the assessee has

remitted the tax as per Form 3 and filed form no. 4 and is expecting Form 5 from the competent authority. Since the assessee-respondent has paid the due taxes, there is no point in keeping the impugned appeal pending. Apropos the discussion (supra) and since Sr. DR does not have any objection in withdrawing the same, we allow the assessee to withdraw the impugned appeal.

4. In the result, the appeal of the assessee is dismissed as withdrawn.

Order is pronounced in the open court on 13 September, 2022

Sd/-

**(SANJAY GARG)**  
**JUDICIAL MEMBER**

Sd/-

**(GIRISH AGRAWAL)**  
**ACCOUNTANT MEMBER**

Kolkata, Dated: 13.09.2022  
Biswajit, Sr. P.S.

Copy to:

1. The Appellant: Sudershan Prasad Bagaria.
2. The Respondent: ACIT, Circle-36, Kolkata.
3. CIT- Kolkata.
4. CIT(A)- Kolkata
5. The DR, ITAT, Kolkata Bench, Kolkata

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By Order

Assistant Registrar  
ITAT, Kolkata Benches, Kolkata