

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'E': NEW DELHI**

**BEFORE,
SHRI SAKTIJIT DEY, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No.6276/Del/2019
(ASSESSMENT YEAR 2016-17)**

M/s Nitin Invofin Trade Pvt. Ltd. A-60, Naraina Industrial Area Phase-1 New Delhi-110 028 PAN-AACCN 5106D	Vs.	Asst. CIT Circle-18(2), New Delhi-110 002
(Appellant)		(Respondent)

Appellant By	(written request)
Respondent by	Ms. Jeetender Chand, Senior Departmental Representative ("Sr. DR" for short)

ORDER

PER ANADEE NATH MISSHRA, AM:

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals)-6, Delhi [Ld. CIT(A)", for short], dated 30/05/2019 for Assessment Year 2014-15. Grounds taken in this appeal are as under:

"1. That the Learned Commissioner of Income Tax (Appeal)-6, Delhi has grossly erred both in law and, on facts and in law disallowing the

business of Rs.66,22,511/- under section 37(1) of the Income Tax Act, 1961.

2. That the appellant craves leave to add, alter, amend and/or modify any grounds of appeal on or before at the time of hearing.”

(B) Vide letter dated 12.11.2022, it was intimated that the assessee opted for Vivad se Vishwas Scheme, 2020 (“VSVS”, for short) and that the Designated Authority had already issued Form-5 under VSVS. A copy of Form-5 issued by the Designated Authority was also enclosed with the aforesaid letter; and the assessee applied for withdrawal of appeal. The learned Sr. DR for Revenue submitted before us, at the time of hearing, that the appeal has become infructuous in view of the assessee opting for VSVS; and that the appeal may be dismissed as withdrawn. After due consideration and in view of the foregoing, we are of the opinion that this appeal has become infructuous on account of aforesaid VSVS, and that this appeal may be treated as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal having become infructuous, is treated as withdrawn and is hereby dismissed.

(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason the disputes under this appeal before us are not settled under the aforesaid VSVS, then the assessee will be at liberty to approach ITAT for restoration of this appeal in accordance with law.

(C) In the result, this appeal by Revenue is dismissed.

This order was already pronounced orally on 23rd November, 2022 in the Open Court, in the presence of learned Sr. DR for Revenue, after conclusion of hearing. Now, this written order is signed today on 28/11/2022

Sd/-

(SAKTIJIT DEY)
JUDICIAL MEMBER

Sd/-

(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

Dated: 28/11/2022

Pk

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI