

IN THE INCOME TAX APPELLATE TRIBUNAL, 'SMC' BENCH MUMBAI

**BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER
&
SHRI M.BALAGANESH, ACCOUNTANT MEMBER**

**ITA No.2580/Mum/2022
(Assessment Year :2020-21)**

RAKESH KISHINCHAND MILWANI Flat No. 502, Srushti Bldg No 349 CHS Ltd. Kalpataru Complex, Mira Road(E), Mumbai Maharashtra 401107	Vs.	WARD 16 (3) (1) Ayankar Bhavan, Maharishi Karve Road, Church gate, Mumbai, Maharashtra 400020
PAN/GIR No. AAEPM6382K		
(Appellant)	..	(Respondent)

Assessee by	Shri. Aquib Momin
Revenue by	Shri. Vaibhav Jain
Date of Hearing	13/12/2022
Date of Pronouncement	13/12/2022

ORDER

PER M.BALAGANESH (A.M.):

This appeal in ITA No. 2580/Mum/2022 preferred by the assessee arises out of order passed by the Learned Commissioner of Income Tax (Appeals)

National Faceless Appeal Centre (NFAC) [hereinafter referred to as Id. CIT(A)] in Appeal No. ITBA/NFAC/S/250/2022-23/1044910989(1) dated 24.08.2022 against the assessment order passed by the Asst. Director of Income Tax, CPC, Bangalore [hereinafter referred to as Id. AO] under section under section 143(1) of the Income Tax Act, 1961 [hereinafter referred to as the 'Act'] on 16.04.2021 for the Assessment Year (A.Y.) 2020-21.

2. At the outset, we find that assessee has filed a letter dated 07.12.2022 praying for withdrawal of this Appeal, as TDS credit has been duly granted to the Assessee by the Ld. Assessing Officer. For the sake of convenience, the letter dated 07.12.2022 of the Assessee is reproduced hereunder:-

"BEFORE THE INCOME TAX APPELLATE TRIBUNAL AT MUMBAI

APPEAL NO. ITA 2580/MUM/2022

Rakesh Kishinchand Milwani Versus Income Tax Officer 16(3)(1), Mumbai

Appellant

Respondent

Respected Sir,

- 1. TDS of Rs. 252935 had been claimed by your appellant.*
- 2. The Income Tax Officer granted credit of TDS of Rs. 96685 thereby granting short credit of Rs. 156250.*
- 3. Appeal was filed with the First Appellate authority which was pleased to dismiss the appeal of your appellant on the ground that this was not an appealable matter.*
- 4. Now the Income Tax Department has rectified the intimation granting full credit of Rs. 252935. Copy of intimation attached.*

5. *Sir, in view of above, there is no grievance of the appellant in terms of quantum of relief.*

6. *It is, therefore, prayed that the appellant be allowed to withdraw the appeal and this application be termed as an application for withdrawal of appeal.*

Place: Mumbai

Dated: December 7, 2022

(Rakesh Kishinchand Milwani)

Appellant"

3. In view of the above, the Appeal of the Assessee is hereby dismissed as withdrawn.

4. In the result Appeal of the Assessee is dismissed as withdrawn.

Order pronounced on 13/12/2022 by way of proper mentioning in the notice board.

Sd/-

(ABY T VARKEY)

JUDICIAL MEMBER

Sd/-

(M.BALAGANESH)

ACCOUNTANT MEMBER

Mumbai; Dated 13/12/2022

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

BY ORDER,

//True Copy//

(Asstt. Registrar)

ITAT, Mumbai