

**IN THE INCOME TAX APPELLATE TRIBUNAL
BENGALURU “A” BENCH, BENGALURU**

**Before Smt. Beena Pillai, Judicial Member
and
Ms. Padmavathy S., Accountant Member**

IT(TP)A No. 649/Bang/2015 (Assessment Year: 2010-11)		
M/s. Flextronics Technologies (India) Pvt. Ltd. Plot No. 3, Phase -II, SIPCOT Indl. Park, Sandavellure C Villate Sriperumbudur taluk Kancheepural Dist. 602106 PAN – AAACF5248E	vs	DCIT, Circle 3(1)(2) Bengaluru
(Appellant)		(Respondent)

Assessee by:	Shri Dhiraj R., Advocate
Revenue by:	Shri D.K. Mishra, CIT-DR
Date of hearing:	16.03.2023
Date of pronouncement:	17.03.2023

ORDER

Per: Beena Pillai, J.M.

The present appeal is filed by the assessee against the final assessment order passed under Section 143(3) r.w.s. 144C of the Income Tax Act, 1961 (the Act). The relevant assessment year is 2010-11.

2. During the course of hearing the Ld.AR moved an application for withdrawing the appeal along with copy of OGE passed by the DCIT, Circle – 3(1)(1) dated 20.10.2017 giving effect to the ITAT’s order, which are reproduced as below: -

To,

The Honourable Members
Income Tax Appellate Tribunal
Bench 'A', Bengaluru-560041 .

15 March 2023

Dear Sir,

Appellant : **Flextronics Technologies (India) Private Limited ('Flex' / 'the Appellant' / 'the Company')**

PAN : **AAACF5248E**

Assessment Year : **("AY") 2010-11**

Appeal number : **ITA 649/BANG/2015**

Bench : **'A'**

Subject : **Withdrawal of appeal**

Reference : **Order dated 21 June 2017 passed by the Honorable Income Tax Appellant Tribunal ('Hon'ble Tribunal') for the captioned AY bearing the appeal numbers IT(TP)A Nos. 208, 649 and CO No. 98 / Bang / 2015**

We refer to the appeal ITA 649/BANG/2015 for the AY 2010-11, which is scheduled for hearing on 16 March 2023 before the 'A' Bench of this Hon'ble Tribunal, pursuant to the directions of Hon'ble Karnataka High Court.

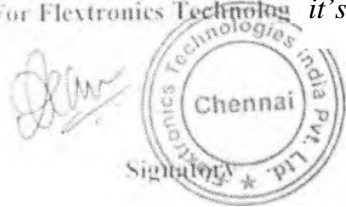
In this regard, we wish to submit that complete relief has been granted to the Appellant in the order giving effect to the Hon'ble Tribunal order passed by the Learned Assessing Officer ('Ld. AO') vide order dated 20 October 2017 (enclosed as Annexure 1). The Ld. AO passed the aforesaid order pursuant to the directions of this Hon'ble Tribunal vide order dated 21 June 2017 for the captioned AY bearing the appeal numbers *IT(TP)A Nos. 208, 649 and CO No. 98/Bang/ 2015*.


In light of the above, it is submitted the grounds pending adjudication before the Hon'ble Tribunal relating to working capital adjustments and set off of loss pertaining to Special Economic Zone Unit have become academic.

We request your Lordships to take the same on record. In case of any clarifications / explanation in this regard, we humbly request your Lordships to provide us an opportunity to present our case through our authorized representatives and make submissions.

Thanking you

For Flextronics Technologies (India) Private Limited





OFFICE OF THE DEPUTY COMMISSIONER OF INCOME TAX
CIRCLE 3(1)(1), ROOM NO 227, 2th FLOOR, BMTC BUILDING
6th BLOCK, KORAMANGALA, BENGALURU 560095
Telephone: +91 80 25626248, Fax: +91 80 25625557E-mail:bangalore.dcit3.1.1@incometax.gov.in
F.No. AAACF5248E /2010-11/DCIT3(1)(1)/2017-18 **Date: 20.10.2017**

PROCEEDINGS OF THE DEPUTY COMMISSIONER OF INCOME-TAX,
CIRCLE - 3(1)(1), BANGALORE.


Name & address of the assessee	M/s Flextronics Technologies India Pvt. Ltd. No. 88A, Electronics City, Hosur Road, Bengaluru-560100
Assessment Year	2010-11
PAN	AAACF5248E

ORDER GIVING EFFECT TO ITAT'S ORDER


An order u/s.143(3) r.w.s 144C of the IT Act 1961 was passed in this case on 26.02.2014, determining an income of Rs 21,96,98,242. Aggrieved by this order the assessee company preferred an appeal before the Hon'ble ITAT. The Hon'ble ITAT vide order dated 21.06.2017, has given directions to TPO/AO to rework the ALP and that SEZ loss should not be set off against profit of 10A unit. The TPO vide order dated 05.10.2017 has arrived at the TP adjustment of NIL.

The taxable income of assessee is computed as under:

Particulars	Amount in Rupees
Income assessed	21,96,98,242
Relief as per TP order	13,58,47,888
SEZ unit loss	(14,36,62,032)
Assessed loss	(5,98,11,678)
Tax thereon	Nil
Less: TDS	34,69,487
Refundable	34,69,487
Add: Interest u/s 244A	1,83,601
Refundable	36,53,090
Less: Refund already issued	36,53,090
Balance	Nil



प्रेषित/DESPATCHED
रस्ता/SIGN: H. S.
दिनांक/DATE: 23/10/2017

Yours faithfully

ABDUL HAKEEM. MIRS
Deputy Commissioner of Income Tax
Circle 3(1)(1)Bengaluru

3. In the application it is submitted that in view of the OGE passed by the DCIT, Circle 3(1)(1), Bangalore dated 20.10.2017 the grounds raised by the assessee before this *Tribunal* relating to working capital adjustments and set off of loss pertaining to Special Economic Zone Unit has become academic. Therefore the assessee prayed for withdrawal of the appeal.

4. The learned D.R. did not raise any objection.

5. In view of the above facts and considering the prayer of the assessee we dismiss the appeal filed by the assessee as withdrawn.

Order pronounced in the open Court on 17th March, 2023.

Sd/-
(Ms. Padmavathy S.)
Accountant Member

Sd/-
(Beena Pillai)
Judicial Member

Bengaluru, Dated: 17th March, 2023

Copy to:

1. *The Appellant*
2. *The Respondent*
3. *The CIT(A) -DRP*
4. *The CIT -*
5. *The DR, ITAT, Bengaluru*
6. *Guard File*

By Order

//True Copy//

Assistant Registrar
ITAT, Bengaluru

n.p.