

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

**BEFORE SHRI ANIL CHATURVEDI, ACCOUNTANT MEMBER  
AND  
SHRI N.K. CHOUDHRY, JUDICIAL MEMBER**

**ITA No. 9370/Del/2019  
Assessment Year: 2015-16**

Ms. Nayana Jain, A-42,  
Kirti Nagar, West Delhi,  
New Delhi.

**PAN: ADKPJ1159L**  
(Appellant)

Versus Income-tax Officer,  
Ward 28(5), New Delhi

(Respondent)

Assessee by: Sh. Atul Lohia, Ld. CA  
Revenue by: Sh. Arvind Bansal, Ld. Sr. DR

Date of hearing : 16/03/2023  
Date of order : 16/03/2023

**ORDER**

**PER N.K. CHOUDHRY, J.M.**

This appeal has been preferred by the Appellant/Assessee against the order dated 26.09.2019, impugned herein, passed by the learned Commissioner of Income-tax (Appeals)-17, New Delhi (in short "Ld.

Commissioner”), u/s. 250(6) of the Income-tax Act, 1961 (in short ‘the Act’) for the assessment year 2015-16.

**2.** During the course of hearing, the learned AR of the Assessee claimed that since the Assessee has availed the immunity scheme i.e. Vivad Se Vishwas under The Direct Tax Vivad se Vishwas Act, 2020 and the Income Tax Department has issued Form No. 5 in response to the application filed by the Assessee under the scheme, therefore, the Assessee’s appeal may be dismissed as withdrawn.

**3.** The Ld. DR did not refute the factual position and claim of the Assessee.

**4.** Considering the request of the Id. AR for withdrawal of the appeal and Form-5 dated 18.02.2022 (Copy already on record) issued by the Department, the appeal of Assessee is liable to be dismissed as withdrawn, hence, ordered accordingly.

**5.** In the result, Assessee's appeal under consideration stands dismissed as withdrawn.

Order pronounced in the open court on 16/03/2023.

Sd/-

**(ANIL CHATURVEDI)**  
**ACCOUNTANT MEMBER**

Sd/-

**(N.K. CHOUDHRY)**  
**JUDICIAL MEMBER**

\*aks/-