

IN THE INCOME TAX APPELLATE TRIBUNAL
RAJKOT BENCH, RAJKOT

[CONDUCTED THROUGH VIRTUAL COURT]

**Before: Shri Waseem Ahmed, Accountant Member
And Shri Siddhartha Nautiyal, Judicial Member**

**ITA No. 77/Rjt/2020
Assessment Year 2015-16**

Backbone MNMP Highway Pvt. Ltd. Backbone House, M-43 Gujarat Housing Board Kalawad Road, Opp: MVM College, Rajkot-360001 PAN: AAECB7170P (Appellant)	Vs	Principle Commissioner of Income Tax-3, Rajkot (Respondent)
--	----	--

**Assessee by: Ms. Devina Patel. A.R.
Revenue by: Shri Shramdeep Sinha, CIT-D.R.**

Date of hearing : 20-04-2023
Date of pronouncement : 21-04-2023

आदेश/ORDER

PER : SIDDHARTHA NAUTIYAL, JUDICIAL MEMBER:-

This assessee's appeal for A.Y. 2015-16, arises from order of the Principal Commissioner of Income Tax PCIT-3, Rajkot dated 24-03-2020, in proceedings under section 263 of the Income Tax Act, 1961; in short "the Act".

2. At the time of hearing, ld. counsel for the assessee has requested to withdraw the appeal filed vide letter dated 19th April, 2023. The content of the said application is reproduced below:-

"The above referred matter is fixed for hearing before your honor on 20-04-2023. However, we have to submit that consequential order u/s 143(3) r.w.s. 263 dated 24-09-2021 has been passed by the A.O. wherein our returned income is accepted and order u/s 92CA(3) of the Act has been passed by the DCIT TP - 1, Ahmedabad on 29-07-2021, wherein no adjustments have been made to the arm's length price of the transactions. Hence, since we are no longer aggrieved by the order u/s 263 of the Act dated 24-03-2020, we would like to withdraw our aforesaid appeal filed against the same."

3. The Revenue is fair enough in not objecting assessee's withdrawal application. In view of the above, we therefore accept assessee's request for withdrawing the appeal filed.

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 In the result, the appeal of the assessee is dismissed as withdrawn.

Order pronounced in the open court on 21-04-2023

Sd/-
(WASEEM AHMED)
ACCOUNTANT MEMBER

Sd/-
(SIDHHARTHA NAUTIYAL)
JUDICIAL MEMBER

Ahmedabad : Dated 21/04/2023

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order,

Assistant Registrar,
Income Tax Appellate Tribunal,
Rajkot