

**IN THE INCOME TAX APPELLATE TRIBUNAL  
COCHIN BENCH, COCHIN**

Before Shri Sanjay Arora, Accountant Member and  
Shri Aby T.Varkey, Judicial Member

**ITA No. 470/Coch/2022& SA 13/Coch/2022**  
(Assessment Year: 2016-17)

Rajakumari Shopping Mall LLP  
AMC 11/1556, City Plaza  
NH Road, Attingal  
Trivandurm 695101  
PAN – AAQFR1222B

Asst. CIT, Circle 1(2)  
Trivandurm  
vs.

**[Appellant]**

**[Respondent]**

Appellant by: Shri Anil D. Nair, Adv.  
Respondent by: Shri Prasanth V.K. CIT-DR

Date of Hearing: 16.05.2023  
Date of Pronouncement: 16.05.2023

**ORDER**

Per: Sanjay Arora, AM

This is an Appeal by the Assessee agitating the revision under section 263 of Income Tax Act, 1961 ('the Act' hereinafter) of its assessment under section 143(3) of the Act dated 31.12.2018 for assessment year (AY) 2016-17 vide order dated 29.3.2021.

2.1 At the outset, it was submitted by Shri Nair, the learned counsel for the assessee, that the assessee wishes not to press its instant appeal and, accordingly prays for permission to withdraw the same, toward which he shall make an endorsement on the appeal file itself. As explained by him, the assessee had since been subject to search u/s. 132(1) of the Act, leading to assessments u/s. 153A of the Act for back years as well, and which would subsume the instant assessment.

- 2.2 The ld. CIT-DR, on being asked, did not raise any objection to the same.
3. In view of the given facts and circumstances, we have no hesitation in accepting the assessee's plea for withdrawal of its appeal; the same being rendered inconsequential in view of the subsequent developments. We order accordingly. The assessee's stay petition is rendered infructuous in consequence.
4. In the result, the appeal by the assessee is dismissed as withdrawn.

*Order pronounced in open court on May 16, 2023*

Sd/-  
(Aby T.Varkey)  
Judicial Member

Sd/-  
(Sanjay Arora)  
Accountant Member

Cochin, Dated:May 16, 2023

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The CIT-DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar  
ITAT, Cochin

n.p.