

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR BENCH :: NAGPUR

BEFORE SHRI R.S. SYAL, HON. VICE-PRESIDENT &
SHRI PARTHA SARATHI CHAUDHURY, HON. JUDICIAL MEMBER
(Through virtual hearing)

ITA No.11/NAG/2019
(A.Y. 2014-15)

Rahul Rajendra Jain, Opp. Bhansali School, Kandli Road, Vrundawan Nagar, Paratwada, Dist. Amravati. PAN: AHAPJ 8041 K	vs	Pr.CIT-1, Nagpur.
Appellant		Respondent

Assessee by	:	Shri Ratan Sharma, CA
Revenue by	:	Shri Kailash Kanojiya, Sr.DR
Date of hearing	:	23/08/2023
Date of pronouncement	:	28/08/2023

O R D E R

Per PARTHA SARATHI CHAUDHURY, JM:

This appeal preferred by the assessee emanates from the order of Principal Commissioner of Income Tax-2, Nagpur (for short, 'PCIT '), dated 26.12.2018 for A.Y. 2014-15 as per the grounds of appeal on record.

2. Ld.AR of the assessee, by filing application dated 01/12/2022, seeks withdrawal of the appeal stating that 263 order has been passed by the PCIT on 26/12/2018 and the consequential assessment order by the AO has to be passed at any time before the expiry of nine months as per sec. 153(3), and the said time limit, has got expired by 31/12/2019. Therefore, he prayed for withdrawal of the appeal with a

caveat to reinstate the same, if AO goes to pass the assessment in pursuance to the order u/sec. 263 of the Act.

3. Ld.DR has no objection to the prayer for withdrawal of the appeal.

4. We observe that as per sec. 153(3), the time limit of 09 months to pass consequential assessment order by the AO in pursuance to the order u/sec. 263, has got time barred by 31/12/2019. Therefore, as prayed for by the Id.AR, assessee is permitted to withdraw the present appeal with liberty to revive the same, if AO passes the consequential assessment order. With the aforesaid observation, the appeal stands dismissed as withdrawn.

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 In the result, appeal of the assessee is dismissed as withdrawn.

Order pronounced in open Court on 28th August, 2023.

Sd/-
(R.S. SYAL)
VICE-PRESIDENT

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

Dated :28th August, 2023

vr/-

Copy to :

1. The Appellant.
2. The Respondent.
3. The Pr. CIT concerned.
5. The DR, ITAT, Panaji Bench, Panaji.
6. Guard File.

By Order

// TRUE COPY //

Senior Private Secretary
ITAT, Pune.