

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'G': NEW DELHI**

**BEFORE,
SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER
AND
SHRI M. BALAGANESH, ACCOUNTANT MEMBER**

**ITA No.1499/Del/2020
(ASSESSMENT YEAR 2015-16)**

SRF Limited The Galleria, DLF Mayur Vihar, Unit No.236 & 237 Second Floor, Mayur Palace, Noida Link Road Mayur Vihar Phase-I Extension, Delhi-110 091 PAN-AAACS 0206P	Vs.	Commissioner of Income-tax, LTU Delhi
(Appellant)		(Respondent)

Appellant by	Mr. R.K. Kapoor, Advocate
Respondent by	Mr. H.K. Choudhary, CIT-DR

Date of Hearing	04/09/2023
Date of Pronouncement	04/09/2023

ORDER

PER M. BALAGANESH AM:

This appeal of the assessee arises out of the order of the Learned Commissioner of Income Tax, LTU, Delhi, [hereinafter referred to as 'Ld. CIT'] in DIN & Order No. ITBA/REV/F/REV5/2019-20/1026793915(1), dated 19/03/2020

against the order passed by Assistant Commissioner of Income Tax, Circle-1, LTU, New Delhi (hereinafter referred to as the 'Ld. AO') u/s 143(3) of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') on 27/12/2017 for the Assessment Year 2015-16.

2. At the time of hearing, the Ld. Counsel for the assessee filed a letter dated 04/09/2023 expressing the desire to withdraw the present appeal. The said letter is reproduced as under:

"MAY IT PLEASE YOUR HONOURS,

The captioned appeal is fixed for hearing before your honour on Monday i.e. 04th September, 2023.

In this connection, it is respectfully submitted before your honour that this appeal has been filed against the order dated 19.03.2020 passed by the Learned Commissioner of Income-tax ("Ld. CIT") under section ("u/s") 263 of the Income-tax Act, 1961 ("the Act") with respect to the review of the assessment order dated 27.12.2017 passed by the Ld. Assessing Officer u/s 143(3) of the Act. However, as informed to us by the assessee, that it has not received any consequential order of the Ld. AO in view of the directions/instruction given by the Ld. CIT for fresh assessment of the matter under consideration.

Further, it is most respectfully submitted before your honour that the order giving effect to the directions of the Ld. CIT was required to be passed within the time frame given u/s 153(3)/153(5) of the Act. Such time although initially expired on 31.12.2021 but looking to the relaxation given due to COVID-19 conditions in the country and directions of the Hon'ble Supreme Court with respect to cognizance for extension of limitation, this order could have been passed till 31.05.2022. We find from our records that neither any proceedings for giving effect to the order u/s 263 were initiated by the AO nor any order has been passed.

Under these circumstances, it appears that the action to initiate the proceedings have become time barred and the appeal filed by the assessee has become of academic interest and infructuous.

We, therefore, request that the appeal filed by the assessee may be allowed to be withdrawn with the liberty that if at any later stage it comes to the knowledge of the assessee that an order has actually been passed for carrying out the directions as per the said order u/s 263 of the Act then the assessee may be granted liberty to re-file this appeal the provisions of law.

Pray accordingly.”

2.1 From the above, it could be seen that the Ld. AR sought to withdraw this appeal on the ground that the time limit for passing giving effect order to revision order u/s 263 of the Act had expired and that no order has been received from the Assessing Officer by the assessee. On this ground, the appeal is sought to be withdrawn by the assessee. However, the Ld. AR prayed that in case, if any such remedial action is already taken by the Revenue pursuant to 263 order of Ld. PCIT, then the Ld. AR requested for restoration of this appeal, for which he sought liberty from this Tribunal. The request of the assessee in this regard is accepted by this Tribunal. Accordingly, the appeal of the assessee is hereby dismissed as withdrawn with liberty given to get this appeal restored in the event of any giving effect order passed by the Assessing Officer pursuant to 263 order.

3. The Ld. CIT-DR for the Revenue expressed no objection against withdrawal of the appeal by the assessee and liberty being granted to the assessee as above.

4. In the result, the appeal filed by the assessee is dismissed as withdrawn in view of the above mentioned directions.

Order pronounced in the open court on 04th September, 2023.

Sd/-

(CHANDRA MOHAN GARG)
JUDICIAL MEMBER

Dated: 04/09/2023

Pk/sps

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

(M. BALAGANESH)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI