

**।आयकर अपीलीय अधिकरण न्यायपीठ नागपुर में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL,**  
**NAGPUR BENCH : : NAGPUR**

[VIRTUAL HEARING AT PUNE]

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER**  
**AND**  
**DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER**

**आयकर अपील सं. / ITA No.55/NAG/2020**

**निर्धारण वर्ष / Assessment Year : 2011-12**

Shyam Narayan Ningunkar, Vaidhya Nagar Arni Road, Yavatmal – 445001.	V s	The Income Tax Officer, Ward-2, Yavatmal.
Appellant / Assessee		Respondent / Revenue

Assessee by	Shri Ashok Bhandari – Adv.
Revenue by	Shri Rishi Kumar Bisen – DR
Date of hearing	01/09/2023
Date of pronouncement	15/09/2023

**आदेश/ ORDER**

**PER DR. DIPAK P. RIPOTE, AM:**

This appeal filed by the Assessee is directed against the order of Id.Commissioner of Income Tax(Appeals)-2, Nagpur dated 12.12.2019 for the A.Y.2011-12, emanating out of order under section 143(3) of the Income Tax Act, 1961 dated 27.02.2014 (in short “the Act”).

2. The appeal came up hearing on 1<sup>st</sup> September, 2023. At the time of hearing, Shri Ashok Bhandari, Advocate appeared on behalf of the assessee. However, perusal of the record shows that the assessee submitted application in which he has submitted that the he has already been issued Form No.5 vide Authority Certificate No.38063070060421 dt. 06.04.2021 and settled dispute with Income Tax Department by availing the benefits of Vivad se Visvas Scheme -2020 (VSVS-20). The assessee further requested to withdraw the appeal. The said Form No.V mentioned the ITA No.55/NAG/2020, A.Y.2011-12.

3. On the other hand the learned Departmental Representative (DR) accepted that assessee has filed Form No.5 which has been issued to the assessee and he has no objection, if the appeal of the Assessee is dismissed as withdrawn.

4. In the result, the appeal filed by the Assessee stands dismissed as 'withdrawn'.

Order pronounced in the open Court on 15<sup>th</sup> Sep, 2023.

Sd/-  
**(S.S.GODARA)**  
**JUDICIAL MEMBER**

Sd/-  
**(DR. DIPAK P. RIPOTE)**  
**ACCOUNTANT MEMBER**

पुणे / Pune; दिनांक / Dated : 15<sup>th</sup> Sep, 2023/ SGR\*

**आदेश की प्रतिलिपिअग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि,आयकर अपीलीय अधिकरण, नागपुर बेंच,  
नागपुर/ DR, ITAT, Bench, Nagpur.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

Senior Private Secretary  
आयकर अपीलीय अधिकरण, पुणे/ITAT, Pune.