

**IN THE INCOME TAX APPELLATE TRIBUNAL
VARANASI CIRCUIT BENCH, VARANASI**

**BEFORE SHRI. B. R. BASKARAN, ACCOUNTANT MEMBER
AND SHRI AMIT SHUKLA, JUDICIAL MEMBER**

ITA No.49/VNS/2022
Assessment Year:2014-15

Madan Lal Agrawal (HUF) 72, Jawahar Nagar Extension Bhelupur Varanasi	v.	The ACIT Central Circle Varanasi
TAN/PAN:AADHM4104Q		
(Appellant)		(Respondent)

Appellant by:	Shri Ashish Bansal, Advocate		
Respondent by:	Shri Robin Chaudhary, CIT		
Date of hearing:	27	09	2023
Date of pronouncement:	05	10	2023

ORDER

PER AMIT SHUKLA, J.M.:

The aforesaid appeal has been filed by the assessee against the order dated 23.11.2022, passed by the Id. CIT(A), NFAC, Delhi for Assessment Year 2014-15, for quantum of assessment passed under section 143(3) read with 147 of the Income Tax Act, 1961.

2. Before us, the Id. Counsel for the assessee submitted that the Id. CIT(A) has dismissed the appeal of the assessee on the ground that the assessee has availed the benefit under Vivad Se Viswas Scheme, 2020 (VSVS) and Form No.5, in this regard, has already been issued. However, he submitted that VSVS was opted by the assessee against the original assessment proceedings under section 143(3) of the I.T. Act and not for

assessments made under section 147 read with section 143(3) of the I.T. Act. This fact has also been admitted by the ld. D.R. Accordingly, we set aside the order of the ld. CIT(A) and restore the matter to the file of ld. CIT(A) to decide the issue afresh and in accordance with law after affording due and effective opportunity of hearing to the assessee on merits

3. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on 5th October 2023

Sd/-
[B. R. BASKARAN]
ACCOUNTANT MEMBER

Sd/-
[AMIT SHUKLA]
JUDICIAL MEMBER

DATED: 05/10/2023

JJ:

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1. Appellant
2. Respondent
3. CIT(A)
4. CIT
5. DR