

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

Before Shri Sanjay Arora, Accountant Member and
Dr. Seethalakshmi, Judicial Member

ITA No. 560/Coch/2022
(Assessment Year: 2009-10)

Edakkattukudy Mathai Johny Edakkattukudy House, A.M. Road Kothamangalam 686691 [PAN:ACIPJ9080H]	Vs.	Income Tax Officer Ward - 2, Kochi
(Appellant)		(Respondent)

Appellant by:	Shri Mathew Joseph, CA
Respondent by:	Smt. J.M. Jamuna Devi, Sr. D.R.

Date of Hearing:	20.12.2023
Date of Pronouncement:	20.12.2023

ORDER

Per: Sanjay Arora, AM

This is an appeal by the Assessee directed against the order dated 12.3.2022 by the Commissioner of Income Tax (Appeals), Income Tax Department ('(CIT(A)' for short), partly allowing the assessee's appeal contesting the processing of his income under section 143(1) of Income Tax Act, 1961 ('the Act') vide Intimation dated 16.07.2010 for Assessment Year (AY) 2009-10.

2. At the very outset, it submitted by Shri Joseph, the learned counsel for the assessee, that the assessee does not prefer to prosecute his instant appeal and, accordingly, prays for being permitted to withdraw the same. Smt. Devi, the ld. Sr. DR, on being questioned in the matter by us, did not raise any objection thereto.

3. We have heard the parties, and perused the material on record. The issue agitated by the assessee, as a perusal of the impugned order shows, is the non-

allowance of loss for 6,09,015 arising on account of share trading, i.e., against business income, which the Id. CIT(A) has found as inadmissible both in terms of s. 71(3) and s. 73 of the Act. We note that the assessee's return for the relevant year has also been filed belatedly on 16.10.2009, i.e., as against the due date of 31.7.2009. We have, under the circumstances, no hesitation in, acceding to the assessee's prayer, permit withdrawal of his instant appeal.

4. In the result, the assessee's appeal is dismissed as withdrawn.

Order pronounced in the open court on the conclusion of the hearing.

Sd/-
(Dr. Seethalakshmi)
Judicial Member

Sd/-
(Sanjay Arora)
Accountant Member

Cochin, Dated: December 20, 2023
n.p.

Copy to:

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

By Order

Assistant Registrar
ITAT, Cochin