

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : A : NEW DELHI

BEFORE SHRI G.S. PANNU, HON'BLE VICE PRESIDENT
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER

ITA No.297/Del/2019
Assessment Year: 2012-13

Bharat Light and Power Pvt. Ltd., Vs Pr. CIT-2,
77, Poorvi Marg, Basement, New Delhi.
Vasant Vihar,
New Delhi – 110 057.

PAN: AADCB9467C

(Appellant)

(Respondent)

Assessee by : None
Revenue by : Shri Zafarul Haque Tanweer, CIT, DR
Date of Hearing : 05.12.2023
Date of Pronouncement : 06.02.2024

ORDER

PER ANUBHAV SHARMA, JM:

This is appeal preferred by the Assessee against the order dated 05.05.2017 of the Commissioner of Income Tax (Appeals)-35, New Delhi (hereinafter referred as Ld. First Appellate Authority or in short Ld. 'FAA') in appeal No.158/15-16 arising out of the appeal before it against the order dated 22.01.2016 passed u/s. 143(3) of the Income Tax Act, 1961 (hereinafter referred as 'the Act') by the DCIT, Circle 4(2), New Delhi (hereinafter referred to as the Ld. AO).

2. Heard and perused the record. At the time of hearing on 05.11.2023, none appeared for the assessee and the arguments of the ld. DR were heard who had supported the findings of the ld. tax authorities below. As the matter was reserved for orders, an application for withdrawal of the appeal bearing No.297/Del/2019 was received from the assessee submitting that the assessee has opted to settled the dispute under the Vivad Se Vishwas Scheme and Form No.1 and 2 stand issued on 31st January, 2021 and the Form No.3 has been issued by the designated authority on 9th June, 2022.

3. In the light of the aforesaid, we consider it appropriate to allow the withdrawal of the appeal of the assessee. Further, the aforesaid is subject to a caveat that in case the dispute relating to tax arrears for the captioned assessment year is not ultimately resolved in terms of the aforesaid Scheme, the assessee shall be at liberty to approach the Tribunal for reinstatement of the appeal and the Tribunal shall consider such application appropriately as per law. However, the AO shall be also at liberty to confirm the final settlement under the VSVS.

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 In the result, the appeal of the assessee is dismissed as withdrawn.

Order pronounced in the open court on 06.02.2024.

Sd/-

(G.S. PANNU)
VICE PRESIDENT

Sd/-

(ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 06th February, 2024.

dk

Copy forwarded to:

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

Asstt. Registrar, ITAT, New Delhi