

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "B" NEW DELHI**

**BEFORE SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER  
AND  
SHRI AVDHESH KUMAR MISHRA, ACCOUNTANT MEMBER**

आ.अ.सं./I.T.A No.5418/Del/2017

निर्धारणवर्ष/Assessment Year: 2013-14

<b>Dalmia Bharat Limited 11<sup>th</sup> Floor, Hansalaya Building 15, Barakhamba Road, New Delhi.</b>	<b>बनाम Vs.</b>	<b>ACIT Central Circle-26, ARA Centre, Jhandewalan Extn., New Delhi.</b>
<b>PAN No. AAJCS7366K</b>		
<b>अपीलार्थी Appellant</b>		<b>प्रत्यर्थी/Respondent</b>

निर्धारितकीओरसे /Assessee by	<b>Ms. Alka Arren, CA</b>
राजस्वकीओरसे /Revenue by	<b>Ms. Nidhi Singh, CIT DR</b>

सुनवाईकीतारीख/ Date of hearing:	<b>07.05.2024</b>
उद्घोषणाकीतारीख /Pronouncement on	<b>07.05.2024</b>

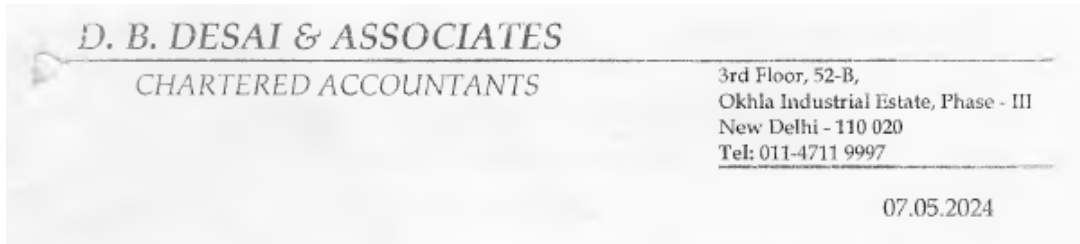
**आदेश /O R D E R**

**PER C.N. PRASAD, J.M.**

This appeal by assessee has been directed against the order of the Ld. CIT(Appeals)-29, New Delhi dated 29.06.2017 for assessment year 2013-14.

2. At the time of hearing Ld. Counsel for the assessee furnished a letter dated 07.05.2024 stating that assessee wants to withdraw the appeal as the Assessee had opted under Vivad Se Vishwas Scheme

and settled the taxes on the issues in appeal. The contents of the letter are as under:



The Hon'ble Members,  
Income tax Appellate Tribunal,  
Delhi Bench,  
10<sup>th</sup> & 11<sup>th</sup> Floor, Lok Nayak Bhawan,  
Khan Market  
New Delhi - 110003

Dear Sir,

Re: **Dalmia Bharat Limited**  
Assessment Year 2013-14  
Assessee Appeal No.: I.T.A No. 5418/DEL/2017  
Petition for withdrawal of appeal pursuant to issuance of Form  
5 u/s 5(1) of Direct Tax Vivad se Vishwas Act, 2020

1.0 This has reference to captioned assessee appeal fixed today i.e. 07-05-2024 for the Assessment Year 2013-14 against the order of Ld. CIT(Appeals) u/s 250 of the Income Tax Act, 1961('the Act') dated 29-06-2017.

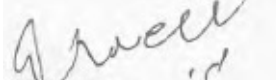
2.0 In this connection, it is humbly submitted before your Honours that the assessee has opted for one time settlement scheme under 'Direct Tax Vivad se Vishwas Act, 2020'

(DTVSV) for the captioned appeal and Principal Commissioner of Income Tax (PCIT) has issued Form-5 on 23-09-2022 i.e. order for full and final settlement of Tax Arrears

u/s 5(2) r. w. Rule 7 of Vivad se Vishwas Rules, 2020. Copy of Form - 5 issued by the PCIT is enclosed herewith and marked as Annexure - 1.

3.0 In view of the above, we on behalf of the assessee, humbly requests your Honours to treat assessee's appeal as infructuous and withdrawn since the aforesaid matter has been settled through Vivad Se Vishwas Scheme. We deeply regret for the inconvenience caused to Your Honours on this account.

Yours faithfully,  
for D. B. Desai & Associates

  
Alka Arora  
Authorised Representative

3. The Ld. DR has no serious objection in assessee withdrawing its appeal.

4. Considering the submissions of the Ld. Counsel, we permit the assessee to withdraw its appeal. Accordingly, the appeal is dismissed as withdrawn.

5. In the result, the appeal is dismissed as withdrawn.

Order pronounced in the open court on 07/05/2024

Sd/-  
(AVDHESH KUMAR MISHRA)  
ACCOUNTANT MEMBER

Sd/-  
(C.N. PRASAD)  
JUDICIAL MEMBER

Dated: 07.05.2024

\*Kavita Arora, Sr. P.S.

Copy of order sent to- Assessee/AO/Pr. CIT/ CIT (A)/ ITAT  
(DR)/Guard file of ITAT.

By order

Assistant Registrar, ITAT: Delhi Benches-Delhi