

| आयकर अपीलिय अधिकरण न्यायपीठ, मुंबई |
IN THE INCOME TAX APPELLATE TRIBUNAL
"I" BENCH, MUMBAI

BEFORE SHRI NARENDRA KUMAR BILLAIYA, HON'BLE ACCOUNTANT MEMBER
&

SHRI RAJ KUMAR CHAUHAN, HON'BLE JUDICIAL MEMBER

I.T.A. No. 4635/Mum/2023

Assessment Year: 2021-22

Emirates 3, Mittal Chambers 228, Nariman Point Mumbai - 400021 [PAN: AAACE1237C]	Vs	Deputy Commissioner of Income Tax, (International Tax), Circle- 2(2)(1), Mumbai
--	----	---

अपीलार्थी/ (Appellant)	प्रत्यर्थी/ (Respondent)
------------------------	--------------------------

Assessee by :	Shri Hardik Nirmal, A/R
Revenue by :	Shri Anil Sant, Addl. CIT, D/R

सुनवाई की तारीख/Date of Hearing : 18/07/2024
घोषणा की तारीख /Date of Pronouncement: 18/07/2024

आदेश/ORDER

PER NARENDRA KUMAR BILLAIYA, AM:

This appeal by assessee is preferred against the order dated 31/10/2023, framed u/s 143(3) r.w.s. 144C(13) of the Act pertaining to AY 2021-22.

2. The assessee moved an application dt. 17/07/2024 which *interalia* reads as under:-

".....

The Appellant would like to submit that it believes it has a good case on merits on various propositions challenging the action of the Ld. DCIT on Article 3 of the UAE DTAA and also, on Article 5 and Article 7 of India-UAE DTAA. However, the tax effect on the issues involved is just Rs. 2.67 lakhs in total. In order to buy peace of mind and considering the relative smallness of the amounts involved, the Appellant has decided to withdraw the captioned appeal filed before the Hon'ble Tribunal against the final assessment order.

Be that as it may, it is most humbly submitted that the withdrawing of the captioned appeal should not be construed as an acceptance of the order of the Ld. DCIT on the merits of the issue. The Appellant reserves its right to litigate on similar issues in case of any other assessment year or proceedings should the need arise. The withdrawal of the appeal shall neither be considered as acceptance of the claim/ order nor be treated as precedence against the Appellant.

In view of the above, we request Your Honours to kindly permit us to withdraw the appeal filed by us.

We trust Your Honours will accede to our request and oblige.

Thanking You,

Yours faithfully,

For Emirates

Sd/-

Authorised Signatory

CC: The learned Departmental Representative 'I' Bench."

3. Noting the contents of the application, the appeal is dismissed as withdrawn for the reasons mentioned in application (*supra*).
4. In the result appeal of the assessee is dismissed.

Order pronounced in the Court on 18th July, 2024 at Mumbai.

Sd/-
(RAJ KUMAR CHAUHAN)
JUDICIAL MEMBER

Sd/-
(NARENDRA KUMAR BILLAIYA)
ACCOUNTANT MEMBER

Mumbai, Dated 18/07/2024

SC & P

3

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent
3. संबंधित आयकर आयुक्त / Concerned Pr. CIT
4. आयकर आयुक्त (अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि ,आयकर अपीलीय अधिकरण, मुंबई /DR,ITAT, Mumbai,
6. गार्ड फाई/ Guard file.

आदेशानुसार/ BY ORDER,
TRUE COPY

Assistant Registrar
आयकर अपीलीय अधिकरण
ITAT, Mumbai