

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH ‘FRIDAY-G’ : NEW DELHI)**

BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT
AND
SHRI BRAJESH KUMAR SINGH, ACCOUTANT MEMBER

ITA No. 572/Del/2024
Asstt. Year : 2004-05

M/s SHITIZ METALS LIMITED, vs. ITO, WARD 23(2),
Pvt. Ltd., New Delhi
D-801, 2nd floor,
New Friends Colony,
New Delhi – 65

(PAN: AABCS4823R)
(Appellant)

(Respondent)

Appellant by : None
Respondent by : Sh. Rajesh Kumar Dhanesta, Sr. DR.

Date of Hearing	13.12.2024
Date of Pronouncement	13.12.2024

ORDER

PER MAHAVIR SINGH, VP

The appeal by the assessee is directed against the order of the Ld. CIT(A), NFAC dated 13.12.2023 pertaining to Assessment year 2004-05.

2. When the appellant’s Application for Special Constitution was called out, nobody attended on behalf of the assessee. However, on perusal of the records, it is noted that assessee’s AR, Shri Pranshu Goel,

has already filed an application in the Registry on 06.12.2024, which has been placed on record before us during the time of hearing. On perusal of the same, it is noted that there is a contention of the Ld. AR that assessee has filed an application for settlement of dispute under the Vivad Se Vishwas Scheme 2024 (DTVSV 2024). In this behalf, assessee has filed Form 1 DTVSV 2024 and Form 2 has been issued by the Pr. CIT. Hence, it was prayed in the aforesaid application of the Ld. AR that assessee may be permitted to withdraw the appeal, subject to liberty to reinstate the appeal in case, for any reason, the application filed under VSVS, 2024 is not accepted by the Revenue.

3. Learned Senior DR has no objection.

4. Considering the aforesaid factual matrix, the captioned appeal is consigned to records and treated 'dismissed' as withdrawn.

5. However, 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 Act, the appellant (i.e., 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. The respondent (i.e., the Revenue) has no objection with regard to the aforesaid caveat.

6. In view of the aforesaid, the appeal is consigned to record and, for statistical purposes, is treated as dismissed.

Order pronounced in the Open Court on 13.12.2024.

Sd/-

(BRAJESH KUMAR SINGH)
ACCOUNTANT MEMBER

Sd/-

(MAHAVIR SINGH)
VICE PRESIDENT

SRBhatnagar

Copy forwarded to: -

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

TRUE COPY

By Order,

Assistant Registrar, ITAT,
Delhi Benches