

आयकर अपीलीय अधिकरण, रायपुर न्यायपीठ, रायपुर
IN THE INCOME TAX APPELLATE TRIBUNAL RAIPUR BENCH, RAIPUR
श्री रविश सूद, न्यायिक सदस्य एवं श्री अरुण खोड़पिया, लेखा सदस्य के समक्ष।
BEFORE SHRI RAVISH SOOD, JM & SHRI ARUN KHODPIA, AM

आयकर अपील सं. / ITA No: 520/RPR/2024
(निर्धारण वर्ष Assessment Year: 2010-11)

Scan Ispat Limited, 22-KM Stone, Village- Punjipathra, Gharghora Road, C.G.- 496001	V S	Deputy Commissioner of Income Tax, Circle-1(1), Bilaspur
PAN: AAJCS0967Q		
(अपीलार्थी/Appellant)	.	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से /Assessee by	:	None
राजस्व की ओर से /Revenue by	:	Shri S. L. Anuragi, CIT-DR
सुनवाई की तारीख / Date of Hearing	:	22.01.2025
घोषणा की तारीख /Date of Pronouncement	:	23.01.2025

आदेश / ORDER

Per Arun Khodpia, AM:

The present appeal filed by the assessee is directed against the order passed by the Commissioner of Income-Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, dated 17.11.2024, which in turn arises from the order passed by the A.O. under Sec. 144 of the Income-tax Act, 1961 (in short 'the Act') dated 18.12.2017, for the assessment year 2010-11.

2. The assessee has assailed the impugned order on the following grounds of appeal:

1. *That the assessment order passed by the DCIT - [Circle 1(1), Bilaspur] u/s. 144 of the I.T. Act, 1961 (Act) as well as the appellate order passed by the Ld. CIT (Appeals) is unjustified, arbitrary, excessive, contrary to evidences and bad in law.*
2. *That the authorities below have not considered the facts of the case provided in the Appeal Memo and disposed off the Appeal.*
3. *That the authorities below have not provided sufficient/proper opportunity to the assessee to present its case with all evidences thereby violating the principle of Natural Justice.*
4. *That the Ld. CIT (A) has erred both in law and facts of the case by setting aside the case and referred back to the assessing officer for making a fresh assessment without providing any opportunity.*
5. *That the Ld. CIT(A) before disposing off the appeal would have considered the facts of the case and would have provided sufficient opportunity to the appellant to explain its case with proper evidences/written submission.*
6. *That CIT (A) would have provided the opportunity of submitting the written submissions and dispose of the appeal after considering the written submission.*
7. *That the appellant craves leave to add alter, delete, modify or withdraw any of the above grounds of appeal as may be required for adjudication of the case.*

3. Brief facts in this case are that the assessee filed its return of income on 30.09.2010 disclosing total loss of Rs. 1,93,15,652/- and offered tax u/s 115JB on a book profit at Rs.1,00,26,090/-. Scrutiny

assessment was completed against the assessee u/s 144 of the Act on 18.12.2017 by making an addition of Rs.3,43,00,000/- u/s 68 of the Act on account of unexplained cash credit received in the garb of share capital and share premium, determining the assessed income at Rs.1,49,84,350/-

4. Aggrieved with the aforesaid addition, assessee preferred an appeal before the Ld. CIT(A), however, the impugned assessment u/s 144 dated 18.12.2017 set aside to the files of Ld. AO in terms of powers conferred upon the Ld. CIT(A) u/s 251 of I. T. Act, 1961 (as amended by Finance Act, 2024 w.e.f. 01.10.2024).

5. Aggrieved with the aforesaid order of Ld. CIT(A), assessee instituted an appeal before us, the same is under consideration in instant case.

6. In this case, at the threshold of the hearing, though no-one has appeared on behalf of the assessee, however, it is noticed that a letter dated 17.01.2025, to keep the appellate proceedings in abeyance has been filed by the AR of the assessee. Copy of the letter so furnished along with Form1 under DTVSV 2024 is extracted as under:

P. A. & ASSOCIATES
CHARTERED ACCOUNTANTS

*TSC
17/1/25*

2ND FLOOR, BALAJI TOWERS
G. M. COLLEGE ROAD,
SAMBALPUR - 768 001
TEL : (0663) 2521522
Mob: 9583052422/ 9437057798
E_mail : paasambalpur@gmail.com

*By mail
17/01/25, 2:12:27 PM*

**BEFORE THE INCOME TAX APPELLATE TRIBUNAL
RAIPUR BENCH, RAIPUR.**

In the matter of : SCAN ISPATS LIMITED, [AAJCS0967Q]
22-KM Stone, Village.Punjipathra
Gharghora Road, Raigarh,
Chhattisgarh-496 001.

In the matter of : I.T. Appeal No. **ITA 520/RPR/2024** for
the Assessment Year **2010-11.**

In the matter of : Request to keep the proceedings in
abeyance as the appellant has already
opted for Direct Tax Vivad Se Vishwas
Scheme, 2024.

Sir,

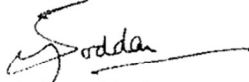
With due respect the appellant through its authorized representative do hereby submit that the aforesaid appeal is fixed for hearing on **22.01.2025**.

That in respect of the dispute under above appeal the appellant has already filed Form No.1 for filing Declaration under sub-section (1) and undertaking under sub-section 94) of The Finance (No.2) Act, 2024 (Under the Direct Tax Vivad Se Vishwas Scheme, 2024) and awaiting Form No.2 from CIT. In this regard a copy of Acknowledgement and Form No.1 are enclosed as **Annexure-1 & 2** respectively.

In view of the above your honour is requested to kindly keep the appellate proceedings in abeyance, for which the appellant will remain ever obliged.

Thanking You,

Yours faithfully,



(CA. S.S. Poddar)
Authorised Representative

Encl: A stated above and copy of General Power of Attorney.
Dated: 17/01/2025

Form 1 DTVSV 2024 [This form is in compliance with rule 4]



FORM- 1 (See rule 4) FORM FOR FILING DECLARATION UNDER SUB-SECTION (1) AND UNDERTAKING UNDER SUB-SECTION (4) OF SECTION 91 OF THE FINANCE (NO. 2) ACT, 2024 (UNDER THE DIRECT TAX VIVAD SE VISHWAS SCHEME, 2024)

Acknowledgement Number -789337620301224

PART A - GENERAL INFORMATION

Acknowledgement Number of Original Form 1	-
PAN (mandatory field)	AAJCS0967Q
TAN (mandatory if TAN based appeal)	-
Aadhaar No.	-
First Name of appellant	
Middle Name of appellant	
Last Name of appellant	SCAN ISPATS LIMITED
Mobile No.	9040995329
Email Address	rkl_ssil@rediffmail.com
Appeal Reference Number (ARN) [in case both assessee and deptt are in appeal against the same order, provide both the ARNs]	
Appeal by Assessee	CIT(A), Bilaspur/10082/2018-19
Appeal by Department	-
Assessment Year	2010-11
Financial Year (to be furnished only if TAN based appeal)	-
INFORMATION RELATING TO ELIGIBILITY	
Whether the applicant is appellant in terms of section 89 of the DTVSV and is not ineligible to apply in terms of section 96 of DTVSV?	Yes
Option exercised by Appellant	
Whether opting to pay tax on reduction of losses or depreciation or MAT credit If Yes go to relevant schedule under A; If No fill up schedule XXVII under Part D	No

Dashboard > e-file > Income tax Forms > View Filed Forms

FORM-1 (See rule 4) FORM FOR FILING

DECLARATION UNDER SUB SECTION (1) AND



e-Filing Anywhere Anytime
Income Tax Department, Government of India

8 1 4 : 2 1



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English

SECTION 91 OF THE FINANCE (NO. 2) ACT, 2024^{Us} (UNDER THE DIRECT TAX VIVAD SE VISHWAS SCHEME, 2024)

Form 1 DTVSV 2024

A.Y. 2010-11

Filing Date	Filing Type	Status :	Acknowledgement No :
30-Dec-2024	Original	Awaiting Form 2 from CIT	789337620301224

Activity / Status

✓ 30-Dec-2024 Submitted Form 1

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Last reviewed and updated on : 16-Jan-2025

7. Though in present case, it is submitted that the assessee had already initiated the proceedings under Vivad Se Vishwas Scheme, 2024 (VSVS 2024) by filing of Form 1 and undertaking, in order to settle the dispute involved in the captioned appeal. The assessee had requested to keep the appellate proceedings in abeyance on account of its preference to go for VSVS-2024, but we are not inclined to accept such request. Rather, we find it appropriate to dismiss the appeal of the assessee, treating the same as withdrawn, as the assessee had already filed Form 1 by opting the alternate remedy available under VSVS-2024, thus, there is no need to keep the matter pending for adjudication on merits.

8. Per contra, Shri S. L. Anuragi, Ld. CIT-DR, on behalf of the revenue, did not raise any objection, if the present appeal is dismissed as withdrawn.

9. Considering the aforesaid factual position, we dismiss the appeal as withdrawn. Before parting, we may herein observe that in case the order under VSVS-2024 for full and final settlement of tax arrears in "Form 4" is not passed by the designated authority, then the assessee will remain at a liberty to seek restoration of the subject appeal.

10. Resultantly, the appeal filed by the assessee is dismissed as withdrawn in terms of the aforesaid observations.

Order pronounced in the open court on 23/01/2025.

Sd/-

(RAVISH SOOD)

न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-

(ARUN KHODPIA)

लेखा सदस्य / ACCOUNTANT MEMBER

रायपुर/Raipur; दिनांक Dated 23/01/2025

Vaibhav Shrivastav

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

1. अपीलार्थी / The Appellant- Scan Ispat Limited, Raigarh
2. प्रत्यर्थी / The Respondent- DCIT, Circle-1(1), Bilaspur
3. The Pr. CIT, Raipur (C.G.)
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, रायपुर/ DR, ITAT, Raipur
5. गार्ड फाईल / Guard file.

// सत्यापित प्रति True copy //

आदेशानुसार/ BY ORDER,

(Senior Private Secretary)

आयकर अपीलीय अधिकरण, रायपुर/ITAT, Raipur