

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AGRA BENCH, AGRA**

**Before Sh. Satbeer Singh Godara, Judicial Member  
&  
Sh. Manoj Kumar Aggarwal, Accountant Member**

**ITA No. 163/Agr./2017 : Asstt. Year: 2014-15**

Shri Ram Kumar Tiwari, 8, Civil Lines, Lalitpur, Jhansi-284403	Vs	DCIT, Circle-2(3)(1), Jhansi
(APPELLANT)		(RESPONDENT)
<b>PAN No. ABGPT0916R</b>		

**Assessee by : Sh. Anurag Sinha, Adv.  
Revenue by : Sh. Shailendra Srivastava, Sr. DR**

<b>Date of Hearing: 19.02.2025</b>	<b>Date of Pronouncement: 19.02.2025</b>
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**ORDER**

**Per Satbeer Singh Godara, Judicial Member:**

This assessee's appeal for Assessment Year 2014-15, arises against the CIT(A)-2, Agra's case No.249/CIT(A)-2/Agra/DCIT-2(3)(1)/Jhansi/2015-16 dated 30.12.2016, in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.
3. It emerges at the outset that the assessee has filed his application for withdrawal of the instant appeal as under:

*"Sub: INTIMATION ABOUT FILING DECLARATION UNDER VSVS SCHEME*

2. A declaration was filed in prescribed Form No.1 & 2 under VSVS on 14/12/2020 against addition of Rs.62,61,417/- as was sustained by the Ld. CIT(A).

3. That addition of Rs. 62,61,417/- was subject matter of appeal before the Hon'ble ITAT bearing ITA No. 163/Agr/2017. Department too was in appeal against the relief allowed the Ld. CIT(A) which was registered as ITA No. 248/Agr/2017.

4. That the Appeal preferred by the Department (ITA No.248/Agr/2017) got dismissed on account of Low Tax Effect. Therefore, as on date of filing the declaration under 'VSVS Scheme' on 14.12.2020 no such appeal bearing ITA No.248/Agr/2017 was pending at any stage.

5. However, while filing Application under VSVS Scheme wrong ITA No. got mentioned which was in respect of Departmental Appeal which at the time of filing Declaration was not alive.

6 Vide this application it is submitted that appeal registered as ITA No. 163/Agr/2017 may kindly be treated as 'Not Pressed' in view of the Declaration made under VSVS Scheme and Form No.5 issued subject to suitable modification/amendment by the Designated Authority."

4. The Revenue is equally fair in not disputing this clinching averments made by the assessee at this stage. Ordered accordingly.

5. This assessee's appeal is dismissed as withdrawn in above terms subject to all just exceptions.

Order Pronounced in the Open Court on 19/02/2025.

Sd/-  
**(Manoj Kumar Aggarwal)**  
**Accountant Member**

Sd/-  
**(Satbeer Singh Godara)**  
**Judicial Member**

**Dated: 19/02/2025**

\*Subodh Kumar, Sr. PS\*