

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR BENCH, NAGPUR

BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
SHRI K.M. ROY, ACCOUNTANT, MEMBER

ITA no.274 /Nag./2019
(Assessment Year : 2011-12)

Income Tax Officer
Ward-2, Akola

..... Appellant

v/s

Shri Gaurav Vasant Khandelwal
Khandelwal Alankar Kendra
Gandhi Road, Akola 444 001
PAN - AVNPK1907G

..... Respondent

ITA no.275/Nag./2019
(Assessment Year : 2011-12)

Income Tax Officer
Ward-2, Akola

..... Appellant

v/s

Shri Sagar Vasant Khandelwal
Khandelwal Alankar Kendra
Gandhi Road, Akola 444 001
PAN - AVNPK1907G

..... Respondent

Assessee by : Shri Kishore P. Dewani
Revenue by : Shri Abhay Y. Marathe

Date of Hearing - 05/03/2025

Date of Order - 21/03/2025

ORDER

PER K.M. ROY, A.M.

The aforesaid appeals by the assessee are against the impugned orders of even date 05/07/2019, passed by the learned Commissioner of Income Tax (Appeals)-1, Nagpur, [*learned CIT(A)*], for the assessment year 2011-12.

2. During the course of hearing, the assessee furnished an application dated nil, received by the Registry on 27/02/2025, stating as under:-

"The assessee respectfully begs to submit as under:

1. In the case of assessee appeal is pending before Hon'ble Bench for Asstt. Year 2011-12 vide Appeal No. 274/NAG/2019.

2. The assessee has opted to settle dispute under The Direct Tax Vivad Se Vishwas Scheme 2024. Assessee has filed declaration and undertaking in Form No.1 on 26/12/2024 under The Direct Tax Vivad Se Vishwas Scheme 2024 in respect to aforesaid pending appeal. The assessee has received Certificate in Form No.2 from PCIT-1 Nagpur on 14/01/2025. The assessee has paid the requisite taxes as determined in Form No.2 Certificate issued under Form No.2 and copy of challan is enclosed herewith. In view of above, assessee requests for withdrawal of aforesaid appeal of assessee. The assessee humbly requests to kindly accept this application and assessee be permitted to withdraw the appeal.

3. The learned Counsel for the assessee submitted before us that the assessee has opted for the Direct Tax Vivad se Vishwas Scheme, 2024 (DTVsV Scheme, 2024) and hence he may be permitted to withdraw these appeals. He, however, requested the Bench that in the event of Department's decision is not acceptable to the assessee, the assessee be granted liberty to file fresh appeal before the Tribunal. The learned Departmental Representative has no objection in the submissions of the assessee.

4. We have heard the arguments of the parties, perused the material available on record and gone through the orders of the authorities below. In view of the submissions made by the learned Counsel for the assessee as aforesaid, we are of the opinion that in case, the assessee does not succeed on the declaration filed under DTVsV Scheme, in that event the assessee will be at liberty get these appeals restored in its original position by filing Miscellaneous Applications and recall this consolidated order for hearing on merits.

5. In the result, appeals filed by the assessee dismissed.
Order pronounced in the open Court on 21/03/2025

Sd/-
V. DURGA RAO
JUDICIAL MEMBER

Sd/-
K.M. ROY
ACCOUNTANT MEMBER

NAGPUR, DATED: 21/03/2025

Copy of the order forwarded to:

- (1) The Assessee;
- (2) The Revenue;
- (3) The PCIT / CIT (Judicial);
- (4) The DR, ITAT, Nagpur; and
- (5) Guard file.

Pradeep J. Chowdhury
Sr. Private Secretary

True Copy
By Order

Sr. Private Secretary
ITAT, Nagpur