

IN THE INCOME TAX APPELLATE TRIBUNAL MUMBAI  
'A' BENCH MUMBAI  
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND  
SHRI OMKARESHWAR CHIDARA, ACCOUNTANT MEMBER  
आयकरअपीलसं./ITA Nos. 4118/MUM/2024(AY 2012-13)  
(Hybrid Court hearing)

Amogh Buildcon Pvt Ltd, 7, Shantinath, Shopping Centre, S.V.Road, Malad West, Mumbai-400064. [PAN : AAACZ 1881 F]	बनाम Vs	Income Tax Officer,1(2)(1), M.K.Road, Mumbai-20
अपीलार्थी/Appellant		प्रत्यर्थी /Respondent

निर्धारितीकीओरसे /Assessee by	Sh Ketan Vajani CA
राजस्वकीओरसे /Revenue by	Sh.Ramkishan Kedia CIT-DR
सुनवाईकीतारीख/Date of hearing	14.05.2025
उद्घोषणाकीतारीख/Date of pronouncement	14.05.2025

**Order under section 254(1) of Income Tax Act**

**Per Omkareshwar Chidara (AM)**

1. This Appeal by assessee is directed against the order of CIT(A) dated 19.06.2024 for AY 2012-13.
2. The Id authorised representative (AR) of the assessee filed an application for adjournment on the ground that that assessee has filed application for availing the benefits of Direct Vivad se Visvas Scheme -2024 (DVSV-2024). The assessee has also filed copy of Form-1 of DVSV-20 bearing acknowledgement No.922080390310325 dated 31.03.2025. This fact was confronted with learned departmental representative (DR) of the revenue. The Id. Sr-DR for the Revenue submits that he has no objection, if the appeal of the assessee is dismissed as "withdrawn".

3. We have considered the application of assessee for adjournment and find that the assessee has already filed application for availing the benefit of DVSV-2024 thus, the appeal of the assessee is dismissed as "withdrawn" with liberty to the assessee as well as to the Revenue that in case, if the application preferred by the assessee under DVSV-2024 does not get finally settled for any reason whatsoever, then both the parties are at liberty to prefer Miscellaneous Application (MA) before this Tribunal for restoration of the appeal or any further direction and in such event, the appeal shall get restore. The Assessing Officer is directed to pass the consequential order.

4. In the result, the appeal of the assessee is dismissed as withdrawn.

Order announced on 14.05.2025 in the Hybrid Court hearing.

Sd/-  
(PAWAN SINGH)  
न्यायिकसदस्य/Judicial Member

Sd/-  
(OMKARESHWAR CHIDARA )  
लेखासदस्य/Accountant Member

Dated: 14.05.2025  
Sr.P.S\*

आदेशकीप्रतिलिपिअग्रेषित/ Copy of the order forwarded to :

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकरआयुक्त/ CIT
- विभागीयप्रतिनिधि, आयकरअपीलीयआधिकरण, Mumbai/ DR, ITAT,Mumbai
- गार्डफाईल/ Guard File

By order/आदेशसे,

सहायकपंजीकार  
आयकरअपीलीयआधिकरण, Mumbai