

IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH : KOLKATA

[Before Hon'ble Sri N.V.Vasudevan, JM & Shri M.Balaganesh, AM]

I.T.A No. 1397/Kol/2015

Assessment Year : 2011-12

Acclaris Business Solutions (P)Ltd.
Kolkata
[PAN : AAECA 2366 E]
(Appellant)

-vs.-

I.T.O., Ward-2(2),
Kolkata

(Respondent)

I.T.A No.39/Kol/2016

Assessment Year : 2011-12

I.T.O., Ward-2(2),
Kolkata

-vs-

Acclaris Business Solutions (P)Ltd.
Kolkata
[PAN : AAECA 2366 E]

For the Assessee : None (Application for withdrawal filed)

For the Respondent : Shri G.Mallikarjuna, CIT(DR)

Date of Hearing : 24.01.2017.

Date of Pronouncement : 24.01.2017.

ORDER

Per M.Balaganesh, AM

These appeals of the assessee and the revenue arise out of the order of the Dispute Resolution Panel-2, New Delhi in F.No.DRP-2/Del/2015-16/216 dated 20.08.2015 against the order of assessment framed for the Asst Year 2011-12 u/s 143(3)/144C of the Income Tax Act, 1961 (hereinafter referred to as the 'Act').

2. The assessee has filed an application dated 03.01.2017 requesting for the withdrawal of appeal for the following reasons stated in its application :

“ In this regard, the Appellant would like to inform that, it had filed for an Advance Pricing Agreement (‘ APA ‘) for the period beginning form Financial Year (FY) 2010-11 to FY 2018-19 (including rollback) with the Central Board of Direct taxes (‘ CBDT ‘). The APA has now been finalized and signed with the CBDT on 23 November 2016. The copy of the same is attached herewith as Annexure-I to the letter.

In this regard, as AY 2011-12 falls under the APA period as per the rollback mechanism, the pricing for the international transactions would be governed by the terms and conditions as agreed in the APA. Rule 10RA(4) and Rule 10RA(5) of the Income-tax Rules, 1962 require that an appeal pending before the Hon’ble needs to be withdrawn in so far as the issues are covered by APA.”

3. The ld. DR did not raise any objection. We permit the assessee to withdraw this appeal.
4. In the result, the appeal by the assessee and revenue are dismissed as withdrawn.

Order pronounced in the Court on 24.01.2017.

Sd/-
 [N.V.Vasudevan]
 Judicial Member

Sd/-
 [M.Balaganesh]
 Accountant Member

Dated : 24.01.2017.

[RG PS]

Copy of the order forwarded to:

- 1.M/s. Acclaris Business Solutions Pvt. Ltd., 201, Ecospace, 2nd Floor, Tower 2B, New Town, Rajarhat, Kolkata-700 156.
2. I.T.O., Ward-2(2) Kolkata.
- 3..CIT(DR), Kolkata Benches, Kolkata.

True copy

By Order

Asstt.Registrar, ITAT, Kolkata Benches

