

**HIGH COURT AT CALCUTTA
(ORIGINAL SIDE)**

**ITAT/142/2019
IA No: GA/1/2019
GA/2/2019**

(Through Video Conferencing)

PRINCIPAL COMMISSIONER OF INCOME TAX-3, KOLKATA
.....Appellant(s)

Through : Mr. Debasish Chaudhuri, Advocate with
Mr. Radha Mohan Roy, Advocate (VC)

v/s

M/s. BRITANNIA DAIRY PRIVATE LIMITED
.....Respondent(s)

Through : Mr. R. K. Murarka with Ms. Sutapa
Roychowdhury, Advocates.

Coram: HON'BLE MR. RAJESH BINDAL, CHIEF JUSTICE (ACTING)

HON'BLE MR. JUSTICE RAJARSHI BHARADWAJ, JUDGE

O R D E R

1. The present appeal has been filed by the Revenue assailing the order dated February 19, 2018 passed by the Income Tax Appellate Tribunal 'A' Bench, Kolkata in ITA Nos.2678 to 2682, 6308 and 6592/Mum/2012 for the assessment years 2003-04 to 2009-10.

2. Learned counsel for the assessee submitted that he has already paid the entire amount of disputed tax while settling the dispute under Vivad se Vishwas Act, 2020. Even Form No.5 has been issued. He has also referred to a communication from JCIT (OSD), Hqrs.-1, Kolkata dated January 6, 2021 to the appellant for withdrawal of the appeal.

3. Learned counsel for the Revenue does not dispute the aforesaid facts.

4. As the assessee has already settled the dispute with the department and paid the amount of disputed tax, the present appeal is dismissed as withdrawn, however, leaving the substantial questions of law open.

KOLKATA
13.08.2021
akg/s.kumar

(RAJARSHI BHARADWAJ)
JUDGE

(RAJESH BINDAL)
CHIEF JUSTICE (ACTING)