

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

ITAT/150/2011
(Through Video Conferencing)

COMMISSIONER OF INCOME TAX, KOLKATA III, KOLKATA

.....Appellant(s)

Through : Ms. Sucharita Biswas, Mr. Ashok
Bhowmik, Advocates

v/s

BRITANNIA INDUSTRIES LTD.

.....Respondent(s)

Through : Mr. R. K. Murarka, Ms. Sutapa
Roychowdhury, Mr. Vivek Murarka,
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 11, 2021 passed by the Income Tax Appellate Tribunal 'C' Bench, Kolkata in ITA No.1708 (Kol) of 2008 for the assessment year 2004-05.

2. Learned counsel for the appellant submitted that she has instruction to withdraw the present appeal as the assessee has paid entire amount of disputed tax while settling the dispute under Vivad se Vishwas Act, 2020. Even Form No.5 has been issued. She 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. 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already settled the dispute with the department and paid the amount of disputed tax, the present appeal is dismissed as withdrawn, however, leaving the substantial questions of law open.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
09.08.2021
akg/s.kumar

(RAJARSHI BHARADWAJ)
JUDGE

(RAJESH BINDAL)
CHIEF JUSTICE (ACTING)