S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 261 OF 2011

Peregrine Securities India Pvt. Ltd. .. Appellant
Versus
Commissioner of Income Tax-X .. Respondents

....

- Ms. Rutuja Pawar a/w. Hetal Laghave for the Appellant.
- Mr. Sham Walve for the Respondents.

....

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.

DATE : JANUARY 28, 2021.

P.C.:

Heard Ms. Pawar, learned counsel for the appellant and Mr. Walve, learned standing counsel revenue for the respondents.

2. This appeal under section 260A of the Income Tax Act, 1961 has been preferred by the assessee as the appellant against the order dated 09.09.2010 passed by the Income Tax Appellate Tribunal, "C" Bench, Mumbai in ITA No. 7297/M/2008 for the assessment year 2002-03.

3. The appeal was admitted by this Court on 03.12.2012 on the substantial questions of law framed in the said order.

4. Today the appeal is before us on a *praecipe* filed by learned counsel for the appellant.

5. It is submitted that Parliament has enacted the Direct Tax *Vivad se Vishwas Act, 2020* (briefly 'the Act' hereinafter) providing for a scheme for resolution of tax disputes. Appellant has filed a declaration under section 3 of the said Act before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act determining tax payable at Nil. However, for passing of the final order under section 5(2) of the said Act, appellant is required to withdraw the appeal in terms of section 4(3) thereof. Hence, the prayer for withdrawal of the appeal.

6. Learned counsel for the respondent has no objection to the prayer made for withdrawal of the appeal.

7. Considering the above, we allow the appellant to withdraw the appeal. Accordingly, the appeal is disposed of as withdrawn.

8. Refund as per Rules.

[MILIND N. JADHAV, J.] **[UJJAL BHUYAN, J.]**

Ravindra M. Amberkar

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Date: 2021.01.29 14:53:30 +0530