IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO.139 OF 2001

DHL Operations B.V. Netherlands … Appellant
Vs.
Assistant Commissioner of Income Tax Circle 12(2), Mumbai … Respondent

Mr. Jas Sanghavi i/b. PDS Legal for the Appellant.
Mr. Ashok Kotangale for the Respondent.

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

DATE : JANUARY 27, 2021

P.C. :

Heard Mr. Jas Sanghavi, learned counsel for the appellant and Mr. Ashok Kotangale, learned standing counsel revenue for the respondent.

2. This appeal under section 260-A of the Income Tax Act, 1961 has been preferred by the assessee against the order dated 03.10.2000 passed by the Income Tax Appellate Tribunal, 'D' Bench, Mumbai in I.T.A. Nos.7987 and 7988/Bom/92 for the assessment years 1989-90 and 1990-91 respectively.

3. The appeal was admitted by this Court on 02.04.2004 on the substantial questions of law framed in the said order.

4. Today the appeal is before us on *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. In terms of the said scheme, appellant has filed a declaration under section 3 thereof before the Designated

Authority which has thereafter issued a certificate under section 5(1) of the said Act determining the amount payable by the appellant. 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.

8. Appeal is accordingly disposed of on withdrawal.

9. Refund as per Rules.

(MILIND N. JADHAV, J.) **(UJJAL BHUYAN, J.)**

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