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

INCOME TAX APPEAL NO.739 OF 2016

M/s. Pentagon Builders Pvt. Ltd. ..Appellant
Versus
Income Tax Officer 5(2) & Anr. ..Respondents

Mr. Deepak Tralshawala a/w Mr. V. S. Hadade, Advocates for the Appellant.
Mr. Sham Walve h/f Mr. N. C. Mohanty, for the Respondents.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : 26th FEBRUARY, 2021

P.C.

Heard Mr. Deepak Tralshawala, learned counsel for the appellant and Mr. Sham Walve, learned counsel for the respondents.

2. This appeal has been preferred by the assessee as the appellant under section 260A of the Income Tax Act, 1961 against the order dated 11.09.2015 passed by the Income Tax Appellate Tribunal, “C” Bench, Mumbai in ITA No.379/Mum/2011, C.O. No.252/Mum/2012 for the assessment year 2007-08.

3. The appeal was admitted by this Court by order dated 03.12.2018 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 stated that Parliament has enacted the Direct Tax Vivad se Vishwas Act, 2020 providing for a scheme for resolution of tax disputes. In terms thereof, appellant has filed declaration under section 3 before the designated authority. Designated authority has issued certificate under section 5(1) on 28.01.2021. For passing of the final order under section 5(2), appellant is required to withdraw the appeal under section 4(3) and to furnish proof of withdrawal along with intimation of payment, if any, to the designated authority. Hence, prayer for withdrawal of the appeal.

6. Learned counsel for the respondents has no objection to the prayer made.

7. Having regard to the above, we allow withdrawal of the appeal.

8. Appeal is accordingly disposed of as withdrawn.

9. Refund as per rules.

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