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

INCOME TAX APPEAL NO.580 OF 2009

M/s Mahindra and Mahindra Limited … Appellant
V/s.
DCIT Special Range 49, Mumbai. … Respondent

Mr.Sanjiv Shah, Advocate for the Appellant.
Mr.Sham Walve, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : FEBRUARY 15, 2021.

P.C.:-

Heard Mr.Sanjiv Shah, learned counsel for the appellant; and Mr.Walve, learned standing counsel, revenue for the respondent.

2. This appeal has been preferred under section 260A of the Income Tax Act, 1961 against the order dated 1st October, 2008 passed by the Income Tax Appellate Tribunal, "D" Bench, Mumbai in ITA No.743/M/01 and revenue's ITA No.902/M/2001 for the assessment year 1995-96.

3. By order dated 31st July, 2009 the appeal was admitted by this court on the substantial questions of law framed therein.

4. Learned counsel for the appellant submits that during the pendency of the appeal Parliament has enacted the Direct Tax Vivad Se Vishwas Act, 2020 providing for a scheme for resolution of tax disputes. Appellant had filed a declaration under section 3 of the said Act before the Designated Authority which Authority has issued certificate under section 5(1) on 30th January, 2021 determining the amount of tax refundable to the

appellant which is Rs.45,01,741/-. For passing of final order under section 5(2) of the said Act, appellant is required to withdraw the appeal under section 4(3). Hence, the prayer for withdrawal.

5. Learned counsel for the respondent has no objection to the prayer made.

6. In view thereof, we allow the prayer for withdrawal. Consequently, the appeal is disposed of on withdrawal.

7. Refund of court fee as per rules.

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

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