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

INCOME TAX APPEAL NO.1317 OF 2011

Rajesh Builder ..Appellant
Versus
D.C.I.T., Range-22(2) ..Respondent

Ms. Namrata Kasale i/by Sameer Dalal, for the Appellant.
Mr. Suresh Kumar, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : 12th MARCH, 2021

P.C.

Heard Ms. Namrata Kasale, learned counsel for the appellant and Mr. Suresh Kumar, learned counsel for the respondent.

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 13.09.2010 passed by the Income Tax Appellate Tribunal, "A" Bench, Mumbai in ITA No.3980/Mum/2009 for the assessment year 2005-06.

3. The appeal was admitted by this Court by order dated 11.02.2013 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 01.02.2021 determining the amount refundable. 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 respondent 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 Appeal is accordingly disposed of as withdrawn.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.

Balaji G. Panchal

Digitally signed by Balaji G. Panchal
Date: 2021.03.15 11:10:07 +0530

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