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

INCOME TAX APPEAL NO.867 OF 2015

Nobel Biocare India Pvt. Ltd. ..Appellant
Versus
Deputy Commissioner of Income Tax ..Respondent

Mr. Atul K. Jasani, Advocate for the Appellant.
Mr. Suresh Kumar, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : 19th JANUARY, 2021

P.C.

1. Heard Mr. Atul K. Jasani, learned counsel for the appellant and Mr. Suresh Kumar, learned standing counsel revenue 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 03.11.2014 passed by the Income Tax Appellate Tribunal, “K” Bench, Mumbai in ITA No.1008/Mum/2014 for the assessment year 2009-10.

3. The appeal was admitted by this Court by order dated 13.02.2018 on the substantial questions of law framed in the said order.

4. The appeal is before us today on 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 on 25.12.2020 before the designated authority. Designated authority issued certificate under section 5(1) on 07.01.2021 determining the amount refundable to the appellant. 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 Appeal is accordingly disposed of as withdrawn.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.

10. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

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