

R.M. AMBERKAR  
(Private Secretary)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**O.O.C.J.**

**INCOME TAX APPEAL NO. 873 OF 2007**

Kasturchand J. Sanghvi

.. Appellant

**Versus**

Deputy Commissioner of Income Tax,  
Central Circle - 38, Mumbai.

.. Respondent

- .....
- Mr. Atul Jasani for the Appellant.
  - Mr. Sham Walve for the Respondent.
- .....

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

**DATE : FEBRUARY 18, 2021.**

**P.C.:**

Heard Mr. Jasani, learned counsel for the appellant and Mr. Walve, learned standing counsel revenue for the respondent.

**2.** This appeal under section 260A of the Income Tax Act, 1961 has been preferred by the assessee as the appellant against the order dated 19.01.2007 passed by the Income Tax Appellate Tribunal, 'K' Bench, Mumbai in I.T.A. No. 5421/Mum/1999 for the assessment year 1986-87.

**3.** The appeal was admitted by this Court on 02.07.2008 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 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. Appellant has filed a declaration under section 3 of the said Act on 28.10.2020 before the Designated Authority which has thereafter issued a certificate under section 5(1) of the said Act on 20.01.2021 determining the amount of tax 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. Accordingly, the appeal is disposed of as withdrawn.

**8.** Refund as per Rules.

**[ MILIND N. JADHAV, J. ]**

**[ UJJAL BHUYAN, J. ]**

Ravindra  
M.  
Amberkar

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