R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO.1434 OF 2014

Asia Pacific Performance SICAV .. Appellant
Versus
Deputy Director of Income-tax (IT) .. Respondent

....

- Mr. Atul Jasani for the Appellant.
- Ms. Swapna Gokhale h/f. Mr. Suresh Kumar for the Respondent.

....

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

DATE : FEBRUARY 23, 2021.

P.C.:

Heard Mr. Atul Jasani, learned counsel for the appellant and Ms. Swapna Gokhale, learned counsel holding for Mr. Suresh Kumar, learned counsel 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 27.12.2013 passed by the Income Tax Appellate Tribunal, 'A' Bench, Mumbai in I.T.A. No.7106/Mum/2010 for the assessment year 2007-08.

3. The appeal was admitted by this Court on 27.01.2017 on the substantial question 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 29.01.2021 before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act on 11.02.2021 determining the amount 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 Accordingly, the appeal is disposed of as withdrawn.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

Digitally signed by Ravindra M. Amberkar
Date: 2021.02.23 16:54:54 +0530