

R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO. 2159 OF 2011

Cipla Ltd .. Appellant
Versus
Dy. Commissioner of Income-tax Central
Cir. 2, Mumbai & Anr. .. Respondents

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- Mr. Netaji Gawade a/w Mr. Aditya Thorat i/by Sanjay Udeshi & Co for the Appellant
 - Ms. Shaista Hadi i/by Mr. Charanjeet Chanderpal for the Respondents
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**CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.**

DATE : JANUARY 20, 2021.

P.C.:

Heard Mr. Gawade, learned counsel for the appellant and Ms. Hadi, learned counsel holding brief for Mr. Charanjeet Chanderpal, learned standing counsel revenue for the respondents.

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 26.11.2010 passed by the Income Tax Appellate Tribunal, 'C' Bench, Mumbai in I.T.A. No. 1274/Mum/2009 for the assessment year 2003-04.

3. The appeal was admitted by this Court on 25.02.2013 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 before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act determining the amount refundable to 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 Accordingly, the appeal is disposed of as withdrawn.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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