R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO. 1307 OF 2015

ASTEC Life Sciences Ltd .. Appellant
Versus
Commissioner of Income Tax-II, Mumbai .. Respondent

....

- Mr. Jas Sanghavi i/by PDS Legal for the Appellant
- Mr. Sham Walve h/f Mr. P.C. Chotaray for the Respondent

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

DATE : FEBRUARY 1, 2021.

P.C.:

Heard Mr. Jas Sanghavi, learned counsel for the appellant and Mr. Sham Walve, learned counsel holding brief for Mr. P.C. Chotaray, 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 27.08.2014 passed by the Income Tax Appellate Tribunal, 'A' Bench, Mumbai in I.T.A. No. 7028/ Mum/2012 for the assessment year 2007-08.

3. The appeal was admitted by this Court on 23.04.2018 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 on 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 Accordingly, the appeal is disposed of as withdrawn.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 Digitally signed by Ravindra M. Amberkar Date: 2021.02.02 11:28:56 +0530