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

INCOME TAX APPEAL NO.2320 OF 2018

Everest Industries Ltd. ..Appellant
Versus
Assistant Commissioner of Income Tax,
Circle-1, Mumai ..Respondent

Mr. Atul K. Jasani, Advocate for the Appellant.
Mr. Sham Walve, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : 21st JANUARY, 2021

P.C.

1. Heard Mr. Atul K. Jasani, learned counsel for the appellant and Mr. Sham Walve, learned counsel 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 15.09.2017 passed by the Income Tax Appellate Tribunal, "I" Bench, Mumbai in ITA No.1972/Mum/2013 for the assessment year 2008-09.

3. The appeal is pending for admission.

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 of the said Act on 29.12.2020 before the designated authority. Designated authority issued certificate under section 5(1) of the said Act on 18.01.2021 determining the amount payable at nil. 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 respondent 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 Appeal is accordingly disposed of as withdrawn.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.

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