

R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO. 2454 OF 2018

Everest Industries Ltd .. Appellant
Versus
Additional Commissioner of Income Tax,
Range-1, Mumbai .. Respondent

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- Mr. Atul K. Jasani for the Appellant
 - Mr. Sham Walve for the Respondent
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**CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.**

DATE : JANUARY 14, 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 15.09.2017 passed by the Income Tax Appellate Tribunal, 'I' Bench, Mumbai in I.T.A. No. 1971/Mum/2013 for the assessment year 2007-08.

3. The appeal is pending for admission.

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 23.12.2020 before the Designated Authority which has thereafter issued a certificate under section 5(1) of the said Act on 09.01.2021 determining the amount payable at nil 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 Accordingly, the appeal is disposed of as withdrawn.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.

9. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[MILIND N. JADHAV, J.]

[UJJAL BHUYAN, J.]

Ravindra
M.
Amberkar
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