

S.S.Kilaje

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

INCOME TAX APPEAL NO.1297 OF 2017

RBS Prime Services (India) Pvt. Ltd. .. Appellant
Versus
Assistant Commissioner of Income – tax,
Range – 4(1), Mumbai .. Respondent

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- Mr. Atul Jasani, Advocate for the Appellant.
- Mr. Sham Walve h/f. N.N. Singh, Advocate for the Respondent.

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

DATE : FEBRUARY 16, 2021.

P.C.:

Heard Mr. Jasani, learned counsel for the appellant and
Mr. Walve, 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 02.01.2017 passed by the Income Tax Appellate Tribunal, 'K' Bench, Mumbai in I.T.A. No.7776/Mum/2011 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 22.12.2020 before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act on 27.01.2021 determining the tax 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 Accordingly, the appeal is disposed of as withdrawn.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
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