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

INCOME TAX APPEAL NO.1280 OF 2015

ACE Impex ..Appellant
Versus
Asst. Commissioner of Income-Tax, 12(1) ..Respondent

Mr. Kiran Jain, Advocate for the Petitioner.
Mr. N. C. Mohanty h/f Mr. P. C. Chotaray, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : 10th MARCH, 2021

P.C.

Heard Mr. Kiran Jain, learned counsel for the appellant and Mr. N. C. Mohanty holding for Mr. P. C. Chotaray, 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 23.01.2015 passed by the Income Tax Appellate Tribunal, "A" Bench, Mumbai in ITA No.2329/Mum/2011 for the assessment year 2004-05.

3. The appeal was admitted by this Court by order dated 29.08.2018 on the substantial questions 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 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 before the designated authority. Designated authority has issued certificate under section 5(1) determining the amount payable. 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 Appeal is accordingly disposed of as withdrawn.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.

Balaji G. Panchal

Digitally signed by Balaji G. Panchal
Date: 2021.03.10 16:27:51 +0530

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