IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO.1641 OF 2017

Hathway Investments Private Limited … Appellant
Vs.
Additional Commissioner of Income Tax,
Special Range-50 … Respondent

Ms. Tasneem Zaveri i/b. Kanga & Co. for Appellant.
Mr. Arvind Pinto h/f. Mr. N. C. Mohanty for Respondent.

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

DATE : JANUARY 11, 2021

P.C. :

Heard Ms. Tasneem Zaveri, learned counsel for the appellant and Mr. Arvind Pinto, learned standing counsel Revenue for the respondent.

2. This appeal under section 260-A of the Income Tax Act, 1961 has been preferred by the assessee against the order dated 01.02.2017 passed by the Income Tax Appellate Tribunal, 'I' Bench, Mumbai in I.T.A. No.6532/Mumbai/2003 for the assessment year 1999-2000.

3. The appeal was admitted by this Court on 13.01.2020 on the substantial question of law framed in the said order.

4. Today the appeal is before us on *praecipe* filed by learned counsel for the appellant.

5. Ms. Zaveri submits that Parliament has enacted the Direct Tax *Vivad se Vishwas* Act, 2020 (briefly ‘the Act’ hereinafter) providing for a scheme for settlement of tax disputes. In terms of the said scheme, appellant had filed declaration under section 3 thereof before the Designated authority. Designated Authority had issued a certificate

under section 5(1) of the said Act. However, before passing of the final order under section 5(2) of the said Act, appellant is required to withdraw the appeal under 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.

8. Appeal is accordingly disposed of on withdrawal.

9. Refund as per Rules.

10. 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.)**

Minal Parab