

R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO.534 OF 2005

Indian Oil Corporation Limited, G-9 Ali
Yavar Jung Marg, Bandra (East), Mumbai .. Appellant
Versus

Deputy Commissioner of Income Tax,
Special Range 2, Mumbai. .. Respondent

-
- Mr. Atul Jasani for the Appellant.
 - Ms. Swapna Gokhale h/f. Mr. Suresh Kumar for the Respondent.
-

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

DATE : FEBRUARY 23, 2021.

P.C.:

Heard Mr. Atul Jasani, learned counsel for the appellant and Ms. Swapna Gokhale, learned counsel holding for Mr. Suresh Kumar, 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 23.06.2005 passed by the Income Tax Appellate Tribunal, 'B' Bench, Mumbai in I.T.A. No. 830/Bom/91 for the assessment year 1987-88.

3. The appeal was admitted by this Court on 22.07.2008 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 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 02.12.2020 before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act on 17.02.2021 determining the amount refundable 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 Accordingly, the appeal is disposed of as withdrawn.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.

[MILIND N. JADHAV, J.]

[UJJAL BHUYAN, J.]

Ravindra
M.
Amberkar

Digitally signed
by Ravindra M.
Amberkar
Date: 2021.02.23
15:16:35 +0530