

R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO. 1191 OF 2008

Ashok Motilal Katariya .. Appellant
Versus
Assistant Commissioner of Income Tax -
1, Nashik .. Respondent

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- Ms. Aasifa Khan for the Appellant
 - Mr. Sham Walve for the Respondent
-

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

DATE : JANUARY 18, 2021.

P.C.:

Heard Ms. Khan, 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 14.03.2008 passed by the Income Tax Appellate Tribunal, 'B' Bench, Pune in I.T.A. No. 34/PN/2005 for the assessment year 2001-02.

3. The appeal was admitted by this Court on 12.02.2009 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 before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act on 06.05.2020 determining the tax 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as withdrawn.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

Digitally signed
by Ravindra M.
Amberkar
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