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

INCOME TAX APPEAL NO.391 OF 2012

Commissioner of Income-tax-II, Pune ..Appellant
Versus
M/s. Piaggio Vehicles Pvt. Ltd. ..Respondent

Mr. Sham Walve, Advocate for the Appellant.
Mr. S. P. Mehta a/w Ms. A. Vissanji, for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : 12th MARCH, 2021

P.C.

Heard Mr. Sham Walve, learned counsel for the appellant and Mr. S. P. Mehta, learned counsel for the respondent.

2. This appeal has been preferred by the revenue as the appellant under section 260A of the Income Tax Act, 1961 against the order dated 06.04.2011 passed by the Income Tax Appellate Tribunal, "B" Bench, Pune in ITA No.965/966/PN/2009 for the assessment year 2004-05.

3. The appeal was admitted by this Court by order dated 13.03.2013 on the substantial question 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, respondent assessee has opted for dispute resolution under the scheme and filed declaration under section 3 before the designated authority. Designated authority has issued certificate under section 5(1). In terms of the scheme, the appeal is required to be withdrawn.

6. Since appeal is by the revenue, prayer has been made by Mr. Sham Walve to withdraw the appeal in terms of the scheme.

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 Appeal is accordingly disposed of as withdrawn.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: 2021.03.15 11:02:26 +0530

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