

R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO.4124 OF 2009

USV Limited .. Appellant
Versus
Deputy Commissioner of Income Tax .. Respondent

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- Mr. Sameer Dalal for the Appellant
 - Mr. Akhileshwar Sharma for the Respondent
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CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.

DATE : JANUARY 20, 2021.

P.C.:

Heard Mr. Dalal, learned counsel for the appellant and Mr. Sharma, 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 22.5.2009 passed by the Income Tax Appellate Tribunal, 'F' Bench, Mumbai in I.T.A. No. 2179/M/2008 for the assessment year 2005-06.

3. The appeal was admitted by this Court on 13.12.2010 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 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 07.01.2021 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as withdrawn.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

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