S.S.Kilaje

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

INCOME TAX APPEAL NO. 1626 OF 2012

Ruia Industries Pvt. Ltd. .. Appellant

Versus

Assistant Commissioner of Income-Tax 2(3) .. Respondent

....

- Mr. Atul K. Jasani for the Appellant.
- Mr. Sham Walve i/b. P.C. Chhotarary for the Respondent.

....

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

DATE : JANUARY 12, 2021.

P.C.:

1. Heard Mr. Jasani, learned counsel for the appellant and Mr. Walve, learned standing counsel Revenue holding for Mr. P.C.Chhotarary, learned counsel for the respondent.

2. This appeal under section 260-A of the Income Tax Act, 1961 has been preferred by the assessee as the appellant against the order dated 20.06.2012 passed by the Income Tax Appellate Tribunal, 'J' Bench, Mumbai in I.T.A. No. 2792/ Mum/2010 for the assessment year 2006-07.

3. The appeal was admitted by this Court on 04.12.2014 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 31.12.2020 before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act on 05.01.2021 determining the quantum of refund payable 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 Accordingly, the appeal is disposed of as withdrawn.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
Date: 2021.01.13 10:46:58 +0530