R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO. 2488 OF 2018

Asia Investments Private Limited .. Appellant

Versus

Joint Commissioner of Income Tax (OSD),
Circle - 2(1), Mumbai .. Respondent

....

- Mr. Sanjiv Shah, Advocate for the Appellant.
- Mr. Suresh Kumar, Advocate for the Respondent.

....

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

DATE : FEBRUARY 18, 2021.

P.C.:

Heard Mr. Shah, learned counsel for the appellant and Mr. Suresh Kumar, 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 23.02.2018 passed by the Income Tax Appellate Tribunal, 'A' Bench, Mumbai in I.T.A. No. 4779/Mum/2014 for the assessment year 2003-04.

3. The appeal is pending for admission.

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 determining the amount payable by the appellant at Nil. 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 Accordingly, the appeal is disposed of as withdrawn.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: 2021.02.19 14:41:44 +0530