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

Balaji G. Panchal
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Date: 2021.02.27 09:59:35 +0530

INCOME TAX APPEAL NO.103 OF 2018

Pentagon Builders Pvt. Ltd. ..Appellant
Versus
Income Tax Officer 5(2) & Anr. ..Respondents

Mr. Deepak Tralshawala a/w Mr. V. S. Hadade, Advocates for the Appellant.
Mr. Sham Walve h/f Mr. N. C. Mohanty, for the Respondents.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : 26th FEBRUARY, 2021

P.C.

Heard Mr. Deepak Tralshawala, learned counsel for the appellant and Mr. Sham Walve, learned counsel for the respondents.

2. This appeal has been preferred by the assessee as the appellant under section 260A of the Income Tax Act, 1961 against the order dated 31.05.2017 passed by the Income Tax Appellate Tribunal, "C" Bench, Mumbai in ITA No.7417/Mum/2014 for the assessment year 2011-12.

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 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, appellant has filed declaration under section 3 before the designated authority. Designated authority has issued certificate under section 5(1) on 28.01.2021. For passing of the final order under section 5(2), appellant is required to withdraw the appeal under section 4(3) and to furnish proof of withdrawal along with intimation of payment, if any, to the designated authority. Hence, prayer for withdrawal of the appeal.

6. Learned counsel for the respondents has no objection to the prayer made.

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 Appeal is accordingly disposed of as withdrawn.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.

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