S.S.Kilaje

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

INCOME TAX APPEAL NO. 392 OF 2019

FedEx Express Transportation and Supply Chain Services India Private Limited ('FETSCS') [FedEx Express Services India Private Limited merged with FETSCS w.e.f. 01.10.2013] .. Appellant

Versus

Deputy Commissioner of Income-Tax-8(1), Mumbai .. Respondent

....

- Mr. Atul K. Jasani for the Appellant.
- Mr. Suresh Kumar for the Respondent.

....

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

DATE : FEBRUARY 03, 2021.

P.C.:

Heard Mr. Atul Jasani, 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 01.06.2018 passed by the Income Tax Appellate Tribunal, "F" Bench, Mumbai in ITA No. 3088/Mum/2014 for the assessment year 2009-10.

3. The appeal is pending for admission.

4. 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 has 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.

5. Learned counsel for the respondent has no objection to the prayer made for withdrawal of the appeal.

6. Considering the above, we allow the appellant to withdraw the appeal. Accordingly, the appeal is disposed of as withdrawn.

7. Refund as per Rules.

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

Ravindra M. Amberkar

Digitally signed by Ravindra M. Amberkar
Date: 2021.02.05 14:21:26 +0530