

*R.M. AMBERKAR*  
(Private Secretary)

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

**INCOME TAX APPEAL NO. 2167 OF 2010**

Cipla Ltd

.. Appellant

**Versus**

Asstt. Commissioner of Income Tax  
Central Cir. 2, Mumbai & Anr.

.. Respondents

- .....
- Mr. Netaji Gawade a/w Mr. Aditya Thorat i/by Sanjay Udeshi & Co for the Appellant
  - Ms. Swapna Gokhale h/f Mr. Suresh Kumar for the Respondents
- .....

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

**DATE : JANUARY 20, 2021.**

**P.C.:**

Heard Mr. Gawade, learned counsel for the appellant and Ms. Gokhale, learned counsel holding brief for Mr. Suresh Kumar, learned standing counsel revenue for the respondents.

**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 29.7.2009 passed by the Income Tax Appellate Tribunal, 'K' Bench, Mumbai in I.T.A. No. 7286/Mum/2007 for the assessment year 2003-04.

**3.** The appeal was admitted by this Court on 16.07.2012

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 determining the amount payable by 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 Accordingly, the appeal is disposed of as withdrawn.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  
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