Ajay

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

INCOME TAX APPEAL NO. 152 OF 2017

Fair Exports (India) Pvt. Ltd. .. Appellant
Versus
Assistant Commissioner of Income Tax Range 10 (1), Mumbai. .. Respondent

....

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

....

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

DATE : MARCH 11, 2021.

P.C.:

Heard Mr. Atul Jasani, learned counsel for the appellant and Mr. Suresh Kumar learned counsel 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 17.05.2016 passed by the Income Tax Appellate Tribunal, 'F' Bench, Mumbai in I.T.A. No.899/Mum/2011 for the assessment year 2008-09.

3. The appeal was admitted by this Court on 12.03.2019 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 before the Designated Authority which had thereafter issued a certificate under section 5(1) of the said Act on 17.02.2021 determining the amount refundable 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 Accordingly, the appeal is disposed of as withdrawn.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.

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

Ravindra M. Amberkar

Digitally signed by Ravindra M. Amberkar
Date: 2021.03.15 09:54:10 +0530