

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'B': NEW DELHI)
(THROUGH VIDEO CONFERENCING)**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 8144/Del/2018
(Assessment Year: 2015-16)**

| | | |
|--|-----|----------------------------------|
| Mr. Deepak Jain 5334, Basti Harphool Singh, Delhi-110006 | Vs. | ITO, Ward-25(2), New Delhi |
| APPELLANT | | RESPONDENT |
| PAN No: AAEPJ3211E | | |

Assessee By : None
Revenue By : Md. Gayasuddin Ansari, Sr. DR

Per Anadee Nath Misshra, AM

(A) This appeal by Assessee is filed against the order of Learned Commissioner of Income Tax (Appeals)-9, New Delhi, ["Ld. CIT(A)", for short], dated 12.10.2018 for Assessment Year 2015-16. Grounds taken in this appeal of Assessee are as under:

"1. The appellant is the salaried employee (Director of Tejas Enterprises Pvt. Ltd.), who filed his Income tax return of AY 2015-16 on 19.08.2015 declaring taxable income of Rs. 30,02,970/- consisting Income under head Salary, Income from Business and Profession, Income from capital gain and Income

from Other Sources.

- 2. The case was selected for scrutiny under CASS later notice u/s 143(2) was issued which was duly complied from time to time.*
- 3. The case of the assessee company was assessed by the Id. AO by passing assessment order u/s 143(3) of the Act dated 22.12.2017 and make additions on the following grounds:*
 - a. Long term Capital Gain as Unexplained cash credit u/s 68 of the Act of Rs. 19,92,060/-*
 - b. Unexplained commission expenses of Rs. 39,842/- calculated on adhoc basis paid to entry operator.*
- 4. The return of the appellant was assessed u/s 143(3) and demand of Rs. 8,87,890/- was raised.*
- 5. Also the Id. AO initiated penalty proceedings u/s 271(l)(c).*
- 6. Aggrieved by the order of the Id. CIT (Appeals) and Ld. AO this appeal has been preferred to get justice.”*

(B) At the time of hearing, we took notice of letter dated 04/09/2021 filed by assessee. In this letter it has been intimated from the assessee's side that the assessee had filed Form -1 and Form-2 under Vivad Se Vishwas Scheme, 2020 ("VSVS", for short) has been accepted by Revenue; and further, that Form 3 dated 11/12/2020 has issued by designated authority under VSVS has been received by the assessee. We have also perused copies of Form-3 and Form-4 under aforesaid VSVS, copies whereof were filed by the assessee alongwith the aforesaid letter dated 04/09/2021. In view of this, the learned Senior Departmental Representative ("Ld. Sr. DR", for short) submitted before us that this appeal may be treated as withdrawn and may be dismissed on account of the aforesaid VSVS. After due consideration, and in view of the foregoing; we treat this appeal as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal is dismissed.

(B.1) Before we part, we hereby clarify, by way of abundant caution, that if the disputes under this appeal are not fully settled under VSVS, then the

assessee will be at liberty to approach ITAT for restoration of this appeal in accordance with law.

(C) In the result, this appeal is dismissed.

This order was already pronounced on 15th September, 2021 in Open Court, in the absence of any representative from assessee's side, but in the presence of Ld. Sr. DR; after conclusion of the hearing. Now, this written order is signed today on 16/09/2021.

Sd/-
(KUL BHARAT)
JUDICIAL MEMBER

Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

Dated: 16/09/2021
Binita

Copy forwarded to:
1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI