

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

**BEFORE SHRI H.S. SIDHU, JUDICIAL MEMBER  
AND  
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 5788/Del/2017  
(Assessment Year: 2008-09)**

ACIT, Central Circle-30, New Delhi.	Vs.	Clitoria Vanijya Pvt. Ltd., Delhi.
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>PAN No: AADCC0223D</b>		

**Revenue By** : Ms. Nidhi Srivastava, CIT(DR)  
**Assessee By** : Shri Divyansh Jain, Adv.

**Per Anadee Nath Misshra, AM**

**(A)** This appeal by Revenue is filed against the order of Learned Commissioner of Income Tax (Appeals)-30, New Delhi, ["Ld. CIT(A)", for short], dated 22.06.2017 for Assessment Year 2008-09. Grounds taken in this appeal of Revenue are as under:

- "1. The Ld. CIT(A) has erred in law in deleting the additions without considering the fact that notices were issued and served on the address as per return of income and record available with Assessing Officer. The assessee did not give any intimation regarding change of address during any of the assessment proceedings.*
- 2. The Ld. CIT(A) has erred in deleting the penalty of Rs. 1,42,11,280/- imposed by the AO u/s 271(1)(c) of the Act rws 274 of the Act on account of furnishing inaccurate particulars resulting in concealment of income to the extent of Rs. 4,18,10,000/-.*

*3. The Ld. CIT(A) has erred both in law and fact in deleting the penalty of Rs. 1,42,11,280/- u/s 271(1)(c) of the I.T. Act, 1961 imposed by the AO when the appellant did not discharge its onus of proving the identity, creditworthiness of the investors and genuineness of the transactions during the course of assessment proceedings.*

*4. That the grounds of appeal are without prejudice to each other.*

*5. That the appellant craves leave to add, amend, alter or forgo any ground(s) of appeal either before or at time hearing of the appeal."*

**(B)** At the time of hearing, at the outset, the Ld. Counsel for the Assessee informed us that the assessee has opted for Vivad Se Vishwas Scheme, 2020 ("VSVS", for short) for the settlement of subject matter of the disputes in this appeal. He drew our attention to Email dated January 04, 2021 sent from assessee's side in Income Tax Appellate Tribunal ("ITAT", for short) giving intimation of the same, wherein copy of Form 3 issued by Revenue in respect of aforesaid VSVS was also attached; implying acceptance of VSVS declaration of assessee by Revenue. At the time of hearing before us, the Ld. Counsel for assessee submitted before us that this appeal may be dismissed on account of the aforesaid VSVS. The learned Commissioner of Income Tax (Departmental Representative) ["Ld. CIT(DR)", for short] did not express any objection to this. After due consideration, and in view of the foregoing; we treat this appeal as withdrawn by Revenue on account of the aforesaid VSVS. Accordingly, the appeal is dismissed being treated as withdrawn.

**(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason it is found by Revenue that the disputes under this appeal before us are not fully settled under the aforesaid VSVS, then Revenue will be at liberty to approach ITAT for restoration of this appeal, in accordance with law.**

**(B.2)** With these directions, the aforesaid appeal of Revenue is dismissed, being treated as withdrawn.

**(C)** For statistical purposes, this appeal is dismissed.

**This order was already pronounced on 05<sup>th</sup> January, 2021 in Open Court, in the presence of Representatives of both sides; after conclusion of the hearing.**

**Sd/-  
(H.S. SIDHU)  
JUDICIAL MEMBER**

**Sd/-  
(ANADEE NATH MISSHRA)  
ACCOUNTANT MEMBER**

Dated: 05/01/2021  
(Pooja)

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT NEW DELHI

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	