

**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:- 5776/Del/2017
(Assessment Year: 2011-12)**

ACIT(E), Circle-1(1), New Delhi.	Vs.	Balaji Medical & Diagnostic Centre, New Delhi.
APPELLANT		RESPONDENT
PAN No: AAABB0018M		

Revenue By : Ms. Nidhi Srivastava, CIT(DR)
Assessee By : Ms. Shreya Singhal, CA

Per Anadee Nath Misshra, AM

(A) This appeal by Revenue is filed against the order of Learned Commissioner of Income Tax (Appeals)-40, Delhi, ["Ld. CIT(A)", for short], dated 19.06.2017 for Assessment Year 2011-12. Grounds taken in this appeal of Revenue are as under:

"1. Ld. CIT(A) has erred in allowing the appeal of the assessee by ignoring the fact that though the objects of the assessee seem to be charitable in nature but the activities which yielded income of the assessee are commercial in nature.

2. The society i.e. Balaji Medical and Diagnostic Research Centre which was allowed registration u/s 12A has ceased to have any effective function as far as hospital is concerned. The running of the hospital is governed by the profit motive for the benefit of Max Group, hence, claim for exemption u/s 11 & 12 of the assessee is no longer justifiable.

3. Whether running of a hospital in commercial manner, without any perceptible element of charity and ploughing back the profit in expansion of the hospital qualifies the assessee to claim exemption u/s 11 & 12 as pursuing a charitable object.

4. The appellant craves leave to add, to alter or amend any ground of appeal raised above at the time of hearing."

(B) At the time of hearing, at the outset, the Ld. Authorized Representative ("Ld. AR", for short) 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. She drew our attention to letter dated January 04, 2021 filed from assessee's side in Income Tax Appellate Tribunal ("ITAT", for short) giving intimation of the same. A Copy of declaration filed by assessee in respect of the aforesaid VSVS was also enclosed with aforesaid letter dated 04/01/2021. At the time of hearing before us, the Ld. AR 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 05th 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	