

**IN THE INCOME TAX APPELLATE TRIBUNAL  
VISAKHAPATNAM BENCH, VISAKHAPATNAM**  
*(Through web-based video conferencing platform)*

**BEFORE SHRI N.K. CHOUDHRY, HON'BLE JUDICIAL MEMBER &  
SHRI D.S. SUNDER SINGH, HON'BLE ACCOUNTANT MEMBER**

**I.T.A. Nos. 132, 133 & 136/VIZ/2018  
(Asst. Year : 2009-10)**

1. Suresh Kumar Jain (HUF), vs. ACIT, Central Circle-1,  
D.No. 50-50-38/9, TPT Visakhapatnam.  
Colony, Seethammadhara,  
Visakhapatnam.

PAN No. AANHS 6606 R

2. Suresh Kumar Jain,  
D.No. 50-50-38/9, TPT  
Colony, Seethammadhara,  
Visakhapatnam.

PAN No. ADZPJ 5028 K

3. Smt. Meena Jain,  
D.No. 50-50-38/9, TPT  
Colony, Seethammadhara,  
Visakhapatnam.

PAN No. ADZPJ 5020 B  
(Appellants)

(Respondent)

Assessee by : Shri G.V.N. Hari, Advocate.

Department by : Shri B.Rama Krishna, Sr.DR

Date of hearing : 06/01/2021.

Date of pronouncement : 06/01/2021.

**ORDER**

**Per N.K. Choudhry, Judicial Member:**

These appeals have been preferred by the different assesseees against the separate orders all dated 09/02/2018

impugned herein passed by the Id.CIT(A)-3, Visakhapatnam u/sec. 250(6) of the Income Tax Act, 1961 (hereinafter referred to as the "Act") for the A.Y. 2009-10.

**2.** The assesseees have preferred applications under consideration dated 21/12/2020 for withdrawal of the appeals.

**3.** During the course of hearing, Id. counsel for the assesseees has submitted that since assesseees have availed the immunity scheme i.e. Vivad Se Vishwas under the Direct Tax Vivad se Vishwas Act, 2020 and the Income Tax Department has issued Forms No.3, dated 03/12/2020 in response to the applications filed by the assesseees under the scheme, therefore appeals of the assesseees may be allowed to be dismissed as withdrawn with liberty to seek recall of the orders in case any unforeseen circumstances would arise in future.

**4.** The Ld. DR raised no objection, if the appeals of the assesseees are allowed to be dismissed as withdrawn.

**5.** Having heard both the parties and perused the applications for withdrawal of the appeals and Forms No.3 (Copy already on record) issued by the Department. Considering the facts and circumstances of the case, the appeals of assesseees are liable to be dismissed as withdrawn with liberty to seek recall of the orders as prayed for in accordance with law, hence ordered accordingly.

**6.** In the result, appeals of the assesseees are dismissed as withdrawn.

Order Pronounced in open Court on this 06<sup>th</sup> day of Jan., 2021.

Sd/-  
**(D.S.SUNDER SINGH)**  
**ACCOUNTANT MEMBER**

sd/-  
**(N.K.CHOUDHRY)**  
**JUDICIAL MEMBER**

**Dated: 06<sup>th</sup> January, 2021.**

**vr/-**

*Copy to:*

1. *The Assessee -*

- a) *Suresh Kumar Jain (HUF),*
- b) *Suresh Kumar Jain*
- c) *Smt. Meena Jain*

*All are r/o D.No. 50-50-38/9, TPT Colony,  
Seethammadhara, Visakhapatnam.*

2. *The Revenue - ACIT, Central Circle-1, Visakhapatnam.*
3. *The Pr.CIT (Central), Visakhapatnam.*
4. *The CIT(A)-3, Visakhapatnam.*
5. *The D.R., Visakhapatnam.*
6. *Guard file.*

By order

(VUKKEM RAMBABU)  
Sr. Private Secretary,  
ITAT, Visakhapatnam.