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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.**

**O.A.No.598/2019**

**Date of decision : October 11, 2019.**

**Coram: Dr.Bhagwan Sahai, Member (Administrative)  
R.N. Singh, Member (Judicial).**

Vivek Batra  
Additional Commissioner of  
Income Tax (Retd)  
Aged 51 years,  
R/o A-2, Income Tax Colony,  
Peddar Road, Mumbai-400 026.

.. applicant.

**( By Advocate Shri Rajeev Kumar ).**

**Versus**

1. The Union of India  
Through, the Secretary,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi-110001.
2. The Chairman,  
Central Board of Direct Taxes,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi-110001.
3. The Principal Chief Commissioner  
of Income Tax, Mumbai  
Aaykar Bhavan, M. K. Road,  
Mumbai-400020.

.. Respondents.

**( By Advocate Shri Subir Kumar ).**

**O R D E R (O R A L)**  
**Per : R. N. Singh, Member (Judicial)**

**Present.**

1. Shri Rajeev Kumar, learned counsel for the applicant.

2. Shri Subir Kumar, learned counsel for the respondents.

3. The learned counsel for the respondents submits that during the pendency of the OA the representation preferred by the applicant against the impugned order dated 10.06.2019 has been considered by the Competent Authority and order dated 10.10.2019 has been passed. He places on record a copy of the said order dated 10.10.2019 and has also supplied a copy thereof to the learned counsel for the applicant.

4. In view of the aforesaid, the learned counsel for the applicant seeks permission to withdraw the OA with liberty to challenge the aforesaid order dated 10.10.2019 in accordance with law, if the applicant is so advised.

5. In view of the above, the OA stands dismissed as withdrawn with liberty as aforesaid. No costs.

~  
(R. N. Singh)  
Member (J)

(Dr. Bhagwan Sahai)  
Member (A)

6. Subsequently, the learned counsel for applicant has mentioned the matter and submits that his client has insisted him to pray that though the

prayer at 8(a) in the OA has become infructuous and he does not press for the prayer 8(a), however, the OA still survives for prayer 8(b).

7. However, in view of the above he was informed by us that once order has been passed at his statements and in presence of the Ld. Advocates and also the applicant who was present in court, there will not be any modification. Accordingly, when the court was rising, he requested the learned counsel for the respondents to appear and in his presence again he mentioned the matter to reiterate what his client has insisted him to state.

8. However, keeping in view the statements made by the learned counsels for the parties and noted in our above order, we do not find any occasion to change the order already passed by us, more particularly when the liberty has been sought on behalf the applicant to challenge the order dated 10.10.2019 and such liberty granted to him.

(R. N. Singh)  
Member (J)

(Dr. Bhagwan Sahai)  
Member (A)

v.

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22/10/19

