REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

ENERGY DEVELOPMENT CORPORATION,
Petitioner,

-*versus*-

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

CTA Case No. 10455

Members:

DEL ROSARIO, *P.J., Chairperson, and*
MANAHAN, *JJ.*

Promulgated:

JUL 0 5 2021 1:59pm

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RESOLUTION

For this Court's resolution is petitioner's *Motion to Withdraw Petition for Review* posted on May 11, 2021 and received by the Court on May 31, 2021, seeking the withdrawal of the Petition for Review filed with this Court on January 25, 2021.

The Petition for Review involves a claim for refund of alleged excess and unutilized input value-added tax (VAT) for the first quarter of calendar year 2018 attributable to its zero-rated sale of power and fuel generated from renewable sources of energy. Petitioner elucidates that upon careful evaluation of the case, it has decided to no longer pursue its judicial appeal with this Court and cited Section 3 of Rule 50 of the Revised Rules of Court which allows the withdrawal of an appeal prior to the filing of an appellee's brief.

In his *Comment* filed on June 2, 2021, respondent interposes no objection to the motion filed by petitioner but submits its resolution to the sound discretion of the Court.

Records show that on March 18, 2021, respondent filed a Motion for Extension of Time to File Answer, the resolution of which was held in abeyance by the Court due to the instant motion filed by petitioner.[1]

WHEREFORE, premises considered, the Court resolves to **GRANT** petitioner's *Motion to Withdraw Petition for Review* posted on May 11, 2021.

Accordingly, the Petition for Review filed by petitioner on January 25, 2021 docketed as CTA Case No. 10455 is hereby **DISMISSED.**

SO ORDERED.

ROMAN G. DEL ROSARIO
Presiding Justice

CATHERINE T. MANAHAN
Associate Justice

[1] Resolution of the Court dated May 24, 2021.