

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'A' NEW DELHI**

**BEFORE SHRI N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER**

**I.T.A. No. 5016 to 5018/Del/2014
A.Y. 2009-10, 2010-11, 2011-12**

ACIT Central Circle-14 New Delhi (APPELLANT)	Vs.	M/s. Amtek Crank Shaft Ltd. 4, LSC, Bhanot Apartments, Pushp Vihar New Delhi PAN : AACCA7535P (RESPONDENT)
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**I.T.A. No. 4935 to 4937/Del/2014
A.Y. 2009-10, 2010-11, 2011-12**

M/s. Amtek Crank Shaft Ltd. 4, LSC, Bhanot Apartments, Pushp Vihar New Delhi PAN : AACCA7535P (APPELLANT)	Vs.	DCIT Central Circle-14, New Delhi (RESPONDENT)
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Appellant by	Dr. Rakesh Gupta, Adv.
Respondent by	Sh. Sanjay Goyal, CIT-DR

Date of Hearing	31.07.2019
Date of Pronouncement	31.07.2019

ORDER

PER SUCHITRA KAMBLE, JM

These appeals have been filed by the assessee as well as the revenue against the order dated 26.03.2014 passed by the CIT(A)-XXXIII, New Delhi for A.Ys. 2009-10, 2010-11 and 2011-12 respectively.

2. At the time of hearing, the Ld. AR submitted the order passed by the National Company Law Tribunal, New Delhi, Principal Bench vide CP No. (IB)-531(PB)/2017 dated 16/3/2018 u/s 7 of the Insolvency and Bankruptcy Code, 2016. According to that order Insolvency Resolution Professional has been appointed for the revival of the company. He further referred to para number 25 of that particular order wherein the NCLT has declared moratorium in terms of section 14 of insolvency and bankruptcy code. He therefore submitted that there is a complete provision imposed for institution or continuation of any pending suit against the corporate debtor including the execution of any judgment in any court of law or tribunal et cetera. He therefore submitted that till corporate insolvency resolution process is completed as paid by financial creditor (state bank of India in the present case) the above appeals by the assessee or against the assessee cannot be proceeded with.

3. The Ld. DR did not contested these facts narrated by the Ld. AR.

4. We have heard both the parties and perused all the relevant material available on record. It is pertinent to note that according to the provision of Section 14 of the Insolvency and Bankruptcy Code, 2016 the moratorium has been declared and the continuation of any pending suit is barred. Therefore till the insolvency process continues these appeals cannot be proceeded with. Therefore, till the company is revived in terms of the Act any appeal filed by the assessee and the Revenue becomes infructuous. Therefore we dismiss all the appeals filed by the assessee as well as the revenue, However, in the interest of justice, we give liberty to the assessee as well as to the revenue to file an application for revival of these appeals as and when the moratorium period is over or revival of the company takes place. Meanwhile, all the appeals filed by the assessee as well as by the revenue are dismissed.

5. In result, all the appeals filed by the assessee and the Revenue are dismissed.

Order pronounced in the Open Court on 31st JULY, 2019.

Sd/-

(N. K. BILLAIYA)
ACCOUNTANT MEMBER

Sd/-

(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Dated: 31/07/2019

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

ASSISTANT REGISTRAR

ITAT NEW DELHI

Date of dictation	15.07.2019
Date on which the typed draft is placed before the dictating Member	16.07.2019
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	