

INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "C": NEW DELHI
BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA No. 1356/De/2016 (Assessment Year: 2010-11)

M/s. HBN Dairies & Allied Limited, 527B, 5 th Floor, HBN Office, D-Mall, Distt Centre, Pashim Vihar, New Delhi PAN: AAACH7852C	Vs.	DCIT, Central Circle-29, New Delhi
(Appellant)		(Respondent)

ITA No. 4140/Del/2013 (Assessment Year: 2009-10)

ITA No. 4146/Del/2013 (Assessment Year: 2010-11)

M/s. HBN Dairies & Allied Limited, 527B, 5 th Floor, HBN Office, D-Mall, Distt Centre, Pashim Vihar, New Delhi PAN: AAACH7852C	Vs.	ACIT, Central Circle-4, New Delhi
(Appellant)		(Respondent)

TA No. 4036/De/2013
(Assessment Year: 2009-10)

DCIT, Central Circle-29, New Delhi	Vs.	M/s. HBN Dairies & Allied Limited, 527B, 5 th Floor, HBN Office, D-Mall, Distt Centre, Pashim Vihar, New Delhi PAN: AAACH7852C
(Appellant)		(Respondent)

ITA No. 4033/De/2013
(Assessment Year: 2008-09)

DCIT, Central Circle-29, New Delhi	Vs.	M/s. HBN Homes Colonisers (P) Ltd. B-53, B-1, Community Centre, Janakpuri, New Delhi PAN: AACCH0994B
(Appellant)		(Respondent)

ITA No. 4145/Del/2013 (Assessment Year: 2007-08)

ITA No. 4139/Del/2013 (Assessment Year: 2010-11)

M/s. HBN Homes Colonisers (P) Ltd. B-53, B-1, Community Centre, Janakpuri, New Delhi PAN: AACCH0994B (Appellant)	Vs.	ACIT, Central Circle-4, New Delhi (Respondent)
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Assessee by :	Shri Varun Jain, CA
Revenue by:	Ms. Paramita M. Biswas, CIT DR
Date of Hearing	10/10/2019
Date of pronouncement	11/10/2019

ORDER

PER BENCH

1. These are the bunch of seven appeals filed by the parties in case of above two assessee's namely M/s. HBN Dairies and Allied Ltd and HBN Homes Colonizer Pvt. Ltd for respective assessment years. In case of both these companies the National Company Law Tribunal has passed an order u/s 9 of Insolvency and Bankruptcy Code, 2016. The NCLT has also declared the moratorium u/s 14 of the Code and appointed Insolvency Resolution Professional for carrying out either insolvency resolution or winding up of the companies.
2. In view of the provisions of that section of Code, the appeals filed by the revenue are not maintainable till the resolution come to end and the appeals filed by the assessee, there is no letter of authority filed on behalf of IRP. Even otherwise the Tribunal is not empowered to pass any order in such cases because of the mandate of section 14.
3. In view of this, all these 7 appeals filed by the respective parties are dismissed with a liberty to both the parties to prefer the same before the coordinate bench after the completion of moratorium period.

-Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

-Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Dated: 11/10/2019
A K Keot

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi