

**INCOME TAX APPELLATE TRIBUNAL  
[ DELHI BENCH "A": NEW DELHI ]**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER  
AND  
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER  
(Through Video Conferencing)**

ITA. Nos. 4427, 4428, 4429 & 4430/Del/2017  
(Assessment Years: 2008-09 & 2010-11 TO 2012-13)

ACIT, Central Circle : 17,  New Delhi.	Vs.	M/s. Aerens Goldsouk International Limited, Plot No. 1, Local Shopping Centre, Shards Niketan, Pitampura, N. Delhi-110034 <b>PAN: AAECA1782A</b>
(Appellant)		(Respondent)

Assessee by :	None;
Department by:	Shri Satpal Gulati [CIT] – DR;
Date of Hearing :	10/08/2021
Date of pronouncement :	10/08/2021

**ORDER**

**PER BENCH :**

1. These four appeals are filed by the Revenue against the order passed by the Id. Commissioner of Income Tax (Appeals)-25, New Delhi, for assessment years 2008-09, 2010-11, 2011-12 and 2012-13.
2. At the time of hearing despite notice none appeared on behalf of the assessee. It has come to the notice that the above company has been referred to NCLT under Section 7 of IBC Code, 2016 wherein the NCLT has passed an order on 09<sup>th</sup> January, 2020. Therefore, till the resolution process in the above company is not over, no proceedings against that company can continue, according to Section 14 IBC Code, 2016.
3. The Id. DR also agreed to the same.
4. In view of the above facts all these appeals filed by the Assessing Officer, Circle 17, New Delhi, are dismissed in view of Section 14 of the IBC Code,

2016 . However we grant liberty to the ld. Assessing Officer that as soon as the moratorium period is over or in case whenever the respondent company goes out of IBC Code, 2016, he may file an application for recall of the above order for pursuing the appeal is on the merit.

5. In the result, for the above reasons, the appeals of the learned AO are dismissed.

Order pronounced in the open court on : 10/08/2021.

**Sd/-  
( AMIT SHUKLA )  
JUDICIAL MEMBER**

**Sd/-  
(PRASHANT MAHARISHI)  
ACCOUNTANT MEMBER**

Dated : 10/08/2021.

\*MEHTA\*

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

ASSISTANT REGISTRAR  
ITAT, New Delhi

Date of dictation	10.08.2021
Date on which the typed draft is placed before the dictating member	10.08.2021
Date on which the typed draft is placed before the other member	10.08.2021
Date on which the approved draft comes to the Sr. PS/ PS	10.08.2021
Date on which the fair order is placed before the dictating member for pronouncement	10.08.2021
Date on which the fair order comes back to the Sr. PS/ PS	10.08.2021
Date on which the final order is uploaded on the website of ITAT	10.08.2021
date on which the file goes to the Bench Clerk	10.08.2021
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the order	