

**IN THE INCOME TAX APPELLATE TRIBUNAL
[DELHI BENCH "I-1": NEW DELHI]**

**BEFORE SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER
AND
SHRI K.N.CHARY, JUDICIAL MEMBER
(Through Video Conferencing)**

ITA. Nos. 642 TO 646/Del/2019
(Assessment Years : 2010-11 to 2014-15)

M/s. Metenere Limited, 138 – 139, Main Road, Ghazipur, Delhi – 110 096. PAN: AAACM8484F	Vs.	ACIT, Central Circle : 17, New Delhi.
(Appellant)		(Respondent)

Assessee by :	Shri Anubhav Jaggi, C. A.;
Department by:	Shri Surender Pal [CIT] – D. R.;
Date of Hearing :	11/11/2021
Date of Pronouncement :	11/11/2021

ORDER

PER BENCH :

1. These are bunch of five appeals for assessment years 2010-11 to 2014-15 filed by the assessee.
2. As on the date of hearing, an adjournment application was moved by the assessee. The reason stated is that this company is under the Corporate Insolvency Resolution Process and the State Bank of India has filed an application before the NCLT under Section 7 of Insolvency & Bankruptcy Code, 2016 and further Mr. Surender Raj Gang has been appointed as the Resolution Professional. The date of commencement of the insolvency is 25th September, 2020.
3. The ld. DR vehemently opposed the application for the adjournment and submitted that all these appeals have been filed by the Directors of the company which are not maintainable for the reason that now if these appeals are required to be prosecuted by the assessee, the Interim Resolution Professional should file the appeal, after obtaining the consent of Committee of Creditors.

4. We have carefully considered the rival contentions. In the present cases, the insolvency process under IBC 2016 has commenced with effect from 25th September, 2020. As stated in the adjournment application still it is in progress. All these appeals have been found that those are filed by the Directors of the company. The moment IRP process starts in the case of a corporate debtor under IBC, 2016 the Directors do not have any locus standi. The Interim Resolution Professional is the only person, who can file the appeal and pursue the same. In these cases, all these appeals have been filed by the Directors and, therefore, these appeals are not maintainable. Therefore, we dismiss all these five appeals, but grant a liberty to the IRP to file these appeals, if the Committee of Creditors decides so. At that time, either he may file the fresh appeals with a request for condonation of delay or he may make an application for recall of this order.
5. In the result, all the five appeals are dismissed.

Order pronounced in the open court on : 11/11/2021.

Sd/-
(K. N. CHARY)
JUDICIAL MEMBER

Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Dated : 11/11/2021

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	11.11.2021
Date on which the typed draft is placed before the dictating member	11.11.2021

Date on which the typed draft is placed before the other member	11.11.2021
Date on which the approved draft comes to the Sr. PS/ PS	11.11.2021
Date on which the fair order is placed before the dictating member for pronouncement	11.11.2021
Date on which the fair order comes back to the Sr. PS/ PS	11.11.2021
Date on which the final order is uploaded on the website of ITAT	11.11.2021
date on which the file goes to the Bench Clerk	11.11.2021
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	