

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "J" MUMBAI**

**BEFORE SHRI S. RIFAUH RAHMAN (ACCOUNTANT MEMBER) AND  
SHRI PAVAN KUMAR GADALE (JUDICIAL MEMBER)**

**ITA No. 6044/MUM/2019  
Assessment Year: 2014-15  
&  
ITA No. 7176/MUM/2019  
Assessment Year: 2015-16**

S. Kumars Nationwide Ltd.,  
501, 5<sup>th</sup> floor, Marathon Next Gen  
Innova, Off G.K. Marg, Lower Parel  
(West),  
Mumbai-400013.

**PAN No. AAACS 0767 K**

**Appellant**

DCIT, Circle-4(3)(2),  
Room No. 649, 6<sup>th</sup> floor, Aayakar  
Bhavan,  
Mumbai-400020.

**Vs.**

**Respondent**

Assessee by : None  
Revenue by : Mr. S.C. Tiwari, DR

Date of Hearing : 02/11/2021  
Date of pronouncement : 29/11/2021

**ORDER**

**PER S. RIFAUH RAHMAN, A.M.**

The captioned appeals filed by the assessee are against the order of Commissioner of Income Tax (Appeals)-56, Mumbai [in short 'CIT(A)'] for the assessment years 2014-15 & 2015-16 dated 30.10.2015 and arise out of assessment order passed u/s 143(3) r.w.s. 144C of the Income Tax Act, 1961 (in short the Act).

2. At the time of hearing, none appeared on behalf of the assessee and the Ld. DR brought to our notice letter filed by the assessee dated 20.08.2021 filed on 01.09.2021 for withdrawal of the appeal. In the above letter, it is submitted that National Company Law Tribunal (NCLT), Mumbai had admitted the petition filed by the IDBI Bank and subsequently, NCLT, Mumbai Bench passed an order appointing Mr. Devendra Prasad as a Resolution Professional for the company. In the absence of viable and acceptable Resolution Plan for the Company, the NCLT has passed an order dated 19.06.2019 for liquidation of the company and Shri Om Prakash Agrawal was appointed as the Liquidator of the Corporate Debtor/Company. Various stake holders filed claim including Income Tax Department and the liquidator filed an application with NCLT for acceptance of delayed claim. The NCLT, Mumbai Bench vide its order dated 02.07.2021 has condoned the delay of various stake holders and allowed liquidator to accept the claim including the Income Tax claim. It is submitted by the liquidator that he has verified the claim of ₹537.89 crores by excluding claim of ₹3,02,120/- for assessment year 2015-16 which was wrongly claimed by the Department being the TDS refund claimed by the assessee. In view of the above submission, the liquidator submitted that he would like to withdraw the appeals filed by the assessee.

3. After considering the above request for withdrawal of the appeal by the official liquidator and also Departmental Representative has no objection to the above proposal, we deem it fit and appropriate to allow the withdrawal of the above appeal filed by the assessee by bringing letter filed by the liquidator on record.

4. In the result, the appeals filed by the assessee are dismissed as withdrawn.

**Order pronounced in the open Court on 29/11/2021.**

Sd/-  
(PAVAN KUMAR GADALE)  
JUDICIAL MEMBER

Sd/-  
(S. RIFAUR RAHMAN)  
ACCOUNTANT MEMBER

Mumbai;

Dated: 29/11/2021

Rahul Sharma, Sr. P.S.

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Sr. Private Secretary)  
**ITAT, Mumbai**