

आयकर अपीलीय अधिकरण 'ए' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।

BEFORE HON'BLE SHRI MAHAVIR SINGH, VP AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./ **ITA No. 2038/Chny/2018**
(निर्धारण वर्ष / **Assessment Year: 2009-10**)

&

CO No. 39/Chny/2017
(निर्धारण वर्ष / **Assessment Year: 2005-06**)

Aircel Limited, 769, Spencers Plaza, 5 th Floor, Mount Road, Anna Salai, Chennai – 600 002.	बनाम/ Vs.	ACIT Corporate Circle 1(1), Chennai.
& आयकर अपील सं./ ITA No. 215/Chny/2017 (निर्धारण वर्ष / Assessment Year: 2005-06)		
DCIT Corporate Circle 1(1), Chennai 600 034.	बनाम/ Vs.	Aircel Limited, 769, Spencers Plaza, 5 th Floor, Mount Road, Anna Salai, Chennai – 600 002.
स्थायी लेखा सं./जीआइ आर सं./PAN/GIR No. AAACS -4449 -J		
(□ पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Shri. Ashik Shah (CA) – Ld. AR
Revenue by	:	Shri M. Rajan- Ld. CIT-DR
सुनवाई की तारीख/ Date of Hearing	:	22-12-2021
घोषणा की तारीख / Date of Pronouncement	:	07-01-2022

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. During hearing of captioned matters, Ld. AR submitted that the assessee has approached Hon'ble National Company Law Tribunal (NCLT) for a resolution and a resolution professional has already been appointed. On account of the said order, a moratorium has been imposed with regard to any action against the company in terms of Sec.13 r.w.s. 14 of the code. It was further submitted that the assessee is at advanced stage of insolvency resolution process and resolution petition is expected to be decided in next couple of months. The Ld. AR also submitted that in similar factual background, the other appeals concerning assessee has already been restored back to the file of Ld. CIT(A) to pass fresh orders after considering the orders of Hon'ble NCLT. The Ld. AR also drew attention to the fact that the assessee's appeal has been filed with a delay of 98 days, which may be condoned since the powers of the Board of Directors stood suspended and were exercised by resolution professional. The Ld. CIT-DR could not controvert these facts.

2. Keeping in view the aforesaid submissions, the delay of 98 days in assessee's appeal stand condoned. At the same time, captioned appeals as well as cross-objection stand restored back to the file of Ld. CIT(A) to pass fresh orders after considering the orders of Hon'ble NCLT as submitted by Ld. AR.

3. The appeals as well as cross-objection stand allowed for statistical purposes.

Order pronounced on 07th January, 2022.

Sd/-
(Mahavir Singh)
उपाध्यक्ष / **Vice President**

Sd/-
(Manoj Kumar Aggarwal)
लेखा सदस्य / **Accountant Member**

चेन्नई Chennai; दिनांक Dated : 07/01/2022
JPV

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT– concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, चेन्नई / DR, ITAT, Chennai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, चेन्नई / ITAT, Chennai