

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "A" NEW DELHI**

**BEFORE SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
AND
SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER**

आयकर अपील सं./I.T.A. No.3391/Del/2019

(निर्धारण वर्ष / Assessment Year : 2015-16)

ACIT Central Circle -02 New Delhi	बनाम/ Vs.	Abhinav Steels & Power Ltd. Plot No.3, 3 rd Floor, Mahaveer Ji Complex, LSC, Delhi-110092
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. AABCA3947H		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से /Appellant by :	Shri Sanjay Kumar, Sr. DR
प्रत्यर्थी की ओर से / Respondent by :	Shri Aman Garg, CA

सुनवाई की तारीख / Date of Hearing	05.05.2022
घोषणा की तारीख /Date of Pronouncement	05.05.2022

आदेश/ORDER

PER PRADIP KUMAR KEDIA, AM:

The captioned appeal has been filed at the instance of the Revenue against the order of the Commissioner of Income Tax (Appeals)-32, New Delhi

(‘CIT(A)’ in short), dated 21.01.2019 concerning AY 2015-16.

2. When the matter was called for hearing, the Ld. Counsel for the assessee in Revenue’s appeal pointed out that the National Company Law Tribunal (‘NCLT’ in short) at New Delhi in Company Petition No.(IB)-275(ND)/2019 has passed an order dated 31.07.2019 under Section 7 of the Insolvency and Bankruptcy Code, 2016. The Ld. Counsel for the assessee adverted para 49 of the aforesaid order delivered by NCLT whereby moratorium in terms of Section 14 of the Insolvency & Bankruptcy Code, 2016 has been declared which *interalia* prohibits continuation of pending proceedings against the assessee including execution of any judgment, decree or in any court of law, Tribunal, arbitration panel or other authority. It was thus submitted that in view of the order of NCLT bearing overriding effect in terms of Insolvency and Bankruptcy code 2016, the Tribunal is prevented by law to continue with the pending appeal.

3. The Ld. DR for the revenue did not offer any comments on the aforesaid position canvassed on behalf of the assessee.

4. The co-ordinate Bench of Tribunal in Dy. CIT Vs. Global Softech Ltd. ITA No.2394/Mum/2017 order dated 16.03.2022

has, in similar fact situation, held that in the light of resolution plan, which is binding on the Tribunal, such pending appeals cannot proceed for adjudication.

5. In the result, appeal filed by the Revenue is dismissed.

Order pronounced in the open court on 05/05/2022

Sd/-

(N.K. CHOUDHRY)
JUDICIAL MEMBER

Dated: /05/2022

*Neha, Sr. Private Secretary

Copy forwarded to:

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

Sd/-

(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI