

IN THE INCOME TAX APPELLATE TRIBUNAL
"F" BENCH, MUMBAI

SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER

I.T.A. No. 3209/Mum/2018
(Assessment Year: 2008-09)

M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R	Vs.	Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021 +
(Appellant)		(Respondent)

I.T.A. No. 3794/Mum/2018
(Assessment Year: 2008-09)

Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021	Vs.	M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R
(Appellant)		(Respondent)

I.T.A. No. 1770/Mum/2018
(Assessment Year: 2009-10)

M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R	Vs.	Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021
(Appellant)		(Respondent)

I.T.A. No. 1790/Mum/2018
(Assessment Year: 2009-10)

Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021	Vs.	M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R
(Appellant)		(Respondent)

I.T.A. No. 1771/Mum/2018
(Assessment Year: 2010-11)

M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R	Vs.	Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021
(Appellant)		(Respondent)

I.T.A. No. 1791/Mum/2018
(Assessment Year: 2010-11)

Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021	Vs.	M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R
(Appellant)		(Respondent)

I.T.A. No. 1772/Mum/2018
(Assessment Year: 2012-13)

M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R	Vs.	Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021
(Appellant)		(Respondent)

I.T.A. No. 1792/Mum/2018
(Assessment Year: 2012-13)

Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021	Vs.	M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R
(Appellant)		(Respondent)

I.T.A. No. 2909/Mum/2018
(Assessment Year: 2011-12)

M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R	Vs.	Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021
(Appellant)		(Respondent)

I.T.A. No. 2910/Mum/2018
(Assessment Year: 2014-15)

M/s Ushdev International Ltd. 6 th New Harileela House, Mint Road, Fort, Mumbai - 400001 PAN : AAACU1672R	Vs.	Deputy Commissioner of Income Tax Central Circle-4(2), Mumbai, Room No. 1918m 19 th Floor, Air India Building, Nariman Point, Mumbai - 400021
(Appellant)		(Respondent)

Appearance

For the Assessee : None

For the Department : Sh. Achal Sharma, CIT DR
Sh. S N Kabra, Sr. AR

Date of conclusion of hearing : 14.03.2022

Date of pronouncement of order : 29.04.2022

ORDER

Per Bench:

1. The present batch of appeals being cross-appeals for Assessment Years 2008-09 (ITA No. 3209 & 3794 /Mum/2018), 2009-2010, (ITA No. 1770 & 1790/Mum/2018) 2010-11 (ITA No. 1771&1791/Mum/2018), and 2012-13 (ITA No. 1772 & 1792/Mum/2018), and Assessee's Appeal for the Assessment Year 2011-2012 (ITA No. 2909 /Mum/2018), and 2014-2015 (ITA No. 2910/Mum/2018) were taken up for hearing. The Ld. Departmental Representative informed that vide order, dated 14.05.2018, petition [CP No. 1790/I&BC/NCLT/MB/MAH/2017] filed by State Bank of India

against the Assessee under Section 7 of the Code was admitted. Thereafter, vide order dated 03.02.2022, passed in IA No. 1447/MB/C-II/2021 in CP(IB) No. 1790/MB/C-II/2017, resolution plan was approved by the National Company Law Tribunal, Mumbai Bench, Court II. As per the said order, all past liabilities arising out of any levies/tax dues to any government authority not forming part of the resolution plan and pertaining to pre-corporate insolvency resolution process period stand extinguished. In view of the aforesaid, the present appeals are disposed of as being infructuous with liberty to the Assessee/Revenue to approach the Tribunal in case of variation/change in the order dated 03.02.2022 and/or the approved resolution plan.

2. In result, the appeals are dismissed.

Order pronounced on 29.04.2022.

Sd/-
(Om Prakash Kant)
Account Member

Sd/-
(Rahul Chaudhary)
Judicial Member

मुंबई Mumbai; दिनांक Dated : 29.04.2022
Alindra, PS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)-
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार /(Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai

