

IN THE INCOME TAX APPELLATE TRIBUNAL  
“G” BENCH, MUMBAI

BEFORE  
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER  
AND  
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

ITA No.2664/Mum/2018  
(Assessment Year 2013-14)

M/s Sejal Glass Ltd. 3 <sup>rd</sup> Floor, 173/174 Sejal Encasa Opp. Bata Showroom S.V. Road Kandiwali (West) Mumabi-4000067	Vs.	Dy. CIT Circle-13(2)(1) Mumbai-400020
PAN/GIR No. : AADCS8659M		
Appellant	..	Respondent

Appellant by :	Shri. Saurabh Mohite, AR
Respondent by :	Shri. Hoshang.B.Irani-DR

Date of Hearing	05.07.2022
Date of Pronouncement	06.07.2022

आदेश / O R D E R

**PER PAVAN KUMAR GADALE JM:**

This is the appeal filed by the assessee against the order of the Commissioner of Income Tax (Appeals)-21, Mumbai Passed u/sec143(3) and 250 of the Act.

2. At the time of hearing, the Ld. DR has brought to the knowledge of the bench that, the assessee has been referred to the Corporate Insolvency Resolution Process as per IBC-2016 Laws. Further the order passed by the National Company Law Tribunal (NCLT), Mumbai dated 26.03.2021 was brought on record.

3. We found as per the provisions of Sec.14 of IBC-2016 till the conclusion of proceedings under IBC-2016 no suit or proceedings can be continued against the corporate debtor. Considering the facts and circumstances, we are of the opinion that there is no point in proceeding with the appeal filed by the assessee and also keeping the appeal pending is also a continuation of proceedings.

4. Accordingly, we considering the provisions of section14 of IBC-2016 Laws and the order of the NCLT dismiss the appeal filed by the Assessee. Further we grant the liberty to the appellant/assessee to move an application to recall the present order after the

moratorium is over as per the provisions of IBC-2016 laws.

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

Order pronounced in the open court on 06.07.2022

Sd/-  
(PRASHANT MAHARISHI)  
ACCOUNTANT MEMBER

Sd/-  
(PAVAN KUMAR GADALE)  
JUDICIAL MEMBER

Mumbai, Dated 06.07.2022  
PK, Sps

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

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

सत्यापित प्रति //True Copy//

1.

आदेशानुसार/ BY ORDER,

(Asst. Registrar)  
ITAT, Mumbai