

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'H' BENCH
MUMBAI**

**BEFORE: SHRI M.BALAGANESH, ACCOUNTANT MEMBER
&
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER**

**ITA No.6311/Mum/2018
(Assessment Year :2012-13)**

M/s. K-Life Style Industries Ltd., 11/12, Raghuvanshi Mill Compound, Lower Parel, Mumbai – 400 013	Vs.	DCIT, Central Circle-5(3) Air India Building, 19 th Floor, Room No.1906, Nariman Point, Mumbai – 400 021
PAN/GIR No.AABCS1364B		
(Appellant)	..	(Respondent)

Assessee by	None
Revenue by	Shri K.C. Kanojiya
Date of Hearing	20/07/2022
Date of Pronouncement	20/07/2022

आदेश / ORDER

PER M. BALAGANESH (A.M.):

This appeal in ITA No.6311/Mum/2018 for A.Y.2012-13 arises out of the order by the Id. Commissioner of Income Tax (Appeals)-53, Mumbai in appeal No.CIT(A)-53/IT-19/DCCC-5(3)/2018-19 dated 23/08/2018 (Id. CIT(A) in short) in the matter of imposition of penalty u/s.271(1)(c) of the Act (hereinafter referred to as 'Act').

2. None appeared on behalf of the assessee. At the outset, we find that assessee's case has been referred to Hon'ble National Company Law Tribunal (NCLT) for Insolvency Resolution Process and an Interim Resolution Professional (IRP) has been appointed in the assessee company. The Form No.36 available in our record is the one signed by the

erstwhile Director of the assessee company. As per Section 14 of the Insolvency and Bankruptcy Code, 2016, no proceedings shall remain pending with any Court or Tribunal, once the Insolvency Resolution Proceedings had been initiated on a Corporate Debtor. It is not in dispute that the assessee company is a Corporate Debtor. The Interim Resolution Professional (IRP) Mr. Ajit Kumar has been appointed in the instant case and the IRP has not impleaded himself before this Tribunal by filing form No.36. Hence, the present appeals in the present format are not maintainable and hence, liable to be dismissed.

4. In view of the above, we deem it fit and appropriate to dismiss this appeal of the assessee as not maintainable with a liberty given to IRP to prefer Miscellaneous Application, if so desired, after the completion of Insolvency Resolution Process, in which event, this appeal shall be restored.

5. In the result, appeal of the assessee is dismissed as not maintainable.

Order pronounced in open Court on 20/07/2022

Sd/-
(RAHUL CHAUDHARY)
JUDICIAL MEMBER

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 20/07/2022
KARUNA, *sr.ps*

Copy of the Order forwarded to :

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

//True Copy//

BY ORDER,

(Sr. Private Secretary / Asstt. Registrar)
ITAT, Mumbai