

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

**BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER AND
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

**ITA No.3280/M/2018
Assessment Year: 2009-10**

**ITA No.3344/M/2018
Assessment Year: 2008-09**

**ITA No.3343/M/2018
Assessment Year: 2008-09**

**ITA No.823/M/2019
Assessment Year: 2009-10**

**ITA No.3281/M/2018
Assessment Year: 2010-11**

DCIT-3(3)(2), Room No.609, 6 th Floor, Aayakar Bhavan, M.K. Road, Mumbai - 400020	Vs.	M/s. Videocon Industries Ltd., 171-C, 17 th Floor, C-Wing, Mittal Court, Nariman Point, Mumbai – 400021 PAN: AABCV4012H
(Appellant)		(Respondent)

Present for:

Assessee by : None
Revenue by : Shri Prabhat Kumar Gupta, D.R.

Date of Hearing : 13 . 07 . 2022
Date of Pronouncement : 19 . 07 . 2022

ORDER

Per Bench:

These are the appeals filed by the Revenue against the different orders of the Commissioner of Income Tax (Appeals)-8, Mumbai.

2. At the time of hearing, the Ld. D.R. 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. Since no one has attended from the side of the assessee it is noticed that vide letter dated 21.03.2022 the assessee has also informed that the National Company Law Tribunal has also passed an order under section 14 of Insolvency and Bankruptcy Code, 2016 declaring moratorium, which prohibits institution of suits or any continuation of pending suits or any judgment, decree, order in any court of law, Tribunal, arbitration panel or other authority against the respondent company.

3. We found as per the provisions of section 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 and non attendance of hearing by the assessee, we are of the opinion that there is no point in proceeding with the appeals filed by the Revenue and also keeping the appeals pending is also a continuation of proceedings. Accordingly, we, considering the provisions of section 14 of IBC-2016 laws and the order of the NCLT, dismiss the appeal filed by the Revenue with the liberty to the appellant/Revenue to recall the present appeal when the occasion warrants.

4. In the result, the appeals filed by the Revenue are dismissed.

Order pronounced in the open court on 19.07.2022.

**Sd/-
(ABY T VARKEY)
JUDICIAL MEMBER**

**Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER**

Mumbai, Dated: 19.07.2022.

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The CIT (A) Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.