

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

BEFORE SHRI PRASHANT MAHARISHI, AM
AND
SHRI SANDEEP SINGH KARHAIL, JM

ITA No. 961/Mum/2022

(Assessment Year 2014-15)

ACIT, CIRCLE-2(1)(1), MUMBAI.
ROOM NO. 561, 5TH FLOOR,
AAYAKAR BHAVAN, M.K.ROAD,
MUMBAI, MAHARASHTRA,
400020

Vs.

M/S GREAT UNITED ENERGY
PVT LTD MUMBAI
APPOLLO STREET, AMBALAL
DOSHI MARG,
FORT, MUMBAI, MAHARASHTRA,
400023

(Appellant)

(Respondent)

PAN No. AAECG3525B

Assessee by : None
Revenue by : Shri Ajay Singh, Sr. AR

Date of hearing: 08.09.2022
Date of pronouncement : 08.09.2022

ORDER

PER PRASHANT MAHARISHI, AM:

01. This appeal is filed by the Assistant Commissioner of Income Tax (The Learned Assessing Officer) against against appellate order passed by National Faceless Appeal Centre, Delhi (The Learned CIT (Appeals)) for Assessment Year 2014-15 dated 10th March, 2022 whereby the appeal filed by the assessee against order dated 28/09/2016 passed under Section 143(3) of the Income Tax Act, 1961(The Act) by the Income Tax Officer – 5(1)(2)- Mumbai (Learned Assessing Officer) was allowed for statistical purposes. Therefore, the



Learned AO is aggrieved by the appellate order and has preferred this appeal before us.

02. At the time of hearing of the appeal, the Learned Departmental Representative submitted that the assessee has been referred to as a corporate debtor under IBC, 2016.

03. Despite, notice of date of hearing on 8th August, 2022 that appeal would be heard on 8th September, 2022, none appeared on behalf of assessee.

04. On consideration of argument of Learned Departmental Representative, we find out that the assessee has been referred to IBC 2016 as corporate debtor with effect from 26/06/2018. According to Section 14 of IBC 2016, no suit should be pursued against the corporate debtor. In view of this, appeal filed by the Learned Assessing Officer is dismissed and liberty is granted to pursue this appeal as soon as the assessee is out of IBC 2016.

05. In the result, appeal filed by the Learned Assessing Officer is dismissed.

Order pronounced in open court on 08/09/2022

Sd/-
(SANDEEP SINGH KARHAIL)
(JUDICIAL MEMBER)

Sd/-
(PRASHANT MAHARISHI)
(ACCOUNTANT MEMBER)

Mumbai, Dated: 08.09.2022

Sudip Sarkar, Sr.PS

Copy of the Order forwarded to :

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



6. Guard file.

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar
Income Tax Appellate Tribunal, Mumbai