

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

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

ITA No. 3506/Mum/2017 (Assessment Year 2010-11)

Taurain Iron & Steel Co. P.Ltd
302A Poonam Chambers,
3rd Floor, Dr. AB Road, Worli
Mumbai-400 018

(Appellant)

ACIT-4(3), R.No. 635,
6th Floor, Aaykar Bhavan
Vs. M.K. Road, Mumbai-400 020

(Respondent)

PAN No. AA ACT4814A

ITA No. 3672/Mum/2017 (Assessment Year 2010-11)

ACIT-4(3), R.No. 635,
6th Floor, Aaykar Bhavan
M.K. Road, Mumbai-400 020

Taurain Iron & Steel Co. P.Ltd
302A Poonam Chambers,
3rd Floor, Dr. AB Road, Worli
Mumbai-400 018

Assessee by : None

Revenue by : Shri Samuel Pitta, DR

Date of hearing: 08.09.2022

Date of pronouncement : 20.09.2022

ORDER

PER PRASHANT MAHARISHI, AM:

01. ITA No. 3506/M/2017 is filed by Taurian iron and steel Co private limited and ITA No. 3672/M/2017 is filed by the Assistant Commissioner Of Income Tax - 4 (3) (1), Mumbai (the learned AO) against appellate order passed by the Commissioner of Income Tax (Appeals) - 58, Mumbai dated 27th February, 2017 for A.Y. 2010 - 11.
02. At the time of hearing of the appeal, it has come to the notice that the appellant company has already been ordered for liquidation and assets are 'for sale' by the order of the honourable Bombay High Court dated 23rd January 2019 in company petition No. 314 of 2016.
03. The appeal of the assessee is filed by the managing director, Mr Sumit Lalit Bajla, who is no longer authorised



to continue this appeal. Now as the company has been liquidated it is only the official liquidator who should have filed the appeal or pursued it. It is the duty of the official liquidator to take note of the pending litigation, if he wants to pursue that appeal. No intimation has been received from the official liquidator. Therefore, the appeal of the assessee is found to be defective and deserves to be dismissed on that ground itself.

04. Further, the appeal filed by the learned assessing officer should have also made the official liquidator respondent in this appeal. The learned assessing officer is also not made any effort to do so, the appeal of the learned assessing officer also do not survive.
05. In view of this, we dismiss the appeal of the parties with a liberty that if official liquidator would like to agitate the issue in this appeal, he may file the fresh appeal or may make an application for restoration of this appeal by recall of this order. If the learned assessing officer also wants to pursue the same, he may also file the fresh form no. 36 making the official liquidator as respondent.
06. In the result, appeals of both the parties are dismissed as not maintainable.

Order pronounced in the open court on 20.09.2022.

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

Sd/-
(PRASHANT MAHARISHI)
(ACCOUNTANT MEMBER)

Mumbai, Dated: 20. 09.2022

Sudip Sarkar, Sr.PS/dragon



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