

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH : A : NEW DELHI

BEFORE SHRI C.M. GARG, JUDICIAL MEMBER
AND
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER

ITA Nos.5019 to 5022/Del/2014
Assessment Years: 2006-07, 2008-09, 2009-10 & 2010-11

ACIT,
Central Circle-14,
New Delhi.

Vs. Ahmednagar Forgings Ltd.,
16, Industrial Area,
Rozka Meo, Sohna,
Gurgaon.

PAN: AACCA3454H

ITA No.4938 to 4941/Del/2014
Assessment Years: 2006-07, 2008-09, 2009-10 & 2010-11

Ahmednagar Forgings Ltd.,
16, Industrial Area,
Rozka Meo, Sohna,
Gurgaon.

Vs. ACIT,
Central Circle-14,
New Delhi.

PAN: AACCA3454H

(Appellant)

(Respondent)

Assessee by	:	None
Revenue by	:	Shri V. Praveen Sidharth, CIT, DR
Date of Hearing	:	01.11.2022
Date of Pronouncement	:	04.11.2022

ORDER

PER BENCH:

These are cross appeals filed by the Revenue as well as the Assessee and are directed against the orders dated 26.03.2014 of the CIT(A)-XXXIII, New

Delhi, relating to Assessment Years 2006-07, 2008-09, 2009-10 & 2010-11. The assessee as well as the Revenue raised various grounds in their appeals.

2. First of all, we take cognizance of the fact stated by the ld. CIT-DR supported by documentary evidence and copies of the orders of NCLT, Mumbai Bench dated 29.09.2019 and NCLT New Delhi Bench dated 07.02.2020 and notice dated 09.03.2015 for calling an Extraordinary General Meeting issued by the assessee i.e., M/s Ahmednagar Forgings Limited that the assessee has been renamed as Metalyst Forgings Ltd. Thus, we took notice of the fact stated at bar, supported by documentary evidence that the name of the assessee company has changed to M/s Metalyst Forgings Ltd.

3. At the time of hearing, the ld AR submitted an order passed by the National Company Law Tribunal (NCLT), Mumbai Bench dated 15.12.2017 u/s 7 of the Insolvency & Bankruptcy Code, 2016. According to that order, Insolvency Resolution Professional has been appointed for the revival of the company. He further submitted at bar that the NCLT has declared moratorium in terms of section 14 of Insolvency & Bankruptcy Code. He, therefore, submitted that there is a complete prohibition imposed for institution or continuation of any pending suit against the corporate debtor including execution of any judgment in any court of law, Tribunal etc. He, therefore, submitted that till corporate insolvency resolution process is completed as paid by financial creditor (state

bank of India in the present case) the above appeals by the assessee or against the assessee cannot be proceeded with.

4. According to the provision of section 14 of the Insolvency & Bankruptcy Code, 2016, the moratorium has been declared and the continuation of any pending suit is barred. Therefore, till the insolvency process continues these appeals cannot be proceeded with. In view of this, till the company is revived in terms of the Act, any appeal filed by the assessee and ld. AO becomes infructuous. Therefore, we dismiss all the appeals filed by the assessee as well as the Revenue. However, in the interest of justice we give liberty to the assessee as well as to the Revenue to file applications for revival of these appeals as and when the moratorium period is over or revival of the company takes place.

5. In the result, the appeals filed by the assessee as well as the Revenue are dismissed.

Order pronounced in the open court on 04.11.2022.

Sd/-

(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

Sd/-

(C.M. GARG)
JUDICIAL MEMBER

Dated: 04th November, 2022.

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Copy forwarded to :

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi