

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

BEFORE SHRI PRASHANT MAHARISHI, AM
AND
SHRI PAVAN KUMAR GADALE, JM

ITA No. 1022/MUM/2016
(Assessment Year 2011-12)

DCIT 10(3)(1) R.No. 212, Aayakar Bhavan, M.K.Road, Mumbai 400 020	Vs.	M/s. Neo Sports Broadcast Pvt.Ltd Nimbus Centre, Oberoi Complex, Andheri (West) Mumbai-400 053
(Appellant)		(Respondent)

ITA No. 1265/MUM/2016
(Assessment Year 2011-12)

M/s. Neo Sports Broadcast Pvt.Ltd Nimbus Centre, Oberoi Complex, Andheri (West) Mumbai-400 053	Vs.	DCIT 10(3)(1) R.No. 212, Aayakar Bhavan, M.K.Road, Mumbai 400 020
(Appellant)		(Respondent)

PAN No. AACCN2854Q

Assessee by : None
Revenue by : Shri Samuel Pitta, SR DR

Date of hearing: 17.01.2023
Date of pronouncement : 17.01.2023

ORDER

PER PRASHANT MAHARISHI, AM:

01. ITA No. 1022/MUM/2016 for A.Y. 2011-12 is filed by the DCIT-10(3)(1), Mumbai and ITA No. 1265/MUM/2016 is filed by M/s Neo Sports Broadcast Private Ltd, Mumbai against the assessment order passed u/s. 143(3) r.w.s. 144C 13 with the Income Tax Act dated 08.01.2016.



02. At the time of hearing it was pointed out that the above company is referred to the National Company Law Tribunal for insolvency resolution as per section 9 of Insolvency and Bankruptcy Code, 2016 before the Mumbai Bench in CPIB No. 2006(MB)-2019.
03. Further, these appeals were first listed for hearing on 19.09.2017 further from 16.11.2021 onwards nobody is appearing in these appeals on behalf of the assessee.
04. As per Section 14 of the IBC 2016 no litigation against the corporate debtor i.e. assessee shall continue till the moratorium period is over.
05. Further, as soon as the company is referred to the insolvency resolution process, as per the provisions of Section 140(c)(c), The appeal is required to be signed by the insolvency resolution profession. In this case, the appeal is signed by the Director of the above company Mr. Harish Thawani. In view of this the appeal of the assessee is also not maintainable.
06. Accordingly, both this appeal is dismissed with liberty to both the parties to file the appeal, if they wish so, in prescribed manner, as soon as the insolvency resolution in process in case of the assessee is over.
07. Accordingly, both the appeals are dismissed.

Order pronounced in the open court on 17.01.2023.

Sd/-
(PAVAN KUMAR GADALE)
(JUDICIAL MEMBER)

Sd/-
(PRASHANT MAHARISHI)
(ACCOUNTANT MEMBER)



Uday Mugal, Stenographer

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