

आयकर अपीलीय अधिकरण, रायपुर न्यायपीठ, रायपुर
IN THE INCOME TAX APPELLATE TRIBUNAL RAIPUR BENCH, RAIPUR
श्री रविश सूद, न्यायिक सदस्य एवं श्री अरुण खोड़पिया, लेखा सदस्य के समक्ष ।
BEFORE SHRI RAVISH SOOD, JM & SHRI ARUN KHODPIA, AM

आयकर अपील सं./ITA No.64/RPR/2019

(निर्धारण वर्ष / Assessment Year :2015-2016)

M/s Crest Steel & Power Pvt. Ltd. Village-Joratarai, Post-Mangatta, Dist-Rajnandgaon (CG)-491441	Vs	ACIT, Central Circle-II, Raipur (CG)
PAN No. : AACCC 3836 H		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

निर्धारिती की ओर से /Assessee by	:	None
राजस्व की ओर से /Revenue by	:	Shri Debashis Lahiri, CIT-DR
सुनवाई की तारीख / Date of Hearing	:	02/01/2023
घोषणा की तारीख/ Date of Pronouncement	:	17/02/2023

आदेश / O R D E R

Per Arun Khodpia, AM:

This appeal is filed by the assessee against the order passed by the CIT(A)-I, Raipur, dated 07.12.2018 for the assessment year 2015-2016.

2. None appeared on behalf of the assessee even the case was called for second round of hearing. Therefore, the Bench proceeded to dispose off the appeal of the assessee after hearing the Id. CIT-DR and considering the facts and circumstances of the case.

3. At the outset, we found that the assessee company has filed a letter dated 23.11.2022, wherein it is stated that the issue involved in the present appeal has been fully and finally settled before the NCLT, Cuttack Bench Cuttack vide order dated 01.11.2021 in MA No.125/CTB/2020 in TP No.205/CTB/2019 [earlier CP(IB) No.1664/MB/2017]. In view of the above, we are of the opinion that the present appeal filed by the assessee before the Income Tax Tribunal is no longer to stand. Similar view has

also been taken by the coordinate bench of the Tribunal in the case of assessee itself along with other assessees passed in IT(SS)A No.04/RPR/2018 and other connected appeals, order dated 03.01.2023, wherein in paras 8 & 9, the Tribunal has held as under :-

8. Thus, in terms of section 14 of IBC, there is a complete prohibition imposed on the institution or continuation of any pending suit against the assessee- company including the execution of any judgment in any Court of law or Tribunal, etc. Therefore, at present this appeal cannot be continued, and same view has been confirmed by (i) ITAT, Delhi "A" bench in ACIT Vs. M/s Amtek Ring Gears Ltd., ITA No. 5028/Del/2014 dated 17/05/2018 and (ii) ITAT Ahmedabad "D" Bench in DCIT Vs. Sona Alloys Pvt. Ltd. ITA No. 768/Ahd/2019 dated 11/11/2022.

9. For the aforesaid reasoning! In the light of moratorium we dismiss this appeal, however, in the interest of justice we give liberty to the appellant company to file miscellaneous application for revival if necessitates as and when the moratorium period is over or as approved by the concerned authorities or in accordance with any law as may permit such action.

4. Respectfully following the above observations of the coordinate bench of the Tribunal, we dismiss the present appeal, with a liberty to file Miscellaneous Application, if requires, as and when the moratorium period is over or as approved by the concerned authorities or in accordance with any law as may permit such section.

5. In the result the appeal of the assessee is dismissed.

Order pronounced in pursuance to the Rule 34(4) of ITAT Rules,1963 on 17/02/2023.

Sd/-
(RAVISH SOOD)

न्यायिक सदस्य / JUDICIAL MEMBER

रायपुर/Raipur; दिनांक Dated 17/02/2023

Prakash Kumar Mishra, Sr.P.S

Sd/-
(ARUN KHODPIA)

लेखा सदस्य / ACCOUNTANT MEMBER

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant-
2. प्रत्यर्थी / The Respondent-
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, रायपुर/ DR, ITAT,
Raipur
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

(Assistant Registrar)

आयकर अपीलीय अधिकरण, रायपुर/ITAT, Raipur