

**IN THE INCOME TAX APPELLATE TRIBUNAL “D” BENCH, MUMBAI**

**BEFORE SHRI PRASHANT MAHARISHI, AM AND  
MS. KAVITHA RAJAGOPAL, JM**

ITA No. 275/Mum/2022  
(Assessment Year: 2015-16)

&

SA No. 82/Mum/2022  
(Arising out of ITA No.275/Mum/2022  
(Assessment Year: 2015-16)

M/s. Rolta India Ltd. Rolta Tower, A, Rolta Technology Park, 22 <sup>nd</sup> Street, MIDC, Marol, Andheri (E), Mumbai-400 093	Vs.	Dy. CIT, Central Circle-1(1) Mumbai
PAN/GIR No. AAACR 2711 G		
<b>(Appellant)</b>	:	<b>(Respondent)</b>
<b>Assessee by</b>	:	Ms. Asawari Kadam
<b>Revenue by</b>	:	Smt. Riddhi Mishra
<b>Date of Hearing</b>	:	09.03.2023
<b>Date of Pronouncement</b>	:	24.04.2023

**ORDER**

**Per Kavitha Rajagopal, J M:**

This appeal and stay application has been filed by the assessee, challenging the order of the learned Commissioner of Income Tax (Appeals)-47, Mumbai ('ld.CIT(A) for short), passed u/s.250 of the Income Tax Act, 1961 ('the Act'), pertaining to the Assessment Year ('A.Y.' for short) 2015-16. The assessee has challenged the various additions/disallowances made by the A.O. and confirmed by the ld. CIT(A).

2. Briefly stated the assessee company is engaged in the business of software development, designing/data conversion services/purchase and marketing of hardware/software products and e-services. The assessee filed its return of income dated 28.11.2015 declaring a total loss of Rs.88,25,83,242/-. The assessee's case was selected

for scrutiny and the assessment order dated 26.12.2017 was passed by the A.O. where the A.O. made various additions/disallowances.

3. The assessee was in appeal before the Id. CIT(A) who had partly confirmed the said addition/disallowances.

4. The assessee is in appeal before us, challenging the disallowance confirmed by the Id. CIT(A).

5. The Id. AR for the assessee submitted that the assessee company was undergoing insolvency proceeding before the Hon'ble NCLT. The Id. DR had nothing to controverted the said fact.

6. We have heard the rival submissions and perused the materials available on record. We are of the view that since the assessee company was undergoing insolvency proceedings, the same cannot be proceeded further for adjudication. In view of the provisions of section 14 of Insolvency and Bankruptcy Code, 2016, no proceeding can be continued during the moratorium period and, hence, we deem it fit to dismiss the said appeal with the liberty given to the assessee/Resolution Profession as the case may be to restore the said appeal as and when required.

7. In the result, the appeal and stay application filed by the assessee is dismissed.

*Order pronounced in the open court on 24.04.2023*

Sd/-

(Prashant Maharishi)  
Accountant Member

Mumbai; Dated : 24.04.2023  
Roshani, Sr. PS

Sd/-

(Kavitha Rajagopal)  
Judicial Member

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent
3. CIT - concerned
4. DR, ITAT, Mumbai
5. Guard File

BY ORDER,

(Dy./Asstt. Registrar)  
ITAT, Mumbai