

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'B': NEW DELHI**

**BEFORE,
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

**ITA No.5206/Del/2018
(ASSESSMENT YEAR 2013-14)**

Sh. Lal Mahal Ltd. B-16 Bhagwan Dass Nagar East Punjabi Bagh New Delhi-110 026 PAN-AAECS 5326C	Vs.	Jt.CIT Special Range-8 New Delhi
(Appellant)		(Respondent)

**ITA No.8241/Del/2019
(ASSESSMENT YEAR 2011-12)**

**ITA No.2861/Del/2019
(ASSESSMENT YEAR 2011-12)**

**ITA No.2862/Del/2019
(ASSESSMENT YEAR 2014-15)**

Sh. Lal Mahal Ltd. B-16 Bhagwan Dass Nagar East Punjabi Bagh New Delhi-110 026 PAN-AAECS 5326C	Vs.	Dy.CIT Circle-23(1) New Delhi
(Appellant)		(Respondent)

Appellant by	Mr. Prem Prakash Bhagat (Assessee)
Respondent by	Ms. Nimisha Singh, CIT-DR & Mr. K.K. Mishra, Sr. DR

Date of Hearing	06/07/2023
Date of Pronouncement	10/07/2023

ORDER

PER BENCH:

The above captioned four appeals by Assessee are filed against the separate orders of Learned Commissioner of Income Tax (Appeals), New Delhi [“Ld. CIT(A)”, for short], dated 15/06/2018, 24/09/2019, 22/03/2019 & 25/03/2019 for Assessment Years 2013-14, 2011-12, 2014-15.

2. When the matter is called for hearing, the Representative of the assessee Mr. Prem Prakash Bhagat appeared and submitted the copy of order passed by the National Company Law Tribunal (NCLT), Special Bench, New Delhi in IB-613/ND/2019 (State Bank of India vs. Shri Lal Mahal Limited).

3. The Ld. DR submitted that the NCLT, Delhi has allowed the application filed by the SBI u/s 7 of Corporate Insolvency Resolution Process (CIRP) and declared moratorium against the assessee in terms of section 14 of Insolvency and Bankruptcy Code, 2016. Further brought to our notice that in view of the said order of the NCLT, the Co-ordinate Bench of the Tribunal for the AY 2010-11

in assessee's own case, the appeal of the assessee has been dismissed in ITA No.4234/Del/2013, therefore, sought for dismissal of the present appeals.

3. We have heard the rival submissions and perused the materials available on record. The Co-ordinate Bench of the Tribunal in ITA No. 4234/Del/2013, vide order dated 15/12/2022, considering the order passed by the NCLT, Special Bench in IB-613/ND/2019, held as under:

"3. The Ld. Sr. DR also endorsed the averments made in the e-mail of the assessee and submitted that an application for liquidation has been filed before the National Company Law Tribunal, New Delhi Bench by the Financial creditor namely State Bank of India. The application moved by SBI under section 7 of the code seeking Initiation of Corporate Insolvency Resolution Process (CIRP) which has been admitted and the Delhi Bench of NCLT by its order dated 06.04.2021 have declared moratorium in terms of section 14 of the Insolvency and Bankruptcy Code, 2016 as per para 34 of its order .

4. The Ld. Sr. DR accordingly submitted that the present appeal in such circumstances cannot be pursued in view of the overriding provisions of insolvency code but however, prayed for liberty to revive the captioned appeal as and when the moratorium period is over or revival of company takes place.

5. In the light of statutory provision and in the light of decision of the Hon'ble Supreme Court in the case of P CIT V. Monner Ispot and Energy Limited (2019) 107 tasmann.com 481 and also in the light of the overriding provision of the code in terms of Section 238 of the Act, the assessee is estopped to pursue the captioned appeal.

6. For such reasons, the appeal of the assessee is dismissed with a liberty to the assessee to seek remedial measures in accordance with law as and when the moratorium period is over or revival of the assessee company

takes place. The Assessee would thus be entitled to revive the appeal on completion of moratorium in accordance with law, where it is considered expedient to do so by Assessee.

7. In the result, the appeal of the assessee stands dismissed.”

4. By respectfully following the order dated 15/12/2022 passed in ITA No.4234/Del/2013 for AY 2010-11 in assessee's own case, the present captioned appeals are dismissed with a liberty to revive the appeals on completion of moratorium in accordance with law, where it is considered expedient to do so by the assessee.

4. In the result, the appeals in ITA No.5206/Del/2018, ITA Nos. 2861 & 2862/Del/2019 and ITA No.8241/Del/2019 are dismissed.

Order pronounced in open Court on 10th July, 2023

Sd/-

**(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER**

Sd/-

**(YOGESH KUMAR U.S.)
JUDICIAL MEMBER**

Dated: 10/07/2023

Pk/sps

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI

ITA No.5206/Del/2018
ITA Nos. 8241, 2861 & 2862/Del/2019
Shri Lal Mahal Ltd. vs. JCIT & DCIT