

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AMRITSAR BENCH, AMRITSAR**

**BEFORE DR. M. L. MEENA, ACCOUNTANT MEMBER  
AND SH. ANIKESH BANERJEE, JUDICIAL MEMBER**

**I.T.A. No. 87 & 88/Asr/2018**

Assessment Year: 2012-13 & 2014-15

M/s Arjun Mall Retail Holding  
Pvt. Ltd., SCF 29-30, Guru  
Hargobind Nagar, Phagwara

[PAN: AAECA 9855G]

**(Appellant)**

**Vs.**

Income Tax Officer  
Ward-1, Phagwara

**(Respondent)**

Appellant by : Sh. J.S. Bhasin, Advocate

Respondent by: Sh. Mohit Kumar Nigam, Sr. DR

Date of Hearing: 03.08.2023

Date of Pronouncement: 23.08.2023

**ORDER**

**Per Dr. M. L. Meena, AM:**

These two appeals are filed by the assessee against the separate orders of the Id. Commissioner of Income Tax (Appeals)-2, Jalandhar even dated 30/11/2017 in respect of Assessment Year: 2012-13 and 2014-15.

2. At the outset, the Ld. Counsel for the assessee submitted that the directors of the appellant company are underground as they are facing quite a few court cases filed by creditors of the company. These were very same creditors appears in the books of the company which have been held to be fictitious by the AO and CIT appeal and are subject matter of the present appeals. He further stated as per application dated 10.07.2023 that in April, 2021 two of the directors of the company filed applications before the National Commission Law Tribunal, Chandigarh for initiation of Insolvency Resolution Process (IRP) under section 94 of the Insolvency and Bankruptcy Code 2016, whereupon interim moratorium in terms of section 96 read with section 101 the IBC has been declared. The directors have been impleaded being personal guarantors of the debts owned by company. He pleaded that the appeal proceedings in the present appeals may be abated till the appointment of council before the NCLT with the right to the appellant to revive the appeals on appointment of the NCLT council who shall be representing these appeals before the Tribunal.

3. Per Contra, the learned additional CIT (DR) has no objection to the request of the council of the assessee.

4. Having heard both the sides, perusal of record and impugned orders, we find that it is admitted fact on record that creditors appear in the books of the company which have been held to be fictitious by the AO and CIT appeal are subject matter of the present appeals have filed court cases against the company and consequently, two directors of the appellant company are claimed to be underground. As per application dated 10.07.2023 that in April, 2021 two of the directors of the company filed applications before the National Commission Law Tribunal, Chandigarh for initiation of Insolvency Resolution Process (IRP) under section 94 of the Insolvency and Bankruptcy Code 2016, whereupon interim moratorium in terms of section 96 read with section 101 the IBC has been declared. In view of that matter, we are of the considered opinion that the proceedings in the present appeals may be abated till the appointment of council before the NCLT with the right to the appellant to revive the appeals on appointment of the NCLT council who shall be representing these appeals before the Tribunal. Accordingly, both the subject appeals are abated till the appointment of council before the NCLT with the right to the appellant company to revive these appeals.

5. In the backdrop of the above discussion, the subject appeals are disposed of in the terms indicated above.

*Order pronounced in the open court on 23.08.2023*

**Sd/-**  
**(Anikesh Banerjee)**  
**Judicial Member**

**Sd/-**  
**(Dr. M. L. Meena)**  
**Accountant Member**

*\*DOC\**

Copy of the order forwarded to:

- (1) The Appellant:
- (2) The Respondent:
- (3) The CIT(Appeals)
- (4) The CIT concerned
- (5) The Sr. DR, I.T.A.T.

True Copy  
By Order