

**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. Nos. 04 & 219/Asr/2019
Assessment Year: 2013-14 & 2016-17

M/s J. R. Agro Tech. Pvt.
Ltd., Vill. Awanka, Dina
Nagar, Gurdaspur

[PAN: AAACJ 5547Q]

(Appellant)

Vs. Dy. Commissioner of Income
Tax, Central Circle, Amritsar

(Respondent)

I.T.A. No. 314/Asr/2019
Assessment Year: 2016-17

Dy. Commissioner of Income
Tax, Central Circle, Amritsar

(Appellant)

Vs. M/s J. R. Agro Tech. Pvt.
Ltd., Vill. Awanka, Dina
Nagar, Gurdaspur

[PAN: AAACJ 5547Q]

(Respondent)

Appellant by : Sh. Ashwani Kalia, CA

Respondent by: Sh. Amit Jain, CIT DR

Date of Hearing: 22.08.2023

Date of Pronouncement: 23.08.2023

ORDER**Per Bench:**

The captioned appeals are filed by the assessee and the Revenue against the separate order of the Id. Commissioner of Income Tax (Appeals)-5, Ludhiana dated 02.11.2018 & 18.02.2019 for Assessment Year: 2013-14 & 2016-17.

2. At the outset, the Id. counsel for the assessee filed an adjournment application from Sh. Mohit Chawla who was appointed as a Resolution Professional in the matter of the appellant assessee to attend the proceedings for NCLT dated 20.03.2022. There is no report received so far from the side of the appellant assessee on the decision on the matter pending before the NCLT even on expiry of a period of one year. The Id. counsel Mr. Ashwani Kalia stated at the time of hearing that the present appeals may be abated till the matter is resolved by the NCLT with a right to revive the appeals.

3. The Id. DR has no objection to the request of the Id. counsel for abatement of the appellate proceedings in the three captioned appeals with a request that the department be given a right to proceed with recovery of demand.

4. We have heard the rival contentions, perused the material on record and the impugned orders. Since, the matter in all the three appeals are locked up before NCLT as the company went into CIRP vide order dated 27.07.2018 and Mr. Mohit Chawla has been appointed as a Resolution Professional in the corporate debtor for the assessment year 2013-14 and 2016-17 on 21st March, 2022. In view of that matter, we consider it deem fit to abate the proceedings till the resolution of the matter of corporate debtors by the NCLT or Sh. Mohit Chawla as a Resolution Professional appointed gets ready with the subject matter of appeals. The appellant is permitted to revive the appeals on resolution of the matter of the corporate debtors by the NCLT and at the same time, the department would have right to proceed with recovery of the demand. In view of that matter, the proceedings in the subject three appeals stands abated from today.

5. In the result, the captioned three appeals of the assessee and Revenue are disposed of in the terms indicated as above.

Order pronounced in the open court on 23.08.2023

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

GP/Sr.PS

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

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