

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'I', NEW DELHI
BEFORE, SH. SAKTIJIT DEY, VICE PRESIDENT
AND
SH. PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

ITA No.514/Del/2022
(Assessment Year : 2017-18)

C & C Constructions Ltd. 74, Hemkunt Colony, New Delhi - 110048 PAN No. AAACC 4543 R (APPELLANT)	Vs.	DCIT Central Circle – 19 New Delhi (RESPONDENT)
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Assessee by	Shri Sibtain Raza
Revenue by	Shri Rajesh Kumar, CIT(DR)

Date of hearing:	09.11.2023
Date of Pronouncement:	09.11.2023

ORDER

PER PRADIP KUMAR KEDIA, AM :

The captioned appeal has been filed by the assessee is challenging the final assessment order passed under section 144 read with section 144C(13) of the Income-tax Act, 1961 pertaining to Assessment Year 2017-18, in pursuance to the directions of learned Dispute Resolution Panel (DRP).

2. On perusal of case records, it is seen that proceedings under Insolvency and Bankruptcy Code, 2016 (IBC) are going on against the assessee before National Company Law Tribunal New Delhi and moratorium as per the provisions of Section 14 of the IBC has been granted. A copy of the order of NCLT granting moratorium dated 14.02.2019 pursuant to proceedings initiated under IBC Code 2016 is placed on record. In terms of the

order of the NCLT, moratorium under Section 14 of IBC 2016 shall have statutory effect. In consequence of such moratorium, pending suits or proceedings against the assessee company including execution of any judgment, decree or order in any Court of law, Tribunal, arbitration panel or other authority, etc. is statutorily prohibited.

3. In the light of statutory provision and in the light of decision of the Hon'ble Supreme Court in the case of Pr. CIT Vs. Monnet Ispat and Energy Limited (2019) 107 taxmann.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 and present proceedings before Tribunal cannot continue.

4. That being the position, no useful purpose is going to be served in continuing the present proceedings. Therefore, this appeal needs to be consigned to the records.

5. For such reasons, without going to the merits of case, the appeal of the assessee is dismissed summarily with a liberty to the assessee to seek remedial measures in accordance with law as and when the moratorium period is over or order of the NCLT is modified or revival of the assessee company takes place or where it is necessary to do so in the interest of the parties.

6. In the result, the appeal of the assessee is dismissed in limine for statistical purposes.

Order was pronounced in the open court on 09.11.2023

Sd/-

**(SAKTIJIT DEY)
VICE PRESIDENT**

Sd/-

**(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER**

Date:- 09.11.2023

*Priti Yadav, Sr. PS**

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI