

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCHES : A : NEW DELHI

BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER  
AND  
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER

ITA Nos.2792 & 2793/Del/2018  
Assessment Years: 2011-12 & 2015-16

DCIT,  
Central Circle-2,  
New Delhi.

Vs M/s International Recreation and  
Amusement Limited,  
Sector-10, Metro Walk,  
Near Rithala Metro Station,  
Rohini,  
New Delhi – 110 085.

PAN: AACCI4901M

(Applicant)

(Respondent)

Assessee by : None  
Revenue by : Shri Zafarul Haque Tanweer, CIT, DR  
Date of Hearing : 06.11.2023  
Date of Pronouncement : 16.11.2023

ORDER

PER ANUBHAV SHARMA, JM:

The appeals are preferred by the Revenue against the order dated 15.02.2018 of Commissioner of Income Tax (Appeals)-28, New Delhi (hereinafter referred as Ld. First Appellate Authority or in short Ld. 'FAA') in appeal No.354 & 355/17-18 arising out of an appeal before it against the orders dated 30.12.2016 passed u/s 153A r.w.s 143(3) of the Income Tax Act, 1961

(hereinafter referred as 'the Act') by the ITO, Central Circle-2, New Delhi,  
(hereinafter referred as the Ld. AO).

2. Heard and perused the record. None appeared for the assessee and the record shows that notices have been repeatedly issued. Accordingly, no more opportunity is justifiable. The ld. DR pointed out that in assessee's own case for AYs 2012-13, 2013-14 and 2014-15, vide ITA Nos.992, 993 & 994/Del/2018, order dated 12<sup>th</sup> January, 2023, the Revenue's appeals have been dismissed for statistical purposes on the basis of the fact that insolvency proceedings have been initiated against the Respondent assessee under the relevant provisions of Insolvency and Bankruptcy Code, 2016 and the resolution plan stands approved.

3. In the light of the aforesaid admitted facts, no substance is left in the Revenue's claim as the same becomes part of the resolution plan. Accordingly, the appeals of the Revenue is dismissed for statistical purposes, however, with a liberty for restoration of the appeals in case there is any order under the Insolvency and Bankruptcy Code, 2016 in favour of the Revenue.

Order pronounced in the open court on 16.11.2023.

Sd/-

Sd/-

(M. BALAGANESH)  
ACCOUNTANT MEMBER

(ANUBHAV SHARMA)  
JUDICIAL MEMBER

Dated: 16<sup>th</sup> November, 2023.

dk

Copy forwarded to :

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi