

**IN THE INCOME TAX APPELLATE TRIBUNAL,
'C' BENCH, KOLKATA**

**Before Shri Rajpal Yadav, Vice-President (KZ)
&
Dr. Manish Borad, Accountant Member**

**I.T.A. No. 1889/KOL/2018
Assessment Year: 2014-2015**

***Deputy Commissioner of Income Tax,.....Appellant
Central Circle-2(1), Kolkata,
Aayakar Bhawan Poorva,
E.M. Bye pass,
110, Shanti Pally, Kolka-700107***

-Vs.-

***M/s. Amricon Agrovet Pvt. Limited,.....Respondent
158, Lenin Sarani, Kolkata-700013
[PAN:AADCA1610Q]***

Appearances by:

*Shri Sailen Samadder, Addl. CIT, Sr. D.R., appeared
on behalf of the Revenue*

N o n e, appeared on behalf of the assessee

Date of concluding the hearing : December 11, 2023


Date of pronouncing the order : December 11, 2023

O R D E R

Per Rajpal Yadav, Vice-President (KZ):-

The present appeal is directed at the instance of Revenue against the order of Id. Commissioner of Income Tax (Appeals)-22, Kolkata dated 1st June, 2018 passed for A.Y. 2014-15.

2. During the pendency of present appeal, it was submitted that the Company went into liquidation and Hon'ble NCLT has approved the Scheme of its Insolvency Resolution Process. On the letter of the assessee, a report was called for from the Id. Assessing Officer and in response to that, Id. Assessing Officer sent the copy of the Hon'ble NCLT's order along with his comments. His letter reads as under:-


सहायक आयकर आयुक्त केंद्रीय सर्कल-२(१) का कार्यालय, कोलकाता
Office of the Assistant Commissioner of Income Tax, Central Circle-2(1), Kolkata
तीसरा तल्ला, आयकर भवन पूर्वा, ११०, शांतिपल्ली, कोलकाता-७००१०७
3rd Floor, Aayakar Bhawan Poorva, 110, Shanti palli, Kolkata-700107

फा. सं.:ACIT/CC-2(1)/Kol/Amricon Agrovet/ITAT/2023-24/ 526 दिनांक: 20-11-2023

सेवा में / To,
The CIT(DR),
ITAT-4, Kolkata,
225-C, A.J.C Bose Road, Kolkata-700020

[Attn: ITO, ITAT-4, Kolkata]

महोदय,

विषय : Sending of T.P. order in the case of M/s Amricon Agrovet Pvt Ltd;
PAN: AADCA1610Q for the AY 2014-15-matter regarding.
सन्दर्भ: CIT(DR)'s letter No. CIT(DR)/ITAT/C-Bench/Documents/Kol/2023-
24/1680 dtd 16.11.2023

कृपया उपरिलिखित विषय का सन्दर्भ लें।

2. In the instant case, this office has been directed to provide a copy of order framed u/s 92CA(3) of the I.T. Act, 1961 alongwith the order of the Hon'ble NCLT dated 07.11.2023 in connection with pending appeal before the Hon'ble 'C' Bench, ITAT, Kolkata vide ITA No. 1889/Kol/2018 for the AY 2014-15.

3. In this regard, it is pertinent to inform that the Hon'ble NCLT, Kolkata Bench vide its order dated 07.11.2022 has approved the dissolution of the corporate debtor namely M/s Amricon Agrovet Pvt Ltd (copy enclosed). Therefore, the date of pronouncement of order of the Hon'ble NCLT may kindly be acknowledged as 07.11.2022 instead of 07.11.2023 as mentioned in the letter under reference. Furthermore, as directed the copy of order framed u/s 92CA(3) of the Act in the case of subject assessee pertaining to AY 2014-15 is also enclosed herewith.

This is for your kind perusal and record please.

संगलग्नक: यथोक्त

भवदीय,
(संदीप कुमार डे)
उप आयकर आयुक्त,
केंद्रीय अंचल-२(१), कोलकाता

20/11/2023

3. Since the insolvency proceeding was commenced against the assessee. Insolvency proposal has been accepted by the Hon'ble National Company Law Tribunal (NCLT), therefore, it is to be construed that no other Court or Tribunal could continue any

adjudicatory process. Accordingly the proceeding in this appeal is dropped and it is treated as infructuous, hence dismissed.

4. In the result, the appeal of the Revenue is dismissed.

Order pronounced in the open Court on 11/12/2023.

Sd/-

(Manish Borad)
Accountant Member

Sd/-

(Rajpal Yadav)
Vice-President (KZ)

Kolkata, the 11th day of December, 2023

*Copies to :(1) Deputy Commissioner of Income Tax,
Central Circle-2(1), Kolkata,
Aayakar Bhawan Poorva,
E.M. Bye pass,
110, Shanti Pally, Kolkata-700107*

*(2) M/s. Amricon Agrovet Pvt. Limited,
158, Lenin Sarani, Kolkata-700013*

*(3) Commissioner of Income Tax (Appeals)-22,
Kolkata;*

(4) The Departmental Representative

(5) Guard File

TRUE COPY

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.