

**INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "G": NEW DELHI**

**BEFORE DR. BRR KUMAR, ACCOUNTANT MEMBER
AND
MS. ASTHA CHANDRA, JUDICIAL MEMBER**

ITA No. 802/Del/2020
Asstt. Year: 2016-17

M/s SRS Entertainment India Ltd., 304, 3 rd Floor, SRS Tower, 14/5, Mathura Road, Faridabad. PAN AAUCS9688P (Appellant)	Vs.	Asstt. Commissioner of Income Tax ACIT, Circle-2, Faridabad. (Respondent)
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Assessee by :	Shri Deepesh Garg, Adv.
Department by:	Ms. Monika Dhama, CIT-DR
Date of Hearing:	14.02.2024
Date of pronouncement:	14.03.2024

ORDER

PER ASTHA CHANDRA, JM

The appeal filed by the Assessee is directed against the order dated 31.10.2019 of the Ld. Commissioner of Income Tax (Appeals), [**"CIT(A)"**], Faridabad, pertaining to Assessment Year 2016-17.

2. The Assessee has raised the following grounds:-

"1. That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of the Ld. A.O. in making Rs. 13,07,50,000/- an addition of as unexplained credit u/s 68 of the Act, allegedly on account of

unexplained share capital and that too by recording incorrect facts, findings and making allegations based on surmises and conjectures and without observing the principal of natural justice.

2) That in any case and in any view of the matter, action of Ld. CIT(A) in confirming the addition of Rs. 13,07,50,000/- made in the assessment order is bad in law and against the facts and circumstances of the case.

3) That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of the Ld. A.O. in making adhoc disallowance of Rs. 4,00,000/- being out of travelling and conveyance expenses (Rs. 3,01,722), telephone and communication expenses (Rs. 3,28,761), printing & stationary expenses (Rs.4,00,179/-) and repair & maintenance expenses of (Rs. 12,95,099/-) claimed by the assessee in its profit & loss account and allegedly to cover up possible leakage of revenue on the ground that assessee has failed to furnish any detail of these expenses, and without any basis, material or evidence and is bad in law and against the facts and circumstances of the case.

4) That in any case and in any view of the matter, action of Ld. CIT(A) in confirming the addition of Rs.4,00,000/- made in the assessment order is bad in law and against the facts and circumstances of the case.

5) That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of the Ld. A.O. in charging interest, more so when such interest could not be levied under the law.

6) That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of Ld. A.O. in passing the impugned order without giving adequate opportunity of being heard and by not observing the principles of natural justice.

7) That the appellant craves the leave to add, alter or amend the grounds of appeal at any stage and all the grounds are without prejudice to each other.”

3. At the very outset, the Ld. AR submitted that the assessee company is in liquidation and placed before us copy of The National Company Law Tribunal, Chandigarh Bench (**"NCLT"**) Judgment delivered on 21.12.2021 u/s 9 of the Insolvency and Bankruptcy Code, 2016 (**"Code"**) in the matter of M/s Rajpal Theatre, Punjab vs. SRS India Pvt. Ltd. The Ld. AR drew our attention to para 19 of the Judgement of the NCLT (supra) whereby the moratorium in terms of sub-section (1) of section 14 of the Code has been granted. As per para 21 thereof, the order of moratorium shall have effect from 21.12.2021 till completion of the corporate insolvency resolution process or until the Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of corporate debtor u/s 33 of the Code, as the case may be.

4. In view of the above, the Ld. AR sought permission of the ITAT to withdraw the appeal of the assessee. The Ld. CIT(DR) had no objection thereto.

5. Consequently, we dismiss the appeal of the assessee with liberty to it to revive the appeal after the said moratorium is lifted, if so desired, in accordance with law.

6. In the result, appeal of the assessee is dismissed as withdrawn.

Order pronounced in the open court on 14th March, 2024.

sd/-
(DR. BRR KUMAR)
ACCOUNTANT MEMBER

sd/-
(ASTHA CHANDRA)
JUDICIAL MEMBER

Dated: 14/03/2024

Pooja

Copy forwarded to -

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	