

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "D", MUMBAI**

**BEFORE SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER
AND
MS. KAVITHA RAJAGOPAL, JUDICIAL MEMBER**

ITA No. 3710/Mum/2024
Assessment Year 2013-14

Asst. Commissioner of Income Tax-8(2)(1), Room No. 481, Aayakar Bhavan, M.K. Road, Mumbai	vs.	MITC Metals Private Limited, 104, Shiv Ashish Complex, Diamond Road, Chembur, Mumbai PAN : AAKCS7987D
(Appellant)		(Respondent)

For Assessee :	NONE
For Revenue :	Ms. Sanyogita Nagpal, CIT-DR

Date of Hearing :	10-09-2024
Date of Pronouncement :	13-09-2024

ORDER

PER OM PRAKASH KANT, A.M :

This appeal has been preferred by the Revenue against the order dated 29-05-2024 passed by the Ld. Commissioner of Income Tax (Appeals)-NFAC, Delhi [in short Ld.CIT(A)] for the Assessment Year (AY.) 2013-14, raising following grounds:

"1. Whether on the fact and circumstances of the case and in law, the Ld.CIT(A) has erred in relying upon the decision as laid down by the Apex Court in Ghanshyam Mishra & Sons (P) Ltd. Vs. Edelweiss Asset Reconstruction Co. Ltd 1., ignoring the fact that the implications of

decision of Hon'ble High Court on merits are not limited to collection of demand.

2. Whether on the fact and circumstances of the case and in law, the Ld.CIT(A) has erred in holding that no orders referred to in prayer clause (a) of the petition for Assessment Years 2013-14, can be sustained ignoring the fact that resolution plan is applicable to debt recovery proceedings only not to the proceedings which may have implication other than recovery of debt from the corporate debtor including criminal proceedings against other persons including the former management and also there is no provision in the Income Tax Act, which enables to quash the orders passed and delete the demand raised after the resolution plan approved by the Hon'ble NCLT."

2. At the outset, the Ld.DR submitted that the appeal filed electronically by the Revenue against the same impugned order of the Ld.CIT(A) having ITA No. 3615/Mum/2024 has already been heard on 03-09-2024 and the physical set of the same appeal had been inadvertently registered at ITA No. 3710/Mum/2024 i.e., the present appeal and, therefore, the same is being duplicate in nature, might be dismissed as withdrawn being infructuous.

3. In the result, the appeal of the Revenue is dismissed as withdrawn.

Order pronounced in the open court on 13th September, 2024

Sd/-
(MS. KAVITHA RAJAGOPAL)
JUDICIAL MEMBER

Sd/-
(OM PRAKASH KANT)
ACCOUNTANT MEMBER

Mumbai,

Date : 13-09-2024

TNMM

Copy to :

- 1) The Appellant
- 2) The Respondent
- 3) The CIT concerned
- 4) The D.R, "D" Bench, Mumbai
- 5) Guard file

By Order

Dy./Asst. Registrar
I.T.A.T, Mumbai