

**SIN THE INCOME TAX APPELLATE TRIBUNAL
"E" BENCH, MUMBAI**

**SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER**

**ITA No. 3408/MUM/2024
(Assessment Year: 2013-14)**

**Triumvirate Sons Enterprises Private Limited,
5002. Plot No. 91/94, Prabhat Colony,
Santacruz, Mumbai – 400055.
[PAN: AAFCA6654R]**

..... **Appellant**

Vs

**Deputy Commissioner of Income Tax,
Circle 14(1)(2),
Room No. 455, 4th floor, Aayakar Bhavan,
New Marine Lines, Mumbai- 400020.**

..... **Respondent**

Appearance

For the Appellant : Shri Jitendra Sanghavi
Shri Amit Khatiwala

For the Department : Shri P.D. Chougule

Date

Conclusion of hearing : 10.09.2024
Pronouncement of order : 13.09.2024

ORDER

Per Rahul Chaudhary, Judicial Member:

1. By way of the present appeal the Assessee has challenged the order, dated 19/03/2024, passed by the National Faceless Appeal Centre (NFAC), Delhi, [hereinafter referred to as the '**CIT(A)**'], whereby the Ld. CIT(A) had dismissed the appeal of the Assessee against the Penalty Order, dated 30/08/2016, passed under Section 271(1)(c) of the Income Tax Act, 1961 (hereinafter referred to as 'the **Act**').
2. When the appeal was taken up for hearing, the learned Authorised Representative for the Appellant being represented through Insolvency Resolution Professional, Shri Rathin Majmudar, moved

an application, dated 09/09/2024, seeking withdrawal of the Appeal. Along with the aforesaid application a copy of order, dated 20/10/2023, passed by the National Company Law Tribunal- Mumbai Bench, Court- V in CP(IB) / 120(M B) / 2023 has also been placed on record which shows that Application under Section 9 of the Insolvency and Bankruptcy Code, 2016 filed by operational creditor (i.e. Global Wind Infrastructure and Services Private Limited) has been admitted and Shri Rathin Majmudar has been appointed as Interim Resolution Professional. In the application it has been stated as under:

"This is regarding the appeal made by Resolution Professional for Assessment Year 2013-14 against demand of Rs. 5,85,740/-. This is to inform that the appeal was made due to inadvertent error by us.

This is to bring to your kind note that the Corporate Debtor i.e. M/s Triumvirate Sons Enterprises Private Limited is in CIRP since 20th October 2023 and hence it is in moratorium under section 14 of Insolvency and Bankruptcy Code 2016.

In view of the above we consider our appeal filed for Assessment Year 2013-14 as withdrawn and request for no action in this regard."

3. In view of the above, the present Appeal is dismissed as withdrawn.

Order pronounced on 13.09.2023.

Sd/-
(Prashant Maharishi)
Accountant Member

Sd/-
(Rahul Chaudhary)
Judicial Member

मुंबई Mumbai; दिनांक Dated : 13.09.2023

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त/ The CIT
4. प्रधान आयकर आयुक्त / Pr.CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार /(Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai