

IN THE INCOME TAX APPELLATE TRIBUNAL
Mumbai "D" Bench, Mumbai.

Before Shri Narendra Kumar Choudhry (JM)
& Shri Omkareshwar Chidara (AM)

I.T.A. No. 3327/Mum/2024 (A.Y. 2017-18)

I.T.A. No. 3330/Mum/2024 (A.Y. 2016-17)

Mohota Industries Limited Ram Mandir Ward Maharashtra 442 301.	Vs.	THE CIT(A) Mumbai.
PAN : AAAC4122H		
(Appellant)		(Respondent)

Assessee by	None
Department by	Smt. Sanyogita Nagpal
Date of Hearing	08.10.2024
Date of Pronouncement	30.10.2024

O R D E R

Per Omkareshwar Chidara (AM) :-

In this case, the appeals were filed before the ITAT by Mr. Govind Gopaldas Rathi, Director of Mohota Industries Limited on 26.6.2024. The cases were posted for hearing on 8.12.2024 and on this date of hearing, no one appeared for the appellant company. The Department is represented by Smt. Sanyogita Nagpal (CIT DR).

2. During the hearing before the ITAT, Ld. CIT DR has pointed out that the Hon'ble National Company Law Tribunal (NCLT) has already passed an order in this case of M/s. Mohota Industries Limited on 19.5.2023 in favour of the Resolution applicant M/s. Shrinivas Spintex Industries Pvt. Limited, as the Resolution Applicant's extensive experience in this field is more than eight years. The details of liquidation value of the corporate applicant, constitution of Committee of Creditors, treatment of secured and unsecured financial creditors etc. were extensively dealt with in the order of Hon'ble NCLT Court-V, Mumbai

Bench in I.A. No. 1496 of 2023 in CP (IB) No. 66 of 2020. The Hon'ble NCLT order was passed by Hon'ble Shri Kuldip Kumar Kareer, Member (Judicial) and Hon'ble Smt. Anuradha Sanjay Bhatia, Member (Technical). As the order was already passed by Hon'ble NCLT on the date of appeal in favour of M/s. Shrinivas Spintex Industries Pvt. Limited, the present appeal has to be filed by that Resolution applicant only and not by the Director of Mohota Industries Limited. M/s. Mohota Industries Ltd. has become functus officio on the date of filing of the appeal before the ITAT. Hence, the appeal filed by the director of Mohota Industries Ltd. is dismissed as they are no more authorised to file these appeals.

3. The appeals, are dismissed as non-maintainable and liberty is given to the new management to file an appeal, if they are interested, after following due process of law.

4. Both the appeals are dismissed.

Order pronounced in the open court on 30th October, 2024.

Sd/-
(Narender Kumar Choudhry)
Judicial Member

Sd/-
(Omkareshwar Chidara)
Accountant Member

Mumbai : 30.10.2024

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai.
6. Guard File.

//True Copy//

BY ORDER,

(Assistant Registrar)
ITAT, Mumbai

PS