

**IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH : BANGALORE**

BEFORE SHRI PRASHANT MAHARISHI, VICE PRESIDENT
AND SHRI KESHAV DUBEY, JUDICIAL MEMBER

ITA No.507/Bang/2023
Assessment year : 2013-14

The Income Tax Officer, Ward 1, Ballari.	Vs.	M/s. Sai Krishna Minerals Pvt. Ltd., Near Venu Gopal Temple, 3 rd Cross, Patel Nagar, Hospet – 583 201. PAN : AAICS 2188 L
APPELLANT		RESPONDENT

Appellant by	:	Ms. Neera Malhotra, CIT(DR)(ITAT), Bengaluru.
Respondent by	:	Shri T. Srinivas, CA

Date of hearing	:	14.11.2024
Date of Pronouncement	:	29.11.2024

ORDER

Per Prashant Maharishi, Vice President

1. This appeal is filed by the ITO, Ward 1, Bellary (the assessee/appellant) for the assessment year 2013-14 against the appellate order passed by the National Faceless Appeal Centre, Delhi (NFAC) [Id. CIT(A)] dated 26.05.2023 wherein the appeal filed by assessee against the assessment order dated 23.3.2016 passed u/s. 143(3) of the Income-tax Act, 1961 (the Act) by the ACIT, Circle 1, Bellary (Id. AO) was partly allowed. Therefore, the Id. AO is aggrieved and the only ground is that the Id. CIT(A) did not uphold the order of the Id. AO that in the year of receipt of unaccounted E-auction sale, the loss was allowed. Even otherwise, it was stated to be penal in nature.
2. The brief facts show that assessee is a private limited company which is engaged in the business of trading in iron ore and other, filed its return of income on 30.9.2013 at a total income of NIL. The assessment was

completed u/s. 143(3) of the Act determining total income of assessee at Rs.5,04,99,438 against which appeal was preferred and allowed. Therefore, the AO is in appeal.

3. At the time of hearing, it has been brought to our notice by letter dated 14.10.2024 that the impugned assessee is undergoing Insolvency proceedings under Insolvency and Bankruptcy Code, 2016 (IBC) wherein the order is passed on 04.9.2024 wherein Interim Resolution Professional (IRP), Mr. Hari Babu Thota having registered address at # 41/1, 2nd Floor, 11th Cross, 8th Main, 2nd Block, Jayanagar, Bengaluru – 560011 is appointed and further as per para 9, moratorium is declared in terms of section 14 of the IBC.
4. In view of the provisions of section 14 of the IBC, 2016, no suits can continue against the corporate debtor, M/s. Sai Krishna Minerals Pvt. Ltd.
5. Therefore, we dismiss the appeal of revenue with liberty granted to the revenue that as soon as moratorium period is over, if the ld. AO wishes to continue with this appeal, necessary application for recall of this order may be made, which shall be dealt with in accordance with law.
6. In view of the above facts, the appeal filed by the ld. AO is dismissed.

Pronounced in the open court on this 29th day of November, 2024.

Sd/-

(KESHAV DUBEY)
JUDICIAL MEMBER

Sd/-

(PRASHANT MAHARISHI)
VICE PRESIDENT

Bangalore,
Dated, the 29th November, 2024.

/Desai S Murthy /

Copy to:

1. Appellant
2. Respondent
3. Pr. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.

By order

Assistant Registrar
ITAT, Bangalore.