

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: CHENNAI

सुश्री पदमावती यस, लेखक सदस्य एवं श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष
BEFORE MS. PADMAVATHY.S, ACCOUNTANT MEMBER AND
SHRI MANU KUMAR GIRI, JUDICIAL MEMBER

आयकर अपील सं./ITA No.2632/Chny/2025
निर्धारण वर्ष /Assessment Year: 2010-11

The Asst. Commissioner of Income
Tax,
Corporate Circle-1(1),
Chennai.

Vs. Easun Reyrolle Ltd.,
672, Temple Tower, Anna Salai,
Nandanam,
Chennai – 600 035.
PAN: AAACE 2032P

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Assessee by
प्रत्यर्थी की ओर से /Revenue by

: Mr. A.G. Sathyanarayanan, Advocate
: Mr. Shiva Srinivas, CIT

सुनवाई की तारीख/Date of Hearing

: 21.01.2026

घोषणा की तारीख /Date of Pronouncement

: 28.01.2026

आदेश / ORDER

PER PADMAVATHY.S, A.M:

This appeal by the revenue is against the order of the Commissioner of Income Tax / National Faceless Appeal Centre (NFAC), Delhi, (in short "CIT(A)") passed u/s. 250 of the Income Tax Act, 1961 (in short "the Act") dated 14.07.2025 for Assessment Year (AY) 2010-11.

2. The assessee filed a memo submitting that a liquidation order dated 17.02.2022 has been passed by the Hon'ble National Company Law Tribunal (NCLT) and that the same has been duly communicated to the revenue on 10.03.2022. The assessee further submits that the revenue submitted a claim with regard to the pending proceedings amounting to Rs.38,32,03,185/- on

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18.03.2022 and the same was admitted vide communication dated 06.05.2022 as a statutory / Government due. The assessee also submits that the revenue is very much in knowledge of the liquidation through various communications stated herein above and that the pending dues have also been admitted. Accordingly, it is submitted that the impugned order passed by the CIT(A) on 14.07.2025 is not valid and therefore the present appeal arising there from does not survive.

3. We heard the parties and perused the material on record. From the perusal of submissions made by the assessee and the documents submitted we notice that the claims made by the assessee in the above submissions are well substantiated. Further the Id DR fairly conceded the same during the course of hearing. In our considered view once the liquidation order is passed, section 33(5) of the Insolvency and Bankruptcy Code 2016, specifically mandates that no suit or other legal proceedings shall be instituted by or against the corporate debtor (the assessee here) subject to certain conditions specified therein. Therefore we are of the considered view that the order of CIT(A) passed on 14.07.2025 after the liquidation in the name of the assessee is void and non-enforceable in the eyes of law. Accordingly the present appeal of the revenue arising out of a non-est appellate order is liable to be dismissed.

4. In result the appeal of the revenue is dismissed.

Order pronounced on 28th day of January, 2026 at Chennai.

Sd/-
(मनु कुमार गिरि)
(Manu Kumar Giri)

न्यायिक सदस्य / Judicial Member

Sd/-
(पद्मवती यश)
(Padmavathy.S)

लेखा सदस्य / Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 28th January, 2026.

EDN, Sr. P.S

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आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF