

IN THE INCOME TAX APPELLATE TRIBUNAL

DELHI BENCH: 'A', NEW DELHI

BEFORE SHRI SUDHIR KUMAR, JUDICIAL MEMBER

AND

MS. RENU JAUHRI, ACCOUNTANT MEMBER

ITA NO. 3570/DEL/2023

A.YR. : 2017-18

RAMAN GUPTA, 138-139, MAIN ROAD, GHAZIPUR, DELHI – 110 096 (PAN: ABAPG1217G)	Vs.	ACIT, JHANDEWALAN EXTENSION, NCC DIT(S) New Delhi – 110 055
(Appellant)		(Respondent)

ITA NO. 3758/DEL/2023

A.YR. : 2017-18

DCIT, CENTRAL CIRCLE, 244, 2 ND FLOOR, E-2 ARA CENTRE, JHANDEWALAN EXTENSION, New Delhi – 110 055	Vs.	RAMAN GUPTA, 138-139, MAIN ROAD, GHAZIPUR, DELHI – 110 096 (PAN: ABAPG1217G)
(Appellant)		(Respondent)

Assessee by	None
Department by	Shri Ajay Kumar Arora, Sr. DR.

Date of Hearing	29.1.2026
Date of Pronouncement	11.2.2026

ORDER

PER SUDHIR KUMAR, AM:

These are cross appeals filed by the Assessee as well as Revenue are directed against the order of the Ld. First Appellate Authority dated 13.10.2013 relevant to assessment year 2017-18.

2. None appeared on behalf of the assessee, despite issue of notice of hearing. However, on record, an email dated 28.1.2026 of the Assessee's A.R, Shri Pradeep Sharma, S.R. Dinodia & Co. LLP, Chartered Accountant has been placed wherein, it has been mentioned that due to non-cooperation of the assessee, the Ld. AR of the assessee wishes to withdraw from this case and requested to allow them to withdraw the Power of Attorney earlier filed in this case.

3. It is noted that proceedings under the Insolvency and Bankruptcy Code, 2016 (IBC) has been initiated against the assessee and a moratorium has been imposed by an order dated 13.05.2025 in the matter of National Asset Reconstruction Company Ltd. vs. Raman Gupta (assessee) in CP(IB)-337(PB)2021 & IA 890/2025 issued by the Hon'ble National Company Law Tribunal (NCLT), Principal Bench, New Delhi, under the IBC, a copy of which has been placed on record.

4. Ld. DR did not controvert the aforesaid factual matrix.

5. We have heard the Ld. DR and perused the records. We find that provisions contained under section 238 of "the Code" are having an overriding effect over all other Central and State statutes including Income Tax Act as held by Hon'ble Supreme Court in case of PCIT vs. Monnet Ispat and Energy Ltd. SLP (C) No. 6483 of 2018 order dated 10.8.2018 by returning following findings:-

"Given section 238 of the Insolvency and Bankruptcy Code, 2016, it is obvious that the Code will override anything inconsistent contained in any other enactment, including the Income Tax Act."

6. In this view of the matter, section 238 of the Code will have overriding effect over all other Central and State statutes including the Income Tax Act and all the claims including claim of the Income Tax Department under the Income Tax Act, 1961 shall be entertained by the Official Liquidator u/s. 53(1) of the

Code. In the background of the aforesaid factual matrix, the Appeal filed by the assessee as well as revenue have become infructuous and dismissed as such. However, the assessee and revenue both are at liberty to approach the Tribunal for reinstatement of their respective appeals and the Tribunal shall consider such applications appropriately, as per law.

7. In the result, for statistical purposes, both the appeals stands dismissed in the aforesaid manner.

The above decision was pronounced on 11-2-2026.

Sd/-

**(RENU JAUHRI)
ACCOUNTANT MEMBER**

Sd/-

**(SUDHIR KUMAR)
JUDICIAL MEMBER**

“SRBHATNAGGAR”

Date: 11-2-2026

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi