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CMP.No.19159 of 2021 in WA.SR.No.97607 of 2021

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R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

This petition is filed by the petitioner / appellant seeking to accept the cause title.

2.The National Company Law Tribunal, Mumbai Bench, Mumbai, in paragraph 29 of its order dated 23.03.2017, made in Transferred Company Scheme Petition Nos.251 and 350 of 2017 has observed as follows:-

"In view of the ratio decided in the case supra, this Bench hereby directs the transferee company and transferor company to protect the rights of the Income Tax Department to recover the dues in accordance with law irrespective of sanction of the scheme with a further direction that sanction of the scheme shall not defeat the right of the Income Tax Department to take appropriate recourse for recovering the existing or previous liability of the transferor company and the transferor company shall not raise any issue regarding maintainability of said proceeding in respect of the assets sought to be transferred under



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the scheme and the same shall be binding on the transferor and the transferee company. And this scheme will not affect the proceedings pending against the transferor company and the right of the income tax department to take out appropriate proceedings regarding recovery of any tax from the transferor or transferee company as the case may be and pending cases will not be affected by this scheme."

3.In view of the above, this petition is ordered as prayed for.

4.Registry is directed to carry out the necessary amendment in the case papers, with respect to the cause title.

[R.M.D., J.] [M.S.Q., J.]
24.11.2021

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