

OD-1 & 2

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCOME TAX)
ORIGINAL SIDE

ITA/20/2021
IA No; GA/2/2018 (OLD NO.GA/304/2018)
PRINCIPAL COMMISSIONER OF INCOME TAX - 4, KOLKATA
VS.
M/S. TANTIA CONSTRUCTION LTD.

ITA/21/2021
IA No; GA/2/2018 (OLD NO.GA/330/2018)
PRINCIPAL COMMISSIONER OF INCOME TAX, KOLKATA - 4, KOLKATA
VS.
M/S. TANTIA CONSTRUCTION LTD.

BEFORE:

The Hon'ble JUSTICE T.S. SIVAGNANAM

-And-

The Hon'ble JUSTICE HIRANMAY BHATTACHARYYA

Date : 30th June, 2022.

Appearance:

Mr. Samarjit Roychowdhury, Adv.

..for appellant (In ITA 20 OF 2021)

Mr. Tilak Mitra, Adv.

....for appellant (In ITA 21 OF 2021)

Mr. Somak Basu, Adv.

...for respondent.

The Court : The learned Advocate appearing for the respondent submits that the application filed by the Financial Creditor Under Section 7 of the Insolvency And Bankruptcy Code, 2016 (for short, IBC) before the National Company Law Tribunal, Kolkata was admitted for initiating the Corporate Resolution Process in respect of the assessee company. The NCLT by an order dated March 13, 2019 declared moratorium for the purposes referred to in Section 14 of the IBC.

In view thereof since the moratorium has already been declared the instant appeal becomes infructuous and the same stands accordingly dismissed without, however, any order as to costs.

The substantial questions of law raised in the instant appeal in respect of these appeals are left open.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)