

OD-4

ITAT/87/2014
IA No.GA/2/2014 (Old No.GA/1939/2014)

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Income Tax)
ORIGINAL SIDE

COMMISSIONER OF INCOME TAX,
KOLKATA-IV,

-Versus-

M/S. SIMPLEX PROJUECTS LTD.

Appearance:
Mr. Soumen Bhattacharyya, Adv.
...for the appellant.

Ms. Nilanjana Banerjee Pal, Adv.
...for the respondent.

BEFORE:

The Hon'ble JUSTICE T.S. SIVAGNANAM

-And-

The Hon'ble JUSTICE HIRANMAY BHATTACHARYYA

Date : 13th June, 2022.

The Court : We have heard Mr. Soumen Bhattacharyya, learned standing counsel for the appellant and Ms. Nilanjana Banerjee Pal, learned Advocate for the respondent/assessee.

The learned Advocate appearing for the respondent submitted that a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 has been filed by the State Bank of India, the financial creditor against the respondent/assessee in IVN.P/2(KB)2022 and order has been passed on 27th April, 2022 by the National Company Law Tribunal, Kolkata Bench admitting the application and ordering that there shall be a moratorium under

Section 14 of the Code. Further, in terms of Section 238 of the Code, the provisions of this Code will have an overriding effect over the orders passed by the tribunal.

In such circumstances, the revenue cannot pursue this appeal. For such reasons, the appeal stands dismissed. Consequently, the question of law suggested, is left open.

With the dismissal of the appeal, the connected application for stay (IA No.GA/2/2014) also stands closed.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)