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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Decision delivered on: 24.08.2023

+ **ITA 483/2023 & CM Nos.43607-08/2023**

PRINCIPAL COMMISSIONER OF INCOME TAX,
CENTRAL-3, DELHI

..... Appellant

Through: Mr Abhishek Maratha, Sr Standing Counsel
with Mr Akshat Singh, Standing Counsel.

versus

SUNAR JEWELS PVT LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):

CM No.43607/2023 [Application filed on behalf of the appellant seeking
condonation of delay of 12 days in filing the appeal]

CM No.43608/2023 [Application filed on behalf of the appellant seeking
condonation of delay of 43 days in re-filing the appeal]

1. These are the applications moved, on behalf of the appellant/revenue, seeking condonation of delay in filing and re-filing the appeal.
2. According to the appellant/revenue, there is a delay of 12 days in filing and 43 days in re-filing the appeal.
3. For the reasons given in the applications, we are inclined to condone



the delay. It is ordered accordingly.

4. The applications are, accordingly, disposed of.

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5. This appeal is directed against the order dated 12.10.2022 passed by the Income Tax Appellate Tribunal [in short, “Tribunal”].

7. This appeal concerns Assessment Year (AY) 2011-12.

8. The appellant/revenue is aggrieved by the fact that the Tribunal has closed its appeal on the ground that the respondent/assessee is being proceeded against before the National Company Law Tribunal [in short, “NCLT”].

9. Mr Abhishek Maratha, learned senior standing counsel, who appears on behalf of the appellant/revenue, does not dispute the fact that a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 [in short, “Code”] has been filed in the matter of ***Reliance Commercial Finance Ltd. v. Sunar Jewels Pvt. Ltd.***, C.P. No. IB 1444 PB (2018).

9.1 Mr Maratha also concedes that a moratorium has been declared by the NCLT under Section 14 of the Code *via* an order dated 25.04.2019.

9.2 It is not disputed that the moratorium continues to operate up until today.

10. Given this position, we are of the view that no interference is called for with the impugned order in view of the liberty granted by the Tribunal to seek revival of the appeal after the moratorium is lifted, albeit, in accordance with the law.

11. According to us, no substantial question of law arises for consideration by this court.



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12. The instant appeal is, accordingly closed in terms of the liberty granted by the Tribunal *via* the impugned order.

RAJIV SHAKDHER, J

GIRISH KATHPALIA, J

AUGUST 24, 2023

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Signature Not Verified

Digitally Signed By: TARUN
RANA

Signing Date: 25/09/2023
12:29:41

W.P.(C)

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