IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

T.C.A.Nos. 894 of 2010, 695, 696 & 71 of 2013
and
M.P.No.1 of 2013

T.C.A.No.894 of 2010

Commissioner of Income Tax,
Chennai .. Appellant

vs

M/s. SICAL Logistics Ltd.,
(Formerly M/s.South India Corporation (Agencies) Ltd),
73, Armenian Street, Chennai 600 001. .. Respondent

T.C.A.Nos.695 & 696 of 2013

The Commissioner of Income Tax,
Chennai. .. Appellant

vs

M/s. Sical Logistics Limited
73, Armenian Street,
Chennai – 600 001. .. Respondent

T.C.A.NO.71 of 2013

M/s. Sical Logistics Limited,

73-A, Armenian Street,
Chennai – 600 001
PAN AAACS 3789 B .. Appellant

vs

The Assistant Commissioner of Income Tax
Company Circle V(1),
Chennai. .. Respondent

Prayer in T.C.A.No.894 of 2006: Appeal filed under Section 260A of the Income Tax Act, 1961 against order of the Income Tax Appellate Tribunal, Madras 'C' Bench, dated 27.11.09 in I.T.A.No.1280/Mds/2006.

Prayer in T.C.A.No.695 of 2013: Appeal filed under Section 260A of the Income Tax Act, 1961 against order of the Income Tax Appellate Tribunal, Madras 'C' Bench, dated 18.10.2010 in I.T.A.No.534/Mds/2009.

Prayer in T.C.A.No.696 of 2013: Appeal filed under Section 260A of the Income Tax Act, 1961 against order of the Income Tax Appellate Tribunal, Madras 'C' Bench, dated 18.10.2010 in I.T.A.No.1626/Mds/2009.

Prayer in T.C.A.No.71 of 2013: Appeal filed under Section 260A of the Income Tax Act, 1961 against order of the Income Tax Appellate Tribunal, Chennai 'A' Bench, dated 08.05.2012 in I.T.A.No.391/Mds/2012.

Case Number	For Appellant	For Respondent
T.C.A.No.894 of 2010	Mr.T.Ravikumar Senior Standing Counsel	Mr.R.Venkata Narayanan for M/s.Subbaraya Aiyar Padmanabhan Ramamani
T.C.A.Nos. 695 & 696 of 2013	Mr.T.Ravikumar Senior Standing Counsel	Mr.R.Venkata Narayanan
T.C.A.No.71 of 2013	Mr.R.Sivaraman	Mr.T.Ravi Kumar Senior Standing Counsel

COMMON JUDGMENT
(Delivered by Dr. ANITA SUMANTH.,J)

Heard Mr.Ravikumar, learned Senior Standing Counsel, who appears for the Income Tax Department in all these matters and Mr.R.Venkata Narayanan, learned counsel for the respondent in some of the matters.

2. Learned counsel for the petitioner reports no instructions. The assessee / M/s.Sical Logistics Limited has undergone Corporate Insolvency Resolution Process in IA(IBC)/102(CHE)/2022 in IBA/73/2020 and has been wound up by order passed by the National Company Law Tribunal, Chennai dated 08.12.2022. The operative portion of order dated 08.12.2022 is as follows:-

> *"28. Subject to the observations made in this Order, the Resolution Plan in question is hereby APPROVED by this Adjudicating Authority. The Resolution Plan shall form part of this Order. The Resolution Plan is binding on the Corporate Debtor and other stakeholders involved so that the revival of the Debtor Company shall come into force with immediate effect. The Moratorium imposed under Section 14 shall cease to have effect from the date of this Order."*

3.Mr.Ravikumar, circulates two claims in Form B (proof of claim by operational creditors except workmen and employees both dated 30.09.2022). He is unaware whether the demand under the present tax case appeals would stand subsumed in those two claims.

4.However and since neither parties can throw any more light on this aspect of the matter, these Tax Case Appeals are closed returning the substantial questions of law unanswered. The parties are at liberty to work out their claims qua the resolution plan formulated and should there be any necessity, to revive the tax case (appeal), such liberty is granted to the parties. No costs.

[A.S.M., J] [G.A.M., J]
14.11.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
vs

To

The Assistant Commissioner of Income Tax
Company Circle V(1),
Chennai.

DR. ANITA SUMANTH.,J.
and
G. ARUL MURUGAN.,J.

vs

T.C.A.Nos. 894 of 2010, 695, 696 & 71 of 2013

14.11.2024