IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM

THE HON'BLE DR. JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR. JUSTICEC. KUMARAPPAN

T.C.A. No. 365 of 2013

The Commissioner of Income Tax,
Chennai. ..Appellant

Vs.

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

Prayer: Tax Case Appeal against the order of Income Tax Appellate Tribunal, Madras "A" Bench, Chennai dated 14.10.2010 passed in ITA 1599/Mds/2009.

For Appellant	::	Mr. T. Ravikumar Sr. Standing Counsel
For Respondent	::	Mr.A.S. Sriraman

JUDGMENT

(Delivered by DR. ANITA SUMANTH,J.)

Heard Mr.T. Ravikumar, learned Senior Standing counsel for the appellant and Mr.A.S.Sriraman, learned counsel for the respondent.

2. It is submitted that the company has been wound up and paragraph No.2 of the judgment dated 14.11.2024 in T.C.A. Nos. 894 of 2010, 695, 696 & 71 of 201is extracted hereunder:

> *"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.T. Ravikumar states that he has been unable to, despite his best efforts, obtain information on whether any claims have been filed to cover the demand under the present tax case (appeal).

4. In such circumstances, it would suffice to refer to the judgment in the case of *Ghanshyam Mishra and Sons Private Limited V. Edelweiss Asset Reconstruction Company Limited (*(2021) 9 SCC 657), the ratio of which would be applicable in full to the present case.

5. If no claims have been made by the appellant, as per the dictum in the aforesaid case, the matter stands concluded at this stage.

6. This tax case (appeal) is closed returning the substantial questions of law unanswered. No costs.

(A.S.M.J.) (C.K.J.)
07.04.2025

Index: Yes/No
Speaking Order/~~Non-Speaking Order~~
Neutral Citation: Yes/No

nv

To

The Commissioner of Income Tax,
Chennai.

DR. ANITA SUMANTH,J.

And

C. KUMARAPPAN,J.

nv

T.C.A. No. 365 of 2013

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