IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SHAMIM AHMED

Tax Case Appeal Nos. 629 of 2011 & 220 of 2014

TCA No.629 of 2011

Commissioner of Income Tax-I
Chennai

..Appellant

Vs

M/s Abhayam Trading Limited
Gokul Aracades
1st Floor 2 Sardar Patel Road,
Chennai-20

Cause Title Changed as M/s.Abhayam Trading Limited instead of M/s.Apple Credit Corporation Ltd, Vide Order of Court dated 18/11/2022, Made in CMP.No.19752/2022 in TCA.No.629/2011 (SVNJ & CSNJ))

..Respondent

TCA No. 220 of 2014

The Commissioner of Income Tax
Chennai

..Appellant

Vs

M/s.Apple Credit Corporation Ltd,
No. 2 Gokul Arcade Sardar Patel Road,
Adyar, Chennai- 20

..Respondent

PRAYER in TCA No.629 of 2011: Tax Case (Appeal) is filed under Section 260A of the Income-Tax Act, 1961, against the order of the Income Tax

Appellate Tribunal, Chennai "D" Bench, dated 23.06.2011 in ITA No.954/Mds/2011 for the Assessment Year 2006-07.

PRAYER in TCA No.220 of 2014: Tax Case (Appeal) is filed under Section 260A of the Income-Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Chennai "C" Bench, dated 21.09.2011 in ITA No.1385/Mds/2011 for the Assessment Year 2008-09.

For Appellant: Mr.T.Ravi Kumar
Senior Standing Counsel (In Both Cases)

For Respondent: No Appearance (In Both Cases)

COMMON JUDGMENT

(Judgment of the Court was delivered by Dr.G.Jayachandran J.)

These Tax Case Appeals have been filed by the Revenue Department against M/s.Apple Credit Corporation Limited, challenging the order passed by the Income Tax Appellate Tribunal (ITAT). During the pendency of these appeals, the respondent company was renamed as M/s.Abhayam Trading Limited and subsequently went into liquidation under Section 54(1) of the Insolvency and Bankruptcy Code (IBC). As a result, the Department, having a statutory claim against the assessee, ought to have approached the IBC as an operational/statutory creditor to make its claim. If any such claim had been made, it would have been dealt with in accordance with the dictum laid down by the Hon'ble Supreme Court in ***Ghanshyam Mishra and Sons Private Limited v. Edelweiss Asset Reconstruction Company Limited*** reported in

(2021) 9 SCC 657

2. In view of the above legal position, we find that T.C.A.Nos. 629 of 2011 and 220 of 2014, preferred by the Revenue Department, are liable to be dismissed. This dismissal is without prejudice to the right of the Department to pursue its claims in accordance with the law**.** Accordingly, these Tax Case Appeals are dismissed. No costs.

(G.J.,J.) (S.S.A.,J.)
24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

rpl

DR.G.JAYACHANDRAN J.
and
SHAMIM AHMED J.

rpl

Tax Case Appeal Nos. 629 of 2011 & 220 of 2014

24-03-2026