

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH, COURT-I**

IA. No. 863/2021

In

MA No. 1721/2019

In

CP(IB)No. 1371 & 1372/2017

**Application filed under section 60(5) of the
Insolvency and Bankruptcy Code, 2016**

Ruchi Soya Industries Limited

...Applicant

V/s

**Assistant Commissioner of Income Tax
Central Circle 7 (2) & ANR**

In the matter of

Shailendra Ajmera

Resolution Professional

...Applicant

In the matter of

Standard Chartered Bank

And

DBS Bank Limited

...Financial

Creditor/ Applicants

Versus

Ruchi Soya Industries Limited

...Corporate Debtor

Order Pronounced on :- 27.06.2022

Coram:

Hon'ble Member (Judicial) : Justice P.N. Deshmukh (Retd.)

Hon'ble Member (Technical) : Mr. K.K. Vohra

Appearances (through video conferencing)

For the Applicant : Mr. J.P.Sen, Ld. Sr. Adv
For the Resolution Applicant : Mr. P.A. Narayanan, Adv

ORDER

Per: K.K. Vohra, Member Technical

1) This is an Application filed by the Applicant seeking the following reliefs:

- a) *That this Hon'ble Tribunal be pleased to quash and/or set aside the Notice dated 31st March 2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2020-21/1032033441(1) relating to the Assessment Year 2013 – 14 [Exhibit "A" hereto] and direct the Respondents and / or any other officer / department / authority / person acting through or under them, to not initiate any proceedings / raise any demand / claims for any amount (including interest) in relation to / furtherance of the aforementioned Impugned Notice;*
- b) *That this Hon'ble Tribunal be pleased to restrain the Respondents and / or any other officer / department / authority / person acting through or under them, from issuing any Notice(s) under Section 148 or any other notices under any other Section of the Income Tax Act, 1961 which relate to a period prior to the date of approval of the Resolution Plan i.e. 9th December 2019;*
- c) *That pending the hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased to quash and / or set aside or in the alternative to stay the effect, operation and implementation of the Notice dated 31st March 2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2020-21/1032033441(1) relating to the Assessment Year 2013 – 14 [Exhibit "A" hereto];*
- d) *That pending the hearing and final disposal of the present Application, this*

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Hon'ble Tribunal be pleased to direct the Respondents and / or any other officer / department / authority / person acting through or under them, to not take any steps, coercive or otherwise, including but not limited to commencing with, continuing or finalising any assessment / reassessment proceeding(s), demanding on assessment / reassessment, demanding filing of any returns, attaching any accounts / assets of the Applicant and / or to recover any liability / dues, in furtherance of the Notice dated 31st March 2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2020-21/1032033441(1) relating to the Assessment Year 2013 – 14 [Exhibit "A" hereto];

- e) That pending the hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased to restrain the Respondents and / or any other officer / department / authority / person acting through or under them, from issuing any notices under Section 148 or any other notices under any other Section of the Income Tax Act, 1961 which relate to a period prior to the date of approval of the Resolution Plan i.e. 9th December 2019;*
- f) For ad interim / interim reliefs in terms of prayer clauses (c) to (e) above;*
- g) For costs; and*
- h) Any other reliefs that this Hon'ble Tribunal may deem appropriate*

2) The facts leading to the present Application are as follows:

- i. The Corporate Insolvency Resolution Process ['CIRP'] was initiated by an order of this Bench dated 8th December 2017 read with 15th December 2017. Pursuant thereto, a public notice dated 21.12.2017 for inviting claims was issued by the then Interim Resolution Professional (IRP) (who later became

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the Resolution Professional [RP]) and the last date for submission of claims as per the public notice was 29.12.2017.

ii. In response to the same, the Deputy Commissioner of Income Tax, Central Circle – 7(2) submitted the proof of claim on 11.01.2019 *inter alia* claiming the following amounts on the basis of their respective Demand Notices issued under Section 156 of the IT Act:

Sr. No.	Assessment Year	Demand Raised (in Rupees Crores)
1.	2011 – 2012	143.97
2.	2012 – 2013	201.19
3.	2015 – 2016	5.21
Total		350.37

iii. Pertinently, except the aforementioned assessment years, no other claim(s) were filed in respect of any other assessment year(s) by either Respondent No.1 and / or any other officer.

iv. Although the Claim Form was belatedly submitted, the RP verified the single and composite claim submitted and valued the entire claim of Rs.350,37,81,583/- submitted by the Deputy Commissioner of Income Tax, Central Circle – 7(2) at a notional amount of Re.1/- on account of the authority not being a creditor in the books of the Applicant and / or the same being disputed.

- v. It is to be noted that no grievance has ever been raised by the Deputy Commissioner of Income Tax, Central Circle – 7(2) in respect of the verification carried out by the RP and uploaded on the website of the Applicant by the RP on 19.02.2019 and thereafter updated from time to time on 14.03.2019, 10.04.2019, 22.04.2019 and 26.04.2019.
- vi. On the basis of the claims verified by the RP, the total verified amount in respect of the Statutory Dues (Claims by Government Authorities) was a sum of Rs.44.96 crores. This included the consolidated claim filed by the Deputy Commissioner of Income Tax, Central Circle – 7(2) which the RP had valued at Re.1/-.
- vii. On the basis *inter alia* of the information provided by the RP, list of Creditors of the Applicant, the consortium of Patanjali Ayurved Limited, Divya Yog Mandir Trust (through its business undertaking, Divya Pharmacy), Patanjali Parivahan Pvt. Ltd. and Patanjali Gramudhyog Nyas [**"Patanjali Consortium"**] submitted its Resolution Plan on 26th April 2019. Against the verified amount of Rs.44,96,37,777/- the Patanjali Consortium proposed payment of a sum of Rs.25 crores. The claims submitted by the Deputy Commissioner of Income Tax, Central Circle – 7(2), which had been verified by the RP at Re.1/- was duly incorporated under Schedule 4 of the Resolution Plan submitted for approval.

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viii. In the e-voting concluded on 30th April 2019, the then Committee of Creditors of the Applicant, approved the Resolution Plan with a majority of 96.95%. Thereafter, the Resolution Plan submitted by the Patanjali Consortium was approved by the Hon'ble National Company Law Tribunal vide its Order dated 24th July 2019 read with Order dated 4th September 2019. The DBS Bank Ltd., Singapore challenged the Orders dated 24th July 2019 and 4th September 2019 vide Company Appeal (AT) (Insolvency) No.1068 of 2019. By and under the Order dated 9th December 2019, the Hon'ble National Company Law Appellate Tribunal, New Delhi was pleased to dismiss the Appeal. Accordingly, the Orders dated 24th July 2019 and 4th September 2019 attained finality on 9th December 2019.

ix. In terms of the approval of the Resolution Plan, the Patanjali Consortium has paid the entire sum as contemplated therein and taken over the Applicant as of 18th December 2019. The Orders passed by this Hon'ble Tribunal have never been challenged by Respondent No.1 and / or any other officer from its department. Accordingly, it is not in dispute that the Orders have attained finality and are binding on Respondent No.1.

x. Applicant submits that the Impugned Notices are in respect of initiation of proceedings by the Respondent Department related to a period which is prior to the date of the approval of the Resolution Plan. Thus, on approval

of the Resolution Plan, all claims prior to the date of approval stand extinguished i.e. all claims that had been filed shall stand extinguished in the manner in which they had been dealt with in the Resolution Plan and the claims which had not been filed cannot be agitated after the approval of the Resolution Plan. The same is also reinforced by the provisions of Sections 31 and 32A read with Section 238 of the Code.

- 3) The Applicant has drawn our attention to the order of the Hon'ble Supreme Court of India in the matter of *Ghanshyam Mishra & Ors. v. Edelweiss Asset Reconstruction Company* [Civil Appeal No.8129 of 2019], the Hon'ble Supreme Court held as under:

'95. In the result, we answer the questions framed by us as under:

(i) That once a resolution plan is duly approved by the Adjudicating Authority under sub-section (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the Corporate Debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the Adjudicating Authority, all such claims, which are not a part of resolution plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan;

(ii) 2019 amendment to Section 31 of the I&B Code is clarificatory and

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declaratory in nature and therefore will be effective from the date on which I&B Code has come into effect;

(iii) Consequently, all the dues including the statutory dues owed to the Central Government, any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the Adjudicating Authority grants its approval under Section 31 could be continued.'

4) Having considered the submissions as advanced aforesaid by the Applicant and in view of the Judgment of the Hon'ble Supreme Court in the case cited (supra), we do not find any substance in the Notices issued by the Respondent, Income Tax Dept. Hence, we are of the considered view that the Application is liable to be allowed, by setting aside impugned Notice dated 31.03.2021 issued by Respondent No. 1. Application is **disposed of** in above terms.

Sd/-
K.K. VOHRA
MEMBER (TECHNICAL)

Sd/-
JUSTICE P.N. DESHMUKH
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH, COURT-I**

IA. No. 1273/2021

In

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In

CP(IB)No. 1371 & 1372/2017

**Application filed under section 60(5) of the
Insolvency and Bankruptcy Code, 2016**

Ruchi Soya Industries Limited

...Applicant

V/s

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In the matter of

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Coram:

Hon'ble Member (Judicial) : Justice P.N. Deshmukh (Retd.)

Hon'ble Member (Technical) : Mr. K.K. Vohra

Appearances (through video conferencing)

For the Applicant : Mr. J.P.Sen, Ld. Sr. Adv
For the Resolution Applicant : Mr. P.A. Narayanan, Adv

ORDER

Per: K.K. Vohra, Member Technical

- 1) This is an Application filed by the Applicant seeking the following reliefs:
- a) *That this Hon'ble Tribunal be pleased to quash and/or set aside the Notice dated 1st June, 2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2021-22/1033214786(1) relating to the Assessment Year 2016 – 17 [Exhibit "A" hereto] and direct the Respondents and / or any other officer / department / authority / person acting through or under them, to not initiate any proceedings / raise any demand / claims for any amount (including interest) in relation to / furtherance of the aforementioned Impugned Notice;*
 - b) *That this Hon'ble Tribunal be pleased to restrain the Respondents and / or any other officer / department / authority / person acting through or under them, from issuing any Notice(s) under Section 148 or any other notices under any other Section of the Income Tax Act, 1961 which relate to a period prior to the date of approval of the Resolution Plan i.e. 9th December 2019;*
 - c) *That pending the hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased to quash and / or set aside or in the alternative to stay the effect, operation and implementation of the Notice dated 1st June, 2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2021-22/1033214786(1) relating to the Assessment Year 2016 – 17 [Exhibit "A" hereto];*
 - d) *That pending the hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased to direct the Respondents and / or any other officer / department / authority / person acting through or under them, to*

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not take any steps, coercive or otherwise, including but not limited to commencing with, continuing or finalising any assessment / reassessment proceeding(s), demanding on assessment / reassessment, demanding filing of any returns, attaching any accounts / assets of the Applicant and / or to recover any liability / dues, in furtherance of the Notice dated 1st June, 2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2021-22/1033214786(1) relating to the Assessment Year 2016 – 17 [Exhibit “A” hereto];

- e) That pending the hearing and final disposal of the present Application, this Hon’ble Tribunal be pleased to restrain the Respondents and / or any other officer / department / authority / person acting through or under them, from issuing any notices under Section 148 or any other notices under any other Section of the Income Tax Act, 1961 which relate to a period prior to the date of approval of the Resolution Plan i.e. 9th December 2019;*
- f) For ad interim / interim reliefs in terms of prayer clauses (c) to (e) above;*
- g) For costs; and*
- h) Any other reliefs that this Hon’ble Tribunal may deem appropriate*

2) The facts leading to the present Application are as follows:

- i. The Corporate Insolvency Resolution Process [**CIRP**] was initiated by an order of this Bench dated 8th December 2017 read with 15th December 2017. Pursuant thereto, a public notice dated 21.12.2017 for inviting claims was issued by the then Interim Resolution Professional (IRP) (who later became the Resolution Professional [RP]) and the last date for submission of claims as per the public notice was 29.12.2017.

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ii. In response to the same, the Deputy Commissioner of Income Tax, Central Circle – 7(2) submitted the proof of claim on 11.01.2019 *inter alia* claiming the following amounts on the basis of their respective Demand Notices issued under Section 156 of the IT Act:

Sr. No.	Assessment Year	Demand Raised (in Rupees Crores)
1.	2011 – 2012	143.97
2.	2012 – 2013	201.19
3.	2015 – 2016	5.21
Total		350.37

iii. Pertinently, except the aforementioned assessment years, no other claim(s) were filed in respect of any other assessment year(s) by either Respondent No.1 and / or any other officer.

iv. Although the Claim Form was belatedly submitted, the RP verified the single and composite claim submitted and valued the entire claim of Rs.350,37,81,583/- submitted by the Deputy Commissioner of Income Tax, Central Circle – 7(2) at a notional amount of Re.1/- on account of the authority not being a creditor in the books of the Applicant and / or the same being disputed.

v. It is to be noted that no grievance has ever been raised by the Deputy Commissioner of Income Tax, Central Circle – 7(2) in respect of the

verification carried out by the RP and uploaded on the website of the Applicant by the RP on 19.02.2019 and thereafter updated from time to time on 14.03.2019, 10.04.2019, 22.04.2019 and 26.04.2019.

- vi. On the basis of the claims verified by the RP, the total verified amount in respect of the Statutory Dues (Claims by Government Authorities) was a sum of Rs.44.96 crores. This included the consolidated claim filed by the Deputy Commissioner of Income Tax, Central Circle – 7(2) which the RP had valued at Re.1/-.
- vii. On the basis *inter alia* of the information provided by the RP, list of Creditors of the Applicant, the consortium of Patanjali Ayurved Limited, Divya Yog Mandir Trust (through its business undertaking, Divya Pharmacy), Patanjali Parivahan Pvt. Ltd. and Patanjali Gramudhyog Nyas [**"Patanjali Consortium"**] submitted its Resolution Plan on 26th April 2019. Against the verified amount of Rs.44,96,37,777/- the Patanjali Consortium proposed payment of a sum of Rs.25 crores. The claims submitted by the Deputy Commissioner of Income Tax, Central Circle – 7(2), which had been verified by the RP at Re.1/- was duly incorporated under Schedule 4 of the Resolution Plan submitted for approval.
- viii. In the e-voting concluded on 30th April 2019, the then Committee of Creditors of the Applicant, approved the Resolution Plan with a majority of 96.95%.

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Thereafter, the Resolution Plan submitted by the Patanjali Consortium was approved by the Hon'ble National Company Law Tribunal vide its Order dated 24th July 2019 read with Order dated 4th September 2019. The DBS Bank Ltd., Singapore challenged the Orders dated 24th July 2019 and 4th September 2019 vide Company Appeal (AT) (Insolvency) No.1068 of 2019. By and under the Order dated 9th December 2019, the Hon'ble National Company Law Appellate Tribunal, New Delhi was pleased to dismiss the Appeal. Accordingly, the Orders dated 24th July 2019 and 4th September 2019 attained finality on 9th December 2019.

ix. In terms of the approval of the Resolution Plan, the Patanjali Consortium has paid the entire sum as contemplated therein and taken over the Applicant as of 18th December 2019. The Orders passed by this Hon'ble Tribunal have never been challenged by Respondent No.1 and / or any other officer from its department. Accordingly, it is not in dispute that the Orders have attained finality and are binding on Respondent No.1.

x. Applicant submits that the Impugned Notices are in respect of initiation of proceedings by the Respondent Department related to a period which is prior to the date of the approval of the Resolution Plan. Thus, on approval of the Resolution Plan, all claims prior to the date of approval stand extinguished i.e. all claims that had been filed shall stand extinguished in the manner in

which they had been dealt with in the Resolution Plan and the claims which had not been filed cannot be agitated after the approval of the Resolution Plan. The same is also reinforced by the provisions of Sections 31 and 32A read with Section 238 of the Code.

- 3) The Applicant has drawn our attention to the order of the Hon'ble Supreme Court of India in the matter of *Ghanshyam Mishra & Ors. v. Edelweiss Asset Reconstruction Company* [Civil Appeal No.8129 of 2019], the Hon'ble Supreme Court held as under:

'95. In the result, we answer the questions framed by us as under:

- (i) That once a resolution plan is duly approved by the Adjudicating Authority under sub-section (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the Corporate Debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the Adjudicating Authority, all such claims, which are not a part of resolution plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan;*
- (ii) 2019 amendment to Section 31 of the I&B Code is clarificatory and declaratory in nature and therefore will be effective from the date on which I&B Code has come into effect;*
- (iii) Consequently, all the dues including the statutory dues owed to the*

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Central Government, any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the Adjudicating Authority grants its approval under Section 31 could be continued.'

- 4) Having considered the submissions as advanced aforesaid by the Applicant and in view of the Judgment of the Hon'ble Supreme Court in the case cited (supra), we do not find any substance in the Notice issued by the Respondent, Income Tax Dept. Hence, we are of the considered view that the Application is liable to be allowed, by setting aside impugned Notice dated 01.06.2021 issued by Respondent No. 1. Application is **disposed of** in above terms.

Sd/-

K.K. VOHRA
MEMBER (TECHNICAL)

Sd/-

JUSTICE P.N. DESHMUKH
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
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IA. No. 1809/2021

In

MA No. 1721/2019

In

CP(IB)No. 1371 & 1372/2017

**Application filed under section 60(5) of the
Insolvency and Bankruptcy Code, 2016**

Ruchi Soya Industries Limited

...Applicant

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For the Applicant : Mr. J.P.Sen, Ld. Sr. Adv
For the Resolution Applicant : Mr. P.A. Narayanan, Adv

ORDER

Per: Justice P.N. Deshmukh, Member Judicial

1) This is an Application filed by the Applicant seeking the following reliefs:

- a) *That this Hon'ble Tribunal be pleased to quash and/or set aside the Notice dated 30.06.2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2021-22/1033883200(1) relating to the Assessment Year 2015 – 16 [Exhibit "A" hereto] and direct the Respondents and / or any other officer / department / authority / person acting through or under them, to not initiate any proceedings / raise any demand / claims for any amount (including interest) in relation to / furtherance of the aforementioned Impugned Notice;*
- b) *That this Hon'ble Tribunal be pleased to restrain the Respondents and / or any other officer / department / authority / person acting through or under them, from issuing any Notice(s) under Section 148 or any other notices under any other Section of the Income Tax Act, 1961 which relate to a period prior to the date of approval of the Resolution Plan i.e. 9th December 2019;*
- c) *That pending the hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased to quash and / or set aside or in the alternative to stay the effect, operation and implementation of the Notice dated 30.06.2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2021-22/1033883200(1) relating to the Assessment Year 2015 – 16 [Exhibit "A" hereto];*
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not take any steps, coercive or otherwise, including but not limited to commencing with, continuing or finalising any assessment / reassessment proceeding(s), demanding on assessment / reassessment, demanding filing of any returns, attaching any accounts / assets of the Applicant and / or to recover any liability / dues, in furtherance of the Notice dated 30.06.2021 issued by Respondent No.1 to the Applicant bearing No. ITBA/AST/S/148/2021-22/1033883200 (1) relating to the Assessment Year 2015 – 16 [Exhibit "A" hereto];

- e) That pending the hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased to restrain the Respondents and / or any other officer / department / authority / person acting through or under them, from issuing any notices under Section 148 or any other notices under any other Section of the Income Tax Act, 1961 which relate to a period prior to the date of approval of the Resolution Plan i.e. 9th December 2019;*
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- i. The Corporate Insolvency Resolution Process ['CIRP'] was initiated by an order of this Bench dated 8th December 2017 read with 15th December 2017. Pursuant thereto, a public notice dated 21.12.2017 for inviting claims was issued by the then Interim Resolution Professional (IRP) (who later became the Resolution Professional [RP]) and the last date for submission of claims as per the public notice was 29.12.2017.

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ii. In response to the same, the Deputy Commissioner of Income Tax, Central Circle – 7(2) submitted the proof of claim on 11.01.2019 *inter alia* claiming the following amounts on the basis of their respective Demand Notices issued under Section 156 of the IT Act:

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v. It is to be noted that no grievance has ever been raised by the Deputy Commissioner of Income Tax, Central Circle – 7(2) in respect of the

verification carried out by the RP and uploaded on the website of the Applicant by the RP on 19.02.2019 and thereafter updated from time to time on 14.03.2019, 10.04.2019, 22.04.2019 and 26.04.2019.

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Thereafter, the Resolution Plan submitted by the Patanjali Consortium was approved by the Hon'ble National Company Law Tribunal vide its Order dated 24th July 2019 read with Order dated 4th September 2019. The DBS Bank Ltd., Singapore challenged the Orders dated 24th July 2019 and 4th September 2019 vide Company Appeal (AT) (Insolvency) No.1068 of 2019. By and under the Order dated 9th December 2019, the Hon'ble National Company Law Appellate Tribunal, New Delhi was pleased to dismiss the Appeal. Accordingly, the Orders dated 24th July 2019 and 4th September 2019 attained finality on 9th December 2019.

ix. In terms of the approval of the Resolution Plan, the Patanjali Consortium has paid the entire sum as contemplated therein and taken over the Applicant as of 18th December 2019. The Orders passed by this Hon'ble Tribunal have never been challenged by Respondent No.1 and / or any other officer from its department. Accordingly, it is not in dispute that the Orders have attained finality and are binding on Respondent No.1.

x. Applicant submits that the Impugned Notices are in respect of initiation of proceedings by the Respondent Department related to a period which is prior to the date of the approval of the Resolution Plan. Thus, on approval of the Resolution Plan, all claims prior to the date of approval stand extinguished i.e. all claims that had been filed shall stand extinguished in the manner in

which they had been dealt with in the Resolution Plan and the claims which had not been filed cannot be agitated after the approval of the Resolution Plan. The same is also reinforced by the provisions of Sections 31 and 32A read with Section 238 of the Code.

- 3) The Applicant has drawn our attention to the order of the Hon'ble Supreme Court of India in the matter of ***Ghanshyam Mishra & Ors. v. Edelweiss Asset Reconstruction Company*** [Civil Appeal No.8129 of 2019], the Hon'ble Supreme Court held as under:

'95. In the result, we answer the questions framed by us as under:

- (i) That once a resolution plan is duly approved by the Adjudicating Authority under sub-section (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the Corporate Debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the Adjudicating Authority, all such claims, which are not a part of resolution plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan;*
- (ii) 2019 amendment to Section 31 of the I&B Code is clarificatory and declaratory in nature and therefore will be effective from the date on which I&B Code has come into effect;*
- (iii) Consequently, all the dues including the statutory dues owed to the*

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH, COURT-1

IA NO. 1809/2021

In

MA NO. 1721/2019

In

C.P. (IB) No. 1371 & 1372/NCLT/MAH/2017

Central Government, any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the Adjudicating Authority grants its approval under Section 31 could be continued.'

- 4) Having considered the submissions as advanced aforesaid by the Applicant and in view of the Judgment of the Hon'ble Supreme Court in the case cited (supra), we do not find any substance in the Notice issued by the Respondent, Income Tax Dept. Hence, we are of the considered view that the Application is liable to be allowed, by setting aside impugned Notice dated 30.06.2021 issued by Respondent No. 1. Application is **disposed of** in above terms.

Sd/-
K.K. VOHRA
MEMBER (TECHNICAL)

Sd/-
JUSTICE P.N. DESHMUKH
MEMBER (JUDICIAL)