

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 306 of 2024 & I.A. No. 898, 8327 of 2024

IN THE MATTER OF:

Harish Chander Arora Liquidator of Rath i Super Steel ...Appellant
Ltd.

Versus

The Principal Commissioner of Income Tax, ...Respondents
Ghaziabad, & Anr.

Present:

For Appellant: Mr. Pushpendra S. Bhadoriya, Adv.

**For Respondents: Mr. Puneet Rai, Sr. Standing Counsel, Rishabh Nangia,
Jr. St. Counsel, Ashvini Kumar, Nikhil Jain, Adv.**

ORDER
(Hybrid Mode)

Per: Justice Rakesh Kumar Jain: (Oral)

02.12.2024: This appeal is directed against the order dated 13.09.2023 passed by the National Company Law Tribunal, New Delhi, Special Bench by which an application filed by the Liquidator bearing I.A No. 4457 of 2021 under Section 60(5)(c) of the Code for a direction to the Respondent herein to return the amount of Rs. 20,50,000/- in the account of the Corporate Debtor viz. Rath i Super Steel Limited (in Liquidation) on the ground that the said amount belongs to the CD and could not have been adjusted by the Respondent against the outstanding demand raised against the CD for the AY 2011 – 12 has been dismissed.

2. The Tribunal has dismissed the application, inter alia, on the ground that the amount was seized in the year 2012 by the Department. The Corporate Debtor was selected for scrutiny u/s 148 of the Income Tax Act for A.Y. 2011-12 and the assessment was completed on 31.12.2018 resulting into a demand of Rs. 37506040 /-. The Assessee i.e. Corporate Debtor filed an appeal before CIT(A) against the outstanding demand but as per the instructions of the Board, the Assessee was liable to pay 20% of the

[illegible]

Next Request

BSR Code of Collecting Branch 0000691		Challan Tender Date 31-03-2019		Challan Serial No. 86		
Major Head Code - Description	Minor Head Code - Description	Assessment Year	TAN / PAN	Name of Taxpayer	Received by TIN on	Amount
0020 - Corporation Tax	400 - Tax On Regular Assessment	2011-2012	AAACR0182M	RATHI SUPER STEEL LIMITED	01-04-2019	2050000.00
Amount matched.						

Notes:

1. Please refer (view) to your challan with respect to Major Head Code - Description (e.g. 0020 - Corporation Tax or 0021 - Income Tax).
2. TAN is displayed in case of TDS challans and PAN in case of non-TDS challans. PAN/TAN is displayed as mentioned by Tax Payer and captured by the bank.
3. Financial Year will be displayed in Assessment Year column for Major Head Securities Transaction Tax (0034), Other Taxes and Duties on Commodities and Services (0045), Banking Cash Transaction Tax (0036), Minor Head (800) for TDS on Rent of Property / TDS on Payments to Resident Contractors and Professionals.

3. The only argument raised by the Appellant is that the amount could not have been adjusted by the Department even if it has been seized for the year 2011-12 after the initiation of the CIRP because Respondent has to file a claim in terms of the Code either to the IRP or to the Liquidator as the case may be.

4. However, since the amount in question having been seized in the year 2011-12 and has already been adjusted on 31.03.2019 as per the evidence produced, indicated herein above, much prior to the initiation of CIRP much less the liquidation which took place much later thereof, therefore, the argument raised by the Appellant has no legs to stand.

5. Thus, in such circumstances, we do not find any error in the impugned order and hence, the present appeal is found without any merit and the same is hereby dismissed. Applications, if any, are hereby closed. No costs.

[Justice Rakesh Kumar Jain]
Member (Judicial)

[Mr. Naresh Salecha]
Member (Technical)

Sc/RR