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Official Liquidator vs Additional/Joint/Deputy/Assistant Commissioner of Income Tax

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Court : Kerala Orders

Decided On : Jan-08-2024

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : Co.Appl./22/2022

Appellant : Official Liquidator

Respondent : Additional/Joint/Deputy/Assistant Commissioner of Income Tax

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

(Original Jurisdiction) In the matter of the Companies Act, 1956 and In the matter of M/s.Thomas Steaphen and Company Ltd.(In Liquidation) Co.Appl. No.22/2022 in Co.Pet.53/2000 Before: The Honourable Mr.Justice T.R.RAVI Friday, the 5th day of January, 2024/15th Pousha, 1945 Applicant:- Official Liquidator, High Court of Kerala, Ernakulam, representing M/s.Thomas Steaphen & Company Limited (in liqn) Respondent: Additional/Joint/Deputy/Assistant Commissioner of Income Tax, National Faceless Assessment Centre, Delhi. Company Application under Rule 9 of the Company(Court) Rules, 1959 filed by the applicant

above named praying for an order to:- i) Ratify the action of Official Liquidator for serving copy of this Company Application to the Standing Counsel of Income Tax Department. ii) pass an interim order to stay the entire proceedings of the Assessment

order dated 15.02.2022 issued by the Income Tax Department, national

Faceless Assessment Centre, Delhi. iii) Order to quash the Assessment Order dated 15.02.2022 under Section 144 rws Section 147 rws Section 144 B of the Income Tax Act, 1961. iv) Order to allow personal hearing/video conferencing to make oral submission in this matter; v) Order to consider the Income Tax Return filed by the Official Liquidator on 08.02.2022 vi) Order to consider to exempt any levy of interest under Section 234 A and 234 B of the Income Tax Act, 1961 as the delay in filing Income Tax return for reasons due to the legal disability of the Official Liquidator. vii) Order to Not to initiate the proceedings for penalty under Section 274 read with Section 271(1)(c) of the Income Tax Act, 1961 and under Section 274 read with Section 271/F of the Income Tax Act, 1961 vide Notices dated 15.02.2022; and viii) Pass such other order or orders as may be deemed fit and proper to this Hon'ble Court in the premises of the case. This Company Application coming on for orders on this day upon hearing Sri.K.Moni, Standing Counsel for the Official Liquidator and Sri.Jose Joseph, Standing Counsel for the Income Tax, the court passed the following-:

T.R. RAVI, J.

Company Application No.22/2022 in C.P.No.53/2000 Dated this the 05th day of January, 2024

ORDER

The counsel for the Official Liquidator submits that since the Income Tax Department may not be able to take any coercive steps against the Liquidator for realisation of the claim for interest, there is no necessity to continue with this application. This application is hence closed without prejudice to the right of the

Official Liquidator to move the Court, if found necessary. Sd/- T.R.RAVI JUDGE mpm

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