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 Rathi Super Steel Ltd. ...**Appellant**

Versus

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

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.**

O R D E R
(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. Rathi 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

outstanding amount i.e. 7501208/-. The said amount stated to have been adjusted by the Respondent on 31.03.2019. In this regard, he has produced an online tax accounting system of the department of income tax which indicated that the amount in question pertaining to the year 2011-12 has been adjusted vide challan serial no. 86 on 31.03.2019 whereas CIRP in this case was initiated on 12.06.2019. The said OLTAS payment and challan status for tax payer are reproduced as under:-

09/10/2024, 17:11 ITBA - 360 Degree

Search Criteria

PAN Details

PAN	AAACR0182M	Name	JSL SUPER STEEL LIMITED	Residential Address	
Status	COMPANY	Present Jurisdiction	CIRCLE 13(1), DELHI	Office Address	FLAT NO 207, VARDHMAN, MAYUR MARKET AT CSC, MAYUR VIHAR PH-III, KONDLI GHAROLI, DELHI

PAN Details ITR Details Processing Details Tax Payment Details TDS Details

Details of enter/letter/notices ([illegible])

View/Enter Dispatch Details ([illegible])

E-Filed Non-ITR Forms ([illegible])

ITR Details Other Details

VSV Forms ([illegible])

Click Here For Data Refresh

OLTAS Payments

Show 100 entries Search:

Assessment Year	Tax Deposited	Major Head	Minor Head	BSR Code	Challan Sequence Number	Challan Deposit Date	Details
2011-12	2,00,400	20	400	0004329	15202	07/02/2020	View Details
2011-12	1,83,51,500	20	300	0250271	90128	23/09/2011	View Details
2011-12	10,000	20	300	0250271	00245	29/10/2014	View Details
2011-12	1,000	20	300	0280021	2	03/02/2014	View Details
2011-12	10,600	20	400	0000691	26	20/03/2019	View Details
2011-12	20,50,000	20	400	0000691	86	31/03/2019	View Details
2011-12	30,212	20	400	0004329	10964	10/06/2020	View Details
2011-12	19,93,050	20	100	0250271	80045	14/12/2010	View Details
2011-12	1,090	20	300	0510308	11893	04/01/2019	View Details
2011-12	24,91,319	20	100	0280021	37	15/03/2011	View Details
2011-12	68,290	20	300	0250271	90137	23/09/2011	View Details
2011-12	1,000	20	300	0510308	1576	12/01/2015	View Details
2011-12	27,620	20	400	0004329	84217	14/05/2021	View Details

https://itba.incometax.gov.in/ITBA360DegreeView?ip=10.17.11.101&mac=NOT_FOUND# 1/2

Tax Information Network
of Income Tax Department

Challan Status for Tax Payer

Next Request

BSR Code of Collecting Branch		Challan Tender Date			Challan Serial No.	
0000691		31-03-2019			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.						

Note:

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