

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 414 of 2020

In the matter of:

**Mohan Lal Jain, In the capacity of Liquidator
of Kaliber Associates Pvt. Ltd.**

....Appellant

Vs.

Income Tax Officer

....Respondent

Present:

Appellant: Mr. Anirban Bhattacharya, Advocate.

Respondent:

ORDER

12.03.2020: The Liquidator has moved this appeal against the order dated 7th February, 2020, which reads as follows:-

“ORDER

CA-1028/2020 has been filed by the Liquidator aggrieved by the fact that the Income Tax Assessment of the Corporate Debtor has been done during the period of moratorium. It is submitted that the Company is not liquidation. We do not find merit in the arguments advanced by the ld. Counsel for the Liquidator that the assessment cannot be made during the period of moratorium. It is the different thing that it cannot be enforced during the period of moratorium. The claim, if any, of

the Income Tax Department has to be received by the Resolution Professional/ Liquidator. On a demand quantifying the tax assessed communicated to the liquidator he shall take the same into consideration should the claim be filed before him at the relevant stage. CA stands disposed off.”

2. Having heard learned counsel for the Appellant we are not inclined to interfere with the impugned order as the Liquidator is bound to decide the claims of all the claimants. The appeal is dismissed. No costs.

**[Justice S. J. Mukhopadhaya]
Chairperson**

**[Justice Bansi Lal Bhat]
Member (Judicial)**

**[Shreesha Merla]
Member (Technical)**

am/gc