

**IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD**  
**COURT – 2**

Item No.211 – IA 332 of 2021  
Item No.212 – IA 348 of 2022  
In  
CP(IB) 53 of 2017

**Proceedings under Section 7 IBC**

**IN THE MATTER OF:**

ICICI Bank Ltd  
V/s  
ABG Shipyard Ltd

.....Applicant

.....Respondent

**Order delivered on 27/09/2022**

**Coram:**

Dr.Deepti Mukesh, Hon'ble Member(J)  
Ajai Das Mehrotra, Hon'ble Member(T)

**PRESENT:**

For the Liquidator : Mr. Monaal Davawala, Adv.  
For the Applicant : Ms. Saloni Kothari, Adv. for Mr. Salil Thakore, Adv.  
For Income Tax : Ms. Maithili Mehta, Adv.

**ORDER**

**IA 332 of 2021**

Application is filed by Liquidator seeking direction against Income Tax Department. Learned Counsel Mr. Davawala for Liquidator Applicant has placed judgement dated 26.08.2022 passed by the Hon'ble Supreme Court in this case in Civil Appeal No.7667 of 2021. Learned Counsel for Liquidator has relied on para 42,44 & 45 of the judgement. The crux of the judgement is as under:

*“Authorities can only take steps to determine the tax, interest, fines or any penalty which is due. However, the authority cannot enforce a claim for recovery or levy of interest on the tax due during the period of moratorium....”*

(Para 44)

Learned Counsel for the Liquidator further states that in view of the said observations, this application needs to be disposed of.

Learned Counsel Ms. Mehta for Income Tax states that in view of the judgement passed by the Hon'ble Supreme Court in the matter of State Tax Officer (1) Vs.

Rainbow Papers Ltd. in Civil Appeal No.1661 of 2020 and Civil Appeal No.2568 of 2020 on 06.09.2022, the department will take appropriate steps, after considering the position of the Department. Considering the submissions made by both sides, application is disposed of, without any directions.

**IA 348 of 2022**

Learned Counsel Mr. Davawala states that in compliance of the order dated 09.09.2022, points of arguments are filed. Learned Counsel Ms. Kothari for the other side seeks and is granted 5 days' time to file response, else matter will be heard.

List on 18.11.2022

-Sd-

**AJAI DAS MEHROTRA  
MEMBER (TECHNICAL)**

-Sd-

**DR. DEEPTI MUKESH  
MEMBER (JUDICIAL)**