

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE S.KARTHIKEYAN

TCA No. 558 of 2015

CNR:{HCMA010515382015}

The Commissioner Of Income Tax,  
Chennai



..Appellant(s)

Vs

M/s Kanishk Gold Pvt Ltd  
43, Usman Road, T.Nagar,  
Chennai 600 034

..Respondent(s)

Appeal filed under Section 260-A of the Income-Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai dated 05.05.2014 in ITA No. 1323/Mds/2012 for assessment year 2009 – 10.

For Appellant(s): Mrs.V.Pushpa,  
Senior Standing Counsel

For Respondent(s): Ms.Santhalakshmi  
for Mr.A.Swaminathan, for Liquidator

### JUDGMENT

*(Delivered by Dr.Anita Sumanth, J.)*

The appellant has challenged an order of the Income Tax Appellate Tribunal (Tribunal / ITAT) dated 05.05.2014 for assessment year (AY) 2009 – 10.

2. We have heard Mrs.V.Pushpa, learned Senior Standing Counsel, for



the appellant and Ms.Santhalakshmi, learned counsel for respondent / liquidator, appointed by the National Company Law Tribunal (NCLT) as the assessee / Kanishk Gold Private Limited is before the NCLT at the instance of the State Bank of India in an application moved under Section 7 of the Insolvency and Bankruptcy Code, 2016.

3. The liquidator has filed a memo dated 21.10.2004 confirming the position that 12 financial creditors and 9 operational creditors have made claims before the liquidator. The Department has also filed a claim for Rs.1,22,56,76,779/-.

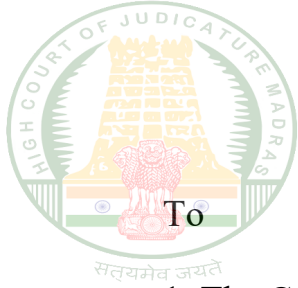
4. Learned Senior Standing Counsel confirms the position that the demand under the subject appeal is also part of the total claim of the Department as above. A copy of Form C dated 17.02.2020 is also placed on record.

5. In light of the aforesaid, nothing survives in this appeal as it is for the official liquidator to consider the claim of the Income-Tax Department and NCLT to pass necessary and appropriate orders in that regard.

6. Recording the aforesaid, this tax case (appeal) is closed returning the substantial questions of law unanswered. No costs.

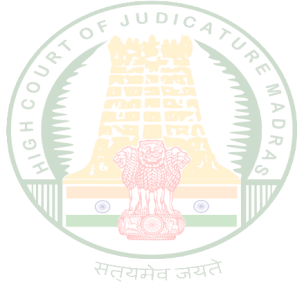
(A.S.M, J.) (S.K, J.)  
28-10-2026

Index: Yes/No  
Speaking order  
Neutral Citation: Yes  
ssm



1. The Commissioner of Income Tax, Chennai.

2. The Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai.



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Order QR

DR.ANITA SUMANTH, J.  
AND  
S.KARTHIKEYAN, J.

ssm

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