

**CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
HYDERABAD**

REGIONAL BENCH

Service Tax Appeal No. 08 of 2012

(Arising out of order-in-original No. M/25/2011-Hyd.III dated 27/09/2011 passed by
Commissioner of Customs, Central Excise & Service Tax Hyderabad)

**Commissioner of Central Tax
Hyderabad-GST**

Kendriya Shulk Bhavan.
LB Stadium Road, Basheerbagh,
Hyderabad

...Appellant

Versus

M/s Icomm Tele Ltd

Trendaset Towers,
Road No. 2, Banjara Hills,
Hyderabad-500 034

...Respondent

APPEARANCE:

Mr S. Hanuma Prasad. A.R. for the appellant
Mr P. Sai Makrand, Adv for the Revenue

CORAM:

**HON'BLE MR. P. K. CHOUDHARY, MEMBER(JUDICIAL)
HON'BLE MR. P. V. SUBBA RAO MEMBER (TECHNICAL)**

FINAL ORDER NO.30042/2022

Date of Hearing: 10.03.2022

PER P.V. SUBBA RAO

When the matter was called, learned counsel for the assessee submitted that the company faced financial difficulties and an application was filed by one of the financial creditors under section 7 the Insolvency and Bankruptcy Code, 2016 for recovering debts owned by the company. The National Company Law Tribunal, Hyderabad Bench (NCLT) issued order dated 17.10.2019 para 34 of which reads as under:-

“In view of the foregoing discussion, the ‘Resolution Plan’ filed with the application meets the requirement of section 30(2) of the I&B Code, 2016 and Regulations 37, 38, 38(1A) and 39(4) of IBBI (CIRP) Regulations, 2016. The ‘Resolution Plan’ is also not in contravention of any of the provisions of section 29A. Hence,

this adjudicating authority is satisfied that the Resolution Plan is in accordance with law. Therefore, the 'Resolution Plan' annexed with Application bearing IA No. 577 of 2019 filed in CP (IB) 462/7/HDB/2018 is hereby approved and forms part of this order. The said Resolution Plan shall be binding on the Corporate Debtor and its employees, members, creditors, including the Central government; any State Government or any Local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan including Resolution Applicant in terms of provisions of Section 31(1) of the Code."

2. He submits that in view of the above, CESTAT Chennai had, in Customs Appeal No. 387/2011 in respect of the same appellant passed Final Order No. 4176/2021 dated 23.8.2021 disposing of the appeal. Similar order may be passed in this case also.

3. Taking note of the prayer of the learned counsel for the assessee and the fact that the NCLT has approved the resolution plan in the insolvency proceedings in regard to the company, we are of the view that this appeal does not survive any more. The appeal is disposed of accordingly.

(Order dictated and pronounced in the open Court)

(P.K. CHOUDHARY)
MEMBER(JUDICIAL)

(P.V.SUBBA RAO)
MEMBER (TECHNICAL)