

NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH

**I.A.No.68/2018**  
**In**  
**CP(IB)/20/GB/2017**

Under Section 20(5) of the Insolvency & Bankruptcy Code, 2016

In the matter of:

Superintendent of Taxes, Jorhat ... Financial Creditor

-Versus-

Assam Company India Ltd. ... Corporate Debtor

**Coram:**

**Present: Hon'ble Mr Justice P. K. Saikia, Member (J)**

.....

**ORDER**

**Date of Order: 8<sup>th</sup> October 2018**

**I.A.No.68/2018**

This application has been initiated following submission of letter dated 30.09.2018 from the Superintendent of Taxes, C-VI, Jorhat Unit, Jorhat, Office of the Assistant Commissioner of Taxes, J.E.C. Road, Jorhat giving intimation regarding outstanding amounts that has fallen due from the side of Assam Company India Limited under the Assam Taxation (On Specified Lands) Act, 1990. The relevant part of the letter is reproduced below:

"..... The assessing officer, after giving enough opportunity and time, assessed the dealer to the best of his judgement in April, 2010 and raised the demand amounts as given below:

Period Ending	Tax Demand	Interest Demand	Total Demand(in Rs.)
2005	3,52,131.00	3,76,075.00	7,28,206.00
2006	19,86,628.00	16,44,928.00	36,31,556.00
2007	30,56,000.00	17,96,928.00	48,52,928.00
2008	83,80,726.00	29,16,493.00	1,12,97,219.00
2009	18,73,707.00	6,52,050.00	25,25,757.00
Total	1,56,49,192.00	73,86,474.00	2,30,35,666.00

.....”

2. It may be stated that on an application of the Financial Creditor against the Corporate Debtor of Assam Company India Limited, a proceeding under Section 7 of the Insolvency and Bankruptcy Code, 2016 (in short, Code of 2016) was initiated. Said application was admitted and Corporate Insolvency Resolution Process (in short, CIRP) was triggered against the company aforesaid.

3. Initially, Interim Resolution Professional was appointed. However, in due course, the Committee of Creditors (in short, COC) replaced him by another Resolution Professional (in short, RP). The RP had initiated a conduct in the CIRP in accordance with the procedure and law and ultimately secured several resolution plans from prospective Resolution Applicants giving proposal for revival of the company.

4. Ultimately, the proposal submitted by BRS Ventures Investments Limited was accepted by the RP and the COC and same was forwarded to this authority for giving necessary approval to the proposal submitted by said BRS Ventures Investments Limited. This authority, on perusal of the resolution plant submitted by the aforesaid Resolution Applicant found it acceptable and accordingly approved the same. With the acceptance of the resolution plan, this authority no longer exercises any jurisdiction over the Assam Company India Limited.

5. In view of the above, the applicant herein, same being Superintendent of Taxes, C-VI, Jorhat Unit, Jorhat, is asked to approach the Assam Company India Limited seeking realization of outstanding statutory dues from it. If the applicant

approaches Assam Company India Limited seeking realization of outstanding statutory dues from it, it shall dispose of this application in accordance with law.

6. With the above observation, this application stands disposed of.

7. A copy of the order be sent to all concerned for information and necessary action.

*sdt*

Adjudicating Authority  
National Company Law Tribunal  
Guwahati Bench: Guwahati.

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