

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO.1082 OF 2001@@
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SHAW WALLACE & CO. LTD.

Appellant (s)

VERSUS

COMMISSIONER OF INCOME TAX, CALCUTTA & ORS.

Respondent (s)

(With appln. for modification of Court's order and
permission to place addl. documents on record and with
Office Report)

WITH

C.A. NO.1083/2001 (With Office Report)

Date : 29/10/2002 These appeals was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s) Mr. S. Ganesh, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ajay Gupta, Adv.
Mr. Alok Agarwal, Adv.
Mr. Rish Agarwal, Adv.
Mr. E.C. Agrawala, Adv.

For Respondent (s) Mr. M.L. Verma, Sr. Adv.
Mr. Ranbir Chandra, Adv.
Mr. B.V. Balram Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

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.SP2

Mr. S. Ganesh, learned senior counsel for the
appellant commenced arguments at 11.40 A.M. and was on his
legs when the Court rose for the day at 4.00 P.M.
The matter remained part-heard.

.SP1

(A.S. Bisht)
Court Master

(Janki Bhatia)
Court Master

(PART-HEARD)

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Mr. Ranbir Chandra, Adv.
Mr. B.V. Balram Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.....R
.SP2

Mr. S. Ganesh, learned senior counsel for the
appellant advanced arguments for about 10 minutes.
Thereafter, Mr. M.L. Verma, learned senior counsel for the
respondents argued for about 10 minutes. Arguments
concluded.

The appeals stand disposed of in terms of the signed
order.

.SP1

(A.S. Bisht)
Court Master

(Janki Bhatia)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SHAW WALLACE & CO. LTD.

APPELLANT(S)

:VERSUS:

COMMISSIONER OF INCOME TAX, CALCUTTA & ORS.

RESPONDENT(S)

(WITH CIVIL APPEAL NO.1083/2001)

O R D E R@@  
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Heard the learned counsel for the parties at length.

1) The Block Assessment order dated 30.3.2001 passed pursuant to the interim order of this Court dated 5.2.2001 is hereby set aside.

2) The Tribunal to hear the Appellant's appeal against the Block Assessment order dated 28.11.1987. It is clarified that it is open to the Appellant, to raise all contentions which are available to it in law. The Tribunal will dispose of the appeal without being influenced by any observations made in the order of the Appellate Tribunal dated 22.4.1998 or 1.6.1999 and the order of the High Court dated 17.11.2000.

3) The Tribunal will take into consideration the retrospective amendments made in the year 2002.

-2-

4) The Commissioner of Income Tax (Appeals) to hear and dispose of the Appellant's appeal against the regular assessment order dated 31.3.1998, without taking into consideration the observations contained in the order of the High Court dated 17.11.2000. It would be open to the appellant to raise all contentions which are available to it in law. The Commissioner of Income Tax (Appeals) will take into consideration retrospective amendments made in the year 2002.

5) Both the Tribunal and the Commissioner (Appeals) are requested to decide the matters within 2 months.

6) Upto 30th November, 2002, the department not to take any coercive action for recovery. Meantime, it would be open to the appellant to approach the appropriate authority for interim relief.

Both the appeals stand disposed of accordingly.

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( M.B. SHAH )@@  
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.....J  
( S.N. VARIAVA )@@  
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.....J  
( D.M. DHARMADHIKARI )@@  
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New Delhi;

October 30, 2002.