

ITEM NO.110 COURT NO. 1 SECTION IIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.1152/1999 @@
AA

C.I.T., Meerut & Anr. Appellant (s)

VERSUS

Morgenstern Werner Respondent (s)
(With office report)

Date : 21/02/2002 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. R.P. Bhatt, Sr.Adv.
Mr. Rajiv Tyagi, Adv.
Mr. B.V.B. Das, Adv.
for Ms.Sushma Suri, Adv.

For Respondent (s) Mr. S.Rajappa, Adv.

UPON hearing counsel the Court made the following
O R D E R

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

Learned counsel for the respondent says that he has received a letter yesterday from the respondent saying that the respondent wishes to engage another counsel and that he should be discharged. We decline to entertain such a request at the last moment. If there was any desire to change the counsel, it should have been done long back. The application is refused.

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Learned counsel state that they will take instructions as to whether, by consent, the order of the Commissioner under Section 264 of the Income Tax Act and the order of the High Court, which is under challenge, can be set aside and the assessee permitted to file an appeal from the order of the assessment without the objection of time bar being raised, provided he does so within eight weeks.

List after four weeks.

.SP1

(N. Annapurna)
Court Master

(Shelly Sengupta)
Court Master