

ITEM NO.15

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.4801 OF 2007

ADDL. C.I.T., ALIGARH & ANR.

Appellant (s)

VERSUS

M/S. SHREYAS GRAMIN BANK

Respondent(s)

Date: 12/09/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Appellant(s) Mr. Rupesh Kumar,Adv.

Mr. Chandra Bhushan Prasad,Adv.

Ms. Anil Katiyar,Adv.

for Mr. B.V. Balaram Das,Adv.

For Respondent(s) Mr. Sanjay Kunur,Adv.

Mr. Ramesh Keswani,Adv.

for M/s. Keswani & Co.,Adv.

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

Heard learned counsel on both sides.

The civil appeal is dismissed with no order as to costs.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Indu Satija ]  
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4801 OF 2007

Addl. Commnr. of Income Tax, Aligarh & Anr.

...Appellant(s)

Versus

M/s. Shreyas Gramin Bank

...Respondent(s)

O R D E R

Heard learned counsel on both sides.

We have gone through the Notice under Section 154 of the Income Tax Act, 1961 ['Act', for short]. We find that the said notice is totally vague. The Assessing Officer has not even indicated as to on what basis he has allowed excess set-off. Notice under Section 154 of the Act, therefore, was not maintainable. The second notice under Section 148 of the Act was issued squarely on the basis of notice under Section 154 of the Act. In the circumstances, the High Court was right in setting aside both the notices. We, therefore, see no reason to interfere with the impugned order.

Accordingly, the civil appeal filed by the Department is dismissed with no order as to costs.

.....CJI.  
[S.H. KAPADIA]

.....J.  
[MADAN B. LOKUR]

New Delhi,  
September 12, 2012.

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