

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

Petition(s) for Special Leave to Appeal (Civil) No(s).14689/2011

(From the judgement and order dated 06/10/2010 in ITA No.640/2009
of The HIGH COURT OF KERALA AT ERNAKULAM)

M/S ACCELARATED FREEZE DRYING CO. LTD.

Petitioner(s)

VERSUS

COMMISSIONER OF INCOME TAX

Respondent(s)

With S.L.P. (C) No.14955 of 2011
(With office report)

Date: 05/07/2011 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN

HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

Mr. S. Ganesh, Sr. Adv.

Mr. C.N. Sree Kumar, Adv.

Mr. P.R. Nayak, Adv.

For Respondent(s)

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

Since the question of re-opening of assessment under Section 147 of the Income Tax Act, 1961 ['Act', for short] is yet to be decided by the Tribunal, as directed by the impugned judgement of the High Court, for the present moment, we do not wish to examine the scope and ambit of Section 50 and Section 50B of the Act till the Tribunal takes it's decision on re-opening of assessment. In case the Tribunal comes to the conclusion that re-opening was not warranted, then the question of applicability and scope of Sections 50 and 50B of the Act would become academic. Hence, these special leave petitions shall stand over for three months.

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

[Madhu Saxena]
Assistant Registrar