

SU 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

Petition(s) for Special Leave to Appeal (Civil)...../2009
CC 10920/2009

(From the judgement and order dated 19/12/2008 in WPC No.7969/2008 of
the HIGH COURT OF DELHI AT NEW DELHI)

ADDL.COMMR.OF I.T.,NEW DELHI

Petitioner(s)

VERSUS

M/S HCL TECHNOLOGIES LTD.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 17/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Mr. Gourab Banerji, A.S.G.
Mr. H. Raghavendra Rao, Adv.
Mr. C.V. Subba Rao, Adv.
Mr. B.V. Balaram Das, Adv.

For Respondent(s) Ms. Kavita Jha, Adv.
Mr. Sandeep S.Karhail, Adv.
Mr. Ajay Vohra, Adv.

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

Heard both sides.

We are of the view that in the peculiar facts and
circumstances of this case, particularly when the High Court
has remitted the matter to the Transfer Pricing Officer from
whose Order an appeal is pending before the CIT(A), it would
be in the interest of both sides to

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SLP(C)....CC 10920/09..contd..

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resort to Alternate Dispute Resolution Mechanism suggested
in the Budget of 2009 (See Sec.144-C of the Income Tax Act,
1961). It is made clear that the Competent Authority will not
reject the Application herein made by the assessee on the

ground that the proposal has come after the cut-off date. The learned Additional Solicitor General will, accordingly, communicate instructions to the Department. The Competent Authority will decide the matter notwithstanding the pendency of the Appeal before the C.I.T.

Special Leave Petition is disposed of.

(N. ANNAPURNA)
COURT MASTER

(MADHU SAXENA)
COURT MASTER