

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22889/2008

(From the judgment and order dated 27/06/2007 in APO No. 301/2005  
of The HIGH COURT OF CALCUTTA)

COMMR.OF INCOME TAX &amp; ORS.

Petitioner(s)

VERSUS

M/S EXIDE INDUSTRIES LTD.&amp; ANR.

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office  
report)

Date: 08/05/2009 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. V. Shekhar, Sr.Adv.  
Mr. A. Tarikh, Adv.  
Mr. Rahul Kaushik, Adv.  
Mr. Rakesh Garg, Adv.  
Mr. Kunal Bahri, Adv.  
Mr. B.V. Balaram Das,Adv.For Respondent(s) Mr. Harish N. Salve, Sr.Adv.  
Dr. D.P. Pal, Sr.Adv.  
Dr. Aman Hingorani, Adv.  
Ms. Priya Hingorani, Adv. for  
M/S Hingorani & Associates,Adv.UPON hearing counsel the Court made the following  
ORDER

Delay condoned.

Leave granted.

Pending hearing and final disposal of the Civil Appeal, Department is  
restrained from recovering penalty and interest which has accrued till date. It  
is made clear that as far as the outstanding interest demand as of date is  
concerned, it would be open to the Department to recover that amount in case  
Civil Appeal of the Department is allowed.

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We further make it clear that the assessee would, during the pendency  
of this Civil Appeal, pay tax as if Section 43B(f) is on the Statute Book but at the  
same time it would be entitled to make a claim in its returns.(S. Thapar)  
PS to Registrar(Madhu Saxena)  
Court Master