

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).24046/2009

(From the judgement and order dated 06/02/2009 in ITA No.893/2008
of The HIGH COURT OF DELHI AT N. DELHI)

C.I.T.,NEW DELHI

Petitioner(s)

VERSUS

SAGE METALS LTD.

Respondent(s)

[For Final Disposal]

With S.L.P. (C) No. 24047 of 2009
(With office report)
[For Final Disposal]

S.L.P. (C) No.24048 of 2009
(With office report)
[For Final Disposal]

S.L.P. (C) No.24049 of 2009
(With office report)
[For Final Disposal]

S.L.P. (C) No.29663 of 2009
(With office report)

S.L.P. (C) No.6268 of 2010
(With appln.(s) for c/delay in filing SLP and office report)

Date: 11/09/2012 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Rajiv Dutta,Sr.Adv.

Mr. Arijit Prasad,Adv.
Mr. Vikas Malhotra,Adv.
Mr. Anil Gaur,Adv.
Mr. Yatinder Chaudhary,Adv.
Ms. Anil Katiyar,Adv.
for Mr. B.V. Balaram Das,Adv.

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- 2 -

For Respondent(s) Mr. V.P. Gupta,Adv.

Mr. Jagdish Kumar Chawla,Adv.
Mr. Basant Kumar,Adv.
Mr. Anuj Bansal,Adv.

Mr. Bhargava V. Desai,Adv.
Mr. Shreyas Mehrotra,Adv.
Ms. Pooja Bahuguna,Adv.

Mr. Ajay Vohra,Adv.
Ms. Kavita Jha,Adv.

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

Heard learned counsel on both sides.

Delay condoned.

Leave granted.

The civil appeals filed by the Department are 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]

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6405 OF 2012
(Arising out of S.L.P. (C) No.24046 of 2009)

Commissioner of Income Tax, New Delhi ...Appellant(s)

Versus

Sage Metals Limited ...Respondent(s)

With Civil Appeal No.6406/2012 @ S.L.P. (C) No.24047/2009 and Civil Appeal No.6407/2012 @ S.L.P. (C) No.24048/2009, Civil Appeal No.6409/2012 @ S.L.P. (C) No.24049/2009, Civil Appeal No.6410/2012 @ S.L.P. (C) No.29663/2009 and Civil Appeal No.6411/2012 @ S.L.P. (C) No.6268/2010:

O R D E R

Heard learned counsel on both sides in all the cases.
Delay condoned.
Leave granted.

A common question of law arises for determination in this batch of civil appeals.

In civil appeal arising out of S.L.P. (C) No.24046 of 2009 filed by the Department [first case in this batch], the Assessment Year in question is 2001-2002. A short question which arises for determination in this appeal is, whether the Department is entitled to charge interest under Section 234B of the Income Tax Act, 1961, on the assessee bringing forward the tax credit balance into the year of account relevant to Assessment Year 2001-2002?

This question has been answered in favour of the assessee

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- 2 -

vide judgement of this Court in the case of Commissioner of Income Tax vs. Tulsyan NEC Limited, reported in [2011] 330 I.T.R. 226.

Consequently, these civil appeals filed by the Department are dismissed with no order as to costs.

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

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

New Delhi,
September 11, 2012.
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