

LITEM NO.66

COURT NO.4

SECTION IIIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5507 OF 2008

INTERNATIONAL METRO CIVIL CONT. & ORS.

Appellant (s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 03/11/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Appellant(s) Mr. R.F. Nariman, Sr.Adv.
Mr. P.S. Narasimha, Sr.Adv.
Mr. Hemant Sharma,Adv.
Mr. Ajay Kumar,Adv.

For Respondent(s) Mr. Goolam E. Vahanvati,SG (A.C.)
Mr. H. Raghavendra Rao,Adv.
Mr. Chinmoy Pradip Sharma,Adv.
Mr. B.V. Balram Das,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard the learned senior counsel appearing on behalf of the appellants
and the learned Solicitor General for about half an hour.
The appeal is disposed of in terms of the signed order.

(A.S. BISHT)
MASTER

(PUSHAP LATA BHARDWAJ) COURT
COURT MASTER

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5507 OF 2008

INTERNATIONAL METRO CIVIL CONTRACTORS AND ORS.

... APPELLANT(S)

:VERSUS:

UNION OF INDIA AND ORS.

... RESPONDENT(S)

ORDER

Having heard Mr. R.F. Nariman, learned senior counsel appearing on behalf of the appellants and the learned Solicitor General, who is appearing pursuant to our request made on 1.9.2008, we in modification of the order dated 16th July, 2008 passed by the High Court direct that the time to file the report of the Special Audit in terms of Section 142(2A) of the Income Tax Act, be extended by six months from that date, as a result whereof the consequential proceedings including levying of penalty as also the prosecution against the appellants shall stand quashed.

It is stated that against the order of assessment dated 29.7.2008 passed by the Assessing Officer, an appeal is pending before the Commissioner of Income Tax (Appeals). The Commissioner of Income Tax (Appeals) shall hear out the same on its own merits, upon receipt of the report of the Special Audit and may, if necessary, exercise its powers under Section 251A of the Income Tax Act, 1961.

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In the meantime the appellants, if they so desire, may prefer an appeal against the rectification order dated 12th September, 2008 before the Commissioner of Income Tax (Appeals).

It goes without saying that all the contentions of the parties shall remain open before the appellate authority.

With the aforementioned observations and directions, this appeal is disposed of.

.....J
(S.B. SINHA)

.....J
(CYRIAC JOSEPH)

NEW DELHI,
NOVEMBER 03, 2008.