ÚITEM NO.2 COURT NO.1 SECTION IIIA

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).24983/2008

(From the judgement and order dated 10/07/2007 in ITA No.399/2007
of The HIGH COURT OF CALCUTTA)

COMMR.OF INCOME TAX-IV, KOLKATA Petitioner(s)

VERSUS

BERGER PAINTS INDIA LTD. Respondent(s)

(With prayer for interim relief and office report)
[For Final Disposal]
[For Directions]

Date: 14/12/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. PANICER RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Kunal Bahri,Adv.
Ms. Arti Gupta,Adv.
Mr. B.V. Balaram Das,Adv.
Mr. Varun Sarin,adv.

For Respondent(s) Dr. Debi Prasad Pal,Sr.Adv.
Mr. A. Majumdar,Adv.
Mr. S. Sukumaran,Adv.
Mr. Anand Sukumar,Adv.
Ms. Meera Mathur,Adv.

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

Since the closing stock of the Accounting Year ending 31st March, 1999, would become opening stock as on 1st April, 1999, it would not be open to the Department to proceed with the pending matter in the Calcutta High Court in which reopening of assessment under Sections 147 and 148 of the Income

...2/-

Tax Act, 1961, is pending and simultaneously it would not be possible for the Department to prosecute this special leave petition because, in our view, the subject matter of both these cases overlap.

The special leave petition shall stand over for four weeks to enable the Department to take instructions.

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

[Madhu Saxena]
Assistant Registrar