

i»¿SECTION III-A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 1278, 1279, 1281 AND 1282 OF 2009

THE COMMISSIONER OF INCOME TAX

...PETITIONER

VERSUS

SAMARTH SAHAKARI SAKHAR KARKHANA LIMITED

...RESPONDENT

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 5th January, 2009, when the Hon'ble Court was pleased to pass the following order:

â€œIssue notice limited to the applicability of Section 40A(2) of the Income Tax Act, 1961.â€

SLP No. 1278 and 1279 of 2009

It is submitted that Mr. Vimal Chandra S. Dave, Advoaacte has filed vakalatanama and memo of appearacnce on behalf of the Sole Respondent in both matters but he has not filed counter affidavit in both matters so far.

SLP No. 1281 of 2009

It is submitted that notice was issued to sole Respondent on 10th May, 2011 through Registered Post. Unserved notice has been received back with Postal remarks â€œRefused hence return to senderâ€.

SLP No. 1282 of 2009

It is submitted that the sole respondent is served with notice as per A.D Card duly signed has been received back No. one has entered appearance so far.

The matters above-mentioned were listed before Ld. Registrar's court on 21st July, 2011 when the following order was passed:

In SLP(Civil) Nos. 1278 and 1279 of 2009

â€œLearned counsel appearing for the sole respondent in both the matters submits that no counter affidavit is to be filed by the respondent. Hence, list these matters before the Hon'ble Court as per the Rules.

In SLP(Civil) No. 1281/2009

Unserved notice has been received from the solerespondent with postal remarks 'refused hence return to sender'. He is deemed to have been served. No appearance. Hence, list the matter before the Hon'ble Court as per the Rules.

In SLP(Civil) No. 1282/2009

Sole respondent is served. No appearance. Hence, list the matter before the Hon'ble Court as per the Rules.

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 31ST DAY OF MAY, 2013.

ASSISTANT REGISTRAR

COPY TO:

Mr. B. V. Balram Das, Advocate

Mr. Vimal Chandra S. Dave, Advocate

ASSISTANT REGISTRAR