

Principal Commissioner Of Income Tax 4 vs Suzlon Energy Limited on 3 February, 2020

Bench: D.Y. Chandrachud, Hemant Gupta

ITEM NO.41

COURT NO.7

SECTION III

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition for Special Leave to Appeal (C) No. 3382/2019

(Arising out of impugned final judgment and order dated 27-06-2018
in TA No. 667/2018 passed by the High Court of Gujarat at
Ahmedabad)

PRINCIPAL COMMISSIONER OF INCOME TAX 4

Petitioner(s)

VERSUS

SUZLON ENERGY LIMITED

Respondent(s)

WITH

SLP(C) No. 21317/2019 (IX)
(FOR ADMISSION and I.R. and IA No.127651/2019-CONDONATION OF DELAY
IN FILING and IA No.127654/2019-CONDONATION OF DELAY IN REFILING)

SLP(C) No. 17048/2019 (IX)
(FOR ADMISSION and I.R. and IA No.92643/2019-CONDONATION OF DELAY
IN FILING)

SLP(C) No. 18517/2019 (IX)
(FOR ADMISSION and I.R. and IA No.105176/2019-CONDONATION OF DELAY
IN FILING)

SLP(C) No. 2250/2020 (IX)
(FOR ADMISSION and I.R. and IA No.3209/2020-CONDONATION OF DELAY IN
FILING and IA No.3208/2020-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

Date : 03-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. Zoheb Hossain, Adv.
Mr. Ashok Panigrahi, Adv.
Ms. Swati Ghildiyal, adv.

Signature Not Verified
Digitally signed by
SUSHMA KUMARI
BAJAJ

Mrs. Anil Katiyar, AOR

For Respondent(s)

Date: 2020.02.07

16:48:32 IST

Reason:

Mr. Puneet Jain, Adv.

Ms. Christi Jain, AOR

SLP (C) No. 3382/2019 etc.

Mr. Harsh Jain, Adv.

Mr. Abhinav Deshwal, Adv.

Mr. Pankaj Sharma, Adv.

Mr. R. V. Easwar, Sr. Adv.

Mr. Rashmikumar Manilal Vithlani, AOR

Ms. Rubal Bansal, Adv.

Mr. Tushar Hemani, Sr. Adv.

Ms. Anushree Prashit Kapadia, AOR

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

SLP (C) No 3382 of 2019 The Division Bench of the High Court of Gujarat by its judgment and order dated 27 June 2018 followed its earlier decision in Tax Appeal No 1000 of 2017. Following the earlier decision, the appeal was not entertained on the following question:

“A. Whether the Appellate Tribunal has erred in law and on facts in deleting the disallowance of notional loss on account of foreign exchange fluctuation loss amounting to Rs.1,26,42,63,740/claimed on account of Mark to Market basis” The judgment of the High Court dated 20 February 2018 in Tax Appeal No 1000 of 2017 has attained finality as a result of the dismissal of the Special Leave Petition by this Court on 17 January 2020 (Principal Commissioner of Income Tax 4 v Suzlon Energy Limited SLP (C) No 1422 of 2019).

Consequently, in view of the above position and since the Special Leave Petition against the judgment which has SLP (C) No. 3382/2019 etc. been relied upon has been dismissed by this Court, we dismiss the Special Leave Petition on that ground.

There is no dispute about the factual position that the issue which was raised in these Special Leave Petitions is covered by the issue which was raised in the above Special Leave Petition. Since the

companion Special Leave Petition has been dismissed, we see no reason to entertain the Special Leave Petitions.

The Special Leave Petitions are dismissed. List the petitions on 10 February 2020.

(NIDHI AHUJA)
AR - cum - PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER