

# The Commr. Of Income Tax Delhi Iv vs M/S. Escorts Finance Ltd. on 15 September, 2022

**Author: J.K. Maheshwari**

**Bench: J.K. Maheshwari**

CIVIL APPEAL NO. 90

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9096 OF 2012

THE COMM. OF INCOME TAX DELHI IV ...  
ETC.

Versus

M/S. ESCORTS FINANCE LTD. ETC. ... RE

WITH

C.A. No. 9097/2012

C.A. No. 9099/2012

C.A. No. 9100/2012

AND

C.A. No. 9098/2012

O R D E R

CIVIL APPEAL NO. 9096 OF 2012

Learned Additional Solicitor General appearing

appellant-revenue does not wish to press the present appeal, in view of the low tax effect.

Taking the statement on record, the appeal is dismissed as not pressed. However, the question of law is kept open. CIVIL APPEAL NO. 9096 OF 2012 etc. At the request made by the learned counsel for the parties, the appeal is not taken up for hearing today. Learned counsel for the respondent states that the Income Tax Appellate Tribunal has deleted the penalty under Section 271(1)(c) of the Income Tax Act, 1961, which order has attained finality as the Revenue did not challenge the said order. Hence, the present appeal is rendered infructuous.

Learned Additional Solicitor General prays for and is granted two days' time to seek instructions. Re-list on 20th September, 2022.

At the request made by learned Additional Solicitor General appearing for the appellant-revenue, the appeal is not be taken up for hearing today.

List on 22nd September, 2022.

As per the order enclosed as Annexure P-2, penalty of Rs. 3,07,645/- (Rupees Three Lakh Seven Thousand Six Hundred and Forty Five only) was imposed. This penalty was deleted on an appeal filed CIVIL APPEAL NO. 9096 OF 2012 etc. by the respondent-assessee, which order of the Income Tax Appellate Tribunal was challenged by the revenue in ITA No. 99 of 2007 before the High Court of Delhi. By the order dated 15th September, 2007, the appeal has been dismissed. As it is a case of low tax effect, learned Additional Solicitor General has not pressed the present appeal. He states that the question of law may be kept open.

Recording the aforesaid factual position and the statement, the appeal is disposed of as not pressed, leaving the question of law open.

.....J. (SANJIV KHANNA) .....J. (J.K. MAHESHWARI) NEW DELHI;

SEPTEMBER 15 , 2022.

sb

CIVIL APPEAL NO. 9096 OF 2012 etc.

ITEM NO.109

COURT NO.12

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 9096/2012 THE COMMR. OF INCOME TAX DELHI IV ETC. Appellant(s) VERSUS M/S. ESCORTS FINANCE LTD. ETC Respondent(s) WITH C.A. No. 9097/2012 (XIV-A) C.A. No. 9099/2012 (XIV-A) C.A. No. 9100/2012 (IX) C.A. No. 9098/2012 (XIV-A) Date : 15-09-2022 These appeals were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE J.K. MAHESHWARI For Parties Mr. B. V. Balaram Das, AOR Mr. Balbir Singh, ASG Mr. Arijit Prasad, Sr. Adv.

Mr. Alka Agarwal, Adv.

Mr. Santosh Kumar, Adv.

Mr. Prahlad Singh, Adv.

Mr. Shyam Gopal, Adv.

Mr. Samvir Singh, Adv.

Mr. Arijit Prasad, Sr. Adv.

Mr. Raj Bahadur Yadav, AOR Mr. Jay Kishor Singh, AOR Mr. Mohit Raj, Adv.

Mr. Ajay Bhargava, Adv.

Ms. Vanita Bhargava, Adv.

Mr. Shantanu Chaturvedi, Adv. Ms. Prerna Singh M/S. Khaitan & Co., AOR Ms. Mahua Kalra, AOR Mr. V. N. Raghupathy, AOR CIVIL APPEAL NO. 9096 OF 2012 etc. Mr. Simhran Mehta, Adv.

Mr. Vikas Bansode, Adv.

Ms. Aruna Gupta, AOR UPON hearing the counsel the Court made the following O R D E R CIVIL APPEAL NO. 9096 OF 2012 The appeal is dismissed as not pressed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

At the request made by the learned counsel for the parties, the appeal is not taken up for hearing today.

Learned counsel for the respondent states that the Income Tax Appellate Tribunal has deleted the penalty under Section 271(1)(c) of the Income Tax Act, 1961, which

order has attained finality as the Revenue did not challenge the said order. Hence, the present appeal is rendered infructuous.

Learned Additional Solicitor General prays for and is granted two days' time to seek instructions.

CIVIL APPEAL NO. 9096 OF 2012 etc. Re-list on 20th September, 2022.

At the request made by learned Additional Solicitor General appearing for the appellant-revenue, the appeal is not be taken up for hearing today.

List on 22nd September, 2022.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN) (R.S. NARAYANAN) COURT MASTER (SH) COURT MASTER (NSH) [Signed Order is placed on the file]