

ITEM NO.46

COURT NO.2

SECTION XVII

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. 7412/2023

SURAKSHA REALTY LTD. & ANR.

Appellant(s)

VERSUS

DEPUTY COMMISSIONER OF INCOME TAX & ANR.

Respondent(s)

(IA No.226930/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.226926/2023-EX-PARTE STAY)

WITH

C.A. No. 8121/2023 (XVII)

(FOR ADMISSION and IA No.260002/2023-EX-PARTE STAY)

Date : 15-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s)

Mr. Parag P. Tripathi, Sr. Adv.
Mr. Sumant Batra, Adv.
Mr. Sanjay Bhatt, Adv.
Mr. Rabin Majumder, AOR
Ms. Akansha Srivastava, Adv.
Mr. Joydeep Mukherjee, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Rohan Talwar, Adv.
Ms. Geetika Sharma, Adv.
Mr. E.C. Agrawala, AOR

For Respondent(s)

Mr. N. Venkatraman, A.S.G. (N/P)
Mr. Arijit Prasad, Sr. Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. V. Chandrashekhara Bharathi, Adv.
Mr. Raghvendra Shukla, Adv.
Mr. Navanjay Mahapatra, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawala,, Adv.
Mr. Rohan Talwar, Adv.
Ms. Geetika Sharma, Adv.
Mr. Sagar Bansal, Adv.
Mr. E.C. Agrawala, AOR

Mr. Parag P. Tripathi, Sr. Adv.
Mr. Sumant Batra, Adv.
Mr. Sanjay Bhatt, Adv.
Mr. Rabin Majumder, AOR
Ms. Akansha Srivastava, Adv.
Mr. Joydeep Mukherjee, Adv.

Mr. Rana Mukherjee, Sr. Adv.
Mr. Chitranshul A. Sinha, AOR

Mr. Shoeb Alam, Sr. Adv.
Mr. Amit Kumar Mishra, Adv.
Ms. Mitakshara Goyal, Adv.
Mr. Akshat Hansaria, Adv.
Mr. Shivam Singh, Adv.
Mr. Kunal Chatterji, AOR

Mr. Anil Dutt, Adv.
Mr. Anupam Chaudhary, Adv.
Mr. Vishal Gupta, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv. **

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

We put respondent no. 1 - Deputy Commissioner of Income Tax, Circle 5(1)(1), Noida to notice that this Court, while examining the issues in the present appeal, may go into the question of validity of the assessment order, in exercise of its jurisdiction under Article 142 and Article 136 of the Constitution of India.

A copy of the assessment order will be examined by the Chairperson of the Central Board of Direct Taxes, who will file an affidavit in the Court examining all aspects and issues. The affidavit will be filed within a period of 25 days from today.

We have made these observations and passed the aforesaid

direction in view of the very peculiar facts and circumstances of the case. Resolution plan for construction of a housing project, which affects about 20,000 home buyers is at stand still. Some of the home buyers had made the bookings as early as in the year 2008. The Corporate Insolvency Resolution Process had commenced in 2017.

Re-list in the week commencing 13.05.2024.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

** No appearance slip received