Additional Cit Vs. Hcl Technologies Ltd.

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SooperKanoon Citation : sooperkanoon.com/673950

Court : Supreme Court of India

Decided On : Aug-17-2009

Reported in : [2010]188TAXMAN72(SC)

Judge : S.H. Kapadia and; Aftab Alam, JJ.

Appellant : Additional Cit

Respondent : Hcl Technologies Ltd.

Judgement :
ORDER

1. Delay condoned.

2. Heard both sides.

3. We are of the view that in the peculiar facts and circumstances of this case, particularly when the High Court has remitted the matter to the TPO from whose order an appeal is pending before the Commissioner (Appeals), it would be in the interest of both sides to resort to Alternate Dispute Resolution Mechanism suggested in the Budget of 2009 (see Section 144C of the Income Tax Act, 1961). It is made clear that the competent authority will not reject the application herein made by the assessee on the ground that the proposal has come after the cut-off date. The learned Addl. Solicitor General will, accordingly, communicate instructions to the department. The competent authority will decide the matter notwithstanding the pendency of the appeal before the Commissioner (Appeals).

Special Leave Petition is disposed of.