

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 26127/2018

(Arising out of impugned final judgment and order dated 29-08-2016 in ITA No. 657/2007 passed by the High Court Of Judicature At Allahabad)

COMMISSIONER OF INCOME TAX GHAZIABAD

Petitioner(s)

VERSUS

HAPUR PILKHUWA DEVELOPMENT AUTHORITY

Respondent(s)

(FOR I.R. and IA No.115842/2018-CONDONATION OF DELAY IN FILING)

Date : 27-08-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. H. Raghavendra Rao, Adv.
Mr. Debashish Bharukha, Adv.
Mrs. Anil Katiyar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

This petition for special to leave has been filed by the Commissioner of Income Tax, Ghaziabad.

First of all this petition has been filed after a delay of 596 days. There is an inadequate and unconvincing explanation given for the delay in filing the petition.

Secondly, it is mentioned in the proforma for first listing that a similar matter being C.A. No. 7096/2012 is pending in this Court. However, the office has given a report stating that C.A. No. 7096/2012 was decided by this Court as far back as on 27.09.2012. In other words, the petitioners have given a totally

misleading statement before this Court.

We are shocked that the Union of India through the Commissioner of Income Tax has taken the matter so casually.

As we have noted, there is an inadequate explanation of delay of 596 days in filing the petition and a misleading statement about pendency of a similar civil appeal. Under the circumstances, we dismiss the petition with costs of Rs.10 lacs to be paid to the Supreme Court Legal Services Committee within four weeks from today. The amount be utilized for juvenile justice issues.

List the matter for compliance after four weeks.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER