

**CASE NO.****230**

**YEAR** : 1978      **DATE OF DECISION** : 08/08/1902<sup>2002</sup>

**CASE NAME** : WRIT PETITION (CIVIL)

**DECIDED BY** : Hon'ble Mr. Justice MANMOHAN SARIN

**PETITIONER NAME** : ORISSA GEMENT LTD

**RESPONDENT NAME** : COMMISSIONER OF INCOME TAX & ANOTHER

**PETITIONER'S ADV** : RADHA RANGASWAMY & ANOTHERS<sup>sd</sup>

**RESPONDENT'S ADV** : R D JOLLY & ANOTHER



HC\_

# IN THE HIGH COURT OF DELHI

## Appellate Civil Jurisdiction

C.W.No.230 NO.

OF 1978 with C.M.459-W/78  
and C.M.No. 460-W of 1978M/S-Orissa Cement Ltd.

PETITIONER

VS.

Commissioner of Income-tax  
(Central) and another

RESPONDENT

Shri Bishamber Lal, Advocate.

Sr. No. &  
Date

## ORDERS

1. 1.3.1978

Present : Mr. A.K.Sen, Sr. Advocate with Mr. Bishamber Lal,  
counsel for the petitioner.C.W.No. 230 of 1978

Notice to Mr. B.N.Kirpal, Standing counsel for  
the respondents, to show cause why the Writ Petition  
should not be admitted. Notices returnable by 6th March,  
1978. Dasti.

C.M.No 460 of 1978

Notice to Mr. B.N.Kirpal, Standing Counsel for t  
respondents. Notice returnable by 6th March, 1978. Dasti.  
In the meantime the commissioner is restrained from  
passing any final order pursuant to the notice Annexure I  
dated 16th January, 1978.

C.M.No. 459 of 1978

The exemption prayed for is granted.

T. V. R. Tatchari  
CHIEF JUSTICE.



C.W.P.No. 230 of 1978

2. 6.3.1978 Present : Mr. Bishamber Lal, counsel for the petitioner.

Mr. B.N.Kirpal, counsel for the respondents.

C.W.P.No. 230 of 1978 & C.M.No.460 of 1978.

Mr. Kirpal wants to file a counter-affidavit showing cause. He should file the counter-affidavit on or before 14th March, 1978. The petitioner may file the rejoinder, if any, by 21st March, 1978. Let the matter be listed on 21st March, 1978.

*T.V.R. Tatachani*

CHIEF JUSTICE.

*S. Ranganathan*  
(S.RANGANATHAN)  
JUDGE.

March 6, 1978.

21-3-1978

Present Mr. A.K.Sen, Sr. Advocate with Mr. Bishamber Lal, counsel for the petitioner.  
Mr. B.N.Kirpal with Mr. M.L.Verma, counsel for the respondent.

C.W.P.No. 230 of 1978:

Heard. Rule.

C.M.No. 460 of 1978:

We do not think that there is any <sup>R sufficient R</sup> ~~exceptional~~ ground for granting <sup>R the R</sup> stay prayed for. C.M.No. 460 of 1978 is dismissed.

*T.V.R. Tatachani*  
CHIEF JUSTICE

March 21, 1978:

*S. Ranganathan*  
(S.RANGANATHAN)  
JUDGE



C.W. 230 of 1978

31-8-1979

Present: Mr. Bishambar Lal for the petitioner.  
Mr. B.N. Kirpal for the respondents.

C.M. 2552 of 1979:

By this application the petitioner company seeks a direction to the Incometax Appellate Tribunal to hear and dispose of ITA No. 887/Del of 1978-79. The Tribunal is not a party to the writ petition. <sup>and no such direction can be given.</sup> ~~But it~~ appears that since the subject matter of the appeal before the Tribunal is also the same as <sup>with</sup> of the writ petition the Tribunal declined to hear it so long as the writ petition is pending. I find that there is no <sup>stay</sup> ~~such~~ order passed by this Court either restraining the respondents or anybody else from proceeding further in the matter. It is sufficient for me <sup>to decide</sup> that the pendency of this writ petition does not in any way debar the Tribunal <sup>from</sup> ~~to~~ proceed <sup>with</sup> ~~with~~ the appeal <sup>before it</sup>. With this observation the petition is disposed of.

Aug 31, 1979:

*Rangendra*  
Judge



4.

Sr. No.	Date	Orders
		<p data-bbox="443 349 644 383">08.08.2002</p> <p data-bbox="443 414 1465 539">Present: Ms.Radha Rangaswamy and Ms.Ranjeeta Rohtagi for the petitioners. Mr.R.D.Jolly and Mr.Ajay Jha for the respondents.</p> <p data-bbox="427 607 663 640"><u>CW No.230/78</u></p> <p data-bbox="443 730 1509 1211">Petitioner had filed this writ petition seeking a writ of prohibition to restrain respondent No.1 from proceeding under Section 263 of the Act or passing any order pursuant thereto. Learned counsel for the petitioner submits that in view of the order under Section 263 of the Act, having been passed and the petitioner having availed of the appellate remedy, petitioner does not press the writ petition.</p> <p data-bbox="443 1245 1509 1339">The writ petition is disposed of as having become infructuous.</p> <p data-bbox="443 1435 740 1496">August 08, 2002 aka.</p> <p data-bbox="1118 1335 1560 1464"><i>Manmohan Sarin</i> Manmohan Sarin, J.</p>