

ITEM NO.10

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 13301/2015

SUBRATA BHATTACHARYA

Appellant(s)

VERSUS

SECURITIES AND EXCHANGE BOARD OF INDIA

Respondent(s)

(IA No.64555/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.65030/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 1/2015 FOR STAY APPLICATION ON IA 2/2015 FOR [PERMISSION TO FILE ANNEXURES] ON IA 3/2016 FOR INTERVENTION APPLICATION ON IA 12/2016 FOR INTERVENTION APPLICATION ON IA 19/2016 FOR [I/A FOR DIRECTION] ON IA 16558/2017 FOR [I A FOR INTERVENTION AND STAY] ON IA 19713/2017 FOR INTERVENTION APPLICATION ON IA 22/2017 FOR [I A FOR DIRECTION] ON IA 22042/2017 FOR [I A FOR DIRECTION] ON IA 36792/2017 FOR [I A FOR IMPLEADMENT] ON IA 36788/2017 FOR [I/A FOR DIRECTION] ON IA 36786/2017 FOR [I/A FOR IMPLEADMENT] ON IA 36785/2017 and IA No.75361/2017-MODIFICATION OF COURT ORDER and IA No.78092/2017-impleading party and IA No.78094/2017-CLARIFICATION/DIRECTION and IA No.79970/2017-impleading party and IA No.79973/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.85882/2017-CLARIFICATION/DIRECTION and IA No.101649/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.117053/2017-impleading party and IA No.117057/2017-CLARIFICATION/DIRECTION and IA No./- and IA No.118905/2017-INTERVENTION APPLICATION and IA No.118909/2017-APPROPRIATE ORDERS/DIRECTIONS)

WITH

W.P. (C) No. 500/2015 (X)

C.A. No. 13319/2015 (XVII)

(With IA 1/2015 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA 2/2015 - FOR EX-PARTE STAY and IA 3/2015 - FOR PERMISSION TO FILE ANNEXURES)

C.A. No. 13394/2015 (XVII)

(With IA 2/2015 - FOR PERMISSION TO FILE ANNEXURES, IA 4/2015 - FOR PERMISSION TO FILE ANNEXURES, IA 5/2016 - FOR INTERVENTION APPLICATION, IA 6/2015 - FOR STAY APPLICATION and IA 35762/2017 - FOR IMPLEADMENT AND DIRECTION)

C.A. No. 13301/2015 etc.

C.A. No. 13410/2015 (XVII)

(With IA 1/2015 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA 2/2015 - FOR EX-PARTE STAY)

T.C. (C) No. 134/2015 (XVI -A)

W.P. (C) No. 640/2016 (X)

(IA No.102672/2017-CLARIFICATION/DIRECTION and IA No.107462/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION)

W.P. (C) No. 613/2016 (X)

T.C. (C) No. 31/2016 (XVI -A)

T.C. (Cr1.) No. 1/2016 (XVI -A)

T.C. (Cr1.) No. 2/2016 (XVI -A)

T.C. (Cr1.) No. 3/2016 (XVI -A)

T.C. (C) No. 30/2016 (XVI -A)

Date : 14-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Parties

Mr. Niraj Kishan Kaul, Sr. Adv.
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Mr. Prashant Bhushan, AOR

Mr. Anjani Kumar Mishra, AOR

Mr. P. S. Sudheer, AOR

Mr. T. Sudhaker, Adv.

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

The matters be listed tomorrow, the 15th of November,
2017.

Interlocutory Application No. 85882 of 2017

In order dated 04.08.2017, this Court while considering
sale of properties, also give the following directions:

"TDS may be deducted by the Committee and credited to
a separate account of PACL Ltd. towards TDS."

In this application, it is pointed out that as per the

C.A. No. 13301/2015 etc.

provisions of Income Tax Act, TDS has to be deducted by the purchaser under Section 194A of the said Act. Therefore, modification of the aforesaid direction is sought to bring it in line with the aforesaid provision.

The prayer made in this behalf appears to be justified. We accordingly, substitute the aforequoted lines with the following lines:

"TDS may be deducted by the purchaser under Section 194A and Form 26QB of the Income Tax Act showing PACL Ltd. as owner."

The interlocutory application stands disposed of.

(NIDHI AHUJA)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

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