(2004) 02 MP CK 0041

Madhya Pradesh High Court (Indore Bench)

Case No: MCC No. 16 of 2004

Daluram Mangilal		APPELLANT
	Vs	
Commissioner of Income Tax		RESPONDENT

Date of Decision: Feb. 6, 2004

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 47 Rule 1

Citation: (2004) 191 CTR 46 : (2005) 143 TAXMAN 41

Hon'ble Judges: S.K. Seth, J; Deepak Verma, J

Bench: Division Bench

Advocate: G.M. Chaphekar and R.K. Sharda, for the Appellant;

Judgement

1. Heard.

2. This is review application filed by the assessee. Learned counsel appearing for applicant submitted that ITA No. 49/2003 which was disposed of finally by this Bench, vide order dt. 8th July, 2003, is based on erroneous interpretation of the reporter of ITR of the decision of the Supreme Court. Said view of reporter is reported in (2002) 255 ITR 99. Learned counsel for applicant submitted that no decision has been given by the Supreme Court with regard to sales and purchases made in the market were bogus transactions. Learned counsel for applicant further submitted that observations made by this Court may embarrass the Tribunal, if any application u/s 254(2) is made by Revenue on the strength of observations made by this Court. We, accordingly, clarify that as and when application is made by Revenue u/s 254(2), the assessee, if noticed, shall be at liberty to clarify that observations made by this Court are based on erroneous reporting of reporter of ITR inasmuch as SLP as well as review petition were dismissed by the Supreme Court without any reference to merits of the case. With these observations, this review petition is, therefore, disposed of.