

ITEM NO.9 Court 4 (Video Conferencing) SECTION XII-A

**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**

Petition(s) for Special Leave to Appeal (C) No.11995/2021

(Arising out of impugned final judgment and order dated 22-01-2021 in WP No.19243/2020 passed by the High Court for the State of Telangana at Hyderabad)

ASSISTANT COMMISSIONER OF INCOME TAX & ORS. Petitioner(s)

VERSUS

MS. TSI BUSINESS PARKS (HYDERABAD) PVT. LTD. Respondent(s)

(With appln.(s) for I.R. and IA No.93101/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-08-2021 This petition was called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH**

**For Petitioner(s) Mr. Jitin Singhal, Adv.
 Mr. Bhuvan Mishra, Adv.
 Mr. Subhranshu Padhi, Adv.
 Mr. Shyam Gopal, Adv.
 Mr. Raj Bahadur Yadav, AOR**

For Respondent(s)

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

- 1 Mr Jitin Singhal, learned counsel appearing on behalf of the petitioner submits that the High Court has granted interest on refund at the rate of 15% per annum which is contrary to the provisions of Section 244A of the Income Tax Act 1961. Reliance has been placed on the judgment of this Court in ***Commissioner of Income Tax, Gujarat vs Gujarat Fluoro Chemicals*** (2014) 1 SCC 126.
- 2 Issue notice, returnable in twelve weeks.
- 3 Dasti, in addition, is permitted.
- 4 Counter affidavit be filed within a period of six weeks from the date of service of the notice.
- 5 Till the next date of listing, there shall be a stay of the direction of the High Court insofar as it pertains to the award of interest in excess of 6% per annum.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
COURT MASTER