

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) .8725/2017  
(Arising out of Special Leave Petition(C) No(s). 16951/2015)

ENGINEERS INDIA LTD.

APPELLANT (s)

VERSUS

COMMISSIONER OF INCOME TAX

RESPONDENT (s)

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

The issue pertains to grant of interest under Section 244A of the Income Tax Act which is decided by the High Court vide impugned judgment against the assessee. The impugned judgment of the High Court reveals that another judgment of the Coordinate Bench of the same High Court in the case of *Commissioner of Income Tax v. Sutlej Industries Ltd., (2010) 325 ITR 331 (Delhi)* was cited wherein the view taken was that in such circumstances the assessee would be entitled to interest under Section 244A of the Income Tax Act on the refund of the self-assessment tax. The High Court further did not agree with the aforesaid view and made the following observation:

"35. Having found the position of law as indicated above, we express, with respect, our inability to subscribe to, or follow, the view

taken by the other Division Bench of this court in the case of *Commissioner of Income Tax v. Sutlej Industries Ltd.*"

It is clear from the above that in the impugned judgment, the Bench has differed with the earlier view expressed by the Coordinate Bench. In the circumstances, the appropriate course of action was to refer the matter to the larger Bench and we fail to understand why it was not done.

We are informed that subsequently in the case of *Sutlej Industries Ltd. V. Commissioner of Income Tax (ITA Nos. 493/2003 & 120/2004)* pending before the High Court, the High Court has referred the matter to a larger Bench. In these circumstances, we set aside the impugned judgment of the High Court and remand the appeal back to the High Court for its afresh decision along with ITA Nos. 493/2003 & 120/2004 by a larger Bench.

The appeal is disposed of accordingly.

.....J.  
[A.K. SIKRI]

.....J.  
[ASHOK BHUSHAN]

NEW DELHI;  
JULY 06, 2017.

ITEM NO.10

COURT NO.6

SECTION XIV

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(s). 16951/2015

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 26-02-2015  
IN ITA NO. 300/2012 PASSED BY THE HIGH COURT OF DELHI AT NEW DELHI)

ENGINEERS INDIA LTD.

Petitioner(s)

VERSUS

COMMISSIONER OF INCOME TAX

Respondent(s)

Date : 06-07-2017 This petition was called on for hearing today.

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

For Petitioner(s) Mr. Somnath Shukla, Adv.  
Mr. Udit Jain, Adv.  
Ms. Ashwini Chandrasekaran, Adv.  
Mr. Harish Pandey, AOR

For Respondent(s) Mr. Maninder Singh, ASG  
Mr. Arijit Prasad, Adv.  
Ms. N. Annapoorani, Adv.  
Ms. Anil Katiyar, AOR

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

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of  
accordingly.

(ASHWANI KUMAR)  
COURT MASTER (SH)

(MALA KUMARI SHARMA)  
COURT MASTER

(Signed order is placed on the file)