

However, learned Senior Counsel for the petitioner has submitted that so far as imposing the penalty is concerned, the learned Single Judge set aside the same also on quashing and setting aside the levy of differential tax. However, so far as the Division Bench is concerned, the Division Bench has not at all addressed anything on the levy of penalty. From the impugned judgment and order passed by the Division Bench, it appears that there is no discussion by the Division Bench on the levy of penalty. Therefore, so far as the levy of penalty is concerned, we reserve the liberty in favour of the petitioner to approach the Division Bench of the High Court by way of Review Petition(s) and as and when such Revision Petition(s) is/are filed within a period of four weeks from today, the same may be considered in accordance with law and on merits.

In case, the decision in the Review Petition(s) is/are against the petitioner, it will be open for the petitioner to come before this Court so far as the levy of penalty is concerned.

With this the present Special Leave Petitions stand disposed of. Pending application also stands disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(PRADEEP KUMAR)
BRANCH OFFICER