

**SUPREME COURT OF INDIA**

Commissioner of Income Tax

Vs.

Hindustan Bulk Carriers

C.A.Nos.7966-67 of 1996

(N.Santosh Hegde and B.P. Singh JJ.)

8.10.2002

**ORDER**

**Santosh Hegde, J.**

1. The question involved in these appeals pertains to determination of the starting point in regard to payment of interest arising from the order of the Settlement Commission. A 5-Member Bench of the Settlement Commission had decided this issue against the Revenue by a majority JUDGMENT. When the matter came up for preliminary hearing, a 3-Judge Bench of this Court was pleased to grant leave and directed these appeal to be heard along with certain other appeals then pending and which were listed for hearing. One such appeal was an appeal filed by the C.I.T., Mumbai in the case of *Anjum M.H. Ghaswala & Ors. However<sup>1</sup>*, subsequently, by an order dated 28.3.2001 these appeals were delinked from the case of Ghaswala (supra), and those appeals along with some other appeals were directed to be listed for hearing after the decision of this Court in the appeal of Ghaswala (supra).

2. The said case of Ghaswala (supra) was decided by a Constitution Bench of this Court vide the judgment reported in wherein the Constitution Bench decided the question as to the scope and functions of the Settlement Commission, as also its power to either waive or reduce the statutory interest and the questions involved in these appeals were not decided. The issues involved in these appeals are not covered by the judgment of the Constitution Bench in the case of Ghaswala (supra).

3. This case involves the interpretation of the judgment of this Court in the case of *CIT v. Express Newspapers Ltd.*<sup>2</sup> which is a judgment of a Bench of 3 Judges. This Court in the case of *Commissioner of Income Tax, Mumbai City-XIII, Mumbai etc. v. Damani Brothers etc.*<sup>3</sup> which also involved the interpretation of the said case of Express Newspapers (supra) has since referred the matter to be decided by a larger Bench, therefore, we think it appropriate that it is just and necessary that this matter be also referred to a larger Bench, and preferably be heard along with C.A. No. 7248/99 - Damani Brothers (supra).

4. Accordingly, we direct that the papers of these appeals be placed before Hon. the CJI for appropriate orders.

Order accordingly

<sup>1</sup>*2002(1) SCC 633*

<sup>2</sup>*(1994 2 SCC 374)*

<sup>3</sup>*(2002 3 SCC 124)*