

ITEM NO.60

COURT NO.9

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). 6483/2018

(Arising out of impugned final judgment and order dated 04-09-2017  
in ITA No. 543/2017 passed by the High Court Of Delhi At New Delhi)

PR. COMMISSIONER OF INCOME TAX

Petitioner(s)

VERSUS

MONNET ISPAT AND ENERGY LTD.

Respondent(s)

WITH

SLP(C) No. 6487/2018 (XIV)

SLP(C) No. 6488/2018 (XIV)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
31154/2018)

SLP(C) No. 6590/2018 (XIV)

Diary No(s). 4692/2018 (XIV)

(FOR CONDONATION OF DELAY IN FILING ON IA 32173/2018)

Diary No(s). 4781/2018 (XIV)

(FOR CONDONATION OF DELAY IN FILING ON IA 34964/2018  
FOR CONDONATION OF DELAY IN REFILING ON IA 34965/2018)

SLP(C) No. 6490/2018 (XIV)

SLP(C) No. 8382/2018 (XIV)

Diary No(s). 5210/2018 (XIV)

(FOR CONDONATION OF DELAY IN FILING ON IA 34695/2018)

Diary No(s). 6122/2018 (XIV)

(FOR CONDONATION OF DELAY IN FILING ON IA 33578/2018)

SLP(C) No. 6492/2018 (XIV)

SLP(C) No. 6489/2018 (XIV)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
31154/2018)

SLP(C) No. 6493/2018 (XIV)

SLP(C) No. 8187/2018 (XIV)

SLP(C) No. 8380/2018 (XIV)

Signature No. 10  
Digitally signed by  
NATASHA  
Date: 2018.08.13  
16:46:07 IST  
Reason: I

Diary No(s). 7050/2018 (XIV)  
(FOR CONDONATION OF DELAY IN FILING ON IA 34726/2018)

SLP(C) No. 8188/2018 (XIV)

SLP(C) No. 8383/2018 (XIV)

Diary No(s). 7319/2018 (XIV)  
(FOR CONDONATION OF DELAY IN FILING ON IA 33741/2018)

SLP(C) No. 8381/2018 (XIV)

SLP(C) No. 8189/2018 (XIV)

Date : 10-08-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. A.N.S. Nadkarni, ASG  
Mr. K.S. Radhakrishnan, Sr. Adv.  
Mr. S.A. Haseeb, Adv.  
Mr. Arijit Prasad, Adv.  
Mrs. Anil Katiyar, AOR

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Shyam Divan, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Ankur Saigal, Adv.  
Mr. Himanshu Satija, Adv.  
Mr. E.C. Agrawala, AOR

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

Heard.

Delay, if any, is condoned.

Given Section 238 of the Insolvency and Bankruptcy Code, 2016,  
it is obvious that the Code will override anything inconsistent  
contained in any other enactment, including the Income-Tax Act.

We may also refer in this Connection to Dena Bank vs.  
Bhikhabhai Prabhudas Parekh and Co. & Ors. (2000) 5 SCC 694 and its  
progeny, making it clear that income-tax dues, being in the nature  
of Crown debts, do not take precedence even over secured creditors,  
who are private persons.

We are of the view that the High Court of Delhi, is, therefore, correct in law.

Accordingly, the Special Leave Petitions are dismissed.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER