

"The Hon'ble Special Court passed a combined order in MA 107 of 1993 and other Applications and rejected the request of the I.T. department to release monies to it on the ground that the occasion to consider the Applications will arise when the disbursement of the amount takes place."

IN THE SPECIAL COURT (TRIAL OF OFFENCES RELATING
TO TRANSACTIONS IN SECURITIES) AT BOMBAY.

MISC. APPLICATION NO.107 OF 1993

WITH

MISC. APPLICATION NO.109 OF 2000

WITH

MISC. APPLICATION NO.121 OF 2000

WITH

MISC. APPLICATION NO.125 OF 2000

Deputy Commissioner of Income Tax

Central Circle 31, 7th Floor,

Old CGO Building, (Annex),

M.K.Road, Mumbai 400 020. ...Applicant

Versus

1. Custodian & Anr. ...Respondents

Mr.B.M.Chaterjee i/by R.N.Bandopadhay for the
Applicant.

Mr.J.Chandran i/by M/s. P.M. Mithi & Co. for
Respondent No.1/Custodian.

CORAM:D.K.DESHMUKH, J.

Dated : 16.7.2003

P.C:-

1. All these applications are filed by the Income Tax Department for payment of the amount which is due to the Income Tax Department from the notified parties. The occasion to consider these applications will arise when the disbursement of the amount takes place. The present position is that there is no occasion to disburse the funds. In my opinion, therefore, following order would meet the ends of justice.

2. The Respondent No.1-Custodian is directed to consider the claim of the applicant as and when an occasion for disbursement from the realization of the attached assets arises. Obviously, the Custodian shall consider the claim in accordance with law. All these applications are disposed off.

Certified copy expedited.

