

## HC: Bombay HC tells Revenue - Let SC decide Shelf Drilling controversy

Aug 14, 2024

PayPal Payments [TS-588-HC-2024(BOM)]

### Conclusion

While rejecting Revenue's plea for larger bench reference in Shelf Drilling controversy, HC stresses that several SLPs filed by Revenue against other HC decisions on the issue, including Roca Bathroom, are pending before Apex Court and hence it would not like to adjudicate on the issue ; Bombay HC observes as follows - " Thus the issue of law, which would touch not only the present proceedings, but hundreds of other pending proceedings as urged by Mr. Venkataraman, is at large before the Supreme Court. The Supreme Court is seized of the proceedings in which the Supreme Court would decide on the correct purport and the determination on interpretation on the interplay between Section 144C and Section 153 of the Act. " ; HC further rejects ASG Venkataraman's submission that merely because Rs. 5 lakh crore is at stake, the issue ought to be referred to larger bench:HC BOM

### Decision Summary

The order was passed by a Division bench of Justice G.S. Kulkarni & Justice Somasekhar Sundaresan.

Sr. Adv. Jehangir Mistry appeared for PayPal and ASG N. Venkataraman appeared for Revenue.

### Case Law Information

#### Taxpayer Name

- PayPal Payments

#### Judicial Level & Location

- High Court Bombay

#### Date of Ruling

- 2024-08-13

#### Ruling in favour of

- Assessee