ITEM NO.50 COURT NO.13 SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 6023/2022

[Arising out of impugned final judgment and order dated 05-01-2022 in TTR No. 343/2013 passed by the High Court of Judicature at Allahabad]

COMMERCIAL AUTO SALES P. LTD PETITIONER(S)

VERSUS

COMMISSIONER OF COMMERCIAL TAX RESPONDENT(S)

(IA No. 60773/2022 - APPLICATION FOR PERMISSION
IA No. 198487/2023 - APPLICATION FOR PERMISSION
IA No. 49427/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 49428/2022 - EXEMPTION FROM FILING O.T.
IA No. 198488/2023 - EXEMPTION FROM FILING O.T.
IA No. 53694/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-02-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :
Mr. Pawanshree Agrawal, AOR
Mr. Divyanshu Agrawal, Adv.
Mr. Utkarsh Jaiswal, Adv.

For Respondent(s) :
Mr. Bhakti Vardhan Singh, AOR

UPON hearing the counsel, the Court made the following

O R D E R

1. The order passed by a Coordinate Bench dated 27th September, 2023, reads thus:

"Heard Mr. Pawanshree Agarwal, learned

counsel appearing for the petitioner. The counsel submits that the matter pertains to levy of sale tax under the U.P. Trade Tax Act, 1948. The tax liability on the warranty sale has since been decided against the assessee by the three-Judge Bench in *Tata Motor vs. Deputy Commissioner of Commercial Tax (Spl)* reported in 2023 SCC OnLine SC 638, where the Court approved the view taken in *Mohd. Ekram Khan & Sons vs Commissioner Of Trade Tax, U.P.* reported in 2004 6 SCC 183.

However, on the second aspect on whether tax is payable on the chassis without the mounted body, the counsel submits that when the chassis is purchased and is sold in the same condition by the dealer to a customer, the taxable event will occur at the point of sale to the purchaser and for the purchase of the chassis by the dealer from the manufacturer, the taxable event under Section 3 AAA of the U.P. Trade Tax Act, 1948 will not arise. On this aspect, the counsel submits that notice may be issued.

Issue notice, returnable in six weeks."

2. The matter requires consideration.

3. Leave granted.

4. List the appeal in due course.

(POOJA SHARMA)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)