

ITEM NO.27
COURT NO.1
SECTION IIIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).32274/2010

(From the judgement and order dated 08/09-07-2010 in ITA No.2619/2010 of The HIGH COURT OF BOMBAY)

AL-KABEER EXPORTS LIMITED Petitioner(s)

VERSUS

COMMISSIONER OF INCOME TAX-3, MUMBAI Respondent(s)

(With prayer for interim relief)

With S.L.P. (C) Nos.33932-33933/2010 (With office report)

Date: 03/02/2012

These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. PATNAIK HON'BLE
MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. R. Muralidhar,Adv. Mr. Rustom B. Hathikhanawala,Adv. For Respondent(s)

Mr. R.P. Bhatt,Sr.Adv. Mr. C.V. Subba Rao,Adv. Ms. Reena Singh,Adv. Ms. Anil Katiyar,Adv. for Mr. B.V. Balaram Das,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted. The appeals filed by the assessee are allowed with no order as to costs. [T.I. Rajput] [Madhu Saxena] A.R.-cum-P.S. Assistant Registrar [Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1546 OF 2012 (Arising out of S.L.P. (C) No.32274 of 2010)

Al-Kabeer Exports Limited ...Appellant(s)

Versus Commissioner of Income Tax-3, Mumbai ...Respondent(s)

With Civil Appeal Nos.1547-1548 of 2012 @ S.L.P. (C) Nos.33922-33933 of 2010

O R D E R

Leave granted.

In view of this Court's Order in the case of Commissioner of Income-Tax vs. Bhari Information Technology Systems (P) Ltd. [S.L.P. (C) No.33750 of 2009], upholding the judgment of the Special Bench of Income Tax Appellate Tribunal in the case of Deputy Commissioner of Income Tax vs. Syncome Formulations (I) Ltd., reported in (2007) 106 ITD 193, the impugned judgment of the High Court is set aside and the judgments of the ITAT in these cases stand affirmed. The civil appeals filed by the assessee are, accordingly, allowed with no order as to costs.

.....CJI.

[S.H. KAPADIA]

.....J.

[A.K. PATNAIK]

.....J.

[SWATANTER KUMAR]

New Delhi, February 03, 2012