

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 (Civil) No(s).6442/2009

(From the judgement and order dated 10/12/2007 in ITA No.1756/2000
in ITA No.1906/2006 in NM No.3494/2006 of The HIGH COURT OF BOMBAY)

C.I.T,MUMBAI

Petitioner(s)

VERSUS

M/S DARSHAN SECURITIES P.LTD.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 30/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. V. Shekhar, Sr. Adv.
 Mr. T.V. Ratnam, Adv.
 Mr. Rahul Kaushik, Adv.
 Mr. B.V. Balaram Das, Adv.

For Respondent(s) Mr. J.D. Mistry, Sr. Adv.
 Mr. K.R. Sasiprabhu, Adv.
 Mr. R. Chandrachud, Adv.

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

Heard learned counsel on both sides.

Delay condoned.

Leave granted.

The civil appeal is allowed.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7904 OF 2009
(Arising out of S.L.P. (C) No.6442 of 2009)

Commissioner of Income Tax

...Appellant(s)

Versus

M/s. Darshan Securities Private Ltd.

...Respondent(s)

O R D E R

Heard learned counsel on both sides.

Delay condoned.

Leave granted.

In our view, this is a fit case for the High Court to decide the matter on the question of law which basically also requires interpretation of Explanation to Section 73 of the Income Tax Act, 1961. The High Court has dismissed the appeal filed by the Department only on the ground of delay. No doubt, there was a delay. However, looking to the importance of the question of law involved in this matter and looking to the stakes involved, we are of the view that the High Court should consider the matter for admission and thereafter decide the matter on merits in accordance with law.

The civil appeal stands, accordingly, allowed.

.....J.
[S.H. KAPADIA]

.....J.
[T.S. THAKUR]

New Delhi,
November 30, 2009.