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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7122 OF 2009
(Arising out of S.L.P.(C) No.8351/2009)

C.I.T., Calcutta

...Appellant(s)

Versus

PCBL Industrial Finance Ltd.

...Respondent(s)

O R D E R

Despite notice, none appears for the assessee.

Delay condoned. Leave granted.

In the present case, we are of the view that a question of law did arise before the High Court on interpretation of Section 14-A of the Income Tax Act. That question has not been answered.

In the circumstances, the impugned order is set aside and matter is remitted to the High Court for de novo consideration in accordance with law.

The Appeal is allowed accordingly. No order as to costs.

.....J.
(S.H. KAPADIA)

.....J.
(Dr. B.S. CHAUHAN)

New Delhi,
October 26, 2009.
ITEM NO.64

COURT NO.2

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).8351/2009

(From the judgement and order dated 05/05/2008 in ITA No.287/2008 of the HIGH COURT OF CALCUTTA)

C.I.T., CALCUTTA

Petitioner(s)

VERSUS

PCBL INDUSTRIAL FINANCE LTD.

Respondent(s)

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

Date: 26/10/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. Gourab Banerji, ASG.
 Mr. T.V. Ratnam, Adv.
 Mr. B.V. Balaram Das, Adv.

For Respondent(s) None

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

Despite notice, none appears for the assessee.

Delay condoned. Leave granted.

The appeal is allowed in terms of the signed order.

No order as to costs.

(N. ANNAPURNA)
COURT MASTER

(MADHU SAXENA)
COURT MASTER

(Signed order is placed on the file)