

X
ITEM NO.9

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

CIVIL APPEAL NO.10270 OF 2003

COMMNR. OF INCOME TAX, AHMEDABAD & ORS. Appellant (s)

VERSUS

AHMEDABAD STAMP VENDORS ASSOCN. Respondent(s)

(With office report)

Date: 06/09/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Appellant(s) Mr. R.P. Bhatt, Sr. Adv.
Mr. Rupesh Kumar, Adv.
Ms. N. Annapoorani, Adv.
Ms. Anil Katiyar, Adv.
for Mr. B.V. Balaram Das, Adv.

For Respondent(s) Mr. Huzefa Ahmadi, Adv.
Mr. Ejaz Maqbool, Adv.
Mr. Mrigank Prabhakar, Adv.

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

Heard learned counsel on both sides.

The civil appeal filed by the Department is dismissed
with no order as to costs.

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

[Indu Satija]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10270 OF 2003

Commissioner of Income Tax, Ahmedabad
and Ors.

...Appellant(s)

Versus

Ahmedabad Stamp Vendors Association

...Respondent(s)

O R D E R

Heard learned counsel on both sides.

The respondent in this civil appeal is Ahmedabad Stamp Vendors Association and the Members of the said Association are licensed Stamp Vendors.

We are satisfied that 0.50% to 4% discount given to the Stamp Vendors is for purchasing the stamps in bulk quantity and the said discount is in the nature of cash discount.

In the circumstances, we concur with the impugned judgement that the impugned transaction is a sale. Consequently, Section 194H of the Income Tax Act, 1961, has no application.

The civil appeal filed by the Department is dismissed with no order as to costs.

.....CJI.
[S.H. KAPADIA]

.....J.
[MADAN B. LOKUR]

New Delhi,
September 06, 2012.
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