

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3548 OF 2007

COMMISSIONER OF INCOME TAX,  
WEST BENGAL

... APPELLANT(S)

Versus

SBI HOME FINANCER LIMITED

... RESPONDENT(S)

O R D E R

We have heard the learned senior counsel for the Revenue and the learned *amicus curiae*, who have taken us through the relevant clauses of the agreements dated 08.12.1993 (Annexure P-1) and 30.12.1994 (Annexure P-2). On construing the relevant clauses, it is apparent that the respondent-assessee had become the owner of the plant and machinery. Further the lease rentals in entirety have been taxed as a revenue receipt/income accrued and taxable.

In view of the aforesaid factual background, we do not find any good ground and reason to interfere with the final conclusion and decision of the High Court. Accordingly, the appeal is dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(J.K. MAHESHWARI)

NEW DELHI;  
SEPTEMBER 13, 2022.

ITEM NO.107

COURT NO.12

REVISED-APPEARANCE  
SECTION XVI

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(s). 3548/2007

COMMISSIONER OF INCOME TAX, WEST BENGAL

Appellant(s)

VERSUS

SBI HOME FINANCER LIMITED

Respondent(s)

(Mr. S.K. Bagaria, Senior Advocate may be shown in the cause list .  
)

Date : 13-09-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Mr. Arijit Prasad, Sr. Adv.  
Mr. Rupesh Kumar, Adv.  
Mr. H.R. Rao, Adv.  
Mr. Santosh Kumar, Adv.  
Mr. Praneet Pranav, Adv.  
Mr. Raj Bahadur Yadav, AOR

For Respondent(s) Mr. S.K. Bagaria, Sr. Adv.  
Mr. K.A. Singh, Adv.

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

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)

[Signed Order is placed on the file]

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[Signed Order is placed on the file]