

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).23377/2005

(From the judgement and order dated 09/09/2004 in ITA No. 542/2002 of The HIGH COURT OF BOMBAY)

COMMISSIONER OF INCOME TAX, MUMBAI

Petitioner(s)

VERSUS

M/S. RELIANCE EXPORTS LTD.

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)
(for final disposal)

Date: 30/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr.Gopal Subramanium, ASG

Mr.Arunav Patnaik, Adv.

Mr. B.V. Balaram Das,Adv.

For Respondent(s)

Mr.Santosh Aggarwal, Adv.

Mr. K.R. Sasiprabhu,Adv.

Mr. R.Chandrachud, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

The respondent-herein is the assessee. The relevant Assessment year is 1988-89. The question which arose for consideration was as to whether the Bill

Discounting Charges could be claimed as business expenditure when the same had been done for a sister concern, namely, Reliance India Ltd.

We would have gone into the merit of the matter and determined the said question on merit but, very fairly, our attention has been drawn to the fact that not only in respect of the Assessment years 1985-86, 1986-87, 1987-88 similar reliefs have been granted by the Assessing Officer and the Revenue did not file any appeal

thereagainst; in fact in relation to a subsequent year, namely, Assessment Year 1989-90 also similar relief had been granted and the Judgment and order of the Commissioner of Appeals has been affirmed by this Court by dismissing the

...2/-

Special Leave petition which had been filed by the appellant herein thereagainst by an order dated 18.7.2005 in SLP(C)....CC...6549/2005.

In this view of the matter, we are of the opinion that the High Court has rightly held that no question of law arose for its consideration.

The special leave petition is dismissed.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master