

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 8733 OF 2016
(Arising out of SLP(C) No.4569 of 2015)

UNION OF INDIA & ANR. . . . APPELLANT(S)

VERSUS

CENTRAL INDIA INSTITUTE OF
MEDICAL SCIENCES RESPONDENT(S)

O R D E R

1. Leave granted.
2. By the order under challenge the rejection/refusal of extension of approval under Section 35(1)(ii) of the Income Tax Act, 1961 was set aside by the High Court on the ground that the same was made by the Director and not by the competent authority i.e. the Finance Minister. Aggrieved the Union of India is in appeal.
3. We have heard the learned counsel for the appellants and perused the relevant material.

4. None has appeared on behalf of the respondent even after service of notice.

5. We have perused the order dated 22.10.2010 refusing to renew the approval for the period 01.04.2008 onwards. From the said order it is evident that the initial grant of approval was ordered by the Minister but the same was conveyed by the Director. The order dated 22.10.2010, recites that the decision not to extend the approval was approved by the prescribed authority. It has been averred by the appellant that under Rule 3, Govt. of India (Transaction of Business) Rules, 1961 such decisions are required to go to the CBDT and thereafter to the Minister which requirement was complied with in the present case.

6. In view of the aforesaid averments, which remained uncontroverted, we are of the view the High Court was not justified in striking down/refusing the extension of the approval granted on the ground that the same

has been passed by the Director, who is not competent to do so.

7. Accordingly, we set aside the order of the High Court and allow this appeal.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
SEPTEMBER 02, 2016

ITEM NO.42

COURT NO.6

SECTION IIIA

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 (C) No(s). 4569/2015

(Arising out of impugned final judgment and order dated 17/11/2011
in WP No. 5956/2010 passed by the High Court of Bombay at Nagpur)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

CENTRAL INDIA INSTITUTE OF MEDICAL SCIENCES

Respondent(s)

(with office report)

Date : 02/09/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Rupesh Kumar, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mrs. Anil Katiyar, Adv.

For Respondent(s)

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

Leave granted.

The appeal is allowed in terms of the signed
order.

As a sequel to the above, all pending
interlocutory applications are disposed of.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master

(Signed order is placed on the file.)