

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).21073/2009

(From the judgement and order dated 15/10/2008 in ITA No.590/2005 of The HIGH COURT OF BOMBAY)

M/S EARTHMETAL ELECTRICALS P.LTD.

Petitioner(s)

VERSUS

C.I.T & ANR.

Respondent(s)

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

Date: 30/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

Mr. Preetesh Kapur,Adv.
Mr. Ankur Saigal,Adv.
Ms. Bina Gupta,Adv.
Mr. Gaurav Singh,Adv.
Ms. Inkle Roy Barooah,Adv.

For Respondent(s)

Mr. Parag P. Tripathi,ASG.
Ms. Shalini Kumar,Adv.
Mr. Arijit Prasad,Adv.
Ms. Arti Gupta,Adv.
Mr. Kunal Bahri,Adv.
Mr. B.V. Balaram Das,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel on both sides.

The appeal is allowed.

No order as to costs.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDaICTION

CIVIL APPEAL NO.6181 OF 2010
(Arising out of S.L.P. (C) No.21073 of 2009)

M/s. Earthmetal Electricals Pvt. Ltd.

...Appellant(s)

Versus

Commissioner of Income Tax and Anr.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel on both sides.

We have examined the position. We find that the
shareholders are genuine parties. They are not bogus and
fictitious. Therefore, the impugned order is set aside.

The appeal is allowed accordingly.

No order as to costs.

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

.....J.
[K.S. RADHAKRISHNAN]

.....J.
[SWATANTER KUMAR]

New Delhi,
July 30, 2010.