

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7468-7469 OF 2004

COMMISSIONER OF INCOME TAX, CALICUT ... Appellant

VERSUS

COMMONWEALTH TRUST (I) LTD. ... Respondent

O R D E R

Though the view of the High Court in the impugned judgment may not be correct in interpreting the provisions of Section 43B of the Income Tax Act as it prevailed at the relevant time, however, in view of the subsequent amendment with effect from 01.04.2004 by Finance Act, 2003, whereby the second proviso to Section 43B stands omitted, result would still be the same. Therefore, it is not necessary to entertain these appeals which are, accordingly, dismissed.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ ROHINTON FALI NARIMAN ]

New Delhi;  
April 22, 2015.

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

Civil Appeal No(s). 7468-7469/2004

COMMNR. OF INCOME TAX, CALICUT

Appellant(s)

VERSUS

COMMONWEALTH TRUST (I) LTD.

Respondent(s)

(with office report)

Date : 22/04/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s)

Ms. Pinky Anand, ASG.  
Mr. Rupesh Kumar, Adv.  
Ms. Purnima Bhatt, Adv.  
Ms. Anil Katiyar, Adv.  
Mr. B. V. Balaram Das, Adv.

For Respondent(s)

Mr. Subramonium Prasad, Adv.

UPON hearing the counsel the Court made the following  
O R D E RThe appeals are dismissed in terms of the signed  
order.(Nidhi Ahuja)  
COURT MASTER(Suman Jain)  
COURT MASTER

[Signed order is placed on the file.]