

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 (Civil)...../2011
(CC 12441/2011)
(From the judgement and order dated 20/10/2010 in ITA No.506/2009
of The HIGH COURT OF KERALA AT ERNAKULAM)

COMMISSIONER OF INCOME TAX, THRISSUR

Petitioner(s)

VERSUS

CATHOLIC SYRIAN BANK LTD.

Respondent(s)

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

With S.L.P. (C) No...../2011 (CC 12806/2011)
(With appln(s) for c/delay in filing SLP and office report)

S.L.P. (C) No...../2011 (CC 12922 /2011)
(With appln(s) for c/delay in filing SLP and office report)

Date: 05/08/2011 These Matters were 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. Gaurab Banerji, ASG.
Mr. S.A. Haseeb, Adv.
Mr. D.K. Singh, Adv.
Mr. B.V. Balaram Das, Adv.

For Respondent(s)

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

Delay condoned.
Learned Additional Solicitor General
appearing for the Department invites our attention
to the judgement of the Division Bench of the High

...2/-

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Court of Kerala in the case of Catholic Syrian Bank Limited vs. Commissioner of Income Tax, reported in [2011] 330 I.T.R. 556. He also invites our attention to Ground No.II at Page 14 of the Paper Book in S.L.P. (C) No...../2011 (CC 12441/2011), which reads as under:

"Because the Hon'ble High Court erred in not following its earlier decision in the case of assessee itself for the assessment year 1997-98, i.e., Catholic Syrian Bank Ltd. v. CIT 330 ITR 556, wherein the Hon'ble High Court decided the issue in favour of the Revenue holding that CBDT Circular No.11 of 2001 dated 23.07.2001 applies only to cases

where assessment otherwise cannot be modified by any authority under the provisions of the Act."

In view of what is stated in the fore-going quoted paragraph, liberty is given to the Department to move the High Court for clarification/review within six weeks from today. The special leave petitions are, accordingly, disposed of.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar