

ITEM NO.8

COURT NO.1

SECTION IIIA

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).30327/2008

(From the judgement and order dated 09/04/2008 in ITA No.913/2007
of The HIGH COURT OF KARNATAKA AT BANGALORE)

COMMR.OF INCOME TAX AND ANR.

Petitioner(s)

VERSUS

M/S SOLAR EXPORTS

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
judgment and office report)
[For Final Disposal]

With S.L.P. (C) No.28209 of 2008

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

Date: 23/08/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. A.S. Chandhiok,ASG.

Mr. Rajiv Dutta,Sr.Adv.

Mr. Asha G. Nair,Adv.

Mr. Gurpreet S. Parwanda,Adv.

Ms. Monika Tyagi,Adv.

Mr. B.V. Balaram Das,Adv.

For Respondent(s) Mr. K.V.Mohan,Adv.

Mr. R.K. Raghavan,Adv.

Mr. Rauf Rahim,Adv.

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

Heard learned counsel on both sides.

Delay condoned.

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Leave granted.

The civil appeals stand dismissed.

No order as to costs.

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

[Indu Satija]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5997 OF 2012
(Arising out of S.L.P. (C) No.30327 of 2008)

Commissioner of Income Tax and Anr. ...Appellant(s)

Versus

M/s. Solar Exports ...Respondent(s)

With Civil Appeal No.5998/2012 @ S.L.P. (C) No.28209/2008

O R D E R

Heard learned counsel on both sides.

Delay condoned.

Leave granted.

The controversy involved in these civil appeals is squarely covered by the decision of this Court in Commissioner of Income-Tax vs. Alom Extrusions Ltd., [2009] 319 ITR 306, in which it has been held that the Finance Act, 2003, is curative in nature. Hence, it is retrospective and would operate from April 1, 1988 (when the proviso stood inserted).

Accordingly, the civil appeals stand dismissed.

No order as to costs.

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

.....J.

[MADAN B. LOKUR]

New Delhi,
August 23, 2012.
-ad-