

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 16472/2011)
(From the judgement and order dated 24/02/2011 in ITA No.346/2011
of The HIGH COURT OF DELHI AT N. DELHI)

C.I.T-III NEW DELHI

Petitioner(s)

VERSUS

SUN INVESTMENTS P.LTD.

Respondent(s)

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

Date: 17/10/2011 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. Goolam E. Vahanvati, AG.
Mr. Rupesh Kumar, Adv.
Mr. Anandh Kannan, Adv.
Mr. B.V. Balaram Das, Adv.

For Respondent(s)

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

In the present case, we find that the assessee has earned dividend income. It has claimed certain expenditure for earning that dividend income. The expenditure has been estimated by the Assessing Officer at two per cent.

....2/-

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However, this special leave petition has been filed by the Department on the question of applicability of the Circular dated 9th February, 2011, which is covered by our Order dated 29th August, 2011 in S.L.P. (C) No...../2011 (CC 13694/2011), titled as C.I.T. Central-III vs. Surya Herbal Ltd.. However, on the peculiar facts of this case (on merits), we see no reason to interfere with the impugned order. Hence, the special leave petition is dismissed, leaving the question of law open.

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

[Madhu Saxena]
Assistant Registrar