

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).4173/2009

(From the judgement and order dated 29/07/2008 in ITA No.35/2004
of The HIGH COURT OF KARNATAKA AT BANGALORE)

C.I.T., BANGALORE

Petitioner(s)

VERSUS

BALDWIN GIRLS HIGH SCHOOL

Respondent(s)

[For Final Disposal]
[For Directions]With S.L.P. (C) No.10292 of 2009
(With office report)S.L.P. (C) No.4891 of 2009
[For Final Disposal]S.L.P. (C) No.4892 of 2009
(With office report)S.L.P. (C) No.4893 of 2009
(With office report)S.L.P. (C) No.4894 of 2009
(With office report)S.L.P. (C) No.7470 of 2009
(With office report)S.L.P. (C) No.7496 of 2009
(With office report)S.L.P. (C) No.9137 of 2009
(With appln.(s) for c/delay in filing SLP and office report)
[For Final Disposal]S.L.P. (C) No.6434 of 2009
(With appln.(s) for c/delay in filing SLP and office report)
[For Directions]

...2/-

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S.L.P. (C) No.9266 of 2009
(With prayer for interim relief)S.L.P. (C) No.8899 of 2009
(With prayer for interim relief)

Date: 28/10/2010 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 KUMARFor Petitioner(s) Mr. Arijit Prasad,Adv.
Mr. Rahul Kaushik,Adv.
Mr. Syed Abdul Haseeb,Adv.

Mr. B.V. Balaram Das,Adv.

For Respondent(s) Mr. P. Viswanatha Shetty,Sr.Adv.
Mr. Senthil Jagadeesan,Adv.

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

S.L.P. (C) No.9266 of 2009 and S.L.P. (C)
No.8899 of 2009 are taken on Board.

Heard learned counsel on both sides.

Delay condoned.

Leave granted.

These civil appeals are allowed with no
order as to costs.

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

[Madhu Saxena]
Assistant Registrar

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9495 OF 2010
(Arising out of S.L.P. (C) No.4173 of 2009)

Commissioner of Income Tax, Bangalore & Anr.

...Appellant(s)

Versus

Baldwin Girls High School

...Respondent(s)

W I T H

With Civil Appeal No.9503/2010 @ S.L.P. (C) No.10292 of 2009,
Civil Appeal No.9496/2010 @ S.L.P. (C) No.4891 of 2009,
Civil Appeal No.9497/2010 @ S.L.P. (C) No.4892 of 2009,
Civil Appeal No.9498/2010 @ S.L.P. (C) No.4893 of 2009,
Civil Appeal No.9499/2010 @ S.L.P. (C) No.4894 of 2009,
Civil Appeal No.9500/2010 @ S.L.P. (C) No.7470 of 2009,
Civil Appeal No.9501/2010 @ S.L.P. (C) No.7496 of 2009,
Civil Appeal No.9502/2010 @ S.L.P. (C) No.9137 of 2009,
Civil Appeal No.9504/2010 @ S.L.P. (C) No.6434 of 2009,
Civil Appeal No.9506/2010 @ S.L.P. (C) No.9266 of 2009 and
Civil Appeal No.9507/2010 @ S.L.P. (C) No.8899 of 2009.

O R D E R

S.L.P. (C) No.9266 of 2009 and S.L.P. (C) No.8899 of
2009 are taken on Board.

Heard learned counsel on both sides.

Delay condoned.

Leave granted.

Having gone through the record, we find that the
Assessing Officer has made serious allegations in the order
of assessment on which we do not wish to express any opinion.
However, we are of the view that a detailed factual exercise
needs to be carried out by the Tribunal, particularly with

regard to the ground which is mentioned in the Memo of Appeal before the High Court at Page 87 of the paper book of S.L.P. (C) No.7470 of 2009, which is re-produced:

"The Appellate Authorities failed to appreciate that payments had been made towards Home Mission/SIRC, a religious institution. The son of the Bishop had been appointed as Principal of Baldwin Methodist College. The daughter of the Bishop was appointed as a High School Teacher and several construction activity as well as purchase of items had taken place by the Bishop through one A.G. Hoover at prices more than the market value and advances had been paid for purchase of land at exorbitant rates without any agreements. This clearly showed that the entire organization had systematically not utilised the funds exclusively for educational purposes but for profit of the Bishop and his family members and therefore not entitled to an exemption under Section 10(22) of the Act."

Accordingly, the impugned judgement of the High Court is set aside and the matter is remitted to the Tribunal for de novo consideration in accordance with law.

All contentions are expressly kept open.

These civil appeals are, accordingly, allowed with no order as to costs.

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

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

.....J.
[SWATANTER KUMAR]

New Delhi,
October 28, 2010.