

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).10235 OF 2016
(Arising out of SLP(C) No.3188 of 2015)

JAI HIND CYCLE COMPANY LTD.,
HYDERABAD

...APPELLANT(S)

VERSUS

COMMISSIONER OF
INCOME TAX, A.P. -1, HYDERABAD

...RESPONDENT(S)

O R D E R

1. Leave granted.
2. The only point canvassed at the hearing is that the income tax appeal under Section 260A of the Income Tax Act, 1961 has been decided by the High Court without framing any substantial question of law. This, the appellant contends, is impermissible on the basis of several decisions of this Court including the one in "*M. Janardhana Rao vs. Joint Commissioner of Income Tax*" reported in (2005) 2 SCC 324.
3. Having perused the said order of the Court, we are of the view that the High Court ought to have framed the substantial question(s) of law arising in the appeal before answering the same. The High Court having not done that, we set

aside the order passed by the High Court and remand the matter to the High Court for a *de novo* consideration after formulating the substantial question(s) of law arising, if any.

4. We make it clear that we have expressed no opinion on the merits of the case.

5. The appeal is disposed of in the above terms. The order of the High Court dated 16.07.2014 is set aside.

.....,J.
(RANJAN GOGOI)

.....,J.
(ABHAY MANOHAR SAPRE)

NEW DELHI
OCTOBER 21, 2016

ITEM NO.53

COURT NO.5

SECTION IIIA

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 (C) No(s). 3188/2015

(Arising out of impugned final judgment and order dated 16/07/2014 in ITA No. 58/2001 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh)

JAI HIND CYCLE COMPANY LTD., HYDERABAD

Petitioner(s)

VERSUS

COMMISSIONER OF INCOME TAX, A.P. -1, HYDERABAD

Respondent(s)

(with interim relief and office report)

Date : 21/10/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Ms. Tatini Basu, Adv.

For Respondent(s) Ms. Pinky Anand, ASG
Ms. Liz Mathew, Adv.
Ms. Vimla Sinha, Adv.
Ms. Snidha Mehra, Adv.
Mrs. Anil Katiyar, Adv.

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

Leave granted.

The appeal is disposed of in terms of the
signed order.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master

(Signed order is placed on the file.)