\224
ITEM NO.2 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).16478/2011

(From the judgement and order dated 05/10/2009 in ITA No.512/2004 of The HIGH COURT OF KARNATAKA AT BANGALORE)

M/S KENNAMETAL INDIA LTD. Petitioner(s)

VERSUS

C.I.T & ANR Respondent(s)

Date: 26/09/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. K.V.Mohan,Adv.
Mr. R.K. Raghavan,Adv.
Mr. K.V. Balakrishnan,Adv.

For Respondent(s) Mr. R.P. Bhatt,Sr.Adv.
Mr. Rahul Kaushik,Adv.
Mr. Vikas Malhotra,Adv.
Ms. Anil Katiyar,Adv.

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

Heard learned counsel on both sides.

Leave granted.

The civil appeal filed by the assessee is disposed of with no order as to costs.

[T.I. Rajput] [Indu Satija]
A.R.-cum-P.S. Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7013 OF 2012
(Arising out of S.L.P. (C) No.16478 of 2011)

M/s. Kennametal India Ltd. ...Appellant(s)

Versus

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

O R D E R

Heard learned counsel on both sides.

Leave granted.

This civil appeal filed by the assessee concerns Assessment Year 1994-1995.

Following the Order passed by this Court on 18th September, 2012, in the case of M/s. Sandur Manganese and Iron Ores Ltd. vs. Commissioner of Income Tax [Civil Appeal Nos.4666-4675 of 2005], this civil appeal is also remitted to the Income Tax Appellate Tribunal [for short, 'the Tribunal'] for de-novo consideration.

However, we would like to add that there is a difference between reimbursement and contribution. If the Tribunal comes to the conclusion that the amount has been reimbursed, the quantified amount shall be certified by the Chartered Accountant of the assessee to enable the assessee to make a claim.

Accordingly, the impugned order is set aside and the civil appeal filed by the assessee is disposed of with no order as to costs.

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

..........................J.
[MADAN B. LOKUR]

New Delhi,
September 26, 2012.
-tir-