

Dit Vs. Brarat Diamond Bourse

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Court : Supreme Court of India

Decided On : Dec-19-2003

Reported in : (2004)192CTR(SC)506; [2003]259ITR280(SC)

Appeal No. : Civil Appeal Nos. 10285 To 10288 of 2003 19 December 2003

Appellant : Dit

Respondent : Brarat Diamond Bourse

Judgement :

By the Court

Leave granted.

2. The High Court had disposed of the appeal filed by the appellant on 18-2-2002, by holding that the issues raised in the appeal were covered by the judgment of the High Court in the case of Director of IT (Exemptions) v. Bharat Diamond Bourse : [2000]245ITR437(Bom) . The decision relied upon by the High Court has since been overturned by this Court's decision given in Civil Appeal Nos. 8211-8212/2001, between the same parties on 16-12-2002, and Director of IT v. Bharat Diamond Bourse (2003) 259 ITR 280 .

3. The learned counsel appearing on behalf of the respondent has, however, sought to reopen the issues determined by our decision by seeking to contend that the decision was incorrect. We are not prepared to allow the respondent to reopen

the issues which have been conclusively held against it. In the circumstances, following the decision of this court in (2003) 259 ITR 280 (supra), we allow these appeals without any order as to costs. We make it clear that we are limiting this decision strictly to the subject-matter of the appeal filed before the High Court. Therefore, if the subject-matter of the appeal before the High Court was based on the limited findings of the Commissioner, while affirming the order of the High Court, we leave the issues not decided by the Commissioner, if any, open.

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