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% 30.09.2010

Present: Ms. Suruchi Aggarwal, Advocate for the appellant.
None for the respondent.

+ ITA 1240/2009 and CM No.16768/2009

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The revenue has challenged the order of the Tribunal whereby the Tribunal has set aside the order passed by the Commissioner under Section 263 of the Income-Tax Act in exercise of his revisionary powers. We need not even go into the question as to whether such an order passed by the Commissioner under Section 263 of the Act was proper or within jurisdiction or not. Fact remains that issue on which it sought to revise the order passed by the AO now stands conclusively determined by the Supreme Court in the case of *CIT vs. M/s. Walfort Shares & Stock Brokers Ltd.*, 326 ITR 1. On this ground alone, this appeal is dismissed.


A.K. SIKRI, J.


REVA KHETRAPAL, J.

SEPTEMBER 30, 2010

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