

G.C. Agarwal vs Commissioner Of Income Tax, Assam, ... on 7 September, 1990

Equivalent citations: [1990]18ITR571(SC), 1992SUPP(1)SCC495, AIRONLINE 1990 SC 279

Author: K.N. Singh

Bench: K.N. Singh, K.N. Saikia, Kuldeep Singh

ORDER

K.N. Singh, J.

1. These appeals are by way of special leave granted by this Court against the judgment and order of the Gauhati High Court dated July 16, 1975. see [1976] 102 ITR 408.

2. The Income-tax Appellate Tribunal referred two questions to the High Court under Section 256(1) of the Income-tax Act, 1961 (hereinafter referred to as "the Act"). These questions are:

(1) Whether, on the facts and in the circumstances of the case, the Tribunal was correct in holding that penalties under Section 271(1)(c) of the Income-tax Act read with the Explanation to that section were justified in respect of the assessment years 1963-64, 1964-65 and 1965-66 ?

(2) Whether, on the facts and in the circumstances of the case, the Tribunal was justified in holding that, for the purpose of calculation of penalties, the difference between the tax on the income shown in the first returns and the tax on the incomes assessed shall be taken as the amount of tax that would have been avoided ?

3. On a detailed discussion, the High Court answered both the questions against the assessee. Hence, these appeals before this Court.

4. After hearing learned Counsel for the parties at length, we do not find any error of law in the order of the High Court warranting interference by this Court. The appeals fail and are, accordingly, dismissed ; but there will be no order as to costs.