

## **Tirath Ram Ahuja P. Ltd. vs Commissioner Of Income-Tax on 31 August, 1990**

**Equivalent citations: [1990]186ITR428(SC), AIRONLINE 1990 SC 215**

**Author: K. Jagannatha Shetty**

**Bench: K. Jagannatha Shetty Shetty, Kuldip Singh**

### **JUDGMENT**

K. Jagannatha Shetty, J.

1. The following question was sought to be raised by seeking reference under Section 256(1) and (2) of the Income-tax Act, 1961 :

Was the Tribunal justified in holding that neither profit nor loss of the work was to be taken into account in the assessment of income ?

2. The Tribunal and the High Court have rejected the reference and refused to call for the statement of the case with reference to the said question. We have perused the order of the Tribunal. The Tribunal was of the opinion that the question does not arise out of the order of the Tribunal as it is a pure finding of fact. Whether any profit or loss has to be taken into account, the Tribunal said, is based on an appreciation of facts placed before the Tribunal and can, in no circumstance, give rise to a question of law. The High Court was also of the same view. In spite of our anxious consideration to the question raised, we are unable to disagree with the conclusion of the Tribunal. The appeal, therefore, is dismissed, but there will be no order as to costs.