

Second Income Tax Officer vs Stumpp Schuele And Somappa (P) Ltd on 14 September, 1990

Equivalent citations: AIRONLINE 1990 SC 236

PETITIONER:
SECOND INCOME TAX OFFICER

Vs.

RESPONDENT:
STUMPP SCHUELE AND SOMAPPA (P) LTD.

DATE OF JUDGMENT 14/09/1990

BENCH:
(BEFORE K.N. SINGH, K. JAGANNATHA SHETTY AND KULDIP SINGH, JJ.)

ACT:

HEADNOTE:

JUDGMENT:

ORDER These appeals, by leave of this Court under Article 136 of the Constitution, are directed against the judgment and order of the, High Court of Karnataka dated 3-7-1975 (Second ITO v. Stumpp Schuele and Somappa (P) Ltd.², allowing the writ petitions filed by the respondent-assessee and quashing the notices issued under Sections 8 and 16 of the Companies (Profits) Surtax Act, 1964.

After hearing learned counsel for the parties, we do not find any good reason to interfere with the view taken by the High Court. A similar view has been taken by a number of High Courts in Addl. CIT v. Bimetal Bearings Ltd.³; Commissioner of Surtax v. Ballarpur Industries Ltd.⁴; CIT v. Dalmia Cement (Bharat) Ltd.⁵; CIT v. Premier Cotton Spinning Mills Ltd.⁶; CIT v. Schrader Scovill Duncan Ltd.⁷; CIT v. Alembic Chemical Works Co. Ltd.⁸; Siemens India 1 (1991) 187 ITR 108 (SC): (1991) 94 CTR 160 2 (1977) 106 ITR 399 3 (1977) 110 ITR 131 (Mad) 4 (1979) 116 ITR 528 (Bom) 5 (1980) 126 ITR 736 (Delhi) 6 (1981) 128 ITR 694 (Ker) 7 (1981) 132 ITR 822 (Cal) 8 (1982) 133 ITR 578 (Guj) Ltd. v. K. Subramanian Ltd., ITO⁹; K. Subramanian v. Siemens India Ltd. 10; CIT v. J. K. Synthetics Ltd. 11; CIT v. Indian Detonators Ltd. 12; CIT v. Oswal Woollen Mills Ltd. 13; CIT v. Avery Cycle Industries (P) Ltd. 14 and CIT v. Century Spg. and Mfg. Co. Ltd. 1-5 There is a preponderance of

judicial opinion in favour of the assessee with which we agree.

The appeals fail and are, accordingly, dismissed. There will be no order as to costs.