

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1749 OF 2007

Commissioner of Income Tax, Salem ...Appellant

VS.

Rekha Bai ...Respondent

O R D E R

We have heard the learned counsel for the parties and perused the impugned order dated 14th December, 2005 passed by the High Court of Judicature at Madras. The High Court has dismissed the appeal filed under Section 260A of the Income Tax Act, 1961 on the ground that no substantial question of law arises.

Learned counsel appearing for the appellant submitted that the full value of the pronotes seized at the time of survey should have been taken into account and there was no question of taking only 30% of the face value as the amount representing is disclosed income.

From the order of the first Appellate Authority, we find that the Assessing Officer had examined some of the borrowers mentioned in the pronotes and they have categorically stated that the amount advanced is 50% or less which explanation has been accepted by the first

Appellate Authority and confirmed by the Tribunal.

The Department has failed to bring on record any material to the contrary except the seized documents which, in our considered opinion, could not absolve the Department or give any right to negate the view taken by the first Appellate Authority and the Tribunal. So far as the income divided among the family members of the respondent-assessee is concerned, we find that all of them were carrying on same business from the same premises. Therefore, it is but natural that if any concealed income has been found at the time of search and survey, it has to be distributed among all the family members who were carrying on business.

In this view of the matter, the impugned order of the High Court does not call for any interference. The appeal fails and is dismissed.

There shall be no order as to costs.

Pending application, if any, also stands disposed of.

.....J.
[R.K. AGRAWAL]

.....J.
[ABHAY MANOHAR SAPRE]

New Delhi;
March 21, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1749/2007

C.I.T., SALEM

Appellant(s)

VERSUS

REKHA BAI

Respondent(s)

Date : 21/03/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPREFor Appellant(s) Mr. Rupesh Kumar,Adv.
Mr. Dhruv Sheoran,Adv.
For Mrs. Anil Katiyar,Adv.For Respondent(s) Mr. Pretesh Kapur,Adv.
Ms. Radha Rangaswamy,Adv.
Ms. Ranjeeta Rohatgi,Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the signed
order.(Anita Malhotra)
Court Master(Chander Bala)
Court Master

(Signed order is placed on the file.)