

Finance Act 1979

Section 21 - Amendment of Section 246

In section 246 of the Income-tax Act, with effect from the 1st day of June, 1979, -

(a) in sub-section (2), -

(i) for clause (a), the following clause shall be substituted, namely :-

"(a) an order specified in clauses (b) to (h) (both inclusive) and clauses (l) to (o) (both inclusive) of sub-section (1) or an order under section 104, made against the assessee, being a company;"

(ii) clauses (d) and (e) shall be omitted;

(b) after sub-section (3) and before the Explanation, the following sub-sections shall be inserted, namely :-

"(4) Every appeal against an order specified in clauses (b) to (h) (both inclusive) and clauses (l) to (o) (both inclusive) of sub-section (1) made against the assessee, being a company, which is pending immediately before the 1st day of June, 1979 before an Appellate Assistant Commissioner and any matter arising out of or connected with such appeal and which is so pending shall stand transferred on that day to the Commissioner (Appeals) and the Commissioner (Appeals) may proceed with such appeal or matter from the stage at which it was on that day :

Provided that the appellant may demand that before proceeding further with the appeal or matter, the previous proceeding or any part thereof be reopened or that he be reheard.

(5) Notwithstanding anything contained in sub-section (1), the Board may, by order in writing, transfer any appeal which is pending before an Appellate Assistant Commissioner and any matter arising out of or connected with such appeal and which is so pending to the Commissioner (Appeals) if the Board is satisfied that it is necessary or expedient so to do having regard to the nature of the case, the complexities involved and other relevant considerations and the Commissioner (Appeals) may proceed with such appeal or matter from the stage at which it was before it was so transferred :

Provided that the appellant may demand that before proceeding further with the appeal or matter, the previous proceeding or any part thereof be reopened or that he be reheard.";

(c) in the Explanation, clause (b) shall be omitted.

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