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Bhuwal Prasad Vs. Cit

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Court : Allahabad

Decided On : Sep-02-2003

Reported in : [2005]142TAXMAN347(All)

Appeal No. : IT Reference No. 232 of 1983 2 September 2003

Appellant : Bhuwal Prasad

Respondent : Cit

Judgement :
ORDER

This is an Income Tax Reference under section 256(1) of the Income Tax Act, in which the following question has been referred to us for our opinion:

'Whether, in the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was justified in confirming the penalty of Rs. 10,000 levied under the Explanation to section 271(1)(c) of the Income Tax Act, 1961?

2. The finding of fact is that the assessee has been unable to discharge burden under section 271(1)(c) of the Income Tax Act. Thus is a finding of fact. Hence, we cannot interfere with the same. The reference is, therefore, answered in the affirmative, ie., in favour of the department and against the assessee.

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