

Cit Vs. Subhash Chand Dinesh Chand Katha and Allied Ind. (P) Ltd.

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Court : Allahabad

Decided On : Jul-22-2003

Reported in : [2005]144TAXMAN473(All)

Appeal No. : IT Reference No. 273 of 1982 22 July 2003

Appellant : Cit

Respondent : Subhash Chand Dinesh Chand Katha and Allied Ind. (P) Ltd.

Judgement :

ORDER

The following question has been referred to us for opinion:

'Whether on the facts and in the circumstances of the case, the learned Tribunal was legally justified in allowing consequential relief in Surtax case also ?'

2. The matter relate to the assessment year 1975-76. The appellate authority had granted certain reliefs to the assessee under the Income Tax Act as well as under the Companies (Profit) Surtax Act, 1964. As the Tribunal dismissed the appeal under the Income Tax Act, as a consequence thereof, it also dismissed the appeal under the Surtax Act.

3. We are of the considered opinion that as Surtax was dependent upon the income-tax and the appeal under the Income Tax Act filed by the revenue has been dismissed, the Tribunal was justified in dismissing the appeal under the

Surtax Act in the consequence thereof.

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