Cit Vs. Kamal and Co.

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SooperKanoon Citation : sooperkanoon.com/772542

Court : Rajasthan

Decided On : Jul-04-2002

Reported in : [2002]125TAXMAN57(Raj)

Appeal No. : D.B. IT Reference No. 39 of 1995 4 July 2002

Appellant : Cit

Respondent : Kamal and Co.

Advocate for Pet/Ap. : Anuroop Singhi, *for the Revenue* A. Kasliwal, *for the Assessee*

Judgement :
ORDER

On an application filed under section 256(1) of the Income Tax Act, 1961 (hereinafter referred to as 'the Act'), the Tribunal has referred the following question for our opinion :

'Whether, on the facts and in the circumstances of the case and in law, the Tribunal was justified in directing that no disallowance under section 43B should be made in respect of sales-tax for the assessment year 1987-88 if the amount has been paid within the time allowed under the Sales Tax Law, although after the close of the previous year of the assessee ?'

2. At the outset, the learned counsel for the assessee submits that now the issue is covered by the decision of the Hon'ble Apex Court in the case of Allied Motors (P) Ltd. v. CIT : [1997]224ITR677(SC) .

3. The learned counsel for the revenue, Mr. Singhi, has not controverted this fact that sales tax liability, which was due to be paid as required under the sales tax provision, has been paid though beyond period of previous year.

4. Considering the submissions and following the view taken by their Lordships in the case of Allied Motors (P) Ltd. (supra), we find no infirmity in the order of the Tribunal.

5. In the result, we answer the question in the affirmative, i.e., in favour of the assessee and against the revenue.

6. Reference so made stands disposed of accordingly.