

(2009) 11 P&H CK 0200

High Court Of Punjab And Haryana At Chandigarh

Case No: IT Appeal No. 547 of 2009 (O and M)

Jasbir Singh

APPELLANT

Vs

Commissioner of Income Tax

RESPONDENT

Date of Decision: Nov. 12, 2009

Acts Referred:

- Income Tax Act, 1961 - Section 142, 142(1), 144, 144(1), 260A

Citation: (2011) 196 TAXMAN 102

Hon'ble Judges: Gurdev Singh, J; A.K. Goel, J

Bench: Division Bench

Advocate: S.K. Mukhi, for the Appellant;

Final Decision: Dismissed

Judgement

1. This appeal has been preferred by the assessee u/s 260A of income tax Act, 1961 (for short, "the Act") against the order passed by the income tax Appellate Tribunal, Bench "B" Chandigarh in I. T. A. No. 108/Chandi/2008 dated December 31, 2008, proposing to raise the following substantial questions of law :

(i) Whether on the facts and circumstances, evidences on record and established principles of law the income tax Appellate Tribunal was justified in confirming the orders of the authorities below in finalizing the assessment u/s 144 of the income tax Act, 1961 without conforming to the proviso to section 144(1) of the income tax Act, 1961?

(ii) Whether on the facts and circumstances, evidences on record and established principles of law the income tax Appellate Tribunal was justified in confirming the orders of the authorities below in treating the deposits in banks out of various known/declared sources being that of agricultural income, interest income and advance from sale of agricultural land duly evidenced by various evidences, so that so the orders of the income tax Appellate Tribunal are perverse?

(iii) Whether on the facts, circumstances and evidence on record and established principles of law the income tax Appellate Tribunal was justified in confirming the orders of the authorities below in treating the declared income of son who being of age of majority and duly assessed individually as unexplained income of the appellant from unknown sources which leads to double taxation being unwarranted?

(iv) Whether the order of the Tribunal is perverse and against the provisions of law?

The assessee filed return in pursuance of notice u/s 142(1) declaring nil income, apart from non-taxable income from agriculture. The Assessing Officer found investments in banks and deposits in the name of the son of the assessee and treating the said amount as unexplained income, additions were made u/s 144. The Commissioner of income tax (Appeals) and the Tribunal upheld the assessment.

2. We have heard learned counsel for the appellant.

3. As regards question (i), attention of the learned counsel for the appellant was drawn to the second proviso to section 144. Notice u/s 142 having been served upon the assessee, there was no error in making assessment u/s 144. The question raised cannot be held to be a substantial question of law.

4. As regards questions (ii) to (iv), we have perused the findings concurrently recorded by the three authorities. The said findings are based on appreciation of evidence. The argument advanced by the learned counsel for the appellant that the authorities did not appreciate the evidence correctly is not enough to hold that a substantial question of law arises. The appeal is dismissed.