

(2003) 09 AHC CK 0284

Allahabad High Court

Case No: IT Reference No. 223 of 1979 23 September 2003

Commissioner of Income Tax

APPELLANT

Vs

J.K. Synthetics Ltd.

RESPONDENT

Date of Decision: Sept. 23, 2003

Acts Referred:

- Income Tax Act, 1961 - Section 256

Citation: (2004) 140 TAXMAN 83

Hon'ble Judges: U. Pandey, J; M. Katju, J

Bench: Full Bench

Final Decision: Disposed Of

Judgement

This is reference u/s 256(2) of the Income Tax Act in which the following question has been referred to us for our opinion

"Whether on the facts and in the circumstances of the case the Tribunal was legally correct in its opinion that looking to the totality of the circumstances it could not be said that the assessee acted in conscious disregard of the statutory obligations its conduct was in any way dishonest or contumacious?"

2. In the Tribunals appellate order a finding of fact has been recorded that it cannot be said that the assessee acted in conscious disregard of the statutory obligations or that its conduct was in any way dishonest or contumacious.

3. This is a finding of fact and we cannot interfere with it in this reference. The question referred to us is therefore decided in affirmative i.e., in favour of the assessee and against the department.