

**(1993) 08 BOM CK 0081**

**Bombay High Court**

**Case No:** IT Ref. No. 457 of 1978

Gangadhar Narsingdas Agrawal  
(Huf)

APPELLANT

Vs

Commissioner of Income Tax

RESPONDENT

**Date of Decision:** Aug. 24, 1993

**Acts Referred:**

- Income Tax Act, 1961 - Section 28

**Citation:** (1996) 217 ITR 588

**Hon'ble Judges:** D.R. Dhanuka, J; B.P. Saraf, J

**Bench:** Division Bench

**Advocate:** Deokinandan, K.M.L. Majele, for the Appellant;

### **Judgement**

Dr. B.P. Saraf, J

1. By this reference under s. 256(1) of the IT Act, 1961, the Tribunal, at the instance of the assessee, has referred the following two questions of law to this Court for the opinion :

"(1) Whether, on the facts and in the circumstances of the case, the gifts of movable properties made to persons who were relations of G. N. Agrawal, but not members of the HUF were valid in law ?

(2) If the answer to question No. (1) is in the negative, whether yet the income earned by the donees from the amounts which were received by them can be included in the assessment of the assessee ?"

2. The questions pertain to the asst. yrs. 1971-72, 1972-73 and 1973-74. The controversy involved in the two questions is fully covered by the decision of this Court in the case of this very assessee Gangadhar Narsingdas Agrawal (Huf) Vs. Commissioner of Income Tax, in respect of the asst. yrs. 1964-65, 1965-66 and 1966-67. Following the said decision, we answer question No. 1 in the negative, i.e.,

in favour of the Revenue and against the assessee. Question No. 2 is answered in the affirmative, i.e., in favour of the Revenue and against the assessee.

3. No order as to costs.