Gangadhar Narsingdas Agrawal (Huf) Vs Commissioner of Income Tax

IT Ref. No. 457 of 1978

Court: Bombay High Court

Date of Decision: Aug. 24, 1993

Acts Referred:
Income Tax Act, 1961 â€” 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.