

(2009) 07 P&H CK 0078
In the Punjab And Haryana At Chandigarh

Bharat Petroleum Corporation Ltd.

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 21-07-2009

Acts Referred:

Punjab Value Added Tax Act, 2005 — Section 68(2)

Citation : (2010) 30 VST 201

Hon'ble Judges : M.M. Kumar, J;Jaswant Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

M.M. Kumar, J.—The Bharat Petroleum Corporation Ltd., has filed instant two appeals (VATAP Nos. 78 and 79 of 2008) in respect of assessment years 2001-02 and 2000-01 u/s 68(2) of the Punjab Value Added Tax Act, 2005 (for brevity, "the VAT Act"). In both the appeals, challenge is to the common order dated March 14, 2008 (annexure A4) passed by the learned VAT Tribunal (for brevity, "the Tribunal"). Therefore, the appeals are being disposed of by this common judgment.

2. The brief facts of the case are that the appellant-corporation is engaged in the business of petroleum products throughout the country. In the State of Punjab, its principal place of business is Patiala. It is registered with the Assessing Authority under the Punjab General Sales Tax Act, 1948 (for brevity, "the PGST Act") and also under the VAT Act, which has been enforced with effect from April 1, 2005.

Facts re: VATAP No. 78 of 2008

3. For the year 2001-02, the corporation filed its return with the Assessing Authority and deposited the tax due. The return could have been filed on or before April 30, 2002. The Assessing Authority, however, found some discrepancies made by the corporation on the sale of MTO at eight per cent, whereas it was required to be 22 per cent (including surcharge). The Revenue

found that it has resulted in short payment of tax. Accordingly, an additional demand of Rs. 26,70,751 was raised on July 10, 2006 (A1) which included penalty of Rs. 1,30,000 u/s 10(6) of the Act and another penalty of Rs. 2,000 u/s 23 of the Act along with interest of Rs. 13,24,772 u/s 11D of the PGST Act. The corporation preferred an appeal before the Deputy Excise and Taxation Commissioner (Appeals), Patiala Division, Patiala, raising the plea of limitation alleging that in respect of assessment year 2001-02, the assessment proceedings could have been finalized within three years of the last date of filing of the return, which was April 30, 2002 and the period of three years came to an end on April 30, 2005. The assessment having been framed on July 10, 2006 (A1) was time-barred. The corporation also contended that the levy of penalty is illegal u/s 10(6). It also urged interest imposed u/s 11D, was in contravention of law laid down by the honourable Supreme Court in the case of J.K. Synthetics Ltd. v. Commercial Taxes Officer [1994] 94 STC 422. The appellate authority dismissed the appeal by stating that u/s 11CC of the VAT Act, the assessment could have been completed within five years and not in three years. The penalty, however, imposed u/s 10(6) of the VAT Act was set aside. The additional tax and penalty u/s 23 and interest u/s 11D were upheld by the order dated November 21, 2006 (A2).

4. The corporation filed an appeal before the Tribunal challenging the order of the appellate authority reiterating the same plea, which were urged before the appellate authority. The Tribunal upheld the order of the appellate authority but deleted the interest imposed u/s 11D(2) of the PGST Act.

Facts re: VATAP No. 79 of 2008

5. The facts in the instant appeal are also similar, but the assessment year is 2000-01. The corporation had filed its return with the assessing authority but the demand for additional tax was raised vide order dated February 27, 2006. Eventually, common order has been passed by the Tribunal, which is subject-matter of challenge in both the appeals. The operative part of the order passed by the Tribunal reads thus:

Section 11CC(1) of Punjab Act No. 10 of 2005, which was in continuation of the Ordinance already issued on March 3, 2005 does not state anywhere that it was in respect of owners of the milk plants. This was in fact for all the dealers and period for assessments for the financial year 2000-01, 2001-02 in respect of all the dealers had been extended to five years from the last prescribed for furnishing the last return, in respect of these years. When Ordinance had been issued on March 3, 2005 and that had admittedly the force of the Act, then even if PGST Act had been repealed on April 1, 2005, the Legislature could legislate and pass an Act in continuation and to give effect to the provisions of the Ordinance and would have legal effect having come into force before repeal of the PGST Act. The State Counsel in this respect had relied on the judgments reported in Emkay Industries Vs. State of Punjab and Others, , Combined Industries limited v. State of Karnataka [1999] 112 STC 225 (Kant) and Mansa

Co-operative Spinning Mills Ltd. Vs. State of Punjab and Others, .

Under these circumstances, the contention of the Counsel for the appellant that the assessment made was not within limitation and was liable to be set aside, cannot be accepted.

The penalty levied u/s 10(6) by the assessing authority had already been set aside by the first appellate authority and that portion of the order was not challenged by the State. So far as interest is concerned, the appellate authority had directed that interest is compensatory for delayed payment and is chargeable in view of decision of the Punjab and Haryana High Court in Rajasthan Wool Industries v. State of Punjab reported in [1994] 92 STC 104 (P&H) and that of apex court in Calcutta Jute Manufacturing Co. v. Commercial Tax Officer reported in [1997] 106 STC 433 . Counsel of the appellant has stated that the appellant shall have no objection to pay interest as per Section 11D(2).

6. At this stage it may be pertinent to notice that the State of Punjab wanted to introduce the value added tax regime. To start with Ordinance No. 4 of 2005 was promulgated on March 3, 2005 (A5) and PGST Act was sought to be repealed. The Ordinance was then replaced by VAT Act. Accordingly, PGST Act was repealed with effect from April 1, 2005 by inserting Section 92(1) in the VAT Act. With the object of providing longer period of limitation for finalisation of assessment under the PGST Act, section 11CC was inserted by enacting Punjab Act No. 10 of 2005, which has been enforced with effect from May 12, 2005. The object of insertion of the provision is evident from its reasons and objects, namely, to overcome a judgment of the Supreme Court rendered in the case of Punjab Dairy Development Board and Another, etc. Vs. Cepham Milk Specialities Ltd. and Others, etc., .

7. Mr. K.L. Goyal, learned Counsel for the petitioner, has vehemently argued that no assessment could have been framed by raising any additional demand of tax, a penalty or interest after April 30, 2004 in respect of assessment year 2000-01 and after April 30, 2005 in respect of assessment year 2001-02. According to the Counsel in respect of both the assessment years additional demand has been raised on February 27, 2006 (2000-01) and July 10, 2006 (2001-02). Learned Counsel has submitted that it is well-settled that the period of limitation could not be extended by any stretch of imagination after it has expired. He has contended that the period of three years had expired on April 30, 2004 and April 30, 2005 in respect of assessment years 2000-01 and 2001-02 and, therefore, by promulgation of the VAT Act on May 6, 2005, a period of limitation of five years could not be added and extended to the case of the petitioner as the period of three years had already expired. He has submitted that no additional demand on the aforesaid basis could have been raised. In support of his contention learned Counsel has placed reliance on judgment of the honourable Supreme Court rendered in the case of S.S. Gadgil, Income Tax Officer, Bombay Vs. Lal and Company, and a Division Bench judgment of this Court rendered in the case of Shreyans Industries Limited v. State of Punjab [2008] 18 VST 493

and argued that power to extend the period of limitation for completing assessment has to be exercised before the assessment becomes time-barred and not after the period of limitation has expired. For the same principle, reliance has been placed on another Division Bench of the Karnataka High Court rendered in the case of Combined Industries Limited v. State of Karnataka [1999] 112 STC 225.

8. Mr. Goyal has further argued that no amendment in the PGST Act could have been made on May 12, 2005 after the PGST Act, 1948 was repealed with effect from April 1, 2005 by inserting Section 11CC. He has argued that in any case Section 11CC is not retrospective in its operation. Another submission made by learned Counsel is that if Section 11CC as inserted on (sic) May 12, 2005 is made applicable then it can govern only the period between July 19, 2000 to September 11, 2002 and not before or after that period, which is wholly absurd.

9. Another submission of learned Counsel for the petitioner is that the basic object of incorporating Section 11CC in the PGST Act was made clear when the Bill was introduced in the Punjab Legislative Assembly on April 7, 2005. He has drawn our attention to the Statement of Objects and Reasons, which suggests that the Bill was introduced to overcome a situation that has developed on account of judgment delivered by the honourable Supreme Court in the case of Punjab Dairy Development Board and Another, etc. Vs. Cepham Milk Specialities Ltd. and Others, etc., . The aforesaid object of the amendment and validation Bill has no relation whatsoever with the petitioner because they deal in business of petroleum products and liquified gas. He has also pointed out that the period of July 19, 2000 and September 11, 2002 involved in the matter before the honourable Supreme Court could be relevant only to that case and it has got nothing to do with the period of sales tax in respect of the petroleum products or liquified gas. Therefore, emphasis has been laid by drawing our attention to Section 4A, which has been added by the 2005 Amendment made effective from May 12, 2005. Mr. Goyal has also drawn our attention to similar provision, which was made in the Ordinance issued on March 2, 2005 and therefore, the submission made is that the period of limitation of five years sought to be extended to the milk plants, etc., and it could not be applied to the case of the petitioner who are dealing with petroleum/petroleum products and liquified gas. Therefore, it is wholly beyond the scope of Ordinance, which was eventually adopted as Act.

10. The last submission made by learned Counsel is that if extension of time for assessment is to be granted then an appropriate order has to be passed before the expiry of the period of assessment. He has maintained that period of three years in respect of assessment year 2000-01 expired on April 30, 2004 and in respect of 2001-02 came to an end on April 30, 2005 and therefore, even an amendment has been made after the aforesaid period the same would not have the effect of extending the period of limitation automatically.

11. Ms. Sudeepti Sharma, Deputy Advocate-General, for the Revenue, however,

has submitted that amendment cannot be considered invalid merely on the ground that it sought to amend provision, which was not in existence. In that regard, she has placed reliance on the judgment of the honourable Supreme Court rendered in the case of State of Rajasthan Vs. Mangilal Pindwal, .

12. After examination of pleadings of the parties, statutory provisions and the rival contentions of their Counsel, we are of the view that the following questions of law would arise for determination of this Court:

(A) Whether after repeal of the PGST Act, 1948 with effect from April 1, 2005 by the repealing Section 92(1) of the Punjab VAT Act, any amendment was valid for extending the period of limitation from three years to five years by promulgation of Section 11CC by Punjab Act 10 of 2005 which came into force with effect from May 12, 2005.

(B) Whether the rights vested in the assessee acquired on April 30, 2005 would extinguish by an amendment made by Act No. 10 of 2005 with effect from May 12, 2005 although the amendment has not been given retrospective effect or could the time-barred assessment be re-opened on the basis of statutory extension of time.

Re: Questions A and B

13. Both the questions are interlinked and can suitably be answered by first examining the relevant statutory provisions. u/s 11(1), (2) and (3) of the PGST Act the maximum period for framing assessment is three years from the last date prescribed for filing of return and the same reads thus:

11. Assessment of tax.- (1) If the Assessing Authority is satisfied without requiring the presence of dealer or the production by him of any evidence that the returns furnished in respect of any period are correct and complete, he shall pass an order of assessment on the basis of such returns within a period of three years from the last date prescribed for furnishing the last return in respect of such period.

(2) If the Assessing Authority is not satisfied without requiring the presence of dealer who furnished the returns or productions of evidence that the returns furnished in respect of any period are correct and complete, he shall serve on such dealer a notice in the prescribed manner requiring him, on a date and at place specified therein, either to attend in person or to produce or to cause to be produced any evidence on which such dealer may rely in support of such returns.

(3) On the day specified in the notice or as soon as afterwards as the Assessing Authority shall, after hearing such evidence as the dealer may produce, and such other evidence as the Assessing Authority may require on specified points, pass an order of assessment within a period of three years from the last date prescribed for furnishing the last return in respect of any period.

(4) to (12)....

14. It has come on record that the last date prescribed by Rule 20 of the Rules for filing of return is thirty days of the expiry of each "year" which according to Section 2(j) of the Act is defined as financial year, namely, 1st April to 31st March. Accordingly for the financial year 2000-01 the return was required to be filed on or before April 30, 2001 and for the financial year 2001-02 the return was required to be filed on or before April 30, 2002. It then follows that the assessment as per provisions of Section 11(1), (2) and (3) of the Act is required to be finalised within three years. Thus, in respect of assessment year 2000-01 it could have been finalised on or before April 30, 2004 and in respect of 2001-02 it could have been done on or before April 30, 2005. The assessment order in respect of 2000-01 has been finalised on February 27, 2006 and in respect of the year 2001-02 it was finalised on July 10, 2006, which are obviously time-barred. The Revenue has, however, placed heavy reliance on Section 11CC added by the Punjab Act 10 of 2005, which has extended the period of limitation to five years. Section 11CC as added reads thus:

Section 11CC added by the Punjab Act 10 of 2005:

11CC. (1) Notwithstanding anything contained in this Act, the Assessing Authority, shall pass an order of assessment in respect of the dealers for the financial years 2000-01 and 2001-02 within a period of five years from the last date, prescribed for furnishing the last return in respect of these years:

Provided that no order shall be made under this Section against any dealer without giving him an opportunity of being heard.

(2) Notwithstanding anything contained in any judgement, decree or order of any court or other authority to the contrary, any assessment, reassessment, levy or collection of any tax in respect of the dealers, made or purported to have been made under the provisions of this Act for the period commencing from the 19th day of July, 2000 and ending on the 11th day of September, 2002, shall be as valid and effective as if such assessment, reassessment, levy or collection had been made, under this Act as amended by the Punjab General Sales Tax (Amendment and Validation) Act, 2005.

(3) For the removal of doubts, it is hereby declared that nothing in Sub-section (2) shall be construed as preventing any person,-

(a) from questioning in accordance with the provisions of this Act as amended by the Punjab General Sales Tax (Amendment and Validation) Act, 2005 and the Rules made thereunder, the assessment, reassessment, levy or collection of tax on the dealers in respect of the period commencing from the 19th day of July, 2000 and ending on the 11th day of September, 2002; and

(b) from claiming refund of any tax paid by him in excess of the amount, due from him under this Act as amended by the Punjab General Sales Tax (Amendment and Validation) Act, 2005.

15. It is pertinent to notice that the Punjab General Sales Tax (Amendment and

Validation) Act, 2005 being Punjab Act No. 10 of 2005 has been enforced with effect from July 19, 2000 till September 11, 2002. Another provision Section 4BB has also been added in respect of the PGST Act, which reads thus:

4BB. Notwithstanding anything contained in this Act, for the period commencing with effect from the 19th day of July, 2000 and ending on the 11th day of September, 2002, every dealer, shall be liable and shall be deemed to have always been liable to pay purchase tax at the rate of two per cent on milk, when purchased for use in the manufacture of any goods other than tax-free goods for sale.

(Here italicised)

16. A perusal of Section 4BB of the PGST Act shows that every dealer of milk has been held liable to pay purchase tax in respect of the period commencing from July 19, 2000 to September 11, 2002 at the rate of two per cent on milk when purchased for use in the manufacture of any goods other than tax-free goods for sale. The reasons for amendments and addition of these provisions like Section 11CC and Section 4BB are not far to seek. On July 19, 2000, the State of Punjab had promulgated an Ordinance known as the Punjab Dairy Development Board Ordinance, 2000 (for brevity, "2000 Ordinance"). Under the 2000 Ordinance, cess was levied on milk plants by abolishing purchase tax leviable u/s 4B of the then in force PGST Act. The 2000 Ordinance was replaced by the Punjab Dairy Development Board Act, 2000 (for brevity, "the Act of 2000"). Accordingly, milk cess was levied at the rate of ten paise per litre on registered milk plant owners as per their licensed capacity. The aforesaid Act of 2000 was declared to be discriminatory and arbitrary by a Division Bench of this Court in the case of Cephram Milk Specialities Ltd. v. State of Punjab [2002] 127 STC 116. The aforesaid view was also upheld by the honourable Supreme Court when the appeal of the State was dismissed (supra).

17. In order to retain the purchase tax, Section 4BB was added in the PGST Act and the period of assessment was extended by two years by addition of Section 11CC as already noticed. The Statement of Objects and Reasons, which is appended to the Act, dated April 7, 2005, substantiates the aforesaid thesis, which reads thus:

As the cess levied under the Punjab Dairy Development Board Act has been struck down by the honourable Supreme Court of India, Dairy Development Department has collected the milk cess amounting to Rs. 15.92 crores (plus interest) during July, 2000 to September, 2002. The honourable Supreme Court of India in its interim orders of dated July, 2003 had instructed that in case, the appellants (State Government and PDDB) lose the case, then they would have to refund the amount of cess collected to respective parties with rate of interest to be decided by the court in the final judgment. Although there was no mention of refund or of any rate of interest in the final judgment delivered by the Supreme Court of India on 20th August, 2004, but since the cess has been declared to be

invalid, therefore in natural course, the Department would have to refund it, if suitable remedial steps are not taken immediately. To avoid the refund of this cess Mr. Venugopal has suggested issuing a validating Ordinance/Act imposing purchase tax retrospectively for the period from July, 2000 to September, 2002 because prior to levy of cess in 2000 and after the withdrawal of cess in 2002, the impose of purchase tax has been in vogue. It would be valid and legal also to levy purchase tax for the period during which the cess was levied and the money collected as cess under the Punjab Dairy Development Board Act be treated as collected as purchase tax under the Punjab General Sales Tax Act, 1948.

Hence, this Bill.

18. Before enacting the Act of 2000 the State of Punjab first promulgated an Ordinance known as the Punjab General Sales Tax (Amendment and Validation) Ordinance, 2005 (Punjab Ordinance 4 of 2005) (for brevity, "the 2005 Ordinance"), which validated the cess collected from the owners of milk plants by treating the same as purchase tax. In that Section 4E was added. The Ordinance also added Section 11CC, which stipulated its application only to the milk plant owners. The provision reads thus:

Section 11CC of 2005 Ordinance

11CC. (1) Notwithstanding anything contained in this Act, the assessing authority, shall pass an order of assessment in respect of the owners of milk plants for the financial years 2000-01 and 2001-02 within a period of five years from the last date, prescribed for furnishing the last return in respect of these years:

Provided that no order shall be made under this Section against any dealer without giving him an opportunity of being heard.

(2) Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, but subject to the provisions of Sub-section (1), any assessment, reassessment, levy or collection of any tax in respect of the owners of milk plants, made or purported to have been made in relation to such assessment, reassessment, levy or collection under the provisions of this Act for the period commencing from the 19th day of July, 2000 and ending on the 11th day of September, 2002, shall be as valid and effective as if such assessment, reassessment, levy or collection had been made, under this Act as amended by the Punjab General Sales Tax (Amendment and Validation) Act, 2005.

(3) For the removal of doubts, it is hereby declared that nothing in Sub-section (2) shall be construed as preventing any person,-

(a) from questioning in accordance with the provisions of this Act as amended by the Punjab General Sales Tax (Amendment and Validation) Ordinance, 2005 and the rules made thereunder, the assessment, reassessment, levy or collection of tax on the owners of the milk plants for the period commencing from the 19th

day of July, 2000 and ending on the 11th day of September, 2002; and

(b) from claiming refund of any tax paid by him in excess of the amount, due from him under this Act as amended by the Punjab General Sales Tax (Amendment and Validation) Act, 2005.

19. The necessary intendment of the additions made by Punjab Act No. 10 of 2005 is self-evident. It was indeed to overcome the loss of purchase tax and the situation which has resulted from the judgment of the honourable Supreme Court in the case of Punjab Dairy Development Board and Another, etc. Vs. Cepham Milk Specialities Ltd. and Others, etc., .

20. For the sake of argument if it is presumed that the time-limit was legally extended to five years on addition of Section 11CC by Punjab Act No. 10 of 2005, then also the Revenue has no case. There is lot of substance in the submission of the learned Counsel that after the expiry of the period of three years on April 30, 2004 and April 30, 2005 no period could be extended. His reliance on the judgment of the honourable Supreme Court in S.S. Gadgil, Income Tax Officer, Bombay Vs. Lal and Company, is meritorious. In that case notice of assessment or reassessment under proviso (iii) to Section 34(1)(b) of the Income Tax Act, 1922 could not be issued after the expiry of one year from the end of the year of assessment. In respect of assessment year 1954-55 the period expired on March 31, 1956. On account of some escaped income a notice by the assessing officer was issued on March 27, 1957. The period was extended to two years by Section 18 of the Finance Act, 1956 without any retrospectivity by which period the assessment had already become time-barred. In these circumstances, the honourable Supreme Court posed the question in para 5 of the judgment "...The question then is, whether the Income Tax Officer may issue a notice of assessment to a person as an agent of a non-resident party under the amended provision when the period prescribed for such a notice had before the amended Act came into force expired?...." the answer has been given in the following extracts of paras 6 and 13:

6. ...The power to issue a notice under the unamended Act came to an end on March 31, 1956. Under that Act no notice could thereafter be issued. It is true that by the amendment made by Section 18 of the Finance Act, 1956, a notice could be issued within two years from the end of the year of assessment. But the application of the amended Act is subject to the principle that unless otherwise provided if the right to act under the earlier statute has come to an end, it could not be revived by the subsequent amendment which extended the period of limitation. The right to issue a notice under the earlier Act came to an end before the new Act came into force. There was undoubtedly no determinable point of time between the expiry of the earlier Act and the commencement of the new Act; but that would not, in our judgment, affect the application of this rule.

13. As we have already pointed out, the right to commence a proceeding for assessment against the assessee as an agent of a nonresident party under the

Income Tax Act before it was amended, ended on March 31, 1956. It is true that under the amending Act by Section 18 of the Finance Act, 1956, authority was conferred upon the Income Tax Officer to assess a person as an agent of a foreign party u/s 43 within two years from the end of the year of assessment. But authority of the Income Tax Officer under the Act before it was amended by the Finance Act of 1956 having already come to an end, the amending provision will not assist him to commence a proceeding even though at the date when he issued the notice it is within the period provided by that amending Act. This will be so, notwithstanding the fact that there has been no determinable point of time between the expiry of the time provided under the old Act and the commencement of the amending Act. The Legislature has given to Section 18 of the Finance Act, 1956, only a limited retrospective operation, i.e., up to April 1, 1956, only. That provision must be read subject to the rule that in the absence of an express provision or clear implication, the Legislature does not intend to attribute to the amending provision a greater- retrospectivity than is expressly mentioned, nor to authorise the Income Tax Officer to commence proceedings which before the new Act came into force had by the expiry of the period provided, become barred.

21. The aforesaid view has been followed and applied by the honourable Supreme Court in the case of National Agricultural Co-operative Marketing Federation of India Ltd. and Another Vs. Union of India (UOI) and Others, , holding that the Revenue cannot re-open a time-barred assessment on the basis of a later amendment in the statute extending time for assessment. Similar view has been taken by the honourable Supreme Court in K.M. Sharma Vs. Income Tax Officer, Ward 13(7), New Delhi, and N.C. Dhoundial Vs. Union of India (UOI) and Others, .

22. The argument of the learned State Counsel that the Ordinance was promulgated on March 3, 2005 extending the period of limitation to five years in respect of assessment years 2000-01 and 2001-02. She has submitted that the period of five years has to be counted from the last date prescribed for furnishing the last return in respect of these years and, therefore, it must be presumed that the period of assessments in question stood extended before the expiry of the period of three years within which assessment was required to be framed u/s 11(1), (2) and (3) of the PGST Act. The aforesaid argument is based on the fact that in respect of the assessment year 2001-02 the last date for filing of the return was April 30, 2002 and the assessment could have been finalized within three years from that date, i.e., by April 30, 2005. The aforesaid argument would fall flat on its face after a bare perusal of Section 11CC of the 2005 Ordinance to which reference has already been made in the preceding paras. In Section 11CC of the 2005 Ordinance it was specifically provided by a non obstante Clause that notwithstanding anything contained in the Act the Assessing Authority was entitled to pass an order of assessment in respect of "owners of the milk plants for the financial years 2000-01 and 2001-02 within a period of five years from the last date prescribed for furnishing the last return in respect of these years".

It is, thus, obvious that Section 11CC of the 2005 Ordinance was made specifically to deal with the assessment in respect of owners of milk plants. It has already been observed in the preceding paras that in view of the judgment of the honourable Supreme Court in Punjab Dairy Development Board and Another, etc. Vs. Cepham Milk Specialities Ltd. and Others, etc., , a situation had emerged for re-imposition of purchase tax on milk plants because the substituted cess imposed on them was declared invalid. Therefore, Section 11CC would have no application as it is confined to passing of orders of assessment in respect of owners of milk plants for the aforesaid two years. The argument is wholly misconceived and we have no hesitation to reject the same.

23. On the basis of legislative intendment discernible from the amendments either by the 2005 Ordinance or by the Punjab Act No. 10 of 2005, the principles applicable to re-opening of time-barred assessments, which are explicit from various precedents no doubt is left that the questions of law deserve to be answered in favour of the appellant-Corporation and against the Revenue. Accordingly, appeals are allowed. The assessment orders and consequential demands are also quashed. The appellant shall be entitled to their cost, which we assess at Rs. 25,000 in each appeal.

24. The appeals stand disposed of in the above terms.