courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 21/09/2026

(2003) 03 AHC CK 0019

In the Allahabad High Court

Case No : IT Reference No. 96 of 1983 6 March 2003

Commissioner of Income Tax APPELLANT

Vs

Shan Elahi RESPONDENT

Date of Decision : 06-03-2003

Acts Referred:
Income Tax Act, 1961 — Section 154, 155, 256

Citation : (2003) 132 TAXMAN 89

Hon'ble Judges : Prakash Krishna, J;M. Katju, J

Bench : Full Bench

Judgement

This is an Income Tax Reference u/s 256(1) of the Income Tax Act, in which following question has been referred to us for our opinion :

"Whether on the facts and in the circumstances of the case, the Tribunal was correct in holding that the rectification u/s 154 made in the above case was barred by limitation ?"

2. Section 154(7) of the Income Tax Act as it stood in the relevant assessment year 1971-72 states :

"Save as otherwise provided in section 155 or sub-section (4) to section 186 no amendment under this section shall be made after expiry of four years from the date of order sought to be amended."

3. In the petition present case the assessment order was passed on 21-8-1971 and the first rectification u/s 154 was made on 28-2-1977. The second rectification with which we are concerned was made on 8-2-1977. The question is whether four years will run from the original assessment order or from 28-2-1997. The facts of this case are covered by the Supreme Court decisions in M/s. Hind Wire Industries Ltd. Vs. Commissioner of Income Tax, West Bengal-V., and Waldies Ltd. Vs. Commissioner of Income Tax, W.B., .

4. Following the aforesaid decisions the question referred to us is answered in

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/commissioner-of-income-tax-...

the negative, i.e., in favour of the department and against the assessee.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/commissioner-of-income-tax-...