(1993) 02 AP CK 0020

In the Andhra Pradesh High Court

Case No : Tax Revision Case No. 1 of 1993

New Dwaraka Lunch Home APPELLANT

Vs

State of Andhra Pradesh RESPONDENT

Date of Decision : 09-02-1993

Acts Referred:

Citation : (1993) 91 STC 36

Hon'ble Judges : D. Majmudar, C.J;J. Eswara Prasad, J

Bench : Division Bench

Advocate : T. Ramam, G.N. Chetty and D.R. Kumar, for the Appellant; Government Pleader, for the Respondent

Judgement

D. Majmudar, C.J.—The short question involved in this revision is whether the authorities below, including the Sales Tax Appellate Tribunal, were justified in holding that the petitioner was guilty of suppression of turnover of sales and purchases of articles while dealing in cooked food in the name and style of M/s. New Dwaraka Lunch Home at Kakinada. It has been found as a fact by the authorities below that as compared to the returned turnover, the actual turnover of the petitioner was much more. That estimate was made on the basis of the inspection made on spot by the Commercial Tax Officer on October 12, 1987, at 8.40 p.m. in the hotel. It was found that there was cash of Rs. 3,600. It was not supported by various relevant bills and the accounts also were not found to be properly maintained. On the basis of this material, the Commercial Tax Officer made an estimate of purchases and sales undertaken by the petitioner during the year and consequently, sales tax was levied, after computing the suppressed sales and purchases. These findings are based on relevant evidence and cannot be interfered with. The Tribunal was justified in relying on the decision of the Supreme Court in The Commissioner of Sales Tax, Madhya Pradesh Vs. H.M. Esufali, H.M. Abdulali, Siyaganj, Main Road, Indore, and in holding that on the basis of one day''s inspection where the suppressed sales could be detected, estimate could be made for the whole year.

2. Reliance placed by the learned counsel for the petitioner on a decision of this Court in Padmavathi Paddy and Rice Co. v. Assistant Commissioner of Commercial Taxes [1971] 27 STC 30 for the proposition that some other evidence is required in addition to what was found on a day''s inspection, is of no avail for two reasons. Firstly, the Supreme Court''s decision The Commissioner of Sales Tax, Madhya Pradesh Vs. H.M. Esufali, H.M. Abdulali, Siyaganj, Main Road, Indore, on the point squarely applies to the case on hand and it has to be followed, and secondly on the ground that there is additional evidence, as indicated above, from which it could be inferred that Rs. 3,600 found on the night of inspection represented suppressed sales.

3. For all the above reasons, therefore, no case is made out for our interference in this revision. The revision case is, therefore, rejected. No costs.

4. Petition dismissed.

