

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6634 OF 2021

DY. COMMISSIONER OF INCOME TAX CENTRAL CIRCLE 20

APPELLANT

VERSUS

M/S U.K. PAINTS (OVERSEAS) LTD.

RESPONDENT

WITH

CIVIL APPEAL NO. 6656/2021

CIVIL APPEAL NO. 6654/2021

CIVIL APPEAL NO. 6653/2021

CIVIL APPEAL NO. 7600/2019

CIVIL APPEAL NO. 6744/2018

CIVIL APPEAL NO. 6982/2021

CIVIL APPEAL NO. 7033/2021

CIVIL APPEAL NO. 6655/2021

CIVIL APPEAL NO. 1504/2018

CIVIL APPEAL NO. 3147/2019

CIVIL APPEAL NO. 6661/2021

O R D E R

In this batch of appeals, the assessments in case of each

Assessee were under Section 153-C of the Income Tax Act, 1961 (for

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short, 'the Act'). As found by the High Court in none of the cases any incriminating material was found during the search either from the Assessee or from third party. In that view of the matter, as such, the assessments under Section 153-C of the Act are rightly set aside by the High Court. However, Shri N Venkataraman, learned ASG appearing on behalf of the Revenue, taking the clue from some of the observations made by this Court in the recent decision in the case of Principal Commissioner of Income Tax, Central -3 Vs. Abhisar Buildwell P. Ltd., Civil Appeal No. 6580/2021, more particularly, paragraphs 11 and 13, has prayed to observe that the Revenue may be permitted to initiate re-assessment proceedings under Section 147/148 of the Act as in the aforesaid decision, the powers of the re-assessment of the Revenue even in case of the block assessment under Section 153-A of the Act have been saved.

As observed hereinabove, as no incriminating material was found in case of any of the Assessee either from the Assessee or from the third party and the assessments were under Section 153-C of the Act, the High Court has rightly set aside the Assessment Order(s). Therefore, the impugned judgment and order(s) passed by the High Court do not require any interference by this Court. Hence, all these appeals deserve to be dismissed and are accordingly dismissed.

However, so far as the prayer made on behalf of the Revenue to permit them to initiate the re-assessment proceedings is concerned,

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it is observed that it will be open for the Revenue to initiate the re-assessment proceedings in accordance with law and if it is permissible under the law.

With this, all these appeals are dismissed/disposed of.

.....J.
[M.R. SHAH]

..... J.
(C.T. RAVIKUMAR)

New Delhi;
April 25, 2023.