Commissioner of Income Tax, Central-1, Kolkata v. M/s. MBL Infrastructure Limited

ITA/125/2012 with ITA/126/2012

ITA/125/2012 with ITA/126/2012 (High Court at Calcutta, 2024-04-30) | 2024-04-30

Concurrent factual findings upheld; both MBL appeals dismissed after consideration of Settlement Commission material.

Income-tax Act,1961: sections 292C

High Court at Calcutta | 2-judge bench (Division Bench) | Justice Surya Prakash Kesarwani | Justice Rajarshi Bharadwaj

Assessment years: 2004-05, 2005-06

01 FACTS OF THE CASE

The common judgment decided ITA 125/2012 for AY 2004-05 and ITA 126/2012 for AY 2005-06, arising from the Tribunal's 7 December 2011 order in ITA 1056 and 1057/Kol/2009.

Source: PDF pp.1–2

02 DISCUSSION BY THE HON'BLE COURT

Revenue's questions alleged failure to consider Settlement Commission observations and section 292C. Both sides took the Court through the Tribunal, CIT(A) and assessment orders and the paper book.

Source: PDF p.2, paras 3–4

03 JUDICIAL DECISION

The Court found the concurrent findings based on relevant evidence, including the Settlement Commission order, and found no perversity warranting interference.

Source: PDF p.3, para 5

04 OUTCOME / IN WHOSE FAVOUR

Both appeals dismissed; both substantial questions answered for the assessee.

Source: PDF p.3, para 6

05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

Address the actual evidentiary findings: The challenge failed because the Court found relevant evidence, including the Settlement Commission order, had been considered. A successful perversity argument would require identifying what material was ignored or why a conclusion could not follow from it. Repeating disagreement with the factual outcome was insufficient on the record examined here. (PDF pp.2–3)

Do not convert the result into a broad section 292C rule: Section 292C appears in the framed question, but the judgment does not articulate a general test for its presumption or reproduce the disputed documents. It resolves the appeal through the supported factual findings. Claims about the ownership, contents or rebuttal of particular seized material would exceed this source. (PDF pp.2–3)

Preserve the two assessment-year proceedings: The appeals were heard together under the earlier direction and disposed of by a common judgment, but concerned distinct years and Tribunal appeals. The record should retain both dockets. The order neither treats all settlement observations as binding nor excludes their relevance; it expressly says the settlement order was considered. (PDF pp.1–3)

Source: PDF pp.2–3

SOURCE & VERIFICATION

Original High Court judgment PDF — AKHB source repository

Complete 4-page original reviewed; source bytes verified.

Full original and all five panels re-reviewed on 21 October 2026.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

STATUTORY SCOPE

Current law and subsequent treatment not independently verified.

LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently verified.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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