Commissioner of Income Tax (Central), Ludhiana v. Pawan Kant & Sons

ITR 80/1995

ITR 80/1995 | 2007-02-13

HUF property and accretions: earlier same-assessee ruling followed

High Court of Punjab and Haryana | Chandigarh | M.M. Kumar | Rajesh Bindal

Assessment years: 1986-87

01 FACTS OF THE CASE

The reference concerned AY 1986-87 and the Tribunal's order of 28 September 1994. The question was whether property received on partial partition, and its accretions, belonged to the assessee HUF so that the resulting income was assessable in the HUF's hands.

Source: PDF pp.1–2

02 DISCUSSION BY THE HON'BLE COURT

It was undisputed that the issue was covered against Revenue by the Court's judgment of 30 August 2004 in ITR 7/1989, CIT (Central), Ludhiana v. Pawan Kant, involving the same assessee for AY 1981-82. The present brief order adopted that result without restating the earlier reasons.

Source: PDF p.2

03 JUDICIAL DECISION

The question was answered against Revenue and in favour of the assessee. The Tribunal's HUF treatment was sustained for the referred AY 1986-87.

Source: PDF p.2

04 OUTCOME / IN WHOSE FAVOUR

Assessee-favourable reference answer. AY 1981-82 belongs to the cited earlier case, not to the present reference; the source supplies no partition date, asset amount or independent exposition of the governing statutory rules.

Source: PDF pp.1–2

05 EXPERT COMMENTS

Identify the property character actually in issue — The referred question connects property received on partial partition with its accretions and resulting income. The answer preserves HUF assessment on those facts. It should not be expanded into a rule that every asset held by a family member, or every subsequent acquisition, necessarily belongs to a HUF. The underlying property and its connection with the accretions remain material.

The reasoning depends on the earlier same-assessee decision — The Court recorded an undisputed controlling decision rather than conducting a fresh factual enquiry. The exact dependency is ITR 7/1989, decided 30 August 2004. That judgment must be consulted before extracting a detailed ratio on partial partition. This two-page order does not itself justify a general claim about statutory recognition of all partial partitions.

Keep assessment years and judicial records separate — The present AY is 1986-87; the earlier case concerned 1981-82. Their common taxpayer and issue explain the result but do not make the references duplicate records. Retaining the present docket and date preserves the annual assessment history and avoids suggesting that the High Court determined an unspecified amount or ordered a refund.

Source: Editorial analysis; source references in the structured comments

SOURCE & VERIFICATION

Punjab and Haryana High Court order; verified source copy

Complete source PDF reviewed: 2 physical pages.

All 2 original pages read and visually inspected; source hash verified. AI-assisted substantive correction.

Open cited source rendition

Source bytes and identity checked; see panel-specific references and disclosed source anomalies.

STATUTORY SCOPE

Sections and disposition are recorded only to the extent stated in this source order.

LATER TREATMENT

Source checked 2026-10-21. Subsequent treatment not 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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