

Commissioner of Income-tax, West Bengal v A. W. Figgies & Co. and Others

Civil Appeal No. 77 of 1952

[1954] SCR 171 | 1953-09-24

Indian Income-tax Act, 1922, sections 3 and 25(4)

Indian Income-tax Act, 1922, sections 3 and 25(4)

3-judge bench | Mehr Chand Mahajan J. (author) | S. R. Das J. | N. H. Bhagwati J.

Scope and outcome limits

No current-law clearance.

01 FACTS OF THE CASE

A tea-broking firm taxed under the 1918 Act continued through several changes of partners before a limited company succeeded it in 1947. Revenue denied succession relief because the partners differed from those in 1939.

Source: [Primary report: SCR 172-174](#)

02 DISCUSSION BY THE HON'BLE COURT

Did changes of partners destroy the identity of the assessable firm for section 25(4) relief? The firm was a distinct assessable unit. Mere reconstitution did not necessarily create a new unit or amount to succession. The same business continued at the same place without cessation or division of its assets and liabilities; the 1945 deed did not establish a different unit.

Source: [Primary report: SCR 174-175; SCR 175-177](#)

03 JUDICIAL DECISION

Revenue's appeal was dismissed with costs; section 25(4) relief was upheld.

Source: [Primary report: SCR 177](#)

04 OUTCOME / IN WHOSE FAVOUR

Revenue's appeal was dismissed with costs; section 25(4) relief was upheld.

Source: [Primary report: SCR 177](#)

05 AKHB REVIEW POINT

Distinguish a change in partners from genuine dissolution or succession. This concerns historical relief for businesses taxed under the 1918 Act, not automatic relief for all current restructurings.

Source: [Primary report: SCR 175-177](#)

SOURCE & VERIFICATION

[Supreme Court Reports primary scan — public eSCR mirror](#)

Seven pages / SCR 171-177. Preceding Sardar Indra Singh ending on first page; following Sidheshwar caption on last page.

[Open cited source rendition](#)

STATUTORY SCOPE

Historical statutory text and assessment period only. Present statutory equivalence and later judicial treatment are not cleared.

LATER TREATMENT

Source checked 2026-10-18. Subsequent treatment and current-law applicability have not been comprehensively checked.

AI DISCLOSURE

This AKHB research note was prepared with AI assistance from an identified primary report. Independent human review is not represented.

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