R. C. Mitter & Sons and connected firm v. Commissioner of Income-tax, West Bengal

Civil Appeals Nos. 85 and 389 of 1957

[1959] Supp. (2) SCR 641 | 1959-04-15

Historical interpretation: Indian Income-tax Act, 1922: sections 26A, 23(5), 28(2); Rules 2–6B (pre-1952)

Indian Income-tax Act, 1922: sections 26A, 23(5), 28(2); Rules 2–6B (pre-1952)

3-judge bench | B. P. Sinha | J. L. Kapur | M. Hidayatullah

Historical statutory scope and source qualifications

Historical statutory provisions; subsequent treatment and current-law applicability have not been verified.

01 FACTS OF THE CASE

Two firms formed orally sought registration on instruments executed after the relevant accounting periods. One instrument was drawn in September 1949 for the 1949-50 assessment; the other in June 1948 for assessments 1945-46 and 1946-47. Registration was refused.

Source: Primary report: SCR 644–646

02 DISCUSSION BY THE HON'BLE COURT

The words constituted under include an oral partnership subsequently reduced to writing; the statute does not require inception by deed. Sinha and Kapur JJ nevertheless read the Act, Rules and prescribed form together as requiring an instrument operative during the relevant accounting year, genuine constitution and distribution in accordance with it. Hidayatullah J agreed in dismissal but expressly doubted the implied accounting-year requirement and noted Board instructions.

Source: Primary report: SCR 647–659

03 JUDICIAL DECISION

Registration was unavailable for the years claimed because the partnerships did not function under an instrument operative in the corresponding accounting year. Whether the document must exist from the very start rather than before year end was left open.

Source: Primary report: SCR 649, 658–659

04 OUTCOME / IN WHOSE FAVOUR

Both appeals were dismissed with costs, one set of hearing fees shared equally by the appellants.

Source: Primary report: SCR 659

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05 AKHB REVIEW POINT

Distinguish the unanimous rejection of constituted by from the reasoning on timing, on which Hidayatullah J expressed doubts without dissenting. This concerns historical section 26A and pre-1952 rules; do not transpose its timing conditions to current firm taxation without checking the applicable statute.

Source: Primary report: SCR 647–649, 659

SOURCE & VERIFICATION

Supreme Court Reports primary scan — public eSCR mirror

Complete 19-page Supreme Court Reports scan. Any adjoining report fragments remain in the unchanged original and are excluded from this analysis.

Open cited source rendition

STATUTORY SCOPE

Historical legislation expressly identified in this note. This is not a decision under the Income-tax Act, 1961 or the Income-tax Act, 2025. Verify enacted wording, commencement, transition and subsequent judicial treatment independently before modern reliance.

LATER TREATMENT

Source checked 2026-10-23. Subsequent treatment and present-law applicability have not been comprehensively checked.

AI DISCLOSURE

This AKHB research note uses AI assistance and a preserved full-primary review, with refreshed exact original-byte verification. Independent human review is not represented.

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