# Commissioner of Income-tax, Bombay v. Smt. Indira Balkrishna

Civil Appeals Nos. 249 and 250 of 1958

[1960] 3 SCR 513 | 1960-04-14

## Historical interpretation: Indian Income-tax Act, 1922: sections 3 and 9(3)

Indian Income-tax Act, 1922: sections 3 and 9(3)

3-judge bench | S. K. Das | J. L. Kapur | M. Hidayatullah

**Historical statutory scope and source qualifications**

Current statutory wording and subsequent treatment not checked. Docket visually verified on SCR 514.

### 01 FACTS OF THE CASE

Three co-widows inherited their husband's estate. Revenue assessed them as an association of persons, although their shares in property income were equal and the record did not show a joint enterprise producing the dividends and deposit interest.

Source: Primary report: SCR 514–518

### 02 DISCUSSION BY THE HON'BLE COURT

An association under the then section 3 required persons joining in common purpose or action to produce income, profits or gains. Mere joint receipt was insufficient on these facts. The Court cautioned that there was no universal factual formula and affirmed the ascertainable one-third property-income shares.

Source: Primary report: SCR 517–521

### 03 JUDICIAL DECISION

The widows had not combined in an income-producing joint enterprise and could not be assessed as an association of persons on the findings. The High Court's negative answer was correct.

Source: Primary report: SCR 520–521

### 04 OUTCOME / IN WHOSE FAVOUR

Both Revenue appeals were dismissed with costs and one hearing fee.

Source: Primary report: SCR 521

### 05 AKHB REVIEW POINT

Identify evidence of concerted activity rather than infer an association solely from inheritance or joint receipt. The test is that of the historical statutory text; any later amendments and current treatment require separate verification.

Source: Primary report: SCR 518–521


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## SOURCE & VERIFICATION

Supreme Court Reports primary scan — public eSCR mirror

Complete 9-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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