

Commissioner of Income-tax, Kerala v. Helen Rubber Industries Ltd.

Civil Appeal No. 466 of 1960

[1962] Supp. 2 SCR 605 | 1962-01-16

Transition from Travancore law: a successor statute did not enlarge the earlier limited loss-carry-forward entitlement.

Travancore Income-tax Act, 1121 M.E.: section 32 | Indian Income-tax Act, 1922: sections 24(2), 66(2) and 66A(2) | Indian Finance Act, 1950: sections 3, 12 and 13(1) | Taxation Laws (Part B States) (Removal of Difficulties) Order, 1950: paragraph 3

5-judge bench; unanimous judgment delivered by M. Hidayatullah, J. | B. P. Sinha, C.J. | J. L. Kapur, J. | M. Hidayatullah, J. | J. C. Shah, J. | J. R. Mudholkar, J.

Assessment years: 1951-52

Historical statutory setting

Historical Travancore transition and 1922 Act rules; not current section 72 or later-code guidance.

Source and scope caution

Only the 1946 loss claimed into assessment year 1951-52 was decided.

No current-law clearance

Later judicial treatment and current statutory applicability have not been comprehensively checked; no current-law or citator clearance is represented.

01 FACTS OF THE CASE

The Travancore company reported losses for 1946-48 after its factory lessee stopped paying. The issue was whether the 1946 loss could reach assessment year 1951-52 after extension of Indian income-tax law (SCR pp.606-608; PDF pp.2-4).

Source: [Primary judgment: facts](#)

02 DISCUSSION BY THE HON'BLE COURT

The 1950 transition created a line between State-law and Indian-law periods. Paragraph 3 preserved pre-transition losses only in the same manner, extent and years allowed by State law; it did not enlarge the earlier two-year entitlement (SCR pp.608-612; PDF pp.4-8).

Source: [Primary judgment: discussion](#)

03 JUDICIAL DECISION

Revenue's appeal was allowed; the High Court answer displaced, with costs below and no Supreme Court costs order (SCR p.612; PDF p.8).

Source: [Primary judgment: decision](#)

04 OUTCOME / IN WHOSE FAVOUR

In favour of Revenue; carry-forward of the 1946 loss into assessment year 1951-52 was denied (SCR pp.611-612; PDF pp.7-8).

Source: [Primary judgment: outcome](#)

05 AKHB REVIEW POINT

AKHB analysis: a successor statute's general period does not enlarge a pre-transition loss when a specific savings rule preserves only the earlier entitlement. Build separate timelines for loss year, transition and claimed set-off year.

Source: [Primary judgment: review point](#)

SOURCE & VERIFICATION

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

Full 8-page SCR asset read and visually inspected; adjacent Raghava Reddi text at the start was excluded.

[Open cited source rendition](#)

Catalogue source S_1962_2_605_612: SHA-256

43421f58c539bc85f080570ef102c2efa4012446b4cabf9eaa7cd48ee5878e08, 8 pages, read and visually inspected in full.

The published original preserves the exact catalogue bytes and verified hash.

The source verifies identity, bench, provisions, opinion structure and operative order.

No exact source-hash, asset-ID, SCR-citation, docket or same-judgment publication match was found.

STATUTORY SCOPE

Historical Travancore transition and 1922 Act rules; not current section 72 or later-code guidance.

LATER TREATMENT

Source checked 2026-10-11. Later judicial treatment and current statutory applicability have not been comprehensively checked; no current-law or citator clearance is represented.

AI DISCLOSURE

This AKHB research note was prepared with AI assistance from the identified primary report and has not been represented as independently human-reviewed.

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