

The Keshav Mills Co. Ltd. v. Commissioner of Income-tax, Bombay North

Civil Appeal No. 1017 of 1963

[1965] 2 SCR 908 | 1965-02-08

Reference jurisdiction: a supplementary statement could not introduce evidence absent from the Tribunal record.

Indian Income-tax Act, 1922: sections 23, 31, 33, 34 and 66 | Income-tax (Appellate Tribunal) Rules, 1963: rules 29 and 39 | Constitution of India: Article 141

7-judge bench; unanimous judgment delivered by P. B. Gajendragadkar, C.J. | P. B. Gajendragadkar, C.J. | K. Subba Rao, J. | K. N. Wanchoo, J. | M. Hidayatullah, J. | J. C. Shah, J. | S. M. Sikri, J. | R. S. Bachawat, J.

Assessment years: 1942-43

Historical statutory setting

This is historical section 66 reference procedure; no automatic mapping to a modern appellate provision or current-law clearance is claimed.

Fact, opinion and procedural limits

Apply the holding only within the facts, statutory text, opinion structure and procedural posture described in the primary report.

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 Tribunal found Rs.6,71,735 received through cheques and hundis was not received in British India. On reference, the High Court twice directed supplemental findings and new evidence on unconditional discharge and postal remittance, then answered against the assessee (SCR pp.910-914; PDF pp.3-7).

Source: [Primary judgment: facts](#)

02 DISCUSSION BY THE HON'BLE COURT

Section 66(4) permitted additions or alterations from material already on the Tribunal record, not new evidence at reference stage. Stability under Article 141 warranted retaining settled precedent absent clear error or compelling consequences. Rule 39 was expressly left open (SCR pp.914-928; PDF pp.7-21).

Source: [Primary judgment: discussion](#)

03 JUDICIAL DECISION

The appeal was allowed, the High Court order set aside and the matter remitted for decision under the settled record-only rule, with no costs throughout (SCR p.928; PDF p.21).

Source: [Primary judgment: decision](#)

04 OUTCOME / IN WHOSE FAVOUR

In favour of the assessee procedurally; the place of receipt and resulting tax liability remained undecided (SCR p.928; PDF p.21).

Source: [Primary judgment: outcome](#)

05 AKHB REVIEW POINT

AKHB analysis: build the evidentiary record before fact-finding closes; reference jurisdiction is not a substitute for omitted proof. Reconsidering precedent requires more than a plausible competing interpretation (based on SCR pp.914-928; PDF pp.7-21).

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

SOURCE & VERIFICATION

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Catalogue source 1965_2_908_928: SHA-256

1740cb86ffe4ed66695c80f6c519d24e049210fae17075a54a8ef68abfbd360c, 21 pages, read and visually inspected in full.

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

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

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

STATUTORY SCOPE

This is historical section 66 reference procedure; no automatic mapping to a modern appellate provision or current-law clearance is claimed.

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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General legal and tax research only; not legal or tax advice. Verify the original judgment, the governing historical statute and subsequent judicial treatment before reliance. The AKHB REVIEW POINT is editorial analysis, not the Court's holding, and no current-law clearance is claimed.