

Commissioner of Income-tax, Uttar Pradesh v. Manmohan Das

Civil Appeal No. 512 of 1964

[1966] 2 SCR 531 | 1965-11-05

Vocation income and loss carry-forward: bank treasurer worked under a contract for services.

Indian Income-tax Act, 1922: sections 7, 10, 12, 24(1)-(3) and 66(1)

3-judge bench; unanimous judgment delivered by J. C. Shah, J. | K. Subba Rao, J. | J. C. Shah, J. | S. M. Sikri, J.

Assessment years: 1950-51, 1951-52

Historical statutory setting

Current employment-status, HUF and loss carry-forward rules require independent review; the judgment applies the repealed 1922 Act.

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

A bank treasurer bore extensive staffing and default risk under a long-term agreement. His HUF suffered a Rs.38,027 loss in 1950-51 and sought set-off against next-year receipts; Revenue treated the remuneration as non-business income and relied on the earlier officer's refusal (SCR pp.532-534; PDF pp.2-4).

Source: [Primary judgment: facts](#)

02 DISCUSSION BY THE HON'BLE COURT

The later-year officer had to determine statutory set-off eligibility; the prior statement did not bind that assessment. Staffing authority, substitution rights, liability and limited control showed a contract for services. The skilled, risk-bearing activity was a vocation under section 10 (SCR pp.534-543; PDF pp.4-13).

Source: [Primary judgment: discussion](#)

03 JUDICIAL DECISION

The remuneration was vocation income, the loss could be carried forward and set off, and Revenue's appeal was dismissed with costs (SCR p.543; PDF p.13).

Source: [Primary judgment: decision](#)

04 OUTCOME / IN WHOSE FAVOUR

In favour of the assessee on final merits (SCR p.543; PDF p.13).

Source: [Primary judgment: outcome](#)

05 AKHB REVIEW POINT

AKHB analysis: classify the relationship from control, staffing power, risk, liability, termination and substitution rights, not labels. Identify which assessment year's officer must decide carry-forward eligibility (based on SCR pp.534-543; PDF pp.4-13).

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

SOURCE & VERIFICATION

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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

Current employment-status, HUF and loss carry-forward rules require independent review; the judgment applies the repealed 1922 Act.

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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