

Income Tax Officer, Distt. II(ii), Kanpur and Others v. Shri Mani Ram Etc.

Civil Appeals Nos. 314 to 322 of 1966 — Nine connected Supreme Court special-leave appeals and connected proceedings (full list below)

[1969] 1 SCR 724 | 1968-08-20

A person provisionally assessed under section 23B had been “assessed” for section 18A(3); the Court would not insert a regular-assessment limitation absent from the old Act.

1922 Act: 18A(1) | 1922 Act: 18A(3) | 1922 Act: 18A(8) | 1922 Act: 18A(9)(b) | 1922 Act: 23 | 1922 Act: 23B | 1922 Act: 28

3 Judges | J. C. Shah | V. Ramaswami | A. N. Grover

01 FACTS OF THE CASE

Four former joint-family members continued business as partners after partition. They filed individual returns and were provisionally assessed on 14 October 1954; regular assessment followed on 27 February 1958, with later years assessed subsequently. They had not submitted advance-tax estimates or paid advance tax. The officer imposed section 18A(8) interest and penalties under section 18A(9)(b) read with section 28. Appeals and revisions failed, but the Allahabad High Court quashed the levies because section 18A(3) did not cover persons already provisionally assessed.

Source: [SCR725E-726H: grouped proceedings and levy history.](#)

02 DISCUSSION BY THE HON'BLE COURT

Ramaswami J rejected the suggestion that provisional assessment merely fixed tax without assessing income. Section 23B necessarily involved determining total income from the return and accompanying material, although without the fuller inquiry used for regular assessment. Parliament had referred expressly to provisional assessment elsewhere in section 18A after introducing section 23B, but had not qualified “assessed” in subsection (3). Repeated use of “regular assessment” in other subsections showed that the legislature knew how to make that distinction.

Source: [SCR730G-732C: provisional assessment and statutory contrast.](#)

03 JUDICIAL DECISION

The unqualified term included provisional assessment, so the Revenue’s construction failed. Later 1961 provisions referring expressly to prior regular assessment did not retrospectively explain the earlier enactment. The Court said a subsequent statute ordinarily supplies no guide to an earlier one; recourse in special circumstances requires, among other things, ambiguity in the earlier language.

Source: [SCR732D-734E: later legislation argument rejected.](#)

04 OUTCOME / IN WHOSE FAVOUR

All nine Revenue appeals dismissed. High Court relief against the disputed interest and penalties remained in force. Costs; one set of hearing fee.

Source: [SCR734E: dismissal, costs, one hearing fee.](#)

05 AKHB REVIEW POINT

The holding turns on the exact historical wording and assessment procedure. It supplies a careful statutory-construction method, not a present exemption from advance tax. Keep the 1961 text quoted in the judgment separate from later substituted advance-tax provisions.

Source: [SCR731-734: exact language and later-statute limits.](#)

APPEAL AND PROCEEDING NUMBERS

Civil Appeals Nos. 314 to 322 of 1966 — Nine connected Supreme Court special-leave appeals / Special Appeals Nos. 662, 663, 679, 664, 665, 667, 666, 669 and 671 of 1962 — Allahabad High Court appeals listed respectively / C.W.M. No. 1591 of 1962 — Specified originating writ; additional connected writs are not individually numbered in report

SOURCE & VERIFICATION

Original reported Supreme Court judgment

11-page retained public-mirror SCR report. The complete report was read as text and page images. The acquisition URL is preserved provenance; current endpoint availability and authentication as a signed original are not newly verified. All 11 physical text/image pages SCR724-734. Caption starts physical 1 top; headnote ends physical 2 SCR725 D; Ramaswami opinion starts physical 2 G and ends physical 11 SCR734 E with all appeals dismissed with costs, one hearing fee. No neighboring judgment. SCR725 says High Court April 25, 1963; opinion SCR726/734 says March 25, 1963. SCR733 quotes heading 213 though surrounding judicial text says 212(3). These report anomalies do not unsettle exact SC caption/date/dockets.

Open cited source rendition

Jurisdiction paragraph SCR 725 states High Court 25 April 1963; opinion SCR 726/734 states 25 March 1963. SCR 726 also prints 25 May 1956 for a writ numbered 1962. These originating-date anomalies do not change the verified SC date/dockets.

At SCR 733 the quoted heading reads 213, while preceding discussion identifies 212(3); the note retains the stated provision as a historical comparison, not a new adjudicated 1961 section.

STATUTORY SCOPE

Indian Income-tax Act, 1922; 18A(1), 18A(3), 18A(8), 18A(9)(b), 23, 23B, 28

The 2011 compilation shows substituted 210(1) imposing self-payment on liable persons whether or not previously regularly assessed, while 210(3) separately addresses an officer's order. Note 90 dates substitution to 1 April 1988; 212 is marked omitted from that date. These are not the 1961 words quoted in Mani Ram.

2025 section 406 separates self-payment, expressly irrespective of previous regular assessment, from section 407's officer-order process. The old holding does not exempt a liable person under that later scheme.

The holding applies the historical 1922 Act. The 2025 Act generally commences 1 April 2026; selected 536(1), (2)(a)-(e), (3)-(4) preserve earlier operation and specified proceedings. Only identified versions/passages were checked; no complete savings, amendment-history or present-case applicability assessment is claimed.

LATER TREATMENT

Source checked 2026-10-08. No specific later judicial treatment is adopted; this is not a finding that later treatment is absent.

Comprehensive subsequent history and present-law applicability remain unverified.

Primary authorities cited within this judgment are not later-use evidence.

IDENTIFIED SOURCE LINKS

[Income-tax Act, 1961: 210 and omitted 212 in 2011 compilation](#)

Displayed 2011; retained DOR-hosted Taxmann compilation Physical 839-840/printed 1.798-1.799, 210(1)-(6), notes 90-92; physical 842/1.801, 212 omission entry. Only listed 2011 compilation passages/images read. Footnotes are compilation annotations, not independently verified amending Acts. No fresh endpoint retrieval or current 1961 consolidation claim. Text pages read: 2, 839-840, 842. Image pages read: 2, 839-840, 842.

[Income-tax Act, 2025: 406-407](#)

As amended by Finance Act, 2026 Web 21366-21425, complete 406-407 including 21392 crosspage. Exact stated web text personally read, including cross-page continuations. No original HTML/PDF or images, whole-Act or automatic case-applicability claim.

[Income-tax Act, 2025: commencement and selected savings](#)

As amended by Finance Act, 2026 1(1)-(3) web 0-13; 536(1), (2) intro/(a)-(e) web 24385-24408; 536(3)-(4) 24597-24601. Not full 536. Exact stated web text personally read, including cross-page continuations. No original HTML/PDF or images, whole-Act or automatic case-applicability claim.

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