

Commissioner of Income-tax, Calcutta v. Kokila Debi

Civil Appeals Nos. 220 to 230 of 1967

[1971] 1 SCR 312 | 1970-04-20

Trust income specifically receivable for a sole deity beneficiary: maximum-rate proviso inapplicable.

Indian Income-tax Act, 1922: sections 2(9), 41(1) and 66(1)

3-judge bench | J. C. Shah, J. | K. S. Hegde, J. | A. N. Grover, J.

Assessment years: Assessment years not specified in the report

Person status assumed, not decided

The Court expressly did not decide whether a deity was a person under section 2(9), because the question had not been raised.

01 FACTS OF THE CASE

Badriprasad Agarwalla dedicated self-acquired properties for Sri Sri Iswar Gopal Jew through a 1944 deed supplemented in 1947 and 1951. Two-thirds of rent supported worship; one-third met collection charges, taxes and property expenses. The Officer assessed trustees at the maximum rate. The Tribunal found the deity the sole beneficiary and the High Court agreed.

Source: [SCR pp.313-315 / PDF pp.2-4](#)

02 DISCUSSION BY THE HON'BLE COURT

Reading the deeds as a whole, the Court held that an isolated description of trustees as beneficiaries was a misnomer: they had no beneficial entitlement. The income was specifically receivable on behalf of the sole beneficiary, bringing it within the main section 41(1), rather than its first proviso. A trusteeship's treatment as property for other purposes was irrelevant. The Court assumed, without deciding, the deity's personhood under section 2(9).

Source: [SCR pp.315-316 / PDF pp.4-5](#)

03 JUDICIAL DECISION

The Revenue appeals were dismissed. Since the respondents were ex parte before the Supreme Court, no costs were ordered. The ordinary representative-assessment treatment upheld below remained undisturbed.

Source: [SCR p.316 / PDF p.5](#)

04 OUTCOME / IN WHOSE FAVOUR

The assessee trustees succeeded against maximum-rate treatment on these deeds and findings. This was not a ruling granting a general religious-trust income exemption.

Source: [SCR pp.315-316 / PDF pp.4-5](#)

05 AKHB REVIEW POINT

AKHB analysis: read the full settlement and supplements to distinguish beneficial rights from management powers and expense retention. Identify for whom income is specifically receivable before selecting representative-assessment treatment. Do not cite this judgment as deciding the separately reserved personhood question or present-day exemption eligibility.

Source: [AKHB analysis based on SCR pp.315-316 / PDF pp.4-5](#)

SOURCE & VERIFICATION

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STATUTORY SCOPE

The decision applies section 41(1) of the repealed 1922 Act to the particular deeds and proceeds on an unchallenged assumption about the deity's status.

LATER TREATMENT

Source checked 2026-10-10. Comprehensive subsequent treatment has not been verified; no current citator clearance is represented.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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