

M/s. Poothundu Plantations Pvt. Ltd. v. Agricultural Income Tax Officer, Chittoor, Kerala State and others

Civil Appeal No. 9168 of 1996

[1996] Supp. 3 SCR 567 | 1996-07-15

Kerala agricultural income-tax rectification: a debatable construction of the State Act's carry-forward provision was not an error apparent merely because a differently worded central provision had been construed by the Supreme Court.

Kerala Agricultural Income Tax Act, 1950: sections 12 and 36 | Indian Income-tax Act, 1922: sections 6 and 24, distinguished

2-judge bench | B. P. Jeevan Reddy, J. | Suhas C. Sen, J.

Assessment years: See the source-scope notes; no year inferred.

Rectification scope, not final interpretation of section 12

The Court held that the alleged error was not apparent. It expressly found it unnecessary to decide the ultimate correct construction of section 12.

01 FACTS OF THE CASE

An Agricultural Income Tax Officer assessed Poothundu Plantations under the Kerala Act. A successor later invoked section 36 to rectify the assessment, reasoning that the predecessor had wrongly construed section 12's six-year loss carry-forward rule in light of the Supreme Court's construction of section 24 of the 1922 central Act in *Anglo-French Textile*. The Assistant Appellate Commissioner proceeded on that basis. A Kerala High Court single judge referred the interpretive issue to a larger Bench, and the High Court ultimately decided against the assessee. Poothundu appealed.

Source: [Rectification background and statutory provisions: SCR pp.568-570](#)

02 DISCUSSION BY THE HON'BLE COURT

Section 36 permitted correction only of an apparent error of fact or law. An error requiring construction of statutory words ordinarily was not apparent, particularly where two views were possible. A contrary interpretation of the same provision after the Supreme Court had settled its meaning could be apparent, but that principle did not resolve this case: Kerala section 12 and central section 24 were not identically worded. Section 24 worked across multiple heads under section 6, whereas the Kerala Act dealt with agricultural income. Any equation of the provisions required a longer interpretive process. The very reference by the High Court single judge to a larger Bench reinforced that the point was debatable rather than self-evident.

Source: [Rectification standard and statutory distinction: SCR pp.569-571](#)

03 JUDICIAL DECISION

The Court held that any error in the original assessment was not apparent on the record. Anglo-French Textile's construction of section 24 could not be applied mechanically to Kerala section 12. It allowed the appeal, set aside the Kerala High Court judgment dated 8 October 1993 and the rectification order made pursuant to the 4 August 1984 notice, and made no order as to costs.

Source: [Holding and operative order: SCR p.571](#)

04 OUTCOME / IN WHOSE FAVOUR

In favour of the assessee on rectification jurisdiction. The original assessment survived the challenged section 36 exercise, but the Court did not decide the ultimate merits of how section 12 should be construed.

Source: [Qualified procedural outcome: SCR p.571](#)

05 AKHB REVIEW POINT

AKHB analysis: for rectification, identify the exact statutory text allegedly settled by precedent and test whether it is materially identical to the provision in the assessment. Record competing readings, amendments and the interpretive steps needed. If correction depends on analogy between differently worded enactments or a substantial reasoning process, use the appropriate appeal or revision route rather than treating the point as self-evident. This decision does not itself settle the substantive loss-carry-forward construction.

Source: [AKHB analysis based on the apparent-error standard](#)

SOURCE & VERIFICATION

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

Full 5-page SCR report read. The editorial headnote occupies PDF pages 1-2; the unnumbered judicial text begins on SCR p.568 / PDF p.2 and ends on SCR p.571 / PDF p.5. Headnote formulations were separated from the Court's own reasoning.

Open cited source rendition

Exact source bytes, SHA-256 and 5-page count match catalogue asset S_1996_3_567_571. All pages were read and the editorial headnote separated from the judgment.

The report verifies the decision date, bench and Civil Appeal No. 9168 of 1996. No assessment year is printed in the reviewed report, so none is inferred.

The catalogue's retrospective 1996INSC735 identifier is not printed and is not adopted as a verified neutral citation.

The judgment contains no numbered judicial paragraphs; physical PDF and SCR page references are used.

STATUTORY SCOPE

Historical Kerala Agricultural Income Tax Act, 1950 rectification and loss-carry-forward decision. No current statutory equivalence, later amendment or later judicial treatment is certified.

LATER TREATMENT

Source checked 2026-10-10. Comprehensive subsequent treatment and present-law applicability have not been checked; this is not current citator clearance.

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