

Commissioner of Income Tax, Delhi-VI v. M/s Oriental Insurance Co. Ltd.

Civil Appeal No. 4521 of 2008 and connected proceedings (full list below)

[2008] 10 SCR 1154 | 2008-07-18

Did failure to approach the Committee on Disputes within one month of filing make these Revenue income-tax appeals inadmissible automatically, and what further consideration was required?

44 | First Schedule rule 5

Two judges | Dr. Arijit Pasayat, J. | P. Sathasivam, J.

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

Historical COD framework later recalled; tax merits left undecided

These eleven appeals were partly allowed only on the rigid one-month procedural bar. The five-judge Electronics Corporation order of 17 February 2011 recalled the identified ONGC clearance directions; do not present this historical COD condition as a current mandatory prerequisite. No insurance-computation ruling, present procedural certification or automatic reopening follows. Comprehensive later treatment, current-law applicability and Income-tax Act, 2025 mapping remain not_verified.

01 FACTS OF THE CASE

Eleven Revenue appeals raised the same Committee on Disputes issue. The Court records that each assessee was an insurance company, that assessments had been made and affirmed by the Commissioner (Appeals), and that the Tribunal had deleted the additions. Revenue relied on section 44 and rule 5 of the First Schedule to the Income-tax Act, 1961. The source does not identify assessment years, amounts, the particular tax adjustment or a governing year-specific rule 5 version (physical 3-4/SCR 1156-1157, paragraphs 1-3).

The Delhi High Court had dismissed the appeals because the disputes were between Government and public-sector undertakings and the prescribed Committee reference had not been made within one month of filing. It regarded the time frame in the earlier ONGC directions as admitting no deviation. Revenue argued that the Court had urged early action rather than created a rigid statutory limitation period. The insurers said that in some cases the Committee had already refused permission, making those appeals infructuous (physical 4, paragraphs 3-5). These are procedural positions; the Supreme Court did not determine the underlying insurance-income additions.

Source: [reported judgment / paragraphs Paragraphs 1-4 and opening paragraph 5 submissions; actual assessments and procedural dismissal / PDF pages 3, 4 / judicial text](#)

02 DISCUSSION BY THE HON'BLE COURT

The Court examined the ONGC directions themselves. The quoted framework allowed lodging appeals or petitions to save limitation, while ordinarily preventing further proceedings without Committee clearance and requiring prompt reference after filing. The Court distinguished the act of filing to preserve limitation from permission to proceed; it also recalled the extension of the mechanism to certain State-government/public-undertaking disputes (physical 4-6/SCR 1157-1159, paragraphs 5-9).

Paragraph 10 held that the one-month formulation was intended to convey urgency, not an inflexible bar making every belated approach illegal. The Committee had to act expeditiously and authorities were not free to be lethargic. Courts could examine indifference and delay and refuse intervention in appropriate cases; the facts of these appeals did not justify that response. Accordingly, the Court set aside the High Court orders and required further consideration after receipt of the Committee's report (physical 7/SCR 1160 A-C).

The Court then distinguished three situations. It left open Revenue's wider contention that proceedings could be pursued even after a substantive refusal of permission. Where the Committee had declined consideration merely because it was approached late, that refusal could not stand and the matter had to be considered on merits by the Committee. Where permission had been granted, the Court could examine the dispute on merits. Unexplained delay and lethargy remained matters for the Court on the facts, with no universal formula (physical 7, paragraphs 11-12). This was a reasoned clarification of access to the tax-appeal process, not an insurance-computation holding.

Source: [reported judgment / paragraphs Paragraphs 5-12; quoted ONGC framework and deciding Court's rule / PDF pages 4, 5, 6, 7 / judicial text](#)

03 JUDICIAL DECISION

The Court set aside the High Court's order in each of the eleven appeals, directing it to consider whether to proceed after receiving the concerned Committee's report. Delay-only refusals by the Committee were to be reconsidered on merits; the effect of a substantive refusal of permission was expressly left open. All appeals were allowed only to that extent, with no order as to costs (physical 7/SCR 1160 A-G, paragraphs 10-13).

Source: [reported judgment / paragraphs Paragraphs 10-13; SCR 1160 A-G / PDF pages 7 / judicial text](#)

04 OUTCOME / IN WHOSE FAVOUR

In whose favour: Revenue on the automatic one-month procedural bar; substantive tax liability undetermined

All eleven appeals partly allowed; High Court orders set aside for further consideration under the then-operative Committee process; no order as to costs

Reasoned procedural-jurisdiction ruling; underlying insurance assessment additions not decided

No insurance-income merits victory, no universal condonation of delay, no decision permitting litigation despite a substantive Committee refusal, and no present mandatory COD-clearance requirement.

Source: [reported judgment / paragraphs Eleven-appeal list; common limited allowance and no costs / PDF pages 3, 7 / judicial text](#)

05 AKHB REVIEW POINT

For the historical file, identify what actually prevented progress: no reference, a late reference, permission granted, a refusal based only on lateness, or a refusal on other grounds. The judgment rejected automatic dismissal merely for missing the one-month reference period; it did not excuse all lethargy or decide the general effect of a substantive denial of clearance.

The later framework change must accompany the rule. The five-judge order in Electronics Corporation of India Ltd. v. Union of India & Ors., dated 17 February 2011, found that the Committee system had outlived its utility, generated delay and produced inconsistent clearances. Paragraphs 9-10 recalled the identified ONGC directions dated 11 October 1991, 7 January 1994 and 20 July 2007, which underpinned this 2008 decision (physical 6-7/SCR 976-977). This is a recall of the framework, not an express named overruling of Oriental Insurance or an order automatically reopening its eleven appeals.

Electronics Corporation itself arose from separate excise disputes. Paragraph 11 dismissed BPCL's interlocutory application to terminate Revenue's appeal for want of clearance; it did not determine the substantive excise merits. Neither that comparison nor the 2008 tax order certifies today's complete public-sector litigation procedure. Keep this note separate from Oriental Fire's 18 May 2007 five-appeal insurance-accounting judgment; no source establishes them as the same proceeding.

No assessment year is supplied here, so assigning a 1970s or later First Schedule version would be invention. Comprehensive later treatment, current-law applicability and Income-tax Act, 2025 mapping remain not_verified.

Source: [reported judgment / paragraphs Paragraphs 10-13 / PDF pages 7 / judicial text; bounded later framework recall / paragraphs Five-judge identity; paragraphs 5-11, especially 9-10 / PDF pages 1, 4, 5, 6, 7 / bounded later framework recall](#)

APPEAL AND PROCEEDING NUMBERS

Civil Appeal No. 4521 of 2008 / Civil Appeal No. 4522 of 2008 / Civil Appeal No. 4523 of 2008 / Civil Appeal No. 4524 of 2008 / Civil Appeal No. 4525 of 2008 / Civil Appeal No. 4526 of 2008 / Civil Appeal No. 4527 of 2008 / Civil Appeal No. 4528 of 2008 / Civil Appeal No. 4529 of 2008 / Civil Appeal No. 4530 of 2008 / Civil Appeal No. 4537 of 2008

DETAILED DISPOSITION AND CONNECTED GROUPS

Proceeding outcomes

1.

Case number: Civil Appeal No. 4521 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

2.

Case number: Civil Appeal No. 4522 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

3.

Case number: Civil Appeal No. 4523 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

4.

Case number: Civil Appeal No. 4524 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

5.

Case number: Civil Appeal No. 4525 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

6.

Case number: Civil Appeal No. 4526 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

7.

Case number: Civil Appeal No. 4527 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

8.

Case number: Civil Appeal No. 4528 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

9.

Case number: Civil Appeal No. 4529 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

10.

Case number: Civil Appeal No. 4530 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

11.

Case number: Civil Appeal No. 4537 of 2008

Outcome: Partly allowed under common paragraphs 10-13; High Court order set aside for the stated further consideration; no order as to costs

Costs: No order as to costs

ADDITIONAL STATUTORY CONTEXT, NOT SEPARATE HOLDINGS

Paragraph 2 narrates actual insurance assessments and additions through AO, CIT(A) and Tribunal; Revenue invokes section 44/rule 5. Those provisions establish the tax nexus but are not substantively construed. No unstated appellate section or assessment-year version is fabricated.

JUDICIAL AUTHORSHIP AND SEPARATE OPINIONS

Dr. Arijit Pasayat, J.

ACT IDENTIFIED IN THE REVIEWED SOURCE

Income-tax Act, 1961 tax-appeal procedure under the then-operative ONGC Committee on Disputes framework

SPECIFIED LATER TREATMENT CHECKS AND THEIR LIMITS

1.

Case: Electronics Corporation of India Ltd. v. Union of India & Ors.

Decision date: 2011-02-17

Relationship: recall of underlying ONGC framework not named overruling

Result: Five-judge order paragraphs 9-10 recall ONGC directions dated 11 October 1991, 7 January 1994 and 20 July 2007; historical COD prerequisite must not be presented as an unchanged present filing condition.

Source pinpoints

1.

Source url: [Open cited source](#)

Pdf pages: 4; 5; 6; 7

Paragraphs: Paragraphs 5-11, especially 9-10

Source role: judicial text

Limit: No named Oriental overruling, no automatic reopening, no comprehensive temporal-effect or current-procedure verification.

SOURCE & VERIFICATION

Hon'ble Supreme Court source PDF (reported judgment)

Identified source rendition: 7 PDF pages; SHA-256

3d210b468ca521e26982b27d40473049bff77da16f0f05a76a917956da468a74. Original bytes preserved.

Open cited source rendition

full primary text read: True; all primary page images reviewed: False; source integrity verified: True; actual statutory scope verified: True; all listed proceedings accounted for: True; comprehensive later treatment verified: False; current law verified: False; mapping 2025 verified: False; independent QA complete: True; parent full prose approval: True

Printed SCR heading, date, bench and proceedings checked against primary material images. Frozen catalogue INSC identifier not independently authenticated in this rendition.

Paragraph 2 visibly prints Insurance Act, 1983; the rendition is preserved and no Insurance Act, 1983 holding is inferred. It also expressly identifies the Income-tax Act, 1961, section 44 and rule 5, so the actual tax-proceeding nexus is clear.; The headnote describes obtaining clearance within one month, while the quoted ONGC direction concerns referring the matter within one month after protective filing. The discussion preserves the filing/reference/permission distinction.; The companion list ends with 4537, not 4531; eleven appeals are identified. No individual assessment years, amounts or separate insurer names are supplied.; Paragraph 12 contains the awkward phrase where there is no belated approach and reiterates fact-sensitive control of unexplained delay. It is not silently rewritten into an automatic approval of all delayed cases.; Section 44 and rule 5 appear in Revenue's narrated position, not a substantive construction of their historical versions. No version is imported from the similarly named 2007 case.; Electronics Corporation paragraphs 9-10 recall specified ONGC orders; it does not name Oriental Insurance as overruled or resolve the temporal consequences for all earlier completed cases.; The Electronics Corporation PDF OCR misreads the third recalled citation/date in paragraph 10; the image confirms (2007) 7 SCC 39 dated 20 July 2007. Its paragraph 11 dismisses I.A.4 and the reporter says Appeal pending.

No assessment year, disputed amount or year-specific First Schedule version is stated in the judicial text. None is inferred from the similar 2007 insurance case.

Eleven appeals: 4521 through 4530 and 4537 of 2008. Main appeal from Delhi High Court judgment dated 22 September 2005 in ITA 470/2005. No additional 4531-4536 appeals or individual facts are supplied.

STATUTORY SCOPE

No Income-tax Act, 2025 crosswalk or automatic carryover. Complete statutory amendment history, commencement, savings and present applicability have not been verified.

LATER TREATMENT

Source checked 2026-10-05. Only the specific later-source checks below are verified. Comprehensive later treatment, present applicability and 2025 mapping remain not_verified.

IDENTIFIED SOURCE LINKS

[reported judgment - PDF pages: 7](#)

SHA-256: 3d210b468ca521e26982b27d40473049bff77da16f0f05a76a917956da468a74

[bounded later framework recall - PDF pages: 7](#)

SHA-256: be99c9d2731521b364c2524c34cbf13a09af372dc1075cb20b79bfb46cdcbfb0

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