

K. Raveendranathan Nair & Anr. v. Commissioner of Income Tax & Others

Civil Appeal No. 3131 of 2006 / Civil Appeal No. 3130 of 2006

[2017] 11 SCR 389 | 2017-08-10

For Kerala High Court appeals under section 260A, does the amended court-fee provision govern simply because the appeal is filed after the amendment, or must the fee condition be determined by when the appellant's substantive appeal right accrued?

260A

Two judges | A.K. Sikri, J. | Ashok Bhushan, J.

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

IMPORTANT: HISTORICAL FEE TRANSITION WITH UNRESOLVED SOURCE DISCREPANCIES

The judicial text gives two dates: paragraph 2 recites deemed commencement on 26 October 2002, while paragraphs 14–15 use 6 March 2003. This note reports the operative paragraph 15 cutoff without silently reconciling it. The judgment also recites a former Rs. 2,000 section 260A fee, whereas the official 1999 explanatory memorandum describes Rs. 10,000; that memorandum is not an enacted correction. Do not use these recitals or the historical 1%/Rs. 10,000 State scale to calculate a present fee. Comprehensive later treatment, current-law applicability and 2025 mapping remain not_verified.

01 FACTS OF THE CASE

The two appeals challenged Kerala High Court's approach to fees for statutory tax appeals. The appellate recital identifies its 8 March 2004 judgment in ITA 18/2003 and lists Civil Appeals 3131 and 3130 of 2006. The Supreme Court states that both the original writ petitioner and the Income Tax Department appealed: the Department, as a frequent section 260A appellant, was also affected by the fee interpretation. No individual assessment year, assessment date, assessed-income amount, fee paid or refund amount is stated (physical 4-5/SCR 392-393, paragraphs 1-4).

Section 260A introduced a statutory High Court appeal from Tribunal orders from 1 October 1998. The report describes an accompanying fixed central fee, and its omission from 1 June 1999, after which Kerala section 52 governed the fee. Paragraphs 1 and 14 give that former fixed fee as Rs. 2,000. That is the judgment's historical recital; a bounded check of the official 1999 Finance Bill explanatory memorandum identifies a conflicting Rs. 10,000 description of the then-existing income-tax appeal fee. This note preserves the discrepancy rather than independently certifying the Rs. 2,000 amount.

Kerala then inserted section 52A through its 2003 amendment. Paragraph 2 states that an ordinance was promulgated on 25 October 2002, that the replacing amendment was passed on 6 March 2003, and that the Act deemed section 52A to operate from 26 October 2002. The historical schedule quoted on physical 5 prescribed, for assessed income exceeding Rs. 2 lakh, 1% of assessed income subject to a Rs. 10,000 ceiling. Those figures describe the version in dispute, not the current tariff.

Kerala argued that the amended fees governed all relevant appeals filed on or after 26 October 2002. The appellants invoked vested appeal rights and the earlier stages of the tax proceedings. The High Court accepted the filing-date approach. The Supreme Court addressed that legal rule even though Kerala argued that concrete qualifying cases and effective relief had not been demonstrated (paragraphs 3-4 and 8-11, physical 5 and 8-9).

Source: See the proposition-specific paragraph and PDF-page references below.

02 DISCUSSION BY THE HON'BLE COURT

Sikri J. distinguished an appeal's substantive existence and conditions from merely procedural arrangements. The discussion of Hoosein Kasam Dada and Supreme General Films Exchange explains that a later enactment imposing a more onerous appeal condition does not ordinarily impair an already vested right unless the legislature says so expressly or by necessary implication. The sales-tax payment condition in the earlier case and the fee amendment in the latter are precedent settings, not the factual transactions or tax liabilities of these appellants (paragraphs 5-6, physical 6-7).

The Court then translated the principle into the tax setting. Paragraph 7, referring to Hardeodas Jagannath, identifies the assessment-order date for an assessee's appeal, rather than the assessment period. For Revenue, it identifies when the appellate authority negatives the disputed demand, rather than the assessment period or the original assessment date. Paragraphs 13 and 15 repeat and operationalize that distinction. A summary confined to the broad phrase commencement of the lis would lose the two specific triggers the Court actually stated (physical 7 and 9-10).

Kerala did not dispute the general vested-right principle, but argued that the necessary foundational facts were absent and the controversy academic. The Court rejected that reason to abstain because the High Court had stated a categorical legal rule. It would clarify the law, leaving application to the appeals that were actually covered. That is not a finding that every pending appeal satisfied the requisite dates or an award of a quantified fee refund (paragraphs 9-11, physical 8-9).

The High Court had accepted that appeal rights were substantive but considered impairment necessarily implicit in section 52A, relying on the absence of a statutory High Court appeal before 1 October 1998. The Supreme Court found that reasoning insufficient. Once section 260A was introduced, the statutory right existed for proceedings in which the assessment order, or for Revenue the appellate negation of demand, followed that date. The earlier absence of the remedy did not by itself authorize a subsequent fee amendment to impair those accrued rights (paragraphs 12-13, physical 9-10).

The operative conclusion uses 6 March 2003. Paragraph 14 states that section 52A was effective from that date and had not been made retrospective; paragraph 15 excludes section 52A where the relevant assessee assessment order or Revenue appellate order preceded that date. This conflicts with paragraph 2's express recital of deemed commencement on 26 October 2002. Both statements are in the judicial body and were checked against the page images. The note therefore states what the operative paragraph decided while prominently preserving the unresolved chronology; it does not silently substitute an alternative cutoff or claim that the Court expressly resolved the intervening period.

Source: See the proposition-specific paragraph and PDF-page references below.

03 JUDICIAL DECISION

The Supreme Court set aside the High Court's contrary view and allowed both appeals in the terms of paragraph 15. For an assessee's section 260A appeal, where the assessment order was before 6 March 2003, section 52A was not to apply and the fee was the fee payable on that assessment-order date. For a Department appeal, the relevant date was when the appellate authority set aside the assessing officer's order; if that occurred before 6 March 2003, section 52A was not to govern that appeal. These are the operative dates printed in the judgment, subject to the expressly preserved paragraph 2 conflict. The Court recorded no individualized fee calculation or costs direction (paragraphs 15-16, physical 10/SCR 398).

Source: See the proposition-specific paragraph and PDF-page references below.

04 OUTCOME / IN WHOSE FAVOUR

In whose favour: Both appellants on the vested-right fee-transition issue, including the assessee-side appellant and the Income Tax Department; against Kerala's universal filing-date rule

Both civil appeals allowed in the declared terms; contrary High Court view set aside

Reasoned statutory-applicability and appeal-condition ruling; no assessment tax merits or individualized fee amount decided

Assessee and Revenue vesting triggers differ. No universal exemption from court fees, quantified refund, reopened concluded appeal, or present Kerala fee rate is established. The report supplies no express remand timetable.

Source: See the proposition-specific paragraph and PDF-page references below.

05 AKHB REVIEW POINT

Use the judgment for the need to identify the relevant vested appeal right before applying a later, more onerous fee condition. The party filing the appeal matters: the Court's stated tax-specific triggers are an assessee's assessment order and Revenue's adverse appellate order. Neither a shared assessment year nor the later High Court filing date automatically supplies the answer. Paragraphs 10–11 also leave the facts necessary for application to the cases actually covered; a general declaration must not be turned into individualized relief that the report does not record.

Two source checks need to accompany any reliance. First, the 26 October 2002 deemed-commencement recital and the operative 6 March 2003 cutoff are not editorial headnote errors; both occur in the judicial reasoning. Limited searches for a review, corrigendum or later Supreme Court correction did not identify a corrective order. That negative search is not proof that no correction exists. The original 2003 Gazette and a complete subsequent procedural history have not been authenticated, so the discrepancy remains unresolved rather than being repaired by this note.

Second, paragraph 1's and paragraph 14's Rs. 2,000 recital conflicts with contemporaneous official explanatory material. The 1999 Finance Bill memorandum, physical 5/printed 13, item (i) under Rationalisation, describes the then-existing assessee High Court income-tax appeal fee as Rs. 10,000 and proposes its removal in favor of the applicable court-fee law. This is primary explanatory material, not the enacted provision and not authority to rewrite the judicial text. The retained department-hosted 2011 compilation separately corroborates the section 260A insertion/omission chronology through its amendment footnotes, but does not reproduce the old clause's amount. No historic fee calculation is certified here.

The State tariff also changed. A bounded reading of the India Code compilation named 09.12.2020 shows section 52A as substituted in 2013 and Schedule II article 3(iii)(C)(c) as substituted in 2019, using different relief-based categories. Its web text was available, but the raw PDF download timed out; no raw-PDF integrity or visual-authentication claim is made. That limited version check is sufficient to warn against treating the judgment's historical 1% of assessed income, capped at Rs. 10,000, as a present fee scale; it does not establish today's complete tariff.

ECGC Limited v. Mokul Shriram EPC JV, dated 15 February 2022, cites Nair in paragraph 15 for the general principle that the fee condition attaches at the earlier proceeding stage rather than the High Court filing. The bounded surrounding read concerns a Consumer Protection Act transition and the later order allows an interlocutory application about a 50% predeposit condition. It neither corrects Nair's two dates nor replaces its tax-specific operative triggers with a single generalized trigger. Comprehensive later treatment, current-law applicability and Income-tax Act, 2025 mapping remain not_verified.

Source: See the proposition-specific paragraph and PDF-page references below.

DETAILED DISPOSITION AND CONNECTED GROUPS

Proceeding outcomes

1.

Case number: Civil Appeal No. 3131 of 2006

Outcome: Allowed in paragraph 15 terms by the common paragraph 16 disposal; no independently stated individual fee/refund

2.

Case number: Civil Appeal No. 3130 of 2006

Outcome: Companion appeal equally allowed under the common disposal; primary report does not separately map the appellant's identity to this number

Costs: No costs direction recorded

PROPOSITION-SPECIFIC SOURCE PARAGRAPHS AND PDF PAGES

1.

Source url: [Open cited source](#)

Pdf pages: 1; 4

Paragraphs: Heading, date, bench, two appeal numbers, High Court recital and judicial opening

Source role: identity and judicial text

2.

Source url: [Open cited source](#)

Pdf pages: 4; 5

Paragraphs: Paragraphs 1-4: central fee omission, two commencement recitals, historical State schedule and both appellant interests

Source role: judicial text

3.

Source url: [Open cited source](#)

Pdf pages: 6; 7

Paragraphs: Paragraphs 5-7: vested-right authorities and distinct tax-specific trigger dates

Source role: judicial text

4.

Source url: [Open cited source](#)

Pdf pages: 8; 9

Paragraphs: Paragraphs 8-12: submissions, academic objection and High Court rationale

Source role: judicial text

5.

Source url: [Open cited source](#)

Pdf pages: 9; 10

Paragraphs: Paragraphs 13-16: statutory right from 1998, date discrepancy, operative cutoff and both appeals allowed

Source role: judicial text

ADDITIONAL STATUTORY CONTEXT, NOT SEPARATE HOLDINGS

Direct reasoned applicability holding about court-fee conditions attached to appeals under section 260A of the 1961 Act. The operative provisions also include a State court-fee statute; the Income-tax Act connection is integral, not incidental.

JUDICIAL AUTHORSHIP AND SEPARATE OPINIONS

A.K. Sikri, J.

ACT IDENTIFIED IN THE REVIEWED SOURCE

Income-tax Act, 1961

SPECIFIED LATER TREATMENT CHECKS AND THEIR LIMITS

1.

Type: primary judgment internal relationships

Status: verified within primary

Scope: Hoosein Kasam Dada, Supreme General Films Exchange and Hardeodas Jagannath as discussed in paragraphs 5-7; no independent complete reading of those decisions for this note.

2.

Type: targeted review correction and later search

Status: bounded search only

Checked at: 2026-10-05T19:14:37.036258+00:00

Queries: "K. Raveendranathan Nair" "2017" "review" "court fee"; "Raveendranathan Nair" "3131" "review petition"; "Raveendranathan Nair" "2017" "corrigendum"; "Raveendranathan Nair" "court fee" site:api.sci.gov.in -10-Aug-2017; "Raveendranathan Nair" "52A" "review" site:sci.gov.in; "Raveendranathan Nair" "2017" overruled court fee

Result: No corrective order or adverse Supreme Court treatment identified in returned results. Later ECGC order identified and bounded primary context read. This is not proof of absence of a correction, full docket audit or comprehensive citator review.

Retained capture: recovery/review_correction_and_memo.json

3.

Type: bounded later primary citation

Status: verified bounded read

Checked at: 2026-10-05T19:14:37.036258+00:00

Url: [Open cited source](#)

Read bounds: Whole selected physical 1, 10–13 and 22 text and images read. Reliance on caption/paragraph 1, complete paragraphs 11–17 (including Nair citation in paragraph 15), and operative paragraphs 33–34/signature/date. Surrounding portions of quoted paragraphs on pages 10 and 22 and paragraph 18 on page 13 are partial; no complete judgment read. This is I.A. 99210/2021 in C.A. 1842/2021 concerning the Consumer Protection Act transition, not a Nair correction or an income-tax merits decision.

Finding: ECGC paragraph 15 cites Nair's general vested-right principle; paragraphs 33–34 resolve a consumer-law interlocutory predeposit issue. It does not decide Nair's commencement-date discrepancy or individual tax-fee amounts.

4.

Type: historical fee source check

Status: bounded official explanatory material and compilation read

Checked at: 2026-10-05T19:14:37.036258+00:00

Urls: https://www.indiabudget.gov.in/budget_archive/ub1999-2000/mem/mem2.pdf;
[https://dor.gov.in/files/acts_files/IT%20Act%20\(English\)_0.pdf](https://dor.gov.in/files/acts_files/IT%20Act%20(English)_0.pdf)

Finding: The 1999 official memorandum describes existing central fee Rs. 10,000, whereas Nair recites Rs. 2,000. The later historical compilation records 1998 insertion/1999 omission but does not reproduce old fee amount. Original enacted amount not independently authenticated; source discrepancy retained.

5.

Type: state fee later version check

Status: bounded official web text only

Checked at: 2026-10-05T19:14:37.036258+00:00

Url: [Open cited source](#)

Read bounds: Web-extracted section 52A at reported physical 19, lines 764–771 and footnote at line 799; Schedule II article 3(iii)(C) and relevant amendment footnotes at reported physical 36, lines 1578–1622. Selected sections only, not whole pages or whole compilation. Screenshot invocation produced no inspectable image; no image-read claim.

Finding: 2013 substituted section 52A and 2019 changed Schedule II category text appear in the official 2020-named compilation. No current fee computation; no raw PDF retained or images read.

OTHER STATUTORY PROVISIONS AND THEIR SEPARATE SCOPE

Kerala Court-Fees and Suits Valuation Act, 1959, sections 52 and 52A, Schedule II article 3(iii)(c), historical text in issue; Former Income-tax Act, 1961 section 260A(2)(b), omitted from 1 June 1999 as recorded in the report; Wealth-tax appellate regime mentioned in the common Kerala fee provision, not a separate income-tax merits ruling; Central Provinces and Berar Sales Tax Act, 1947 section 22, and Assam sales-tax setting, in cited precedent discussion

PDF TEXT-ONLY SOURCE CHECKS AND READING LIMITS

1.

Kind: bounded official statutory pdf web text

Title: Kerala Court-Fees and Suits Valuation Act, 1959, India Code compilation named 09.12.2020

Url: [Open cited source](#)

Source format: PDF-derived web text; raw PDF not retained

Version: Compilation filename 09.12.2020; displayed section 52A substitution by Act 29 of 2013 and Schedule II amendment by Act 5 of 2019

Accessed at: 2026-10-05T19:04:42Z

Raw pdf retained: False

Full document read: False

Full judgment text read: False

All document text read: False

All document images read: False

Reported total pdf pages: 48

Reported physical text positions read: 19; 36

Physical image pages read:

Read bounds: Web-extracted section 52A at reported physical 19, lines 764-771 and footnote at line 799; Schedule II article 3(iii)(C) and relevant amendment footnotes at reported physical 36, lines 1578-1622. Selected sections only, not whole pages or whole compilation. Screenshot invocation produced no inspectable image; no image-read claim.

Retrieval status: Web text retrieval succeeded. One ordinary raw download timed out after 45 seconds with zero bytes; no retry or raw PDF integrity claim.

Retained capture: recovery/kerala_52A_text.json; recovery/kerala_fees_schedule.json

Provenance: Official India Code web-extracted compilation text. No original 2003 amending Gazette authentication; no complete historical or current fee computation.

SOURCE & VERIFICATION

Hon'ble Supreme Court source PDF (reported judgment)

Identified source rendition: 10 PDF pages; SHA-256 360041e6bec24318af84d9bc43b069556ccd70715496d7fd80f22db933d451b5. Original bytes preserved.

Open cited source rendition

full primary text read: True; all primary page images reviewed: True; 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, proceedings and all primary images checked. Catalogue INSC identifier not independently authenticated. Pinpoints follow retained SCR physical pages and judicial paragraph numbering.

Headnotes on physical 1-3 are editorial; operative reasoning is paragraphs 7 and 10-16.; Paragraph 2's deemed 26 October 2002 commencement differs from paragraphs 14-15's 6 March 2003 effective date/cutoff. Both were visually verified, neither silently corrected.; Paragraphs 1 and 14 recite a Rs. 2,000 original fee. Official contemporaneous explanatory material describes Rs. 10,000. Preserve attribution and unresolved enacted-text verification; do not present Rs. 2,000 as an independently verified statutory figure.; Paragraph 14 calls the old fee provision clause (2) of subsection (2); paragraph 1 correctly identifies subsection (2)(b). Treat the former as a source-reference anomaly, not an additional provision.; Paragraph 4 refers to the Income Tax Department and then Commissioner (Appeals); paragraph 8 calls counsel those for both assesseees, despite the earlier explanation that Department also appealed. Avoid forcing party-to-docket identities from those inconsistent descriptions.; The High Court case is identified in the appellate recital as ITA 18/2003, while judicial paragraphs describe a writ petitioner/writ dismissal. Preserve the recital and attributed description without inventing an additional High Court number.; No assessment year, individualized tax demand, assessed-income amount, court fee paid, refund or costs direction is supplied.; Wealth-tax proceedings occur in the shared statutory background; the operative paragraph 15 rules expressly concern section 260A income-tax appeals.; ECGC's broad description of Nair is a later citation in consumer litigation, not a resolution of the judicial dates or a complete later-tax-treatment audit.

No assessment year or individual assessment-order or appellate-order date is supplied in the primary report. Dates from cited authorities are not facts of these appellants' proceedings.

The primary heading lists Civil Appeal 3131/2006 and the appellate recital on physical 4 adds Civil Appeal 3130/2006. Paragraph 4 states that both the original writ petitioner and the Income Tax Department appealed. No separate companion caption or secure individual party-to-docket mapping is supplied; both are accounted for without guessing that mapping.

STATUTORY SCOPE

No Income-tax Act, 1961 to Income-tax Act, 2025 crosswalk or automatic carryover. Complete amendment history, commencement, savings and present applicability have not been verified.

LATER TREATMENT

Source checked 2026-10-05. Only specified bounded checks were performed. Failure to locate an adverse or corrective authority does not prove none exists.

IDENTIFIED SOURCE LINKS

[reported judgment - PDF pages: 10](#)

SHA-256: 360041e6bec24318af84d9bc43b069556ccd70715496d7fd80f22db933d451b5

[historical statutory compilation - PDF pages: 1251](#)

SHA-256: 1ec6e4c38dc1d524d1d40b1fd35d13ac1336c8fc549cef2af1bf723a999c822b

[contemporaneous official explanatory memorandum - PDF pages: 6](#)

SHA-256: 4710412ea3c80c25dd69aeabbda979e9d9761b1ed878b7b8138eb13e29e43a3f

[Kerala Court-Fees and Suits Valuation Act, 1959, India Code compilation named 09.12.2020](#)

[bounded later supreme court order - PDF pages: 22](#)

SHA-256: 0259ee88a2bf427233924a9c15b95bacbbee402f43269d5c8637c7389ae14b2d

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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