

Pr. Commissioner of Income Tax 6 v. Nokia India Pvt. Ltd.

Civil Appeal No. 3450 of 2019

[2019] 6 SCR 478 | 2019-04-08

Whether the High Court was right to dismiss the Revenue's section 260A appeal in limine as involving no substantial question of law when the notice and consequential assessment raised the four questions identified by the Supreme Court.

260A | 148 | 143(1) | 143(3)

Two-judge bench; one judgment delivered by Abhay Manohar Sapre, J. | Abhay Manohar Sapre, J. | Dinesh Maheshwari, J.

Assessment years: 1999-2000

IMPORTANT: FOUR QUESTIONS REMITTED; REOPENING MERITS UNDECIDED

This 2019 judgment corrects a section 260A threshold dismissal. It does not finally validate the section 148 notice or decide the AY 1999-2000 additions. The premises in question 3 must be read with the express no-merits reservation in paragraph 15. Exact applicable-year/current statutory text, comprehensive later treatment, post-remand outcome and Income-tax Act 2025 mapping remain unverified. The primary source is an unchanged eSCR mirror report, not an independently authenticated signed original.

01 FACTS OF THE CASE

The dispute concerned Nokia India's assessment for AY 1999-2000. An Assessing Officer issued a notice under section 148 and made consequential determinations in the assessment for which the notice had been issued. The assessee objected, among other things, that the notice rested on a change of opinion. The report does not state the notice date, the underlying income amounts or a separate CIT (Appeals) decision. [SCR 479-480; paras 6-8]

The ITAT upheld the assessee's objection and allowed its appeal. The order identified by the Supreme Court is dated 3 June 2016 in Appeal No. 1870/DEL/2010. The Revenue then appealed under section 260A in Delhi High Court ITA 854/2016. On 21 April 2017 the Division Bench dismissed that appeal in limine, holding that it involved no substantial question of law. The Revenue challenged that threshold dismissal in the Supreme Court. Leave was granted in Civil Appeal 3450/2019; the separately read official web-text heading identifies the originating SLP(C) 32222/2017. [SCR 479-480; paras 1-2, 4-11; official parallel heading]

The assessment/processing distinction between sections 143(1) and 143(3), the foundation for the alleged change of opinion, the notice's stated reasons and details, and the sustainability of the item-wise determinations were presented for appellate adjudication. Their appearance in the questions formulated on remand is not a final finding that the Revenue's reopening or additions were correct. [SCR 480-481; para 11 and para 15]

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

02 DISCUSSION BY THE HON'BLE COURT

The Court identified the appeal before it as a challenge to the High Court's threshold conclusion, rather than an occasion to decide the underlying reassessment merits. It held that the High Court was not justified in saying that no substantial question of law arose and identified four questions which should have been framed and answered in the Revenue's section 260A appeal. [SCR 480; paras 9-11]

The first question concerned the ITAT's invalidation of the section 148 notice on the stated premise that the earlier assessment was under section 143(1), not section 143(3). The second concerned the change-of-opinion conclusion and whether there was a foundation for an earlier opinion. The third concerned the notice's stated reasons to believe and details for assessing escaped income, and whether those matters had been taken into account before invalidating it. The fourth was expressly contingent: only if the notice were found proper and legal, the High Court was to consider whether the ITAT's findings on each item were legally sustainable. These questions address separate stages and should not be collapsed into one proposition that every reopening following section 143(1) is valid. [SCR 480-481; para 11(1)-(4)]

The language of the third question is strong: the Court framed it using admitted factual premises about compliance with the then section 148 requirements. But paragraph 12 directs that all four questions be answered on their merits, and paragraph 15 expressly disclaims any opinion on those merits and requires the High Court to decide uninfluenced by observations in the remand order. The note therefore preserves the Court's framing without converting the premise of a question into an adjudicated answer that the notice, reasons or additions were lawful. [SCR 481; paras 12-15]

The operative holding is that these identified questions required appellate adjudication under section 260A, so this in-limine dismissal could not stand. It does not abolish the substantial-question threshold or require admission of every Revenue appeal. The selected historical statutory text separately confirms the distinction between satisfaction that such a question is involved, its formulation, the hearing and the reasoned decision. Those auxiliary subsection references are statutory context, not additional questions decided in this judgment. [SCR 480-481; paras 10-15; DOR compilation physical 914-915]

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

03 JUDICIAL DECISION

Civil Appeal 3450/2019 was allowed. The Delhi High Court's 21 April 2017 order was set aside, and the Revenue's appeal was remanded for answers on the merits to the four questions framed by the Supreme Court. The High Court was to decide the appeal uninfluenced by observations in the Supreme Court's order. Paragraph 15 expressly leaves the tax merits open. No costs direction or monetary award is stated. [SCR 481; paras 12-15]

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

04 OUTCOME / IN WHOSE FAVOUR

In whose favour: Revenue on the procedural appeal only

Allowed; High Court order set aside; four questions remitted for a fresh High Court merits decision

Final Supreme Court determination of the section 260A threshold and question formulation; underlying AY 1999-2000 reopening and item-wise assessment merits expressly open

The Revenue secured restoration of a statutory appellate hearing on four identified questions. It did not obtain a Supreme Court ruling validating the section 148 notice, rejecting the change-of-opinion objection or sustaining any addition. The actual post-remand result has not been verified.

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

05 AKHB REVIEW POINT

For a section 260A appeal, identify the proposed substantial questions and the distinct legal stages they address. Nokia illustrates a case-specific correction of a no-substantial-question dismissal, with the Supreme Court itself setting out the questions for remand. The contingent item-wise merits question must remain contingent on a valid notice. Read paragraph 11's premises together with paragraphs 12-15 before citing the case for reopening law; treating its questions as answers would overstate the decision. Applicable-year statutory text and later treatment still require verification.

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

DETAILED DISPOSITION AND CONNECTED GROUPS

Costs: Not expressly addressed

Monetary relief: No Supreme Court quantification, payment, refund or sustained tax liability.

INDIVIDUAL PROCEEDING OUTCOMES

1.

Case number: ITAT Appeal No. 1870/DEL/2010

Decision date: 2016-06-03

Role: Assessee's Tribunal appeal

Outcome: ITAT upheld the notice objection and allowed the assessee's appeal, as recounted by the Supreme Court. Its item-wise merits findings were also identified for contingent review on remand.

Source: SCR 480; paras 8 and 11

2.

Case number: Delhi High Court ITA No. 854 of 2016

Decision date: 2017-04-21

Role: Revenue's section 260A appeal

Outcome: Dismissed in limine for want of a substantial question of law; that order was set aside by the Supreme Court.

Source: SCR 479-481; paras 2, 4-5 and 14

3.

Case number: SLP(C) No. 32222 of 2017

Role: Originating special leave petition, identified only in official auxiliary web text

Outcome: Leave granted; Civil Appeal 3450/2019 proceeded to the recorded final judgment. No separate ancillary-application disposition is stated in the read Nokia sources.

Source: Official SCI parallel heading; frozen report para 1

4.

Case number: Civil Appeal No. 3450 of 2019

Decision date: 2019-04-08

Role: Revenue's Supreme Court appeal

Outcome: Allowed; High Court order set aside; four questions remitted for a fresh merits decision, with no opinion expressed on the underlying merits.

Costs: No express costs direction in the retained judgment.

Source: SCR 481; paras 12-15

PROPOSITION-SPECIFIC SOURCE PARAGRAPHS AND PDF PAGES

1.

Label: Report identity and editorial headnote

Source url: [Open cited source](#)

Pdf pages: 1

2.

Label: Facts, appellate history and issue; SCR 479-480, paras 1-9

Source url: [Open cited source](#)

Pdf pages: 2; 3

3.

Label: All four unanswered remitted questions; SCR 480-481, para 11(1)-(4)

Source url: [Open cited source](#)

Pdf pages: 3; 4

4.

Label: Allowed appeal, remand and express merits reservation; SCR 481, paras 12-15

Source url: [Open cited source](#)

Pdf pages: 4

QUESTIONS FRAMED BY THE SUPREME COURT FOR REMAND

1.

Number: 1

Question: Whether the ITAT was justified in holding the section 148 notice bad in law on the stated premise that the earlier assessment was under section 143(1), and not section 143(3).

Status: Unanswered; remitted

Source: SCR 480; para 11(1)

2.

Number: 2

Question: Whether the ITAT was justified in treating the notice as based on a mere change of opinion while overlooking the stated absence of a foundation for such an earlier opinion.

Status: Unanswered; remitted

Source: SCR 480; para 11(2)

3.

Number: 3

Question: Whether, on the Court's stated premises that the notice contained reasons to believe and necessary escaped-income details, the ITAT was justified in declaring it bad without taking those matters into account.

Status: Unanswered; remitted. The question's admitted-premise wording is not restated as a final merits ruling.

Source: SCR 480-481; para 11(3), read with paras 12 and 15

4.

Number: 4

Question: If the notice is held proper and legal, whether the ITAT's findings on the merits of each item covered by it are legally sustainable.

Status: Conditional and unanswered; remitted

Source: SCR 481; para 11(4)

QUANTIFICATION AND MONETARY LIMITS

No disputed addition, deduction amount, tax demand, interest, penalty or costs sum is quantified in the retained Supreme Court report. No amount from a different assessment year or a search-result excerpt is imported.

REPORTED SOURCE ANOMALIES AND THEIR LIMITS

Physical page 1/SCR 478 is a reporter headnote repeating the four questions; judicial text is on physical pages 2–4/SCR 479–481, paragraphs 1–15. There is no adjacent-case material.; The third question visibly begins 3 When without a printed full stop; its emphatic admitted-premise wording is present in the image and official parallel text. It is not silently rewritten into a final holding.; Extraction includes marginal letters A–H and repeated headers/page numbers; these are not judicial text. The small bottom printer mark on the final page has no substantive role.; Ankit Gyan is the reporter credit at the end. The preserved report supplies judge attribution but does not authenticate signatures.; The catalogue identifier 2019INSC476 is not printed in the retained report; the first page prints [2019] 6 SCR 478. The exact source hash, title, date and Civil Appeal number bridge those representations.

ADDITIONAL STATUTORY CONTEXT, NOT SEPARATE HOLDINGS

260A is the operative statutory appellate threshold and formulation provision applied by the Court.; 148 and the distinction between 143(1) and 143(3) form the unresolved reopening questions; the Supreme Court does not finally decide notice validity, change of opinion or the item-wise assessment merits.

JUDICIAL AUTHORSHIP AND SEPARATE OPINIONS

Abhay Manohar Sapre, J.

ACT IDENTIFIED IN THE REVIEWED SOURCE

Income-tax Act, 1961

SPECIFIED STATUTORY CHECKS AND THEIR LIMITS

1.

Source: Department of Revenue-hosted Taxmann Income-tax Act 2011 compilation

Url: [Open cited source](#)

Access date: 2026-10-06

Version: 2011 compilation, title leaf verified at physical page 2

Pinpoint: Physical pages 914–915; printed 1.873–1.874

Result: The displayed section 260A(1) requires a substantial question of law; (2)(c) concerns the memorandum; (3) requires judicial formulation when the Court is satisfied; (4) governs the hearing and preserves the reasoned additional-question proviso; (5) calls for a reasoned decision and permits costs. The historical NTT words are bracketed and footnote 46 describes a future-notified insertion in that edition, so they are not presented as authenticated operative 2019/current text.

Status: bounded historical text and images verified

Limits: Selected historical 2011 compilation pages only. No complete reading of all 1,251 pages or all section 35D subsections; no exact AY 2007-08/2019 enacted-text authentication, complete amendment chain, present-law certification or 2025 mapping. The stopped departmental section-260a-26 endpoint was not revisited or obtained by an alternate route.

SPECIFIED LATER TREATMENT CHECKS AND THEIR LIMITS

1.

Status: bounded search no verified target specific later judicial treatment obtained

Searched on: 2026-10-06

Scope: Official SCI, Delhi/Bombay High Court and ITAT searches using the party name, 2019 date/year, section 260A, Civil Appeal 3450 and a secondary citation lead; broader name searches used only as leads.

Finding: The searches recovered the target's official parallel judgment and unrelated Nokia materials. The Delhi High Court 2023 result cited a 2015 ITAT transfer-pricing decision concerning Nokia India, not this 8 April 2019 Supreme Court judgment. Nokia Networks OY and Nokia India v. State of Chhattisgarh are also distinct identities. No later application, distinction, overruling or post-remand result for this target was independently verified.

Limits: This is a bounded negative research result, not a conclusion that no later treatment exists or that the case is currently good law.

MAJORITY, DISSENT AND OPERATIVE COURT ORDER

One judgment of the Court; no separate concurrence or dissent. The reporter credit is not an additional opinion.

PDF TEXT-ONLY SOURCE CHECKS AND READING LIMITS

1.

Kind: official parallel judicial web text

Source role: auxiliary only

Title: Pr. Commissioner of Income Tax 6 v. Nokia India Pvt. Ltd., official SCI rendition

Url: [Open cited source](#)

Source url: [Open cited source](#)

Source format: web extracted pdf text

Reported web pdf pages: 7

Reported web text positions read: 1; 2; 3; 4; 5; 6; 7

Read bounds: Complete displayed judicial text, paragraphs 1-15 plus heading and typed closing, web lines 0-126, reported PDF positions 1-7. No raw PDF or images.

Finding: The heading identifies SLP(C) No. 32222 of 2017. The four questions and paragraph 15's reservation of merits agree with the retained report; the typed closing gives the same bench and 8 April 2019 date.

Raw source retained: False

Raw pdf retained: False

Source file: Not stated in the reviewed record

Sha256: Not stated in the reviewed record

Source sha256: Not stated in the reviewed record

File bytes: Not stated in the reviewed record

Physical text pages read:

Physical image pages read:

Full displayed judicial web text read: True

Full document read: False

All document images read: False

Page images read: False

Pdf pages basis: Page count and positions reported by the web tool; no locally retained raw PDF or image verification.

Web response observed at utc: 2026-10-06T09:47:14Z

Web response time basis: Actual tool-response wall-clock notice, not an invented PDF acquisition time.

Reading completion recorded at utc: 2026-10-06T10:03:02.897940+00:00

Current law certification: False

Frozen corpus ownership or classification change: False

Limitation: Auxiliary text corroboration only. It is neither a new frozen asset nor a second primary owner; typed closing names or a reference to a signed judgment do not authenticate signatures.

RETAINED PDF SOURCE CHECKS AND READING LIMITS

1.

Kind: historical statutory compilation

Source role: auxiliary only

Title: Department of Revenue-hosted Taxmann Income-tax Act 2011 compilation

Url: [Open cited source](#)

Source url: [Open cited source](#)

Source format: retained pdf selected text and images

Source file:

batch_aaestate_rashtrdoot_fresh_review/auxiliary/DOR_IT_Act_English_2011_compilation.pdf

Sha256: 1ec6e4c38dc1d524d1d40b1fd35d13ac1336c8fc549cef2af1bf723a999c822b

Source sha256: 1ec6e4c38dc1d524d1d40b1fd35d13ac1336c8fc549cef2af1bf723a999c822b

File bytes: 8394755

Pdf pages: 1251

Physical text pages read: 2; 272; 273; 914; 915

Physical image pages read: 2; 272; 273; 914; 915

Full document read: False

All document images read: False

Complete section35d read: False

Read bounds: Five selected full physical pages: 2 (2011 title), 272-273 (printed 1.231-1.232; section 35D opening, continuation and amendment notes 95/99), and 914-915 (printed 1.873-1.874; displayed section 260A and its annotations).

Reading started at utc: 2026-10-06T09:51:03.348256+00:00

Reading completed at utc: 2026-10-06T09:51:57.221429+00:00

Raw source reused not recopied: True

Version limit: Selected historical 2011 compilation pages only. No complete reading of all 1,251 pages or all section 35D subsections; no exact AY 2007-08/2019 enacted-text authentication, complete amendment chain, present-law certification or 2025 mapping.

Official web access: The current official DOR URL was opened and reported a 1,251-page PDF; the current network PDF was not downloaded or hash-compared with the separately verified retained original.

Current law certification: False

Frozen corpus ownership or classification change: False

SOURCE & VERIFICATION

Hon'ble Supreme Court source PDF (primary)

Identified source rendition: 4 PDF pages; SHA-256 5bd1d853cdd68121f352959d3eb93c4f78a372db07e2c16c2c2e9f3d45d14c04. Original bytes preserved. Physical2-4, SCR479-481, paragraphs1-15; physical1 is reporter headnote. Complete report inspected.

Open cited source rendition

all frozen primary text and image pages read

headnote judgment and reporter credit separated

statutory appellate finality separated from tax merits

all stated proceedings and costs silence recorded

no quantum imported from other years

official web text has no retained pdf hash or image claim

bounded historical statute check only

target specific later treatment and post remand outcome unverified

no2025 mapping claim

author eligibility is not independent approval admission or publication

Paragraph 6 expressly identifies AY 1999-2000. The report supplies no quantified disputed income or dated section 148 notice.

The judgment finally applies the section 260A substantial-question threshold to the identified reopening dispute, rejects the High Court's contrary threshold disposal, frames four questions and mandates their merits adjudication. This is an operative reasoned final 1961 Act appellate ruling, although section 148 and assessment merits remain open.

STATUTORY SCOPE

Not verified; no numerical equivalence, savings, transition or automatic precedent-carryover claim.

LATER TREATMENT

Source checked 2026-10-06. Unverified beyond the expressly recorded bounded searches; no comprehensive citator, current-good-law or post-remand outcome assurance.

IDENTIFIED SOURCE LINKS

primary - PDF pages: 4

SHA-256: 5bd1d853cdd68121f352959d3eb93c4f78a372db07e2c16c2c2e9f3d45d14c04

historical statutory compilation - PDF pages: 1251

SHA-256: 1ec6e4c38dc1d524d1d40b1fd35d13ac1336c8fc549cef2af1bf723a999c822b

Pr. Commissioner of Income Tax 6 v. Nokia India Pvt. Ltd., official SCI rendition

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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General research information only; not legal or tax advice, a certified judgment or a substitute for the full order. Applicability depends on facts, assessment year, statutory version and jurisdiction. Subsequent treatment is unverified unless identified sources are expressly stated. Downloading does not create a professional engagement. Obtain case-specific advice before reliance.