

The Commissioner of Income Tax, Chennai v. Mohammed Meeran Shahul Hameed

Civil Appeal No. 6204 of 2021

[2021] 8 S.C.R. 758 | 2021-10-07

For section 263(2) limitation, does the relevant event occur when the Commissioner makes the revisional order or when the assessee receives it?

263(2)

Two-judge bench | M. R. Shah, J. | A. S. Bopanna, J.

Assessment years: 2008-09

Source chronology requires verification

Both renditions record a December 2010 assessment but state a 31 March 2012 revision cutoff. That chronology does not reconcile with the quoted two-years-from-financial-year-end formula. Use the made-versus-received holding; verify the underlying order dates independently before calculating a deadline.

01 FACTS OF THE CASE

The source identifies AY 2008-09 and describes a section 143(3) assessment, followed by a section 263 notice on 1 February 2012 and written submissions in March. The Commissioner made the revisional order on 26 March 2012, requiring further inquiry by the Assessing Officer; the Department stated that it was dispatched on 28 March 2012. The assessee said he learned of the revision from a subsequent assessment notice and received a copy only on 29 November 2012, when he appealed. ITAT and the Madras High Court treated receipt as relevant and held the revision time-barred. The Revenue appealed. The assessment-order date and stated deadline in the judgment are internally inconsistent, as flagged below; they must not be used as a worked limitation example. The assessee also argued that the issue had become academic after a fresh assessment, but the Supreme Court elected to decide the pure legal question.

Source: [official signed judgment / paragraphs 2.1-2.5; 3.3-4 / PDF pages 2, 3, 4, 5, 6, 7 / judgment](#); [reported rendition / paragraphs 2.1-2.5; 3.3-4 / PDF pages 3, 4, 5 / judgment](#)

02 DISCUSSION BY THE HON'BLE COURT

Section 263(2), as reproduced, forbids making a revisional order after two years from the end of the financial year in which the order sought to be revised was passed. The Court emphasised the statutory event of making the order, rather than the assessee receiving it. Dispatch is likewise not the event specified in the text. Once the order is established to have been made within the prescribed period, later receipt does not make it out of time under this subsection. Adding receipt as a condition would insert words the legislature had not used (paragraphs 4.2–4.3).

The Court therefore rejected the High Court's interpretation and held the revisional order timely in this appeal. This reasoning concerns the Commissioner's statutory making-order deadline. It does not hold that service is unnecessary for every purpose, determine the commencement of an assessee's own appeal period, or permit a merely backdated order to count as one actually made in time.

Source: [official signed judgment / paragraphs 4.2–4.3 / PDF pages 8, 9, 10 / judgment](#); [reported rendition / paragraphs 4.2–4.3 / PDF pages 6, 7 / judgment](#)

03 JUDICIAL DECISION

The question of law was answered in favour of the Revenue and against the assessee. The Court held that the Commissioner's section 263 order was within the section 263(2) period and allowed the appeal without costs. It did not determine or quantify the resulting assessment additions.

Source: [official signed judgment / paragraphs 5 / PDF pages 10 / judgment](#); [reported rendition / paragraphs Concluding operative paragraph / PDF pages 7 / judgment](#)

04 OUTCOME / IN WHOSE FAVOUR

In whose favour: Revenue on the section 263(2) limitation question

Appeal allowed; revision held timely; no costs

Making-order versus receipt rule decided; underlying income computation not adjudicated

The holding does not replace the need to verify when the order was actually made. The source chronology is not adopted as a reliable independent calculation of the last permissible date.

Source: [official signed judgment / paragraphs 5 / PDF pages 10 / judgment](#); [reported rendition / paragraphs Concluding operative paragraph / PDF pages 7 / judgment](#)

05 AKHB REVIEW POINT

Calculate the Commissioner's deadline from the actual date of the order sought to be revised and the governing statutory text, then verify evidence that the revisional order was genuinely made by that deadline. Keep this exercise distinct from proof of service and limitation for the assessee's appeal. Do not copy the judgment's stated calendar cutoff without checking the underlying assessment record: its own recorded assessment date and cutoff do not reconcile with the formula it quotes. The authoritative point summarised here is made versus received, not a new calculation rule tied to the assessment year.

Source: [official signed judgment / paragraphs 2.1;2.3;4.2-4.3 / PDF pages 2, 4, 8, 9, 10 / judgment](#); [reported rendition / paragraphs 2.1;2.3;4.2-4.3 / PDF pages 3, 4, 6, 7 / judgment](#)

ADDITIONAL STATUTORY CONTEXT, NOT SEPARATE HOLDINGS

263(1); 143(3); 143(2)

JUDICIAL AUTHORSHIP AND SEPARATE OPINIONS

M. R. Shah, J.

ACT IDENTIFIED IN THE REVIEWED SOURCE

Income-tax Act, 1961

SOURCE & VERIFICATION

[Hon'ble Supreme Court source PDF \(official signed judgment\)](#)

Identified source rendition: 10 PDF pages; SHA-256

913fa964670c48738ed83d4409b06e39d1af9cd7f25971c967d40ca48746a773. Original bytes preserved.

[Open cited source rendition](#)

Paragraph2.1 states assessment order30December2010; paragraph2.3 quotes31December2010. Both are within FY2010-11. The stated two-year formula would ordinarily lead to31March2013 if those dates govern, whereas paragraph4.3 states31March2012 and refers to FY2008-09. This is a source-level mismatch in both originals, not a corrected historical finding.

The Court's actual result is preserved despite the chronology problem; no alternative outcome or corrected order date is invented.

The assessee's fresh-assessment statement is a submission; no independent verification of that subsequent assessment is claimed.

Dispatch28March2012 is attributed to the Department; the legal rule relies on proof of the date made, not a universal dispatch requirement.

The appeal concerns limitation under263(2), not whether every substantive prerequisite for revision or every resulting addition was correct.

STATUTORY SCOPE

Section263(2) text as quoted in the judgment

No automatic Income-tax Act2025 mapping or individual deadline calculation; dates must be independently verified from the relevant orders.

LATER TREATMENT

Source checked 2026-10-04. Subsequent appeals, review proceedings, stays, reversals and later judicial treatment have not been comprehensively checked. This note is not a citator status certificate.

IDENTIFIED SOURCE LINKS

[official signed judgment - PDF pages: 10](#)

SHA-256: 913fa964670c48738ed83d4409b06e39d1af9cd7f25971c967d40ca48746a773

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

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