

M/s. Shriram Investments v. The Commissioner of Income Tax III, Chennai

Civil Appeal No. 6274 of 2013

2024 INSC 760 | 2024-10-04

Whether the Tribunal could direct the Assessing Officer to consider a deduction claimed through a revised return filed after the statutory time limit.

139(5) | 254

2 judicial members | Abhay S Oka | Augustine George Masih

Assessment years: 1989-90

01 FACTS OF THE CASE

For AY 1989-90, the assessee filed an original return and two revised returns. The second revised return, dated 29 October 1991, was admittedly out of time. The Assessing Officer did not act on it, and CIT(A) dismissed the appeal. The Tribunal directed the officer to consider a claim for deferred revenue expenditure; the Madras High Court set that direction aside.

Source: [paragraphs 1-2 / PDF pages 1, 2](#)

02 DISCUSSION BY THE HON'BLE COURT

The Court distinguished the Tribunal's appellate power under section 254 from the Assessing Officer's authority to entertain a claim outside a valid return. Wipro Finance concerned the Tribunal's own exercise of appellate power and did not decide the officer's power to accept a time-barred revised return. Here the Tribunal had not itself considered the claim under section 254; it had only directed the officer to do so. The admitted expiry of the section 139(5) period prevented that route.

Source: [paragraphs 5-8 / PDF pages 3, 4, 5, 6, 7](#)

03 JUDICIAL DECISION

The Assessing Officer had no jurisdiction to consider the claim in the belated revised return on the direction made here. The Supreme Court declined to interfere with the High Court judgment and dismissed the appeal.

Source: [paragraphs 8-9 / PDF pages 7](#)

04 OUTCOME / IN WHOSE FAVOUR

In whose favour: Revenue

Assessee appeal dismissed

Procedural jurisdiction issue decided; substantive deduction eligibility not adjudicated

This does not abolish the Tribunal's distinct section 254 powers. The statutory revision deadline reproduced in the judgment is the historical version applicable to AY 1989-90.

Source: [paragraphs 9 / PDF pages 7](#)

05 AKHB REVIEW POINT

When advancing a new deduction, distinguish a timely revised return, a request before the Assessing Officer, and a claim actually entertained in appellate jurisdiction. The wording of the Tribunal's operative order matters: a bare remand cannot confer jurisdiction on the officer that the statute withholds. Check the applicable year's revision deadline rather than reusing the historical limit quoted here.

Source: [paragraphs 5-8 / PDF pages 3, 4, 5, 6, 7](#)

SOURCE & VERIFICATION

[Original Hon'ble Supreme Court PDF](#)

Complete identified source PDF: 7 pages. Original bytes preserved.

[Open cited source rendition](#)

No conclusion on whether the deferred revenue expenditure was substantively deductible

Do not confuse Wipro Finance Ltd. with Principal Commissioner v. Wipro Ltd.; the judgment treats them separately

STATUTORY SCOPE

This review describes the statutory version applied by the Court. Later amendments and 2025 Act correspondence require separate checks.

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: 7](#)

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