

Bhagwan Das Sita Ram v. Commissioner of Income-tax

Civil Appeals Nos. 1168-1169 (NT) of 1973 — Connected assessee appeals concerning AYs 1948-49 and 1949-50 from the Allahabad High Court judgment of 3 January 1973; the report conflicts on certificate/special-leave route and the High Court reference year. and connected proceedings (full list below)

[1984] 3 SCR 100 | 1984-03-05

The 1962 assessments could proceed on the pending voluntary returns because the Tribunal's valid directions removed the section 34(3) limitation bar. The smaller HUF was intimately connected with the larger HUF's assessment and fell within the proviso's reference to any person (SCR 106-113, 116-117).

Indian Income-tax Act, 1922 | 1922 Act: 22(1) | 1922 Act: 23(3) | 1922 Act: 25A | 1922 Act: 33(4) | 1922 Act: 34(3), second proviso | 1922 Act: 66(1) | 1922 Act: 66A(2)

2-judge bench | V.D. Tulzapurkar, J. | Sabyasachi Mukharji, J.

01 FACTS OF THE CASE

After the larger HUF claimed partition on 19 May 1945, the assessee smaller HUF filed voluntary returns for AYs 1946-47 to 1949-50. The Tribunal accepted partition in 1954 and directed assessments on the component families. Assessments initiated under section 34 were quashed because the voluntary returns remained pending. The Officer then assessed under section 23(3) on 31 May 1962. The Appellate Assistant Commissioner and Tribunal held those assessments invalid; the Allahabad High Court's Full Bench majority upheld them. Only AYs 1948-49 and 1949-50 remained before the Supreme Court (SCR 103-106).

Source: [SCR 100-117; physical PDF pages 1-18](#)

02 DISCUSSION BY THE HON'BLE COURT

Mukharji J. held that expiry of four years suspended the capacity to complete assessment; it did not invalidate the returns or extinguish the proceedings. A qualifying appellate direction lifted that bar. Applying Murlidhar Bhagwan Das, the Court confined any person to someone liable for all or part of the very income under appeal. Here partition determined whether that income belonged to the larger HUF or its component families. The direction concerned the same years actually before the Tribunal and was therefore effective against the assessee. Cases involving separate individual income or a stranger trust were distinguished on their facts (SCR 106-116).

Source: [SCR 100-117; physical PDF pages 1-18](#)

03 JUDICIAL DECISION

The directions were valid and the pending returns supported the section 23(3) assessments for the two years. The Court affirmed the High Court majority's affirmative answer on their validity (SCR 116-117).

Source: [SCR 100-117; physical PDF pages 1-18](#)

04 OUTCOME / IN WHOSE FAVOUR

Revenue on assessment validity The assessee's appeals were dismissed with costs. The assessments survived the limitation challenge; no remand or fresh ruling on the underlying quantum was ordered (SCR 117). Assessment procedure and limitation decided; underlying income quantum not adjudicated No current-law or comprehensive later-treatment certification.

Source: [SCR 100-117; physical PDF pages 1-18](#)

05 AKHB REVIEW POINT

Link the direction to the income and assessment years actually before the appellate authority. This decision does not authorise unlimited reassessment of unrelated persons, and it concerns pending returns under the 1922 Act. Later treatment and present-day assessment-limitation equivalents remain unverified.

Source: [SCR 100-117; physical PDF pages 1-18](#)

APPEAL AND PROCEEDING NUMBERS

Civil Appeals Nos. 1168-1169 (NT) of 1973 — Connected assessee appeals concerning AYs 1948-49 and 1949-50 from the Allahabad High Court judgment of 3 January 1973; the report conflicts on certificate/special-leave route and the High Court reference year.

ASSESSMENT YEARS AND LIMITS

Years: 1948-49; 1949-50

Qualification: Only years material to the issues described are listed; different claims may cover different years as stated in the facts.

REPORTED CITATION

Supplied SCR report citation; no machine-generated neutral citation substituted.

STATUTORY CONTEXT

Indian Income-tax Act, 1922, sections 30 and 31: appellate powers; section 34(1)(b): quashed earlier proceedings; Income-tax Act, 1961, sections 147(a) and 153(3)(ii): discussed through Rajinder Nath, not operative here; Constitution of India, articles 14 and 226: argument and earlier writ proceedings

SOURCE & VERIFICATION

Original reported Supreme Court judgment

Unchanged supplied SCR report; catalog identifies a CC-BY-4.0 public eSCR mirror. Not represented as a separately fetched official signed PDF. Headnote SCR 100-102; jurisdiction starts SCR 102; counsel and sole Mukharji J. judgment begin SCR 103; reasons and disposition end SCR 117. The High Court majority and dissent are discussed in the single Supreme Court opinion. No adjacent judgment included.

Open cited source rendition

The jurisdiction text calls these special-leave appeals and gives High Court Reference No. 450 of 1969; the opening reasons describe certificate appeals under section 66A(2) and Reference No. 450 of 1965. The Supreme Court docket is consistently 1168-69 (NT) of 1973.

SCR 104 prints 10 November 1950 once for the voluntary returns, then 18 November; the referred question and repeated later narrative use 18 November 1950.

SCR 100 prints 23 October 1954 once for the Tribunal order, and SCR 105 prints 28 October 1950 once; the repeated operative chronology gives 28 October 1954.

The narrative describes the first writ both after unsuccessful appeals and, at SCR 106, before the first appeals were heard. The note records the quashing and reason without choosing between those procedural chronologies.

STATUTORY SCOPE

Indian Income-tax Act, 1922. The historical operative enactment is identified. Other enactment references are source context only unless expressly identified as operative; no 2025 mapping is asserted.

LATER TREATMENT

Source checked 2026-10-09. Subsequent appeals, review proceedings, stays, reversals and later treatment have not been comprehensively checked. This is not a citator status certificate.

AI DISCLOSURE

AI-assisted research. The AKHB Review Point is editorial analysis, not part of the Court's judgment.

PROFESSIONAL DISCLAIMER

AI-assisted legal research note for general information and professional research. Verify the original judgment, applicable statutory version and later treatment before reliance. The AKHB Review Point is editorial analysis.