In the High Court of Punjab and Haryana, Chandigarh

I.T.R. No. 80 of 1995

Date of Decision: 13.02.2007

The Commissioner of Income Tax (Central), Ludhiana

…Applicant

Versus

M/s Pawan Kant & Sons

…Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: Mr. Sanjiv Bansal, Advocate,
for the Applicant-Revenue.

Mr. Akshay Bhan, Advocate,
for the Respondent-Assessee

JUDGMENT

M.M. KUMAR, J.

The Income Tax Appellate Tribunal, Chandigarh Bench, has referred the following question of law, which emerges out of its order dated 28.9.1994, rendered in I.T.A. No. 1322/Chandi/1989 in respect of the assessment year 1986-87:-

> Whether, on the facts and in the circumstances of the case, the Income-tax Appellate Tribunal was right in law in holding that the property received by the assessee on partial partition and accretions thereto belonged to the

assessee HUF and that the income flowing therefrom was assessable in the hands of the HUF?

It remains undisputed that the matter is covered against the Revenue by the order passed by a Division Bench of this Court in I.T.R. No. 7 of 1989, titled as The Commissioner of Income Tax (Central), Ludhiana v. Pawan Kant, decided on 30.8.2004, in respect of the same assessee for the assessment year 1981-82. In the present case, the assessment year involved is 1986-87.

In view of the above, the question posed in the first para is answered against the revenue and in favour of the assessee.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

February 13, 2007
Pkapoor