IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R. No. 69 and 69A of 1998

DATE OF DECISION: 11.9.2007

Sudhir Bhasin & Vijay Kumar Bhasin

…Applicants

Versus

The Commissioner of Income Tax, Patiala

…Respondent

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

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr. Rajiv Sharma, Advocate,
for the assessee-applicants.

Mr. S.K. Garg Narwana, Advocate,
for the revenue-respondent.

M.M. KUMAR, J.

The Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh (for brevity, 'the Tribunal'), by exercising its power under Section 256(1) of the Income-tax Act, 1961 (for brevity, 'the Act') has referred the following questions of law, which are stated to have emerged from consolidated order dated 28.7.1997, in I.T.A. Nos. 1573/91 and 1574/91, in respect of assessment year 1989-90:-

"i). Whether on the facts and circumstances of the case, the Tribunal has rightly upheld the addition of Rs. 15,000/- on account of alleged advance received by the assessees from Sh. Nishan Singh?

ii) Whether on the facts and circumstances of the case, the Tribunal has rightly upheld the addition of Rs. 9,603/- in case of each assessee as

unexplained cash found during search on 5.5.1988?

A perusal of the consolidated order passed by the Tribunal shows that it has been categorically concluded that the assessee-applicant did not satisfactorily explained the source of Rs. 30,000/- and, therefore, the Assessing Officer was justified in taxing the amount of Rs. 15,000/- in his hand and Rs. 15,000/- in the hands of his brother Shri Vijay Kumar. The addition was accordingly confirmed. There is nothing on record to suggest that the additions are unwarranted or perverse. Likewise, in respect of addition of Rs. 9,603/- the finding recorded by the Tribunal is that the addition made by the Assessing Officer on account of household expenses was justified. Therefore, there is no room to conclude that any question of law would arise for determination of this Court. Accordingly, the questions are returned unanswered.

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 11, 2007
Pkapoor