



IN THE HIGH COURT OF DELHI

ITR No.198/82

Date of Decision:07.2.2001

The Commissioner of Income-tax .....Applicant  
Delhi-II

Through: Mr.R.D.Jolly with  
Mrs.Prem Lata Bansal,  
Advocates.

Versus

Shri K.Santhanam & another ..... Respondents  
L/Hs of late Shri M.K.Swami

Through None.

CORAM:

THE HON'BLE MR. JUSTICE ARIJIT PASAYAT, CHIEF JUSTICE  
THE HON'BLE MR. JUSTICE D.K.JAIN

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?

Arijit Pasayat, C.J.(Oral)

At the instance of revenue, following question has been referred for opinion of this Court under Section 256(1) of the Income-tax Act, 1961(in short the 'Act'), by the Income-tax Appellate Tribunal, Delhi Bench 'D'(in short the 'Tribunal'):

"Whether on the facts and in the circumstances of the case, the Tribunal was correct in holding that the income from the commission, director's fee and interest of saving bank account is to be assessed in the assessment of the HUF of which the assessee was Karta and not in the assessment of the assessee in his individual capacity?"

2. We have heard learned counsel for revenue. There is no appearance on behalf of assessee in spite of notice.



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3. A similar issue was considered by us in ITR Nos.353-354/80, disposed of on 8th December, 2000. Following the view expressed in the said cases, we answer the reference by holding that the Tribunal was not correct in its view. The reference is therefore, answered in the negative, in favour of revenue and against the assessee.

The reference stands disposed of.

A handwritten signature in black ink, appearing to read 'S. P. Singh', written over a horizontal line.

Chief Justice

A handwritten signature in black ink, appearing to read 'D.K. Jain', written over a horizontal line.

D.K.Jain, J.

7th February, 2001  
'AK'