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C.A.No. 12966 OF 1996

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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NO. 12966 OF 1996@@
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Anaparai Estates Ltd.Appellant(s)

versus

State of Karnataka ...Respondent(s)

O R D E R@@
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.SP2

The argument before us is that in completing the assessment for the Assessment Year 1980-81 (coffee season crop 1978-79) the Agricultural Income Tax Officer applied the Coffee Board's valuation of Rs.7/- per point for the 1978-79 season crop and revalued the closing stock at Rs.7/- per point but left untouched the valuation of opening stock at Rs.4/- per point, and reference in this behalf was made to the assessment order. It is only in respect of the question of the valuation of the opening and closing stock that leave has been granted.

It is now not disputed that the assessment order does not show that the Assessing Officer had valued the opening stock at Rs.4/- per point as also that no argument on these lines was advanced in any of the assessee's appeals upto the stage of the Tribunal. It was only clearly so advanced before the High Court and the High Court disposed it of with reference to the order of the Tribunal.

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Having regard to the fact that the only argument is that the Assessing Officer left untouched the valuation of the opening stock at Rs.4/- per point and that he should have valued it at Rs.7/- per point, which is not borne out by the assessment order, and by the orders in appeal thereafter, we see no reason to entertain the argument.

The appeal is dismissed with costs.

.SP1

.....J.
(S.P. Bharucha)

.....J.
(N. Santosh Hegde)

.....J.
(Y.K. Sabharwal)

New Delhi,
February 13, 2001.

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ITEM NO.105

COURT NO. 2

SECTION IIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.12966/1996 @@
AA

Anaparai Estates Ltd.

Appellant (s)

VERSUS

State of Karnataka
(With appln. for stay and office report)

Respondent (s)

Date : 13/02/2001 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Appellant (s) Mr. Sanjay Kunur, Adv.
for Mr. R.N. Keswani, Adv.

For Respondent (s) Mr. Sanjay R. Hegde, Adv.
Mr. Satya Mitra, Adv.

UPON hearing counsel the Court made the following
O R D E R

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The appeal is dismissed with costs.

.SP1
(N. Annapurna) (Shelly Sengupta)
Court Master Court Master

(Signed order is placed on the file.)