

ITEM NO.11

COURT NO.1

SECTION IIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.956 OF 2004

COMM. OF INCOME TAX COCHIN

Appellant (s)

VERSUS

P.K. RADHIKA COCHIN

Respondent(s)

(With office report)

Date: 06/09/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Appellant(s) Mr. R.P. Bhatt, Sr. Adv.

Mr. Rahul Kaushik, Adv.

Ms. A. Subhashini, Adv.

Ms. Anil Katiyar, Adv.

for Mr. B.V. Balaram Das, Adv.

For Respondent(s) Mr. M.S. Ananth, Adv.

Ms. Shweta Mohta, Adv.

Mr. Subramonium Prasad, Adv.

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

Heard learned counsel on both sides.

The civil appeal filed by the Department is dismissed
with no order as to costs.

[T.I. Rajput]
A.R.-cum-P.S.

[Indu Satija]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.956 OF 2004

Commissioner of Income Tax, Cochin

...Appellant(s)

Versus

P.K. Radhika

...Respondent(s)

O R D E R

Heard learned counsel on both sides.

This civil appeal filed by the Department concerns Assessment Year 1991-1992.

A concurrent finding of fact has been recorded by Income Tax Appellate Tribunal ['ITAT', for short] and the High Court holding that, on comprehensive reading of the Partnership Deed dated 11th June, 1990, it is clear that the impugned transaction was neither a device nor a motive to evade payment of taxes.

We have gone through the impugned order. Several contingencies mentioned in the Partnership Deed have been clearly spelt out by the ITAT. In the circumstances, we see no reason to interfere with the concurrent finding of fact.

Accordingly, the civil appeal filed by the Department is dismissed with no order as to costs.

.....CJI.
[S.H. KAPADIA]

.....J.
[MADAN B. LOKUR]

New Delhi,
September 06, 2012.
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