

(For Judgment)

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(s). 5673-5675 OF 2002

P.R. METRANI

Appellant (s)

VERSUS

COMMNR. OF INCOME TAX, BANGALORE

Respondent(s)

[HEARD BY HON'BLE ASHOK BHAN AND DALVEER BHANDARI, JJ.]

Date: 15/11/2006 These Appeals were called on for judgment today.

For Appellant(s)

Mr. Dhruv Mehta, Adv.for
M/S K.L. Mehta & Co.,Adv.

For Respondent(s)

Mr. B.V. Balaram Das,Adv.

Hon'ble Mr. Justice Ashok Bhan pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Dalveer Bhandari.

For the reasons stated in the judgment, appeals are accepted and the order passed by the High Court is set aside. The orders passed by the assessing authorities as well as the CIT(Appeals) are vitiated as they have proceeded to frame the assessment raising the presumption under sub-section (4A) of Section 132. The same are set aside

and the case is remitted back to the assessing authority for framing the assessment

afresh in accordance with law. Question No.2 claimed by the Revenue and the questions claimed by the assessee are returned unanswered as the case is being remitted back to the assessing authority for framing a fresh assessment.

We are not recording any opinion as to the merits of the case. The assessing authority shall now frame the assessment in accordance with law, without being influenced by any of the observations made in the previous orders or this order.

Accordingly, appeals are allowed. There will be no order as to costs.

(Parveen Kr. Chawla)

Court Master

(Kanwal Singh)

Court Master

[SIGNED REPORTABLE JUDGMENT IS PLACED ON THE FILE]