

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4096 OF 2007

Sardar D.K. Jadhav (D) through LRs. ...Appellant

Versus

Commr. of Wealth Tax, M.P. ...Respondent

ORDER

In view of the judgment of this Court in the case of Varkey Chacko Vs. Commissioner of Income Tax [1994 Supp (1) SCC 264], para 11, we find no merit in this Appeal. For the sake of clarity, we quote herein-below para 11 of the said judgment.

"A penalty for concealment of particulars of income or for furnishing inaccurate particulars of income can be imposed only when the assessing authority is satisfied that there has been such concealment or furnishing of inaccurate particulars. A penalty proceeding, therefore, can be initiated only after an assessment order has been made which finds such concealment or furnishing of inaccurate particulars. Who at this point of time has the authority to impose the penalty is what is relevant. Whoever this authority may be, he is obliged to impose such penalty as was permissible under the law in that behalf on the date on which the offence of concealment of income was committed, that is to say, on the date of the offending return. The two aspects must firmly be borne in mind, namely, who may impose the penalty and in what measure."

...2/-

C.A.No.4096/2007....contd....

-2-

We find no infirmity in the impugned judgment of the High Court. In terms of the judgment of this Court in Varkey Chacko (Supra) this Civil Appeal stands disposed of with no order as to costs.

.....J.
(S.H. KAPADIA)

.....J.
(B. SUDERSHAN REDDY)

New Delhi,
February 13, 2008.
ITEM NO.2
(Part-Heard)

COURT NO.7

SECTION IIIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4096 OF 2007

SARDAR D.K.JADHAV(D) TR.LRS.

Appellant (s)

VERSUS

COMMR.OF WEALTH TAX,M.P

Respondent(s)

(FOR FINAL DISPOSAL)

Date: 13/02/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s)

Mr. S. Ganesh, Sr.Adv.
Mr. Prashant Kumar, Adv.
Ms. Triveni Potekar, Adv.
Mr. Chander Shekhar Ashri,Adv.

For Respondent(s)

Mr. Mohan Parasaran, ASG.
Mr. D.L.Chidananda, Adv.
Mr. Gaurav Dhingra, Adv.
Mr. K.K. Senthilvelan, Adv.
Mr. Ashok K. Srivastava, Adv.
Mr. B.V.B. Das, Adv.

UPON hearing counsel the Court made the following
ORDER

The Appeal is disposed of, in terms of the signed order, with
no order as to costs.

(N. Annapurna)
Court Master

(Madhu Saxena)
Court Master

(Signed order is placed on the file)