

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). 8594/2010

H.S. RAMACHANDRA RAO

APPELLANT(S)

VERSUS

**COMMISSIONER OF INCOME TAX,
BANGALORE & ANR.**

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. The issue involved in this appeal is essentially questioning the finding of fact recorded by the authorities below whether the amount received by the appellant in the sum of Rs.37,54,266/- (Rupees Thirty Seven Lakh Fifty Four Thousand Two Hundred Sixty Six only) is capital receipt or revenue receipt in the hands of the appellant.
3. The authorities below have concurrently found that going by the admission of the appellant, the amount received by the

appellant cannot be treated as capital receipt but only as revenue receipt. For that, the authorities have relied on the statement given by the appellant dated 14.07.2000 as also the ground No.3 articulated by the appellant in the appeal filed before the first Appellate Authority.

4. The substance of the admission is that the appellant was holding the post of Secretary of the Institution [Paramahansa Foundation (R) Trust] until 1996 but he left the institution after new members were elected as the managing committee. That being the case, the question of appellant invoking the principle of capital asset does not arise. It may have been a different matter if it was a case of life time appointment of the appellant as Secretary of the concerned Institution. No such evidence was produced by the appellant before the assessing officer or before us.

5. Taking over-all view of the matter, we uphold the conclusion reached by the High Court that the amount received in the hands of

appellant-assessee cannot be treated as capital receipt. Thus, the order of the Assessing Officer is affirmed. Hence, no interference is warranted in this appeal.

6. This appeal is dismissed.

7. No order as to costs.

8. All pending applications are also disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
NOVEMBER 21, 2019

ITEM NO.101

COURT NO.7

SECTION IV-A

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(s). 8594/2010

H.S.RAMACHANDRA RAO

Appellant(s)

VERSUS

COMMISSIONER OF INCOME TAX, BANGALORE & ANR.

Respondent(s)

Date : 21-11-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARIFor Appellant(s) Mr. K. V. Mohan, AOR
Mr. R.K. Raghavan, Adv.
Mr. K.V. Balakrishnan, Adv.
Mr. Rahul Kumar Sharma, Adv.For Respondent(s) Mr. Sridhar Potaraju, Adv.
Mr. Jitendra Kumar Tripathi, Adv.
Mr. B.K. Satija, Adv.
Ms. Anil Katiyar, AOR
Mr. B. V. Balaram Das, AORUPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the
signed order.All pending applications are also disposed
of.(NEETU KHAJURIA)
COURT MASTER(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)