

CASE NO.:
Appeal (civil) 1253 of 2008

PETITIONER:
Commissioner of Income Tax, Ahmedabad

RESPONDENT:
C.A. Taktawala

DATE OF JUDGMENT: 12/02/2008

BENCH:
S.H. KAPADIA & B.SUDERSHAN REDDY

JUDGMENT:
JUDGMENT

O R D E R
(Arising out of Special Leave Petition (C) No.19085/2006)

Delay condoned.
Leave granted.

Having heard learned counsel for the parties, we are of the view that the High Court had erred in not answering the question which, in our opinion, was the substantial question of law under Section 260-A of the Income Tax Act, 1962.

We quote hereinbelow for the sake of convenience the said question:

\023Whether the Appellate Tribunal was right in law and on facts in cancelling the penalty levied u/s 18(1)(c) of the W.T. Act, on the ground that benefit under the Amnesty Scheme was available to the Assessee, particularly when subsequent to search operation, the Assessee itself had revised its revenue on a number of times, which would go to show that the return was

:2:
not voluntary?\024

Accordingly, the impugned order is set aside and the matters are remitted to the High Court for fresh consideration in accordance with law.

Accordingly the Tax Appeal Nos.289-295 of 2005 stand restored to the file of the High Court.

The appeal is disposed of with no order as to costs.