

O. Rm. M. Sp. Sv. P. Panchanatham Chettiar

Vs

Commissioner of Income-Tax, Madras

Civil Appeal No. 1578 of 1970

(K.S. Hegde, P. Jagmohan Reddy, H.R. Khanna JJ)

06.03.1973

JUDGMENT

HEGDE, J. -

1. The only question that arises for decision in this appeal is whether the assessee is entitled to claim interest on the refund which became due to him in the strength of the decision of this Court. The assessment of this case was completed long before the Income-tax Act, 1961, came into force. Under these circumstances, this case clearly comes within the scope of Section 297(2) (i) of the Income-tax Act, 1961, and not under Section 66(7) of the Indian Income-tax Act, 1922. Under the new Act, there is no provision for payment of interest unless the same comes within the scope of Section 243 of that Act. It is not the case of the assessee that the facts of this case come within the scope of Section 243.

2. In the result, this appeal fails and the same is dismissed. But, in the circumstances of the case, we make no order as to costs.

</html