

**SUPREME COURT OF INDIA**

State of Punjab

Vs.

Dalmia Biscuit (Pvt.) Ltd.

C.A.No.95 (T) of 1972

(Y. V. Chandrachud and P. S. Kailasam, JJ.)

25.07.1977

**JUDGEMENT**

**CHANDRACHUD, J.:-**

1. Sec. 11-A of the Punjab General Sales Tax Act, 1948 provides to the extent material that if in consequence of definite information which has come into his possession, the assessing authority discovers that the turnover of a dealer has escaped assessment, it may at any time within three years following the close of the year for which the turnover is proposed to be reassessed "proceed to reassess' the tax payable on the turnover which has escaped assessment. It is common ground in this case that the assessing authority did not proceed to reassess the turnover which had escaped assessment within three years of the close of the year for which it proposed to reassess the turnover.

2. Mr. Sharma, who appears on behalf of the State of Punjab the appellant before us, contends that if as in this case the assessing authority is merely carrying out the directions given to it by the Commissioner in exercise of his revisional powers under Section 21 of the Act, the limitation of three years would have no application. This point is concluded by a decision of this Court in M/s.

Jaipuria Brothers Co. v. State of Uttar Pradesh, (1965) 1 SCR 780: (AIR 1965 SC 1213) which has been correctly applied by the High Court of Punjab and Haryana.

3. We, therefore, confirm the judgment of the High Court and dismiss the appeal with costs.

Appeal dismissed.