

Income Tax Officer & Ors.

Vs

Rattan Lal & Ors.

Civil Appeal No. 1536 of 1974

(V. D. Tulzapurkar, V. B. Eradi, D. P. Madan JJ)

10.08.1983

JUDGMENT

1. By the court - In our opinion this appeal will have to be allowed in view of the decision of this court in Jamnadas Kanhaiyalal v. CIT (1981) 23 CTR (SC) 146 : (1981) 130 ITR 244 (SC).
2. Counsel for the assessee, however, urged before us that two points arise for decision in this case and that the decision of this Court in Jamnadas Kanhaiyalal's case (supra) does not cover both the points which have been decided by the High Court in favour of the assessee. WE are unable to accept this contention, for a careful perusal of that decision will show both the aspects are covered and the entire basis of the impugned judgment of the High Court has been rightly overruled. On the question whether the immunity enjoyable by the declarants u/s 24 of the Finance (No. 2) Act of 1965 under the Voluntary Disclosure Scheme should be confined to the declarants or could be extended to the assessment of a third party (the assessee before the ITO), the aforesaid decision has ruled that such immunity is confined to the declarants alone. The order aspect which was sought to be pressed by Mr. Sharma before us was that the High Court on the facts of the case had come to the conclusion that in view of the statute
3. In this view of the matter, we allow the appeal and set aside the impugned judgment of the High Court (Ratanlal & Ors. v. ITO (1975) 98 ITR 681 (Del)]. The writ petition filed in the High Court out of which this appeal has arisen is dismissed with costs throughout.

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