

M/S Textile Supply Co. and Another

Vs

Income Tax Officer and Others

Civil Appeal No. 1178 of 1975

(CJI R. S. Pathak, Rangath Misra JJ)

20.01. 1989

ORDER

1. The High Court declined to interfere on the writ petition presented by the appellants on the ground that assessment proceedings were pending in the matter and it was open to the appellants to participate in those assessment proceedings and to take all valid objections therein. The view taken by the High Court seems to be plainly correct. We may point out, however, that the High Court has referred to the proceeding as one pending under Section 27 of the Indian Income Tax Act, 1922. That assumption seems to be incorrect because the proceeding under Section 27 had already become infructuous in view of the setting aside of the assessment proceeding under Section 23(4) of the Indian Income Tax Act, 1922. We see no reason to proceed further with this appeal because it will be open to the appellants to raise all their contentions before the income tax authorities, and we are confident that the income tax authorities will take into account every point on the merits as well as the point of limitation, if any. With these observations, the appeal is dismissed. There is no order as to costs.

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