

SUPREME COURT OF INDIA

Commissioner of Income-Tax

Vs.

T.V. Suresh Chandra

(S Agrawal and D Wadhwa JJ.)

30.04.1997

ORDER

1. These appeals are directed against the judgment of the Kerala High Court (see [1980] 121 ITR 985) dated March 29, 1979, in appeals arising from the order of the Income-tax Appellate Tribunal (hereinafter referred to as "the Tribunal") in proceedings for acquisition taken under Section 2G9F of the Income-tax Act, 1961 (hereinafter referred to as "the Act"). The property was a plot of land having an area of 16.675 cents which on measurement was found to be 16.268 cents. The said property was transferred by the two transferors who are jointly co-owners of the said property to four brothers in separate defined shares as prescribed in the sale deed executed on August 17, 1973. The case of the Revenue was that the purchase was made by the four brothers as an association of persons. The Tribunal has, however, not agreed with the view of the competent authority in that regard. The High Court in appeal has affirmed the said judgment of the Tribunal.

2. We have heard Shri T. L. Viswanatha Iyer, learned senior counsel appearing for the appellant, in support of the appeals and we have also perused the impugned judgment of the High Court. We are of the opinion that the High Court has rightly come to the conclusion that the sale transaction in the present case could not be held to be a sale in favour of an association of persons and that the sale was of individual plots in favour of each purchaser.

3. In these circumstances, we do not find any merit in these appeals and the same are accordingly

dismissed. No order as to costs.