

SUPREME COURT OF INDIA

Century Flour Mills Ltd.

Vs.

Commissioner of Income-Tax

(S.P. Bharucha, U.C. Banerjee and N. S. Hegde JJ.)

03.08.2000

ORDER

1. The High Court (see [1998] 234 ITR 768) declined to call for a reference of the following questions (page 768) :

"1. Whether, on the facts and in the circumstances of the case, the Tribunal is right in law in holding that the levy of penalty in respect of the sale consideration of the sale of the land is justified ?

2. Whether, on the facts and in the circumstances of the case, the Tribunal is right in law in holding that the sale consideration is not Rs. 8,16,550 as disclosed in the deed of sale, but is a sum of Rs. 16,43,539 as estimated by the Assessing Officer ?

3. Whether the Tribunal is right in law in holding that the extra consideration alleged to have been received by the managing director should also be attributed to the applicant-company ?

4. Whether the Tribunal is right in law in holding that the extra consideration alleged to have been received by the managing director of the applicant-company is also applicable for the purpose of levy of penalty under section 271(1)(c) of the Income-tax Act, 1961 ?

5. Whether the Tribunal is right in law in holding that the applicant-company has concealed the particulars of the real consideration in respect of the sale of the land and, consequently, the income is liable for penalty?" It did so on the basis that they were questions of fact.

2. We have perused the order of the High Court and heard learned counsel and are in no doubt that the High Court was right. The Appellate Tribunal having arrived at the finding of concealment of income on the basis of the material on record, no question of law arose, reference of which could be called for.

3. The civil appeal is dismissed with costs.