

SUPREME COURT OF INDIA

M/s. Toyota Motor Corporation

Vs.

Commnr. of Income Tax

C.A.No.5313 of 2008

(Dr. Arijit Pasayat and Dr. Mukundakam Sharma JJ.)

25.08.2008

JUDGMENT

Dr.Arijit Pasayat, J.

1. Heard learned counsel for the petitioner.
2. Delay condoned.
3. Leave granted.
4. We are not inclined to interfere with the impugned order of the High Court.
5. The High Court has held that the Assessing Officer had disposed the proceedings stating the penalty proceedings initiated in this case u/s 271 C read with Section 274 of the *Income Tax Act, 1961* are hereby dropped. According to the High Court, there was no basis indicated for dropping the proceedings. The Tribunal referred to certain aspects and held that the initiation of proceedings under Section 263 of the Income Tax Act, 1961 (in short, the I.T.Act) was impermissible when considered in the background of the materials purportedly placed by the assessee before the Assessing Officer. What the High Court has done is to require the Assessing Officer to pass a reasoned order. The High Court was of the view that Tribunal could not have substituted its own reasonings which were required to be recorded by the Assessing Officer. According to the assessee all relevant aspects were placed for consideration and if the officer did not record reasons, assessee can not be faulted.
6. We do not think it necessary to interfere at this stage. It goes without saying that when the matter be taken up by the Assessing Officer on remand, it shall be his duty to take into account all the relevant aspects including the materials, if any, already placed by the assessee, and pass a reasoned order.
7. The appeal is dismissed with the aforesaid observations.