IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

INCOME TAX APPEAL NO. 99 OF 2016

The Parbhani District Central
Co-operative Bank Ltd.,
Through its Incharge Manager .. **Appellant**
Versus
The Assistant Commissioner of
Income Tax and another .. **Respondents**

Shri R. N. Dhorde, Senior Advocate i/b. Shri V. R. Dhorde, Advocate for the Appellant.
Shri Alok M Sharma, Advocate for Respondents.

CORAM : S. V. GANGAPURWALA & A. M. DHAVALE, JJ.

DATE : 1st February, 2018

PER COURT :

1. Mr. Dhorde, learned Senior Advocate for the appellant submits that the appellant had filed a revised return for the assessment year 2007-2008, claiming deduction under Section 36 of The Income Tax Act, 1961 of the bad debts. The case of the appellant was turned down on the ground that the benefit of recompilation of income is not available to assessee. According to the learned Senior Advocate, the appellant had already paid

the tax, as such, could not have been taxed twice. This aspect has not been considered.

2. Mr. Sharma, learned advocate for the respondents supports the Judgment and states that the issue is squarely covered by the Judgment of the Apex Court in a case of ***Commissioner of Income Tax Vs. M/s. Sun Engineering Works (P.) Ltd. (1992) 198 ITR 297***.

3. The facts of this case are undisputed. The appellant had filed revised return for the assessment year 2007-2008.

4. It has been held by the Apex Court in a case of ***Commissioner of Income Tax Vs. M/s. Sun Engineering Works (P.) Ltd.*** *(Supra)* that proceedings under Section 147 of the Income Tax Act, 1961 cannot be allowed to to be converted in "Revision or Review". The notice is issued to the appellant under Section 148 also in the present case.

5. Even the assessee had conceded to this position before the Tribunal.

6. Considering that the dispute is squarely covered by the Judgment of the Apex Court in a case of ***Commissioner of Income Tax Vs. M/s. Sun Engineering Works (P.) Ltd.*** No substantial question of law arises.

7. The appeal is dismissed. No costs.

[A. M. DHAVALE, J.] **[S. V. GANGAPURWALA, J.]**

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