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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

T.C.A.NO.414 OF 2009

Smt.C.Padma @ Padma Udayar,
No.20, 5th Street, Rutland Gate,
Chennai-600 006.
(PAN No.AAHPP 0235H) ...Appellant

vs

The Deputy Commissioner of Income Tax,
Central Circle I(3),
Chennai-600 034. ...Respondent

Appeal under Section 260A of the Income Tax Act, 1961 against the order dated 24.10.2008 passed in I.T.A.No.727/Mds/2007 on the file of the Income Tax Appellate Tribunal Bench 'A', Chennai for the assessment year 2002-03 preferred against the order of the commissioner of Income Tax (Appeal) I, Chennai dated 09.01.2007 made in ITA No.47/06-07 filed against the Assessment order of the Deputy Commissioner of Income Tax, Central Circle I (3), Chennai-34 dated 27.03.2006 in PAN No.AAHPP0235H for the Assessment year 2002-2003.

For Appellant : Mr.A.Thiagarajan,
Senior Counsel
for Mr.S.Ramesh Kumar

For Respondent : Ms.K.G.Usha Rani,
Standing Counsel

JUDGMENT
(Delivered by T.S.Sivagnanam, J.)

This appeal by the appellant/assessee, filed under Section 260A of the Income Tax Act, 1961 (for brevity “the Act”) is directed against the order dated 24.10.2008, made in I.T.A.No.727/Mds/2007 on the file of the Income Tax Appellate Tribunal Bench 'A', Chennai (for brevity “the Tribunal”) for the assessment year 2002-03.

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2.The appeal was admitted on 30.06.2009, on the following substantial question of law:-

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in law in assessing the appellant based on the statement of accounts of the appellant's vendor Shri.Manickkam Narayanan alone, ignoring the books of accounts of the appellant?"

3.We have elaborately heard Mr.A.Thiayagrajan, learned Senior Counsel for Mr.S.Ramesh kumar, learned counsel for the appellant/assessee and Ms.K.G.Usha Rani, learned Senior Standing Counsel appearing for the respondent/Revenue.

4.The assessee is an individual and for the assessment year 2002-03, she filed return of income. Since the return was filed belatedly, action was initiated under Section 147 of the Act. The assessee stated that she has purchased Satellites Rights for a film from a person in Chennai for a sum of Rs.35,00,000/- under an agreement dated 04.01.2002 and sold the same on 18.01.2002 to a TV Channel for a sum of Rs.38,00,000/-. Verification of the bank accounts of the vendor of the Satellite Rights was made and after referring to the various agreements, the Revenue did not agree with the accounts maintained and produced by the assessee. Based on the statement of accounts filed by the vendor of the Satellite Rights, the Revenue assessed the assessee on a sum of Rs.12,00,000/- and also altered the break up details in the P & L Account. The assessee, being aggrieved by the order of the Assessing Officer, dated 27.03.2006, preferred appeal before the Commissioner of Income Tax (Appeals)-I, Chennai (for brevity "the CIT(A)"). The appeal was dismissed by order dated 09.01.2007. Aggrieved by the same, the assessee filed appeal before the Tribunal. The Tribunal re-appreciated the factual position and came to a conclusion that there is no error in the order passed by the CIT (A) and confirmed the assessment order. The assessee is on appeal before us challenging the order passed by the Tribunal and raising the above substantial question of law.

5.Admittedly, the issue pertains to the transaction between the assessee and an individual in the matter of purchase and sale of Satellite Rights for a movie. The factual position has been clearly brought out by the Assessing Officer, which was re-examined for its correctness by the CIT(A), who found the same to be a reasoned order. The Tribunal, being the last authority to examine the factual position, examined the same and found that there is no error in the decision.

6.On going through the material papers placed before us, we find that the entire issue is factual and the two authorities

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and the Tribunal have concurrently held against the appellant-assessee. Thus, we find, there is no question of law, much less substantial question of law arising for consideration in this appeal.

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7.Accordingly, the appeal fails and is dismissed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Deputy Commissioner of Income Tax,
Central Circle I(3),
Chennai-600 034.

2.The Assistant Registrar,
The Income Tax Appellate
Tribunal Bench 'A',
Chennai.

3.The Commissioner of Income Tax,
Appeal-I,
Chennai-34.

+1cc to Mr.S.Ramesh Kumar, Advocate, S.R.No.45652

+1cc to Mr.T.R.Senthil Kumar, Advocate, S.R.No.45633

T.C.A.No.414 of 2009

RSI(CO)
RVM(07/10/2021)

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