

P.L.Gandhi

In aforesaid case, **Madras High Court**, dismissing revenue's appeal, in context of substantial question of law "

"Whether in the facts and circumstances of the case the Tribunal was right in holding that the notice under Section 143(2) of the Income Tax Act, 1961 was issued after expiry of 12 months at the end of the month in which a return of income was filed and consequently, the assessment made came to be annulled?" has interalia concluded that :

"Having regard to the specific stipulation in Section 143 (2) of the Act that the issuance of the notice under the said Section should be made within 12 months from the end of the month in which the return of income was filed, it was legally obligated upon the appellant to have issued the said notice on or before 31.03.1999. The Tribunal's conclusion of having annulled the order of assessment on that score being valid in law, the same cannot be found fault with. The question of law is answered against the appellant. All the appeals fail and are dismissed"