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that in cases of this kind, the workmen must get retrenchment compensation and re-employment almost simultaneously is inconsistent with the very basis of the concept of retrenchment compensation. We are therefore, satisfied that the general principles of social justice and fair play on which this alternative argument is based, do not justify the claim made by the respondents.

In the result, the appeal is allowed and the award is set aside. There would be no order as to costs.

Appeal allowed.

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October, 24.

T. V. V. NARASIMHAM AND OTHERS

v.

THE STATE OF ORISSA

(S. K. DAS, K. SUBRA RAO and N. RAJAGOPALA AYYANGAR, JJ.)

Estates Abolition—Estates recognised by the Government—"Recognition", meaning of—Mere inaction, if amounts to recognition—Madras Estates Land Act, 1908 (1 of 1908), s. 3(2)(d).

The Government of Orissa, treating the villages in question as estates, issued notifications under the provisions of the Orissa Estates Abolition Act, 1952, declaring that the said estates became vested in the State free from all encumbrances from the dates specified therein. The inamdars of the respective villages challenged the legality of the notifications by filing petitions in the High Court of Orissa under Art. 226 of the Constitution of India on the ground that the said inams were not estates within the meaning of s. 3(2)(d) of the Madras Estates Land Act, 1908, as they were excluded from the assets

of the Jeypore Zamindari or Kotpad Paragana at the time of the settlements, that they were neither confirmed nor recognised by the British Government, and that, therefore, they were not liable to be abolished under the Orissa Estates Abolition Act. In respect of the villages held within the geographical limits of the Jeypore Zamindari, an enquiry was made by the Government as to whether they should be enfranchised, but, on objections raised by the Zamindar, the Government passed an order on November 1, 1919, deciding not to take further action. As regards the other villages, there was no evidence to show that the Government had directed any enquiry into the titles of the said inams or did any act *dehors* the enquiry to recognize their titles. The High Court took the view that mere inaction on the part of the Government amounted to recognition of the grants in favour of the inamdars and that the villages in question were recognized by the British Government within s. 3(2)(d) of the Madras Estates Land Act.

Held, that under s. 3(2)(d) of the Madras Estates Land Act, 1908, "recognition" meant an acknowledgement by the Government of the title of a grantee expressly or by some unequivocal act on its part. Acquiescence in the context of certain surrounding circumstances may amount to recognition, but it must be such as to lead to that inevitable conclusion. Mere inaction *dehors* such compelling circumstances cannot amount to recognition within the meaning of the section.

Inam Rules framed by the Government in 1859 providing for an enquiry and directing the confirmation of title on the basis of possession, laid down only a procedure for ascertaining the titles and did not *proprio vigore* confer title on, or recognize the title of, any inamdar.

Held, further, that the order of the Government dated November 1, 1919, amounted to a recognition of the inamdar's title, but that as regards the other inamdars in respect of whom no enquiry had been made, the High Court erred in holding that the Government had recognized their inams.

Secretary of State for India v. *Bhavamurthy*, (1912) 24 M. L. J. 538 and *Sam* v. *Ramalinga Mudaliar*, (1916) I. L. R 40 Mad. 664, approved.

Observations in *Mantravadi Bhavanarayana* v. *Merugu Venkatadu*, I. L. R. [1954] Mad. 116 and *P. V. Narayana Rao* v. *State of Orissa*, I. L. R. [1956] Cuttack 348, that mere inaction on the part of the Government would constitute recognition, disapproved.

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T.V.V. Narasimham v. State of Orissa

CIVIL APPELLATE JURISDICTION : Civil Appeals Nos. 147 to 157 of 1962.

Appeals from the judgment and order dated January 3, 1957, of the Orissa High Court in O. J. C. Nos. 71, 95, 75, 68, 69, 72, 74, 108, 70, 66 and 67 of 1954 respectively.

A. V. Viswanatha Sastri and *M. S. K. Sastri*, for the appellants.

H. N. Sanyal, Additional Solicitor-General of India, J. C. Naik, B. R. G. K. Achar and *R. N. Sachthey*, for the respondents.

1962. October 24. The Judgment of the Court was delivered by

Subba Rao, J.

SUBBA RAO, J.—These appeals raise the same point, namely, the true interpretation of the expression "recognised" in s. 3(2)(d) of the Madras Estates Land Act (1 of 1908), hereinafter called the Madras Act, and they can be disposed of together.

The facts giving rise to the said appeals may be briefly stated. The Government of Orissa treating the villages, which are the subject-matter of these appeals, as "estates" issued notifications declaring that the said estates became vested in the State free from all encumbrances from the dates specified therein. The inamdars of the respective villages filed petitions in the High Court of Orissa under Art. 226 of the Constitution for the issue of an appropriate writ for cancelling the said notifications and for orders prohibiting the State from taking possession of the said villages.

The said villages can be placed in three groups, namely, (i) villages covered by Appeals Nos. 150, 151 and 155 which are admittedly within the geographical limits of Jeypore Zamindari which was settled in the year 1803; (ii) villages covered by Appeals Nos. 149, 154 and 157 which are within the geographical

limits of Kotpad Paragana as settled in 1863, but the terms whereof were subsequently modified in 1901—the Kotpad Paragana, though it had separate existence at the time of the permanent settlement of the Jeypore Zamindari in 1803, had become part of the said Zamindari by subsequent events, the details whereof do not concern us at this stage ; (iii) villages covered by Appeals Nos. 147, 148, 152, 153 and 156 of 1962 in regard to which there is a dispute whether these villages formed part of Kotpad Paragana or of the Jeypore Zamindari as originally settled in 1803.

The case of the appellants is that the said villages which formed part of the original Jeypore Zamindari, are pre-settlement inams which were excluded from the permanent settlement ; and, as they were neither confirmed nor recognized by the British Government, they were not "estates" within the meaning of s. 3(2)(d) of the Madras Act and therefore not liable to be abolished under the Orissa Estates Abolition Act, 1952, hereinafter called the Orissa Act. Their contention in regard to the villages forming part of Kotpad Paragana is the same, namely, that the villages forming part of the said Paragana were grants made before the said Paragana was permanently settled in 1863, and, as they were not confirmed or recognized by the British Government, they were also not "estates" within the meaning of the said section. The State pleaded that the said villages, whether they formed part of the original Jeypore Zamindari or of Kotpad Paragana, were included in the assets of the said Zamindari or the Paragana at the time of their respective settlements and, therefore, they were "estates" within the meaning of either s. 3(2)(a) or 3(2)(e) of the Madras Act and were rightly abolished by the State. They further contended that the third group of villages formed part of the original Jeypore Zamindari, and that if the said villages formed part of Kotpad Paragana it would not make any difference in the legal position,

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as the permanent settlement of that Paragana was not made under Regulation XXV of 1802, and as such no land was excluded from its assets at the time of the settlement. To put it differently, their case is that in the settlement of Kotpad Paragana, the said villages were included in its assets.

The High Court did not give the decision on disputed facts but assumed the correctness of the appellants' case, namely, that the first group of villages were pre-settlement inams within the geographical limits of Jeypore Zamindari, as originally settled in 1803, and that the second and third groups of villages were pre-settlement inams situated in Kotpad Paragana as settled in 1863, and held that, as the said villages were recognized by the British Government within the meaning of s. 3(2)(d) of the Madras Act, they were "estates" liable to be abolished under the Orissa Act. On that finding the High Court dismissed the petitions filed by the appellants. Hence the appeals.

Section 3(2) of the Madras Act reads :

"Estate" means—

(d) any inam village of which the grant has been made, confirmed or recognised by the British Government, notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors in title of the grantee or grantees.

Mr. A. V. Viswanatha Sastri, learned counsel for the appellants, contends that the expression "confirmed" in the said cl. (d) of s. 3(2) refers to those inams which were confirmed by the Inam Commissioner, after investigation of titles, giving up the reversionary rights of the Government and issuing free-hold title deeds to the inamdars; and the expression "recognized", to those cases of inams whose titles were investigated by the Government but the

Government, for one reason or other, did not choose to issue title deeds but recognised the titles by some overt act. In other words, the expression "recognised" would only apply to such an inam the grantees' titles or possession whereof could be traced to some act of the Government done pursuant to the inam inquiry held in respect of the said titles.

Learned counsel for the State Mr. Sanyal, agrees with Mr. Viswanatha S astri in regard to the meaning of the word "confirmed", but advances the contention that in regard to pre-settlement inams, even the inaction of the Government under certain circumstances amounts to "recognition" of the said inams.

A brief historical account of classes of inams covered by cl. (d) of s. 3(2) of the Madras Act may be useful in appreciating its scope. The British Government was confronted with three classes of grants, namely, (i) those grants made by Hindu or Muslim Kings or under their authority, (ii) grants made by British Government, and (iii) unauthorised alienations, i.e., those made by persons who had no authority to make grants. For the purpose of ascertaining the title of unauthorised alienees Regulation XXXI of 1802 was passed whereunder rules were made for investigating into the titles of such alienees and for fixing the assessment thereon. The preamble to the Regulation expressly recognized the *Badshahi* grants i.e., grants made by kings. Section 2 of the said Regulation exempted from its operation grants made in certain districts before specified dates. The Regulation authorised the Collectors to take suitable steps for resuming such lands, but, for one reason or other, the said Regulation was not implemented in the manner conceived by its authors. In 1859 another serious attempt was made by the Government by issuing Inam Rules for investigating the titles of various inamdars. Under these rules an Inam commissioner was appointed, who made an investigation in regard to the

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various inams in the State and issued title deeds. But some areas were not covered by the enquiry and no enquiry was made in regard to the inams in these areas; even in the areas covered by the enquiry, though titles were ascertained, the Government did not enfranchise some inams, but indicated its intention to continue them. A lucid and precise exposition of this history is found in the valuable commentary of Vedantachari on the Madras Estates Land Act, at p. 51.

It would be seen from the history that when the Act of 1908 was passed there were five classes of grants of whole inam villages, namely, (i) villages granted by the British Government; (ii) villages granted by the previous rulers or persons under their authority; (iii) villages in the possession of unauthorized alienees whose titles had been ascertained and confirmed by the British Government; (iv) villages in the possession of unauthorised alianees whose titles were recognized by the said Government; and (v) villages in the possession of unauthorized alienees whose titles were not recognized by the British Government either because no inquiry in regard to titles was made or because even if such an inquiry was made the Government, for one reason or other, did not choose to recognize them.

In this context what is the appropriate connotation of the word "recognized" in s. 3(2)(d) of the Madras Act. The decisions cited at the Bar throw some light on the meaning of the said word. In *Secretary of State for India* v. *Bhanamurthy* (1), a division Bench of the Madras High Court had to consider the scope of the word "continued" in s. 17 of the Madras Act II of 1894. Under that section the Government had the right of resumption of a Karnam Service Inam if the said inam was granted or continued by the State. Though the word "recognized" was not in the section, some of the

(1) (1912) 24 M.L.J. 538, 540.

observations in the judgment can usefully be extracted. In 1860 when the inam inquiry was held, though the village was confirmed to the Agraharamdar, the Government did not interfere with the rights of the persons holding the Karnam Service Inams situated in that Agraharam. The Special Assistant stated in his report that the Government did not interfere with the subordinate tenures though the right of the holder to them was unquestionable and must be respected by the Agraharamdar, but he did not consider it necessary to decide that question. Sundara Aiyar, J., speaking for the Court, observed :

> "The result is that in 1860 the Government merely left the rights of the Karnams, if they had any, undisturbed. We cannot hold that there was any act done by Government which could be relied on by the Karnams as a recognition or confirmation of their rights".

Later on, the learned Judge proceeded to state :

> "The principle adopted appears to me to be that in order that Government may have the right of resumption, the right to the land must either have in the first instance emanated from Government or the continuance of the right must have been due to an act of Government. At any rate there must have been recognition by Government of the right which could be set up by the holder in support of his possession."

This decision is an authority for the position that mere inactivity or even leaving open the question for future decision by Government does not amount to a recognition of the right of an inamdar to hold possession. Another division Bench of the Madras High Court in *Sam* v. *Ramalinga Mudaliar* (1), though it was concerned with the interpretation of the expression "unsettled jaghirs" in s. 3(2)(c) of the Madras Estates Land Act, 1908, made some useful observations on the meaning of the word "recognized".

(1) (1916) I.L.R. 40 Mad. 664, 670.

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Srinivasa Ayyangar, J., observed :

> "It is difficult to assign a precise meaning to the word "recognized" whether mere acquiescence is enough or whether something more is required is not clear. I should be inclined to think that recognition implies something more than mere acquiescence, something done by the Government, as, for instance, by acceptance of service, jodi, etc."

This decision also insists upon an overt act by the Government in recognition of an inamdar's title. The decision in *Pitchaya* v. *Secretary of State* (1) does not support the contention of the respondent. That was also a case under s. 17 of the Madras Proprietary Estates Village Services Act (2 of 1894). There, lands at the inception of the grant were village service inams. Under s. 4 of Regulation XXV of 1802 they were excluded from the assets of the zamindari at the time of permanent settlement. Regulation XXIX of 1802 enabled the Government to obtain directly the services from the karnams who were previously under the control of the zamindars. Act 2 of 1894 enabled the Government to fix wages for the said office. As salaries were fixed for the karnams who were enjoying the land in lieu of their services, the Government directed the enfranchisement of the said lands. On the said facts the Court held that as the Government continued the said inams within the meaning of s. 17, it could enfranchise them. Strong reliance was placed upon the following observations made by the learned Judges in considering the decision in *Secretary of State* v. *Chinnapragada Bhanumurty* (2) :

> "He (Sundara Aiyar, J.) seems to have been inclined to the view that some overt act must be shown to have been done by the Government continuing the land in enjoyment of the office-holder as remuneration for doing the services."

(1) A.I.R. 1920 Mad. 748, 479. (2) (1912) 24 M.L.J. 538, 540.

Then the learned Judges proceeded to state :

> "If the learned Judge intended to lay down that the facts that the land was originally service inam, that it was excluded from the assets of the zamindar in 1802, and that subsequently the Government took service from the karnam and allowed him to enjoy the property, would not enable a Court of law to draw the inference that there has been a continuance of the grant within s. 17 of Act 2 of 1894, we are unable to agree with him."

It will be seen that this case did not lay down that mere inaction would amount to recognition or continuance; but on the facts, as there was a clear overt act on the part of the Government in accepting the services of the karnams, the learned Judges held that there was such a continuance. In *Ramalinga Mudali* v. *Ramaswami Ayyar* (1), a division Bench of the same High Court held that a particular inam must be taken to have been recognized by the Government in view of Regulation 31 of 1802. Venkatasubba Rao, J., observed at p. 543 that the grant was not a grant made by a previous zamindar but was a royal or badshahi grant and that by the preamble to Madras Regulation 31 of 1802 all royal grants must be deemed to have been recognized. A perusal of that preamble clearly shows that such grants were expressly recognized by the Government. This is a case where there was an express statutory recognition.

In that case apart from any inaction there was an admission made by a Committee appointed by the State of the holders' title to the inam, but the court preferred to base its decision on the Madras Regulation 31 of 1802. We have not been able to discover, nor the learned counsel for the respondent has been able to point out, any observations in the judgments of either of the two learned Judges either

(1) A. I. R. 1929 Mad. 529.

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expressly stating or even indicating their preference to the view that mere inaction would amount to recognition. A full Bench of the Madras High Court had to consider in *Mantravadi Bhavanarayana* v. *Merugu Venkatadu* (1) an altogether different question, namely, whether the existence of minor inams already granted before the grant of the village would make it anytheless of a grant of the whole village. In the course of the judgment, one of the learned Judges, Venkatarama Ayyar, J., incidentally observed :

> "It will be noticed that for purposes of the section, recognition of the grant of an entire village inam stands on the same footing as its confirmation; and there is authority that some recognition could be implied from conduct and even from inaction : vide *Ramalinga Mudali* v. *Ramaswami Ayyar* (2)".

But, as we have pointed out, this passage does not find any support in that judgment. A division Bench of the Orissa High Court in *P. V. Narayana Rao* v. *State of Orissa* (3), on a consideration of the case law on the subject came to the conclusion that mere inaction or acquiescence on the part of the Government would constitute recognition within the meaning of s. 3 (2) (d) of the Madras Act. But the facts of that case disclose that the Government expressly recognized the title of the inamdar. Indeed, this Court in appeal against that judgment based its conclusion on that fact. The said judgment of this Court was given in Civil Appeals Nos. 47 and 48 of 1960 on November 20, 1961. Therein this Court observed :—

> "It cannot however be disputed that confirmation by the Inam Commissioner and the issue of an inam title-deed is not the only method by which a pre-British grant would be

(1) I. L. R. 1954 Mad. 116,152. (2) A. I. R. 1929 Mad. 529.
(3) I. L. R. [1956] Cuttack 348.

"confirmed" or "recognised". In the present case the reason for the exclusion of this village from the scope of the Inam enquiry is apparent from the records produced. At the time of the inam settlement there appears to have been a controversy as to whether the reversionary right in regard to the inam vested in the Government or in the zamindar, and Government specifically directed the exclusion of this village from the inam enquiry, passing an order in the course of which they stated :

> "That they resolved to instruct the Inam Commissioner not to interfere with these villages and to waive their claim to them on the ground of expediency and grace,"—the right which they waived being their reversionary right to the inam."
>
> "We consider this a sufficient "recognition" of the grant as to bring this village within the definition of an "estate" within s.3(2)(d) of the Estates Land Act."

It would be seen from the said passage that the Government initiated an Inam enquiry in respect of the title of the inamdar, but, in view of the dispute raised by the zamindar, clearly waived its right to the said reversion; by so doing, it expressly recognized the title of the Inamdar to hold under the zamindar. This Court in that case has not expressed any opinion on the wide proposition accepted by the High Court, but has preferred to base its judgment on an express recognition of the title of the Inamdar. Another judgment of a division Bench of the Orissa High Court has been brought to our notice and it is said that the said decision expressed a contrary view, but the later decision had not even adverted to it. In that case the only evidence in support of the

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contention of recognition adduced was that the Collector realized cess from the zamindar in respect of the inams in question; there was no other evidence in support of that "recognition". The Court held that there was absolutely no evidence to show that the inam grant was recognised by the British Government. This decision, though it did not expressly say that inaction could not amount to recognition impliedly it did not accept such a contention or otherwise it would have held that there was recognition of the inam by the Government within the meaning of that section. This decision does not carry the matter further.

The foregoing discussion leads us to the following conclusion; recognition signifies an admission or an acknowledgment of something existing before. To recognize is to take congnizance of a fact. It implies an overt act on the part of the person taking such cognizance. "Recognition" is, therefore, an acknowledgment by the Government of the title of a grantee expressly or by some unequevocal act on its part. Acquiescence in the context of certain surrounding circumstances may amount to recognition, but it must be such as to lead to that inevitable conclusion. Mere inaction *dehors* such compelling circumstances cannot amount to recognition within the meaning of the section.

Now coming to the merits of the case, we shall first deal with the group of villages admittedly lying within the geographical limits of Jeypore zamindari, as originally settled in 1803. It appears that the Inam Commission appointed by the Government in 1862 called for and obtained from the zamindar a statement of pre-settlement and post-settlement inams within the geographical limits of the zamindari; but it did not make any inquiry in regard thereto. But in the year 1907 the Government of Madras directed an inquiry of the inams in the Jeypore zamindari by

a Special Deputy Collector by name Meenakshisundaram Pillai. In the inquiry held by him the zamindar did not put forward his claim. His report was not full or complete as it should be and it was simply recorded by the Government in its order dated February 25, 1910. The Government again by its order dated November 16, 1910, directed another officer named Burkitt to make a further or detailed inquiry into the inams of Jeypore zamindari, and he submitted his report to the Government which was recorded by it in its order dated May 19, 1914. On the basis of the said report the Government gave notice to the Maharaja of Jeypore to show cause why the said villages found to be pre-settlement inams by Burkitt should not be enfranchised. The Maharaja submitted his objections claiming that all the said villages formed part of his zamindari and the Government had no right of reversion therein. On November 1, 1919, the Government issued the following order No. 2489:

> "The Board of Revenue is informed that the Government have on re-consideration decided to take no further action in connection with the question of the settlement of pre-settlement inams in the Jeypore Zamindary."

In this context the relevant records, namely the reports of Meenakshisundaram Pillai and Burkitt and the objections filed by the Maharaja were not filed in the High Court. If they had been produced, as they should have been, the High Court and this Court would have been in a better position to appreciate the situation. But the aforesaid facts were given in the counter-affidavit filed on behalf of the State in O.J.C. No. 68 of 1954 and the correctness of those facts are not disputed before us. From the foregoing narration, the factual and legal position was this: The inamdars were holding the said inams under grants made by the Jeypore Maharaja prior to 1803.

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The Government claimed reversionary rights therein on the basis that these were pre-settlement inams not included in the assets of the zamindari at the time of the permanent settlement. The Maharaja claimed that the said villages were part of his zamindari i.e., they were included in the assets of the zamindari at the time of the permanent settlement. The Government presumably accepted that claim by deciding not to take further action in connection with the settlement of the pre-settlement inams of the Jeypore zamindari. It is not possible to accept the contention that there was only inaction on the part of the Government in the aforesaid circumstances. As there were conflicting claims between the Maharaja and the Government, and by withdrawing further action, the Government accepted the claim of the Maharaja, namely, that the Inamdars were holding the inams as under-tenure holders under the zamindar. This was a clear recognition of the Inamdars' title to hold under the zamindar. We agree with the High Court that the Government "recognized" the said grants within the meaning of s. 3(2) of the Madras Act.

As regards the second and the third groups of villages there is nothing on the record which discloses any recognition by the Government of the grants of the said inam villages. It does not appear that the Government had directed any inquiry into the titles of the said inams or did any act *dehors* the inquiry to recognize the said title. We find it very difficult to agree with the High Court that mere inaction on the part of the Government amounts to recognition of the grants in favour of the Inamdars. But the learned Additional Solicitor-General contends that the Inam Rules framed by the Government providing for an inquiry, and particularly the rule directing the confirmation of title on the basis of possession, would amount to recognition within the meaning of s.3(2)(d) of the Madras Act. We cannot accept this contention. Inam Rules were framed by the Government

in 1859 for investigating into the titles of various inamdars and for enfranchising inams. These rules *proprio vigore* did not confer title on, or recognize title of, any inamdar. They lay down only a procedure for ascertaining the titles in those areas where an inquiry was held for the purposes of investigation of titles and confirmation thereof. In this case no such inquiry appears to have been held in respect of Korpad Paragana. These rules do not therefore help the State. In our view the High Court went wrong in holding that the British Government recognized the said inams.

Lastly the learned Additional Solicitior-General contended that a grant of pre-settlement inam villages which did not fall within the definition of an "estate" in s. 3(2)(d) of the Madras Act would be an 'estate' within the definition of that expression in s. 2(g) of the Orissa Act and therefore the Government validity issued the notifications under s. 3(i) of the Orissa Act abolishing the aforesaid villages not recognized by the Government. This contention has been raised for the first time before us. The contention raised is not a pure question of law, but depends upon the proof of the conditions laid down in the said cl.(g) of s.2 of the Orissa Act. We do not think we are justified in allowing the respondent to raise a plea of mixed question of fact and law for the first time before us. There must have been very good reasons for the State not raising this extreme contention in the High Court. We should not be understood to have expressed our opinion one way or the other on this question.

In the result the Appeals Nos. 150, 151 and 155 are dismissed with costs, (one hearing fee); but unfortunately the rest of the appeals cannot now be finally disposed of as we have already indicated, the High Court did not give any findings on disputed questions of fact. We cannot but observe that these

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appeals belong to that class of cases where the High Court should have given definite findings on all the issues, for that would have prevented the unnecessary prolongation of this litigation and would have also enabled us to dispose of these appeals finally and more satisfactorily. But in the events that have happened we have no option but to set aside the judgment of the High Court and remand the said appeals to it for disposal on the other questions of fact and law raised therein. Costs of the said appeals will abide the result of the proceedings in the High Court.

Appeals Nos. 147 to 149, 152 to 154, 156 and 157 remanded. Appeals Nos. 150, 151 and 155 dismissed.

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October, 25.

COMMISSIONER OF INCOME-TAX, BOMBAY CITY I, BOMBAY

v.

AFCO (P) LTD., BOMBAY

(J. L. KAPUR, M. HIDAYATULLAH and J. C. SHAH, JJ.)

Income Tax—Rebate—Claim by private company for rebate—"Claim to which the provisions of s. 23A of the Income-tax Act cannot be made applicable"—Indian Income-tax Act, 1922 (11 of 1922), s. 23-A—Finance Act, 1955 (15 of 1955), s. 2, Sch. I, Part I, Item B.

For the year of account ending March 31, 1955, the appellant, a private limited company, earned a total income of Rs. 49,843. The company declared a dividend of Rs. 11,712 on July 13, 1955, and before the close of the year of assessment 1955-56 declared an additional dividend of Rs. 5,612, thereby distributing in the aggregate dividend which was not less than