

Correcting the Obvious: Mistake Apparent from Record & Need for Reflection

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The recent Air India Dreamliner crash continues to dominate public discourse. Despite extensive media coverage and expert speculation, no definitive cause has emerged. While investigations are ongoing, early analysis points toward possible lapses that could span across multiple dimensions: manufacturing flaws at Boeing, engine performance by GE, Air India's own maintenance practices, or even gaps in regulatory oversight by the DGCA.

This tragic incident reminds us that some mistakes leave no room for correction. However, others, when acknowledged in time, can be rectified. This distinction is critical not only in aviation but in the realm of law, where the concept of a "mistake apparent from the record" holds significant importance.

A "mistake apparent from the record" refers to a clear and self-evident error in an order or decision—one that can be identified without requiring extensive reasoning, debate, or re-evaluation of evidence. It is widely applied in taxation, administrative, and judicial contexts, notably under **Section 154** and **Section 254(2)** of the Income Tax Act, as well as **Order 47 Rule 1 of the Civil Procedure Code (CPC)**, which deals with review of judgments.

While there is no precise definition of this term in tax statutes, judicial pronouncements have helped crystallize its contours. The Supreme Court in *T.S. Balaram v. Volkart Brothers* [[TS-15-SC-1971-O](#)] observed that an error requiring a detailed process of reasoning or where multiple opinions are possible cannot qualify as an error apparent from the record. A similar stance was taken in *Parison Devi v. Sumitri Devi* [(1997) 8 SCC 715], where it was held that such errors must be self-evident to warrant review. It was observed as under:-

"9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be 'reheard and corrected'. A review petition, it must be remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise'."

A sound understanding of this concept is essential, especially since Section 254(2) empowers the Income Tax Appellate Tribunal (ITAT) to rectify any mistake apparent from its own records. Based on established precedents, we outline below some key principles and situations that constitute such rectifiable mistakes:

S.N	Nature of Mistake	Description	Key Judicial Precedents
1	Non-Consideration Legal Provision	of Failure to consider a relevant provision or rule having material bearing on the outcome.	Quilon Marine Produce Co. [TS-5677-HC-1984(Kerala)] -O] Gilard Electronics - ITAT

			Jaipur [TS-5252-ITAT-1986(Jaipur)-O] Ballabh Prasad Agarwalla [TS-5120-HC-1996(Calcutta)-O]
2	Consideration of Wrong Provision	Applying an incorrect legal provision impacting the decision.	Seth Madanlal Modi [TS-6022-HC-2002(Delhi)-O] Cumbum Co-op Town Bank Ltd. [TS-5659-ITAT-2022(Hyderabad)-O]
3	Ignoring Precedents	Judicial Non-consideration of binding precedents from jurisdictional HC or SC.	Saurashtra Kutch Stock Exchange Ltd. [TS-90-SC-2008-O]; Honda Siel Power Products Ltd. 2007 (11) TMI 8 (SC)
4	Non-Consideration Additional Evidence	Where additional material admitted is not examined or addressed.	H.L. Malhotra & Co. Pvt. Ltd. [TS-689-HC-2020(DEL)] Jyotsna Suri [TS-5057-SC-1998-O]
5	Impact of Appeal Status	If an appeal before High Court is filed but no substantial question of law is framed, the ITAT order can still be recalled.	RW Promotions P. Ltd. [TS-210-HC-2015(BOM)]
6	Non-Adjudication Grounds	Tribunal failing to adjudicate a ground raised in cross objection or Rule 27.	CONCENTRIX DAKSH BUSINESS PROCESS SERVICES [TS-5545-ITAT-2020(Delhi)-O]; Rashtrottana Parishat [TS-664-ITAT-2025(Bang)]
7	Failure to Address Material Contention	Omission to consider a crucial contention affecting merits or maintainability.	Laxmi Electronic Corp. Ltd. v. CIT [TS-5863-HC-1990(Allahabad)-O]
8	Dismissal Due to Non-Appeal Appearance	Tribunal dismissing appeal solely due to absence of appellant.	Universal Cold Storage Ltd. [TS-5737-HC-2019(Madras)-O]

The above instances are not exhaustive, but they offer a reliable framework for understanding what qualifies as a mistake apparent from record. Even where an appeal is dismissed due to low tax effect as per CBDT Circular, if the case falls under any of the circular's exceptions, the order may be recalled.

As the saying goes, "**To err is human**", but there is no virtue in **perpetuating an error**. The Sanskrit maxim "दोषोऽपि न भवति, तत्रैव तदुपलक्षणम्" rightly captures this essence: "When a decision contains an evident error, its reconsideration is just."

In law as in life, **assumption is the mother of all mistakes**. Precision in thought, and clarity in submission—both written and oral—are not just good habits for a tax professional; they are essential survival skills. And also - *Learn from the mistakes of others, life is not big enough to make each one of them.*

Conclusion

As we reflect on the devastating loss of lives in the Air India crash, let us pause to honour the memory of those who perished. May their souls rest in peace, and may their families find strength in this time of grief. This tragedy also reminds us, on a broader level, that while some errors are irreversible, others must be acknowledged and corrected with sincerity and urgency. In that, lies our collective responsibility—to learn, to improve, and to never ignore a mistake that stares us in the face.