

IN THE PRIVY COUNCIL

No. 24 of 1968

O N A P P E A L

FROM THE COURT OF APPEAL OF THE SUPREME COURT OF GUYANA

B E T W E E N :

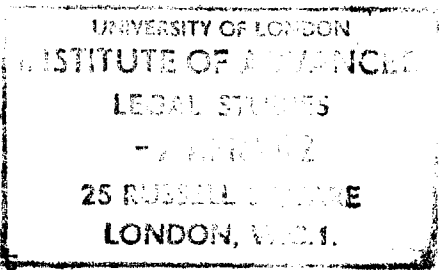
THE ARGOSY COMPANY LIMITED
(in voluntary liquidation)

Appellant

- and -

THE COMMISSIONER OF INLAND
REVENUE

Respondent



10

CASE FOR THE APPELLANT

RECORD

1. This is an appeal by special leave from an Order of the Court of Appeal of the Supreme Court of Guyana (Stoby, C., Luckhoo J.A., and Cummings J.A.) dated the 26th October, 1966, dismissing an appeal by the Appellant from an Order of the Supreme Court (Mr. Justice Persaud) dated the 16th October, 1965. The said Order of the Supreme Court allowed an appeal by the Respondent from a decision of the Board of Review, and set aside its decision. By its decision, dated the 29th September, 1964, the Board of Review had annulled an assessment to tax made by the Respondent upon the Appellant on the 31st October, 1963, in the sum of \$25,000 (\$11,250 tax) in respect of the year of assessment 1962.

p. 48

p. 40

p. 17

p. 11

2. The said assessment was a "best of judgment" assessment made under the provisions of section 48(4) of the Income Tax Ordinance, and the question in issue in this appeal is whether upon the facts found by the Board of Review and the additional evidence given before

Cap.299
(as amended)
p. 17

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RECORD

p.25-26

Mr. Justice Persaud, and upon a sound construction of section 48(4), the Respondent was entitled to make the said assessment, or any assessment in respect of the year of assessment 1962, upon the Appellant.

3. The following statutory provisions are relevant to the question in issue in this appeal :

Cap. 299
(as amended)

Income Tax Ordinance

"Section 2

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In this Ordinance, unless the context otherwise require -

.....
.....
.....

"year of assessment" means the period of twelve months commencing on the 1st January, 1929, and each subsequent period of twelve months."

"Section 5

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(1) Income tax, subject to the provisions of this Ordinance, shall be payable at the rate or rates herein specified for each year of assessment upon the income of any person accruing in or derived from the Colony or elsewhere, and whether received in the Colony or not, in respect of -

(a) gains or profits from any trade, business, profession, or vocation, for whatever period of time the trade, business, profession, or vocation, may have been carried on or exercised;"

.....
.....
.....

"Section 8

RECORD

Subject to the provisions of this Ordinance, tax shall be charged, levied, and collected for each year of assessment upon the chargeable income of any person for the year immediately preceding the year of assessment."

"Section 15

10 Where a loss is incurred in the year preceding a year of assessment in any trade, business, profession, or vocation carried on by any person either solely or in partnership, or from the letting of property by any person either solely or in partnership, the amount of the loss shall be carried forward and, subject as hereinafter provided, shall be set-off against what would otherwise have been his chargeable income in the year or years following until it is completely recouped :

20 Provided that -

- (a) the amount of loss allowed to be set-off in computing the chargeable income of any year shall not exceed the amount, if any, of the gains or profits for the year of assessment in respect of the trade, business profession, vocation or property in respect of which the loss was incurred;
- 30 (b) the amount of loss allowed to be set-off in computing the chargeable income of any year shall not be set-off in computing the chargeable income of any other year;
- 40 (c) in the case of any agricultural business, the set-off shall not be allowed to an extent which will reduce the tax payable for any year of assessment to less than one-half of the amount which would have been payable had the set-off not been allowed;

RECORD

(d) where the income derived from part of the trade or business of any person has been exempt from Income Tax under the provisions of paragraph (b) of subsection (1) of section 2 of the Income Tax (In Aid of Industry) Ordinance, and the income derived from any other part of his trade or business is not so exempt, the parts of the trade or business shall be deemed to be separate businesses for the purpose of this section."

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"Section 48

(1) The Commissioner shall proceed to assess every person chargeable with the tax as soon as may be after the day prescribed for delivering the returns.

(2) Where a person has delivered a return the Commissioner may -

(a) accept the return and make an assessment accordingly; or

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(b) refuse to accept the return and, to the best of his judgment, determine the amount of the chargeable income of the person and assess him accordingly.

(3) Where a person has not delivered a return on or before the due date (including such particulars as are required by subsection (11) of section 33 of this Ordinance) the Commissioner may make a provisional assessment of chargeable income within three months after the prescribed date based on -

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(i) in the case of a person carrying on a trade or business, seven and one-half per centum of the turnover of the year previous to the year preceding the year of assessment; or where the turnover for that year has not been ascertained, on such reasonable estimate of that turnover as the Commissioner to the best of his

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judgment may determine,

RECORD

- (ii) in the case of a person exercising a profession or vocation, such average earnings of the particular profession or vocation as the Commissioner to the best of his knowledge may determine,

10 but the assessment shall not affect any liability otherwise incurred by the person by reason of his refusal, failure, or neglect to deliver a return, and notwithstanding the provisions of section 56 of this Ordinance it shall not be lawful for any person to dispute such an assessment unless he delivers a true and correct return within the period provided for by subsection (3) of section 56 of this Ordinance within which objections to an assessment shall be made

20 (4) Where a person has not delivered a return and the Commissioner is of the opinion that the person is liable to pay tax, he may, according to the best of his judgment, determine the amount of the chargeable income of that person and assess him accordingly, but the assessment shall not affect any liability otherwise incurred by the person by reason of his refusal, failure, or neglect to deliver a return.

30 (5) Where a person has not made a return of chargeable income for the year immediately preceding any year of assessment within the time specified in a notice issued by the Commissioner to such person under subsection (4) of section 40 of this Ordinance, the Commissioner shall add to the assessment a sum of five per centum of the amount of tax assessed and such sum shall be deemed to be part of the tax and shall be recoverable accordingly."

40 4. The principal facts material to the question in issue in this appeal may be summarised as follows :

RECORD

- p. 18 (i) The Appellant is a company incorporated in Guyana under the Companies Ordinance, Chapter 328, with its registered office situate at Vlissenger Road, Bel Air Park, East Coast, Demerara, and until the beginning of the year 1961 carried on a single business comprising several departments such as printing, publishing, stationery, and bookselling, and including a book store at Hincks Street, Georgetown.
- p. 18 (ii) The Appellant made returns to the Respondent of the profits of its business up to and including the year 1960, but made no return for the year 1961 or for any subsequent year, the books of account of the Appellant having been destroyed by fire during a riot in February 1962. The Appellant carried on its business until the end of February 1961. Then, or between then and March, 1962, the Appellant sold its entire business. The precise extent to which the business was disposed of by any particular date is not found in the judgments with great precision, but the facts are contained in the decision of the Board of Review, and in the judgment of Mr. Justice Persaud before whom certain additional evidence was given. The version of the facts least favourable to the Appellant is that contained in the judgment of Mr. Justice Persaud. According to that version, the Appellant sold its entire enterprise in March 1961 with the exception of the book store (commonly known as "Hincks Street") which it continued to operate until March 1962 when the Appellant went into liquidation. The decision of the Board of Review accepted that in 1961 any business carried on by the Appellant was on a very limited scale. The contention of the Appellant was that the premises at Hincks Street were kept open after February 1961 for purposes of collection only and that no trade was done.
- p. 17 10
p. 30 20
p. 30 30
p. 31 40
p. 19
p. 26 40
- p. 11 (iii) The Appellant having failed to make a return of the profits of its business for the year 1961, the Respondent made a "best of judgment" assessment upon the Appellant for the year of assessment 1962 purporting to act under

the provisions of Section 48(4) of the Income Tax Ordinance, Chapter 299, (as amended by the Income Tax (Amendment) Ordinance, 1962) in the sum of \$11,250,00 (tax) upon a chargeable income of \$25,000, being the income of the Appellant as so determined by the Respondent for the year of income 1961.

RECORD

Section 48(4) of the Income Tax Ordinance provide as follows :

10 "(4) Where a person has not delivered a
return and the Commissioner is of the
opinion that the person is liable to pay
tax, he may, according to the best of
his judgment, determine the amount of
the chargeable income of that person and
assess him accordingly, but the assessment
shall not affect any liability otherwise
incurred by the person by reason of his
refusal, failure, or neglect, to deliver
20 a return."

(iv) The Appellant made a net loss, as agreed with the Respondent, on its business for the years of income 1959 and 1960 as follows :

p. 18

for the year 1959 - \$32, 173;
for the year 1960 - \$30,171;

and the accumulated loss to the 31st December, 1960, was \$124,801; the gross profits or loss of the various departments for the years of income 1958, 1959 and 1960 being as follows:

p. 31

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p. 53, 61,
63

| Department | 1958 | | 1959 | | 1960 | |
|---------------|--------|------|--------|------|--------|------|
| | Profit | Loss | Profit | Loss | Profit | Loss |
| | \$ | \$ | \$ | \$ | \$ | \$ |
| Hincks Street | 880 | | 10,168 | | 15,275 | |
| Job Printing | 59,597 | | 16,072 | | 6,544 | |

RECORD

| Department | 1958 | | 1959 | | 1960 | |
|---------------------------------|--------------|------------|--------------|------------|--------------|------------|
| | Profit \$ | Loss \$ | Profit \$ | Loss \$ | Profit \$ | Loss \$ |
| Process Engraving | 2,633 | | | 1,680 | 982 | |
| Station- ery De- partment | | 5,173 | | 3,877 | | 15,512 |
| Newspaper Depart- ment | | 51,357 | | 5,824 | 26,015 | 10 |

p. 21 5. On the 29th day of September, 1964, the Board of Review annulled the assessment made upon the Appellant on the ground that when it was made the Respondent had no material on which to base an opinion that the Appellant was liable to pay tax, and that the assessment was arrived at by guess work.

p. 40 6. On the 16th day of October, 1965, Mr. Justice Persaud allowed an appeal by the Respondent against the decision of the Board of Review, and affirmed the assessment on the ground that the Appellant had carried on the Hincks Street part of its business in 1961, and that having regard to the fact that the Appellant had made a [gross] profit from this part of its business in 1958, 1959 and 1960 of \$880, \$10,168 and \$15,275, respectively, the Appellant had failed to discharge the onus of showing that the assessment was either defective as being arbitrary or capricious, or that it was excessive. 20

p. 48 7. On the 26th day of October, 1966, the Court of Appeal dismissed the Appellant's appeal from the Order of Mr. Justice Persaud, but gave no reasoned judgments. In December 1967 the Court of Appeal was asked to give the reasons for its judgment, and on the 17th day of December, 1968, gave its reasons in writing, Luckhoo J.A. and Cummings J.A. concurring in the judgment of Stoby C. In his judgment 30

p. 45 40

Stoby C. said that the Appellant, having submitted no return to the Respondent, was bound by the assessment made by the Respondent under section 48(4) of the Income Tax Ordinance unless it could discharge the onus of showing that the assessment was excessive. It was not enough for the Appellant to allege that it had made no profits. It must prove it. This the Appellant had failed to do.

10 8. By an Order in Council dated the 13th day of November, 1967, the Appellant was granted special leave to appeal from the Order of the Court of Appeal of the Supreme Court of Guyana. p. 50

20 9. The Appellant submits that the decision of the Board of Review was correct and ought to be restored. The assessment upon the Appellant for the year of assessment 1962 was in respect of a chargeable income of \$25,000 from the Appellant's trade for the year 1961. p. 17

While the Appellant's trade comprised several departments, the profits of which had for domestic reasons been separately computed, it is common ground (contrary to a statement in the Judgment of Persaud J.) that in previous years, and in the year of assessment 1962, the Appellant was assessed for tax upon the profits of its undivided trade. Accordingly the assessment under appeal assumes a net profit for that trade for 1961 of \$25,000. p. 31

30 In making the assessment the Respondent was much influenced by the fact that in previous years the Hincks Street branch of the Appellant's trade had made a gross profit, namely: 1958 - \$880, 1959 - \$10,168, 1960 - \$15,275. The Appellant submits that an examination of the Appellant's accounts for 1958, 1959, and 1960 shews that it would have been impossible for the Hincks Street branch to have made a net profit of \$25,000 in 1961, or anything more than an insignificant profit, and impossible for the Appellant's undivided trade - which was in fact the subject of the assessment - to have made any net profit, having regard to the circumstances in which the trade was being carried on. These p. 58 et seq.

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RECORD

circumstances were that the Appellant's business, excluding the Hincks Street branch, was disposed of in February or March, 1961, that the Hincks Street Branch was disposed of in March 1962, and that the business of the Hincks Street branch in 1961 was carried on at a very reduced rate, being primarily that of a collecting depot.

There is set out in the Table below information relating to the Hincks Street branch, as follows : 10

For the years 1958, 1959, 1960

- Line 1: The Gross Profit.
- Line 2: The Net Profit, estimated on the basis explained in the Schedule to this Case.
- Line 3: The Sales.
- Line 4: Gross Profit as a percentage of Sales
- Line 5: Net Profit as a percentage of Gross Profit. 20

For the year 1961:

- Line 1: The Gross Profit, estimated by applying the average of the percentage of Net Profit to Gross Profit for 1959 and 1960.
- Line 2: The Net Profit, as assumed by the Assessment.
- Line 3: The Sales, estimated by applying the average of the percentage of Gross Profit to Sales for 1959 and 1960. 30
- Line 4: Gross Profit as a percentage of Sales
- Line 5: Net Profit as a percentage of Gross Profit

Hincks Street Branch

RECORD

| | 1958 | 1959 | 1960 | 1961 |
|-----------------------------------|--------|--------|---------|---------------------|
| Gross Profit | 880 | 10,168 | 15,275 | 36,100* |
| Net Profit | 2,514* | 7,194* | 10,357* | 25,000 ^A |
| Sales | 54,554 | 76,177 | 102,718 | 255,123* |
| 10 Gross Profit as a % of Sales | | 13.4% | 14.9% | 14.15% |
| Net Profit as a % of Gross Profit | | 70.7% | 67.8% | 69.25% |

* Estimated

A As Assessed

20 Thus the assessment of \$25,000 assumes a volume of business for the Hincks Street branch in 1961 considerably greater than that in previous years, whereas it is plain that the business was being carried on at a reduced rate. The percentage increase in Sales in previous years was as follows :
1959 - 40% up on 1958, 1960 - 25% up on 1959. Even if the business - instead of being run down - had increased in 1961 at a similar rate the Sales would not have exceeded
30 \$140,000, yielding, on the same assumptions and estimates as previously made, a gross profit of \$19,800 and a net profit of \$13,700.

Furthermore, these results come from considering the operations of the Hincks Street branch in isolation, whereas the

RECORD

assessment, as in previous years, was upon the profits of the Appellant's undivided trade. Since the Appellant's trade had been carried on at a loss in previous years - agreed with the Respondent as 1959 - \$32,173, 1960 - \$30,171 --, and since the Appellant's trade was carried on until about March 1961, any profit from the Hincks Street branch would, in computing the profits of the undivided trade, fall to be reduced by the amount of the loss on the remainder of the Appellant's trade, for the period it was carried on in 1961 until about the end of March. The loss which would have been incurred on this part of this trade in 1961 is estimated at about \$8,800, as follows:

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| | | |
|--|---------------|----|
| Net Loss per 1960 Profit and Loss Account | \$66,084 | |
| <u>Less Provision for Bad and Doubtful Debts</u> | <u>34,179</u> | |
| | 31,905 | 20 |
| <u>Add Profit attributable to Hincks Street branch (see Table above)</u> | <u>10,357</u> | |
| | \$42,262 | |

Loss for the period 1st January to date of sale, say 2½ months at rate of loss of previous year, i.e. \$42,262 p.a. = \$8,800

Thus in order to support an assessment of \$25,000 it would have been necessary for the Hincks Street branch to have earned a net profit of \$25,000 and 8,800 = \$33,800, giving, on the same assumptions and estimates, the figures of \$48,290 for gross profit, and of \$345,000 for sales. 30

Just as it is possible to show that the Appellant could not have made a net profit in 1961 of \$25,000, so, it is submitted, it is possible to show that it could not have made

10 any net profit. First, as explained above, it is necessary to take into account a loss (estimated at \$8,800) on the parts of the Appellant's trade other than the Hincks Street branch. Secondly, since the Hincks Street branch in 1961 did not carry on an active trade but primarily operated as a collecting depot, any profit from its business must have arisen from the disposal of its stock, namely \$42,726. If this was disposed of at cost, trading would have resulted in a loss equal to the amount of the working and overhead expenses. If the stock was disposed of at the best prices obtainable it is estimated that the Hincks Street branch in 1961* might have made a net profit of \$3,274 - less than the amount of the loss on the other parts of the Appellant's trade.

20 Estimate of Net Profit of Hincks Street branch 1961

Gross profit, before charging working expenses, as percentage of Sales in previous years

| | |
|------|-------|
| 1959 | 30.4% |
| 1960 | 29.2% |

Average percentage = 29.8%, say 30%, equivalent to a mark-up on cost of 43%.

Estimated Sales = \$42,726 + 43% = \$61,100

30 Estimated Working Expenses, and Overhead expenses, as percentage of Sales in previous years -

1958 24% on Sales of \$54,554

1959 21% on Sales of \$76,177

1960 19% on Sales of \$102,718

Percentage appropriate to \$61,100 - 23% giving,

Estimated Working Expenses and Overhead Expenses (say) \$14,000

RECORD

Estimated sales, and Working Expenses, require to be reduced to allow for the run down in the business:

| | | | |
|---|--------------|---------------------|----|
| Normal Sales | | £61,100 | |
| Reduce by 10% | | <u>6,100</u> | |
| | | 55,000 | |
| <u>Less</u> Opening Stock | | <u>42,726</u> | |
| | | 12,274 | |
| <u>Less</u> Working and Overhead Expenses | £14,000 | | 10 |
| Reduce by | <u>5,000</u> | <u>9,000</u> | |
| Net Profit | | <u><u>3,274</u></u> | |

p. 26-27

* This estimate assumes that the whole of the stock was disposed of in 1961. This is an assumption favourable to the Respondent since it appears from the evidence of Mr. A.M.S. Barcellos, given in the course of the hearing before Persaud, J., that the stock, fittings, and fixtures of the book shop were sold in 1962 for £8,500: of which £8,000 appears to have been attributable to the stock. 20

Finally, in making the assessment, the Respondent ignored the fact that the Appellant had made a loss upon its trade in previous years, agreed with the Respondent in the sum of £32,173 for 1959, and £30,171 for 1960. In accordance with the provisions of section 15 of the Income Tax Ordinance the Appellant was entitled to carry forward this loss, and set it off against what would otherwise have been its chargeable income. The Respondent either failed to apply the provisions of section 15 or, if he applied them, must have treated the Appellant as having a chargeable income in 1961 of £87,343 (i.e. £32,172 + £30,171 + £25,000). 30

10. The Appellant humbly submits that the Order of the Court of Appeal should be reversed, that the decision of the Board of Review should be restored, and that the said assessment should be annulled for the following (amongst other)

RECORD

R E A S O N S

- 10 (1) BECAUSE the said assessment was either based upon guess work and so was capricious and arbitrary, or was based upon the information available and upon that information was excessive, unjustified and oppressive;
- (2) BECAUSE upon the facts found by the Board of Review, and the additional evidence given before Mr. Justice Persaud, no assessment was justified;
- 20 (3) BECAUSE, applying the provisions of section 15 of the Ordinance, on the basis that the Appellant had made an agreed loss in its trade for 1959 and 1960 of \$32,173 and \$30,171 respectively, it was on the facts impossible for the Respondent properly to determine the amount of the chargeable income of the Appellant for the year of assessment 1962 in the sum of \$25,000 or in any sum other than nil.

J. RAYMOND PHILLIPS

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HENRY BROOKE

SCHEDULE TO APPELLANT'S CASE

THE ARGOSY COMPANY LIMITED

(2)

TRADING AND ESTIMATED PROFIT AND LOSS ACCOUNTS

FOR THE HINCKS STREET BRANCH

| | <u>1958</u> | <u>1959</u> | <u>1960</u> |
|---|---------------|---------------|----------------|
| Sales | 54,554 | 76,177 | 102,718 |
| Purchases | 52,793 | 58,322 | 86,469 |
| Add Opening Stock | 14,809 | 23,673 | 28,954 |
| | <u>67,602</u> | <u>81,995</u> | <u>115,423</u> |
| Less Closing Stock | 23,673 | 28,953 | 42,726 |
| | <u>43,929</u> | <u>53,042</u> | <u>72,697</u> |
| <u>GROSS PROFIT</u> , before charging Working Expenses | 10,625 | 23,135 | 30,021 |
| Working Expenses - | | | |
| Salaries | | 6,496 | 7,573 |
| Wages | | 2,236 | 1,935 |
| Telephone | | 171 | 218 |
| Rent | | 2,220 | 2,760 |
| Light and Power | | 102 | 233 |
| Stationery and Printing | 9,745 | 198 | 336 |
| Freight and Postages | | 87 | 67 |
| Cables | | 9 | - |
| Advertising | | 600 | 600 |
| Miscellaneous | | 848 | 1,023 |
| | <u>880</u> | <u>12,967</u> | <u>14,745</u> |
| | | 10,168 | 15,276 |

/Continued....

SCHEDULE TO APPELLANT'S CASE (Continued)

| | <u>1958</u> | | <u>1959</u> | | <u>1960</u> |
|--|-----------------|---------------------|--------------|----------------------|--------------|
| | Brought Forward | 880 | | 10,168 | 15,276 |
| <u>GROSS PROFIT</u> | | | | | |
| Expenses (estimated) per Profit and Loss Accounts * -- | | | | | |
| Audit Fee | 35 | | 65 | | 85 |
| Bad Debts | 1,650 | | - | | 520 |
| Bank Charges | 28 | | 37 | | 89 |
| Depreciation | 31 | | 29 | | 28 |
| Directors Fees | 101 | | 187 | | 245 |
| Discount | 3 | | 5 | | 9 |
| Donations | 34 | | 53 | | 76 |
| Charges re Employees | 294 | | 403 | | 692 |
| Expenses | 312 | | 800 | | 1,262 |
| Insurance | 653 | | 1,198 | | 1,501 |
| Interest | 203 | | 147 | | 362 |
| Legal Charges | 50 | | 50 | | 50 |
| | <u>3,394</u> | | <u>2,974</u> | | <u>4,919</u> |
| <u>NET PROFIT/LOSS</u> | Loss | <u><u>2,514</u></u> | Profit | <u><u>7,194</u></u> | Profit |
| | | | | <u><u>10,357</u></u> | |

* see Notes following

Notes: In allocating expenses to the Hincks Street branch in certain cases the total expense has been apportioned on the basis of the turnover of the Hincks Street branch expressed as a percentage of the total turnover -

1958 - 7%
1959 - 13%
1960 - 17%

Audit Fee Apportioned on turnover basis

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Circulation Audit Fee Excluded.

Bad Debts 1958: Stationery Accounts

1960: Apportioned on turnover basis

Bank Charges Apportioned on turnover basis

Depreciation Estimated on furniture and fittings at Hincks Street.

Directors' Fees Apportioned on turnover basis.

Discount Apportioned on turnover basis.

Donations Apportioned on turnover basis.

Charges to Employees

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| | <u>1958</u> | <u>1959</u> | <u>1960</u> |
|--------------------------------|-------------|-------------|-------------|
| Employees benefit Scheme | 900 | 900 | 900 |
| Pensions | 3,621 | 6,162 | 7,656 |
| Bonus to Staff | 120 | -- | -- |
| <u>Included in Expenses:</u> | | | |
| Wages | 3,937 | 2,913 | 2,896 |
| Stamps | 327 | 480 | 287 |
| Overtime refreshments to Staff | 505 | 655 | 370 |

| | | | |
|--------------------|--------------|---------------|---------------|
| First Aid Supplies | 270 | 80 | 103 |
| Funeral Expenses | 110 | -- | 138 |
| | <u>9,790</u> | <u>11,190</u> | <u>12,350</u> |

Apportioned for 1959 and 1960 on basis of the percentage borne by the main Wages and Salaries of the Hincks Street branch to the total Wages and Salaries. (The charges for Wages and Salaries are included in Working Expenses and charged in the Trading Accounts before arriving at the Gross Profit/Loss).

10

1959 3.6% of 11,190 = 403

1960 5.6% of 12,350 = 692

No details of Working Expenses are available for 1958. As other charges have been lower than in later years a lower percentage has been adopted, viz: 3% giving for

1958 3% of 9,790 = 294

Expenses Balance apportioned on turnover basis.

20

Insurance Exclude one-third as probably relating to Vlissenger Road only. Balance apportioned on basis of double the turnover percentage to allow for the fact that the stocks at Hincks Street were proportionately greater than elsewhere.

Interest

Calculate Debtors on the basis of the turnover percentage :

1958 7% of 186,738 = 13,072

30

1959 13% of 99,860 = 12,982

1960 17% of 104,008 = 17,680

Total Assets of Hincks Street

| | <u>1958</u> | <u>1959</u> | <u>1960</u> |
|---------------------------|---------------|---------------|---------------|
| Debtors | 13,072 | 12,982 | 17,680 |
| Stocks | 23,673 | 28,953 | 42,725 |
| Furniture and Fittings | 583 | 554 | 526 |
| | <u>37,328</u> | <u>42,489</u> | <u>60,931</u> |

As percentage of total
assets 6% 8.3% 13.4%

10

Apportion interest accordingly:

1958 6% of 3,387 = 203

1959 8.3% of 1,977 = 147

1960 13.4% of 2,702 = 362

No. 24 of 1968

IN THE PRIVY COUNCIL

O N A P P E A L

FROM THE COURT OF APPEAL OF THE
SUPREME COURT OF GUYANA

B E T W E E N :

THE ARGOSY COMPANY LIMITED
(in voluntary liquidation)

- and -

THE COMMISSIONER OF INLAND
REVENUE

CASE FOR THE APPELLANT

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