

(2001) 03 DEL CK 0162

In the Delhi High Court

Case No : GT Reference No. 1 of 1993 28 March 2001

CGT

APPELLANT

Vs

HANS RAJ

RESPONDENT

Date of Decision : 28-03-2001

Acts Referred:

Citation : (2001) 119 TAXMAN 129

Hon'ble Judges : Arijit Pasayat, C.J.;D.K. Jain, J

Bench : Full Bench

Advocate : Girdhari Lal, R.D. Jolly and Ms. Prem Lata Bansal, for the Revenue Kanwal Krishan, for the assessee, for the Appellant;

Judgement

Heard.

2. At the instance of revenue, following question has been referred for opinion of this court u/s 26(1) of the Gift Tax Act, 1958 (hereinafter referred to as Act) by the Tribunal, Delhi Bench C :

"Whether, on the facts and in the circumstances of the case, the Tribunal is correct in law in adopting the value of the gifted property by rent capitalisation method as against the Valuation Officer u/s 15(6) of the Gift Tax Act, 1958 ?"

3. The dispute relates to the conclusion of the Tribunal about the proper method to be applied for valuation of the gifted property. The Tribunal held that taking into account the peculiar circumstances that the property was tenanted and the tenant was occupying house since long and was continuing even after the gift, indicated that rent capitalisation method was the proper method. The learned counsel for the revenue submitted that the position would be different after 1989, but when the proceedings related to an earlier period, the method adopted by the Tribunal would not be proper.

4. It is not in dispute that rent capitalisation method is one of the approved methods of the valuation of an immovable property, which is let out.

Findings of the Tribunal to which we have made reference above are essentially factual. That being the position, in our view, no question of law arises which is to be answered. We, Therefore, decline to answer the question referred.

5. Reference is, accordingly, disposed of.