(1996) 11 P&H CK 0018

In the Punjab And Haryana At Chandigarh

Case No : IT Appeal No. 2 of 1985 and 21 of 1987

COMMISSIONER OF INCOME TAX — APPELLANT

Vs

SUBASH VOHRA. — RESPONDENT

Date of Decision : 27-11-1996

Acts Referred:

Citation : (1997) 140 CTR 243

Hon'ble Judges : G.S. Singhvi, J

Bench : Division Bench

Judgement

G.S. SINGHVI, J. :

These appeals are directed against the orders passed by the Tribunal, Amritsar and the Tribunal, Delhi A Bench, Delhi, whereby the orders passed by the competent authorities for the acquisition of the properties belonging to the respondents have been set aside. In ITA No. 21 of 1987, the Tribunal has remanded the case to the competent authority for fresh decision while setting aside the order of acquisition.

2. There is no controversy between the parties that the apparent value of the properties purchased by the respondents in each of these appeals is less than Rs. 5 lakhs.

The Circular No. 455, dt. 16th May, 1986, issued by the CBDT directing the competent authorities to drop the proceedings in cases where the apparent consideration of the property was less than Rs. 5 lakhs came up for interpretation before this Court in Commissioner of Income Tax Vs. Export India Corporation (P.) Ltd., . After taking into consideration the object with which the circular was issued by the CBDT, this Court held that the same would be applicable to the proceedings pending at the appellate stage as well. The same view has been reiterated by this Court in Commissioner of Income Tax Vs. Gobind Ram, and CIT vs. Gursher Singh & Anr. (ITA No. 7 of 1980 decided on 18th Nov., 1996) along with four other appeals.

In our opinion, there is no reason to differ from the view expressed in the above referred three decisions.

3. In view of the above, the appeals filed by the CIT deserves to be dismissed. Ordered accordingly.