(1988) 04 RAJ CK 0022

In the Rajasthan High Court

Case No : Wealth-tax Reference No. 8 of 1982

Commissioner of Wealth-tax — APPELLANT

Vs

Adarsh Gram Trust — RESPONDENT

Date of Decision : 27-04-1988

Acts Referred:
Wealth Tax Act, 1957 — Section 5(1)

Citation : (1989) 175 ITR 75

Hon'ble Judges : J.S. Verma, C.J;Milap Chandra, J

Bench : Division Bench

Advocate : B.R. Arora, for the Appellant;

Judgement

J.S. Verma, C.J.—This reference at the instance of the Revenue u/s 27(1) of the Wealth-tax Act, 1957, is to answer the following question of law, namely :

"Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the net wealth of the Adarsh Gram Trust is exempt u/s 5(1)(i) of the Wealth-tax Act, 1957, in view of the objects mentioned in the Notification No. 11 dated January 4, 1949 ?"

The relevant assessment years are 1970-71 and 1971-72, in respect of which this common question of law has been referred for decision. In respect of the same assessee for another year of assessment, the same question was referred for decision by this court on the same facts. A Division Bench of this court in D. B. Civil Wealth-tax Reference No. 53 of 1972, decided on December 3, 1984--Commissioner of Income Tax Vs. Adarsh Gram Trust, answered the question in the affirmative, against the Revenue and in favour of the assessee. Following that decision, this reference also has to be answered against the Revenue.

2. Consequently, the reference is answered against the Revenue and in favour of the assessee by holding that the Tribunal was justified in holding that the net wealth of the assessee is exempt u/s 5(1)(i) of the Wealth-tax Act. No costs.