(1991) 03 BOM CK 0056

In the Bombay High Court

Case No : Wealth-tax Reference No. 184 of 1988

Commissioner of Wealth Tax	APPELLANT
Vs	
Executors of Late D.T. Udeshi	RESPONDENT

Date of Decision : 25-03-1991

Acts Referred:
Wealth Tax Act, 1957 — Section 27

Citation : (1992) 101 CTR 290 : (1991) 189 ITR 319

Hon'ble Judges : T.D. Sugla, J;B.N. Srikrishna, J

Bench : Division Bench

Advocate : G.S. Jetley, for the Appellant; K. Shivram, for the Respondent

Judgement

T.D. Sugla J.

1. Shri Shivram, learned counsel for the respondent assessee, has been heard. He has pointed out that the tax effect, if the Department succeeds, is going to be of Rs. 37,381 for as many as six assessment years, i.e., from the assessment year 1973-74 to the assessment year 1978-79. The tax effect in no year exceeds Rs. 8,500. Referring then to Instruction No. 1573 issued by the Central Board of Direct Taxes, vide Circular F. No. 279/26/83-ITJ dated July 12, 1984, and Instruction No. 1764 issued by the Central Board of Direct Taxes, vide Circular F. No. 319/11/87-WT dated July 14, 1987, he submitted that, in a case where the tax effect is less than Rs. 30,000, the Board has taken a policy decision not to raise questions of law with a view to reduce litigations before High Courts and the Supreme Court. He has also referred to another instruction being Instruction No. 1569 dated July 3, 1984, issued by the Board which was noted in a Tribunal''s decision dated November 26, 1986 (copy of the order placed on record), which instruction he was not able to produce. On going through all these instructions, we are satisfied that the Board has taken a policy decision not to file references in cases where the tax effect is going to be less than Rs. 30,000 per year. That being so, we discharge the rule.

2. Rule discharged. No order as to costs.

