(1993) 03 P&H CK 0003

In the Punjab And Haryana At Chandigarh

Case No : WT Ref. No''s. 52 and 53 of 1982

COMMISSIONER OF WEALTH TAX — APPELLANT

Vs

JAGDEV INDERSINGH. — RESPONDENT

Date of Decision : 05-03-1993

Acts Referred:

Citation : (1993) 115 CTR 195

Hon'ble Judges : A. L. Bahri, J

Bench : Division Bench

Judgement

A. L. BAHRI, J. :

In the two references, one by the assessee and the other by the CWT, Amritsar, the Tribunal referred the following questions of law to this Court for adjudication :

"1. Whether, on the facts and in the circumstances of the case, the Tribunal is right in law in holding that the agricultural lands of the assessee were covered by the expression "Business Premises" as defined in cl. (i) of r. 1 in Paragraph B of Part I of the Schedule of the WT Act, 1957 and thus exempt from charge of additional wealth-tax ?

2. Whether, on the facts and in the circumstances of the case, the direction of the Tribunal to value the agricultural land on the basis of the finally determined compensation without any discount, subject to a maximum limit of Rs. 9 per sq. yard, was legally correct ?

3. Whether, in view of the facts and the circumstances of the case, the Tribunal was right in refusing to grant exemption under s. 5(1)(xviii) on account of land originally received as Military Grant ?"

2. Earlier, similar question came up for adjudication to this Court and were answered in WT Ref. Nos. 1 and 2 of 1982 titled as CWT vs. Jagdev Inder Singh and Jagdev Inder Singh vs. CWT decided on 3rd May, 1993 [since reported in (1993) 114 CTR 296]. For the reasons recorded therein question No. 1 is

answered against the Department and in favour of the assessee. Question No. 2 does not arise in the facts and circumstances of the case and no answer is, therefore, recorded. Question No. 3 is decided against the assessee.

Reference is answered accordingly.

