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(2002) 07 RAJ CK 0102

In the Rajasthan High Court

Case No : WT Ref. No. 54 of 1988

Commissioner of Wealth Tax APPELLANT

Vs

Santosh Chand RESPONDENT

Date of Decision : 01-07-2002

Acts Referred:
Wealth Tax Rules, 1957 — Rule 1BB

Citation : (2004) 188 CTR 590

Hon'ble Judges : Y.R. Meena, J;Shashi Kant Sharma, J

Bench : Division Bench

Advocate : Anuroop Singhi, for the Appellant;

Judgement

1. On an application u/s 27(3) of the WT Act, 1957, the Tribunal has referred the following question for our opinion :

"Whether, on the facts and in the circumstances of the case, the Tribunal was justified in upholding the decision of the AAC that in the case of residential properties Rule 1BB being procedural, would apply to asst. yrs. 1972-73 to 1977-78, even prior to 1st April, 1979?"

2. At the out set, learned counsel for the Revenue Mr. Singhi fairly admits that now the issue is covered by the decision of apex Court in the case of CWT v. Sharvan Kumar Swarup & Sons (1994) 210 IFR 886 (SC), wherein their Lordships have taken the view that Rule 1BB has the application. Rule 1BB is procedural, therefore, it has a retrospective effect.

3. Considering the submissions of the learned counsel, we find no infirmity in the view taken by the Tribunal.

4. In the result, we answer the question in affirmative i.e., in favour of the assessee and against the Revenue.

5. Reference so made stands disposed of accordingly.

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