(2003) 09 RAJ CK 0030

In the Rajasthan High Court

Case No : WT Ref. No. 57 of 1988

Commissioner of Wealth Tax APPELLANT

Vs

Santosh Chand RESPONDENT

Date of Decision : 04-09-2003

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

Citation : (2004) 188 CTR 591

Hon'ble Judges : S.K. Keshote, J;F.C. Bansal, J

Bench : Division Bench

Advocate : J.K. Singhi, for the Appellant; None, for the Respondent

Judgement

S.K. Keshote, J.—On the application of the Revenue filed u/s 27(3) of the WT Act, 1957, the Tribunal, Jaipur Bench, Jaipur, 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?"

The matter arises out of the WT Appeal No. 90/Jp/1986, asst. yr. 1975-76.

2. The learned counsel for the Revenue advanced manifold contentions but we are satisfied that the Rule 1BB is procedural and, therefore, it has a retrospective effect. Looking to this nature of the provision being a procedure would equally apply to all pending assessments and the learned Tribunal is thus not incorrect in its approach.

3. In the case of Commissioner of Wealth Tax, Meerut Vs. Sharvan Kumar Swarup and Sons, their Lordships of the Hon''ble Supreme Court held this rule is procedural having retrospective effect. We do not find any infirmity in the view taken by the Tribunal.

4. As a result of the aforesaid discussion we answer the question referred by the learned Tribunal for our opinion in affirmative i.e., in favour of the assessee and against the Revenue. This reference accordingly stands disposed of.

