(1992) 04 MAD CK 0048

In the Madras High Court

Case No : Tax Cases No''s. 222 and 223 of 1986 (Reference No''s. 112 and 113 of 1986)

Commissioner of Wealth-tax		APPELLANT
	Vs	
V. Ramakrishnan		RESPONDENT

Date of Decision : 30-04-1992

Acts Referred:
Wealth Tax Act, 1957 — Section 27(1)
Wealth Tax Rules, 1957 — Rule 1D

Citation : (1993) 199 ITR 390

Hon'ble Judges : V. Ratnam, J;T. Somasundaram, J

Bench : Division Bench

Advocate : C.V. Rajan, for the Appellant; P.P.S. Janardhana Raja for M/s. Subbaraya Ayyar and Padmanabhan, for the Respondent

Judgement

Ratnam, J.—In these tax case reference u/s 27(1) of the Wealth-tax Act, 1957, at the instance of the Revenue, the following common

question of law has been referred to this court for its opinion :

Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that the advance tax paid and shown on the

assets side of the balance-sheet should not be deducted from the tax payable in determining the provision for taxation which is deductible as a

liability while computing the value of unquoted equity share under rule 1D for wealth-tax purposes ?

2. We find that the common question so referred is governed by the decision reported in L.G. Balakrishnan and Others Vs. Commissioner of

Wealth-tax, . It is also not in dispute that the answer returned in the said decision would govern these references. In that view, we answer the common question referred to us in the affirmative and against the Revenue. There will be no order as to costs.