(1998) 11 MAD CK 0112

In the Madras High Court

Case No : Tax Case No''s. 192 to 195 of 1994 (References No''s. 103 to 106 of 1994)

Commissioner of Wealth Tax — APPELLANT

Vs

V.R.M. Valliappa Chettiar — RESPONDENT

Date of Decision : 30-11-1998

Acts Referred:

Citation : (2001) 165 CTR 467 : (2000) 246 ITR 801 : (2002) 120 TAXMAN 431

Hon'ble Judges : R. Jayasimha Babu, J;A. Subbulakshmy, J

Bench : Division Bench

Advocate : C.V. Rajan, for the Appellant; None, for the Respondent

Judgement

R. Jayasimha Babu, J.—The Tribunal while approving the reasoning" adopted by the Commissioner in his order by which the Commissioner had set aside the wealth-tax assessment and directed the Wealth-tax Officer to redo the assessment after going into the entire gamut of the valuation of the properties concerned, by what was termed a slight modification, virtually set at naught the Commissioner''s order. The directions, so given by the Tribunal, were not called for. Now the Revenue is before us questioning" the directions given by the Tribunal. The question referred to us is as follows :

"Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in modifying the direction of the Commissioner of Wealth-tax given u/s 25(2) and directing the Assessing Officer to finalise the assessments for the assessment years 1983-84 to 1986-87 on the basis of the value finally fixed for the properties concerned in the assessment year 1982-83 ?"

2. The mere fact that the valuation report was received subsequent to the date of the assessment would not ipso facto make the valuation applicable to all the years up to the date of the assessment as the valuation made was with reference to a specific anterior date, namely, April 13, 1982. The assessment years in question are later years 1983-84 to 1986-87. The Commissioner has rightly

directed the Wealth-tax Officer to redo the assessment for those years without binding him to adopt the report of the Valuation Officer given for the earlier year.

3. The valuation is required to be made as on the valuation date and the report given with regard to the value made for an earlier valuation date, cannot in these circumstances ipso facto apply for determining the valuation for later years. The question referred to us is, therefore, answered in favour of the Revenue and against the assessee.