(2004) 12 AHC CK 0259

In the Allahabad High Court

Case No : WT Reference No. 213 of 1989

Commissioner of Wealth Tax, Kanpur — APPELLANT

Vs

Masood Halim — RESPONDENT

Date of Decision : 16-12-2004

Acts Referred:
Wealth Tax Act, 1957 — Section 27(3)

Citation : (2006) 157 TAXMAN 380

Hon'ble Judges : R.K. Agrawal, J;Prakash Krishna, J

Bench : Division Bench

Advocate : A.N. Mahajan, for the Appellant;

Judgement

1. The income tax Appellate Tribunal, Allahabad, has referred the following question of law u/s 27(3) of the Wealth-tax Act, 1957 (hereinafter referred to as ''the Act'') for opinion to this Court :-- "Whether, on the facts and in the circumstances of the case, the I.T.A.T. was correct in law in directing to compute the value of the residential property in accordance with rule 1BB of the Wealth-tax Rules which came into force w.e.f. 1-4-1979?"

Reference relates to the assessment years 1969-70 to 1974-75.

2. We have heard Sri A.N. Mahajan, learned standing counsel for the revenue. Nobody has appeared on behalf of the respondent.

3. The question referred in the present reference is squarely covered by the decision of the Apex Court in the case of Commissioner of Wealth Tax, Meerut Vs. Sharvan Kumar Swarup and Sons, . The Apex Court in the aforesaid decision has held that rule 1BB of the Wealth-tax Rules is procedural in nature and applies retrospectively to all pending assessments. Thus, it is applicable for the assessment years 1969-70 to 1974-75 even though it came on the statute book on 1st April, 1979. In this view of the matter, we answer the question referred to us in the affirmative, i.e., in favour of the assessee and against the revenue. However, there shall be no order as to costs.