(2002) 02 RAJ CK 0179

In the Rajasthan High Court

Case No : WT Ref. No. 17 of 1988 26 February 2002

CWT APPELLANT

Vs

Paramhans Ashram Trust RESPONDENT

Date of Decision : 26-02-2002

Acts Referred:
Wealth Tax Act, 1957 — Section 27(1), 5(1)(i)

Citation : (2002) 124 TAXMAN 577

Hon'ble Judges : Y.R. Meena, J;A.C. Goyal, J

Bench : Full Bench

Advocate : Y.R. Singhi and Anuroop Singhi, for the Revenue and Naresh Gupta and Mahendra Gargia, for the Assessee, for the Appellant;

Judgement

By the Court

On an application u/s 27(1) of the Wealth Tax Act, 1957 (hereinafter referred to as ''the Act''), the Tribunal has referred the following question for the opinion of this court :

"Whether, on the facts and in the circumstances of the case, the Tribunal was justified in upholding the decision of the Appellate Assistant Commissioner that the assessee is a public charitable and religious trust and its properties are entitled to exemption u/s 5(1)(i) of the Wealth Tax Act ?"

2. At the outset, the learned counsel for the assessee submits that identical issue has been considered by this court in the case of this very assessee that the assessee is a public charitable and religious trust, therefore, is entitled for exemption u/s 5(1)(i) of the Act.

3. Decision of this court has been reported in Commissioner of Wealth-tax Vs. Paramhans Ashram Trust . The view has been taken by this court in the case of this very assessee on identical question that the assessee is a public charitable and religious trust and no distinguishing facts are also brought to our notice to deviate from the view taken by this court in the case of this very assessee in the

earlier assessment years. Following the view taken by this court in the case of this very assessee, we find no infirmity in the order of the Tribunal.

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

