(2003) 05 AHC CK 0270

In the Allahabad High Court

Case No : WT Reference No. 123 of 1983 9 May 2003

CWT APPELLANT

Vs

Ramju Mal Narain Dass RESPONDENT

Date of Decision : 09-05-2003

Acts Referred:

Citation : (2003) 133 TAXMAN 406

Hon'ble Judges : Ghanshyam Dass, J;Dr. B.S. Chauhan, J;B.S. Chauhan, J

Bench : Full Bench

Judgement

This reference u/s 27 of the Wealth Tax Act, 1957 has been made by the Tribunal for our decision on the following question :

"Whether on the facts and in the circumstances of the case, the residential kothi owned by the assessee in each of the assessment years 1971-72, 1972-73 and 1975-76 be valued in accordance with rule 1BB of the Wealth Tax Rules, 1957 and the directions of the Special Bench of the Tribunal at Delhi in the case of Mr. Biju Patnaik in WTA Nos. 614 to 624/ Delhi/79 and others decided on 17-2-1981 ?"

2. This issue has been considered by the Hon''ble Supreme Court in Commissioner of Wealth Tax, Meerut Vs. Sharvan Kumar Swarup and Sons, wherein it has been held that 1BB of the Rules, 1957 partakes of the character of rule of evidence. It deems the market value to be the one arrived at on the application of particular method of relaxation which is also one of the recognized and accepted methods. Rule is procedural and not substantive and is applicable to all proceedings pending on 1-4-1979 when the rules came into force.

3. In view of above reference is answered in affirmative against department in favour of the assessee.

4. This reference is disposed of as above.

