(2002) 12 DEL CK 0012

In the Delhi High Court

Case No : W.T. Reference No. 316 of 1983 9 December 2002

CWT APPELLANT

Vs

S. MAHINDER JASPAL SINGH RESPONDENT

Date of Decision : 09-12-2002

Acts Referred:

Citation : (2003) 130 TAXMAN 505

Hon'ble Judges : Mahmood Ali Khan, J;D.K. Jain, J

Bench : Full Bench

Advocate : R.D. Jolly and Ajay Jha, for the applican, for the Appellant;

Judgement

By the court

The case has been placed before the court for appropriate orders as the revenue, at whose instance the reference has been made, has failed to file the paper books despite various opportunities. Since the issue raised in the reference stands concluded by a decision of the Apex Court, we dispense with the filing of the paper books.

2. At the instance of the revenue, the Income Tax Appellate Tribunal, Delhi Bench-A, Delhi has referred u/s 27(1) of the Wealth Tax Act, 1957, 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 directing that the valuation of property at Narinder Palace, New Delhi be done in accordance with rule 1BB of the Wealth Tax Rules, which came into existence with effect from 1-4-1979 and had retrospective effect?"

3. As is evident from the format of the question referred, the only issue raised by the revenue is as to whether rule 1BB of the Wealth Tax Rules, which came into existence with effect from 1-4-1979 would apply in respect of assessment years prior to the assessment year 1979-80. As noted above, the issue is no longer res integra. In Commissioner of Wealth Tax, Meerut Vs. Sharvan Kumar Swarup and

Sons, , their Lordships of the Supreme Court have been pleased to hold that the said rule is procedural and not substantive and is applicable to all proceedings pending on 1-4-1979, When the rule came into force.

4. In view of the said authoritative pronouncement, the question referred is answered in the affirmative, i.e., in favor of the assessed and against the revenue.

