(1995) 09 MAD CK 0119

In the Madras High Court

Case No : Tax Case No. 1516 of 1981 (Reference No. 859 of 1981)

M. Ramaswamy APPELLANT

Vs

Commissioner of Wealth-tax RESPONDENT

Date of Decision : 25-09-1995

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

Citation : (1996) 136 CTR 76 : (1996) 221 ITR 47

Hon'ble Judges : Raju, J;K.A. Swami, J

Bench : Division Bench

Advocate : P.P.S. Janarthana Raja for M/s. Subbaraya Aiyar, Padmanabhan and Ramamani, for the Appellant; C.V. Rajan, for the Respondent

Judgement

Raju, J.—The question of law which arises and which has been referred by the Income Tax Tribunal for the consideration of this court is question No. 2. The said question has been the subject-matter of our consideration and decision in Tax Cases Nos. 1463 and 1556 to 1560 of 1981, dated September 25, 1995 (M. Rangaswamy Vs. Commissioner of Wealth-tax, . There is no dispute before us that the ratio of the said decision squarely applies and governs the question raised in the above tax case.

2. Applying the ratio of the said decision to the facts and circumstances of the case before us and the question referred to this court, we answer the question in the negative and against the assessee, but in favour of the Revenue and hold that the entire coffee and tea bushes, apart from the two leaves and a bud of the tea bush and the berries of the coffee bush, do not fall within the expression "growing crops" for exemption u/s 5(1)(viiia) of the Wealth-tax Act, 1957. No costs.