(1998) 08 KL CK 0005

In the High Court Of Kerala

Case No : IT Ref. No. 196 of 1996

N.C.J. Rajan — APPELLANT

Vs

Commissioner of Wealth Tax — RESPONDENT

Date of Decision : 26-08-1998

Acts Referred:

Citation : (1999) 154 CTR 245

Hon'ble Judges : Om Prakash, C.J;B. Koshy, J

Bench : Division Bench

Advocate : C. Kochunni Nair, for the Appellant; P.K.R. Menon and N.R.K. Nair, for the Respondent

Judgement

Om Prakash, C.J.—At the instance of the assessee the Tribunal referred the following questions for the assessment year 1977-78 for the opinion of this Court:

1. Was the Tribunal justified in holding that the assessee has not made voluntary disclosure of his wealth in the return filed on 31st March, 1986?

2. Was the Tribunal justified in holding that the return/declaration filed on 31st March, 1986 is not an Amnesty return?

3. Was the Tribunal justified in not granting the benefit of the Amnesty circulars to the assessee?

2. In our judgment dt. 15-7-1998 rendered in IT Ref. Nos. 124 to 126 of 1995 and 10 1 of 1995 [reported as CWT v. N. C. J John (1998) 149 CTR 2991 we. held that no concealment having been detected during the search operation conducted on the premises of the assessee, the assessee was entitled to the benefit of the Amnesty Scheme.

In. the instant reference, it is not disputed that detection of assets was made during the search operation. Therefore, the converse position of our finding given in our judgment dt. 15-7-1998 (supra) would be that the assessee herein would not be entitled to the benefit of the Amnesty Scheme.

Following our judgment dt. 15-7-1998 (supra), we answer all the questions referred to this Court in the affirmative, that is, in favour of the Revenue and against the assessee.