(2002) 08 MAD CK 0016

In the Madras High Court

Case No : T.C. No. 70 of 1994 27 August 2002

V.E. LAKSHMANAN CHETTIAR — APPELLANT

Vs

CWT — RESPONDENT

Date of Decision : 27-08-2002

Acts Referred:

Citation : (2003) 130 TAXMAN 59

Hon'ble Judges : R. Jayasimha Babu, J;K. Raviraja Pandian, J

Bench : Full Bench

Advocate : T. Nareshkumar, for the Appellant;

Judgement

R. Jayasimha Babu, J.

This reference is at the instance of the assessee. The assessee was served with notice regarding the pendency of this reference way back in the

year 1994. The assessee did not appear in person or through counsel. Another notice was sent on 9-8-2002. Even thereafter the assessee has not

chosen to appear either in person or through counsel. There is no representation on his behalf.

2. The question referred to us at the assessees instance is whether on the facts and in the circumstances of the case, the Tribunal was right in

holding that the applicant Hindu undivided family was not entitled to exemption u/s 5(1)(xxxiii) of the Wealth Tax Act?

3. The assessment year is 1990-91. Counsel for the revenue submits that question similar to the one referred to above has already been

considered and decided in the case of V.E. Periannan Vs. Commissioner of Wealth Tax, . In that case it has been held that a Hindu undivided

family is not entitled to the benefit of exemption u/s 5(1)(xxxiii) of the Income

Tax Act. The question referred to us is, therefore, answered against the assessee and in favour of the revenue.