

(1989) 11 MP CK 0016

Madhya Pradesh High Court

Case No: Miscellaneous Civil Case No. 139 of 1989

COMMISSIONER OF WEALTH-TAX

APPELLANT

Vs

SURESHCHANDRA AGRAWAL.

RESPONDENT

Date of Decision: Nov. 21, 1989

Acts Referred:

- Wealth Tax Act, 1957 - Section 27(1), 27(3)

Citation: (1990) 183 ITR 568

Hon'ble Judges: A. G. Qureshi, J

Bench: Division Bench

Judgement

INDORE BENCH

A. G. QURESHI J. - This is an application u/s 27(3) of the Wealth-tax Act, 1957, seeking a reference to this court as enumerated in para 3 of the petition.

The Revenue had filed appeals before the Income Tax Appellate Tribunal, Indore Bench, Indore, against the order of the Appellate Assistant Commissioner directing computation of the penalty, at 2 per cent. of the assessed tax for each month of default for the assessment years 1973-74 to 1975-76. The Tribunal was of the view that the matter stands conclude by the decision of the Supreme Court in [Maya Rani Punj Vs. Commissioner of Income Tax, Delhi](#) . The appeals were, accordingly, dismissed.

Thereafter, the Revenue made an application u/s 27(1) of Wealth-tax Act, 1957 requesting the Tribunal to refer to the High Court the questions of law enumerated in para 1 of the order of the Tribunal. The learned Tribunal was of the view that the Supreme Court in [Maya Rani Punj Vs. Commissioner of Income Tax, Delhi](#) , has already concluded the points raised by the Revenue and, furthermore, the M. P. High Court in M. C. C. No. 252 of 1987 [Commissioner of Wealth-tax Vs. Babulal Agrawal](#) ,) has been followed the aforesaid Supreme Court decision in its order

dated July 11, 1988.

After considering the arguments raised by learned counsel for the parties, we are of the opinion that this matter has already been concluded by the Supreme Court decision reported in [Maya Rani Punj Vs. Commissioner of Income Tax, Delhi](#), having been followed by this court on M. C. C. No. 252 of 1987 [Commissioner of Wealth-tax Vs. Babulal Agrawal](#),), there is no case for admission of this application. The application by the Revenue is, therefore, dismissed with no order as to costs.