
(2000) 11 DEL CK 0096

Delhi High Court

Case No: W.T. Reference No's. 16 of 1981 and 13 of 1982

Commissioner of Wealth Tax

APPELLANT

Vs

S. Tajbir Singh

RESPONDENT

Date of Decision: Nov. 30, 2000

Acts Referred:

- Wealth Tax Act, 1957 - Section 16A(5), 27(1), 35(1)(aa)

Citation: (2001) 117 TAXMAN 685

Hon'ble Judges: Dr. Arijit Pasayat, C.J; D.K. Jain, J

Bench: Division Bench

Advocate: R.C. Pandey, Ms. Prem Lata Bansal and Ajay Jha, for the Appellant;

Judgement

Arijit Pasayat, C.J.

These two reference applications involve identical dispute relating to valuation of property for the assessment year 1974-75, for which the relevant date of valuation was 31-3-1974. The Assessing Officer relied on a report dated 30-3-1978 for the purpose of assessment. The Tribunal came to hold that there was an earlier report of the Valuation Officer and section 16A(5) of the Wealth-tax Act, 1957 ("the Act") does not contemplate a second reference. On that ground, the Tribunal held that valuation has to be fixed on the basis of the earlier valuation report. An application in each case was filed u/s 27(1) of the Act. One of the questions raised had its foundation on a letter of the WTO to the Valuation Officer dated 24/26-11-1977. The revenue's stand is that this letter clearly indicated that there was no second reference and only certain clarifications were sought for, which were clarified by the order dated 30-3-1978 passed u/s 16A(5), read with section 35(1)(aa). The Tribunal noticed that this letter was not made available to it when the appeals were being heard. But feeling that it has some relevance, it annexed the same to the statement of the case. The learned counsel for the revenue submitted that, if on proper appreciation of the letter dated 24/26-11-1977, it is held that the order dated 30-3-1978 was nothing but a clarificatory one and was not, in fact, a second

valuation report, the situation would be different. There is no appearance on behalf of the assessee in spite of notice.

2. The Tribunal itself felt that the position could have been different had the effect of the letter dated 24/26-11-1977 been considered by it and, therefore, annexed the letter to the statement of case for our consideration.

3. In the aforesaid background, we feel that the Tribunal would do well to reconsider the whole matter, taking into account the relevance of the letter dated 24/26-11-1977, and its effect on the question, as to whether there was a second valuation report or a second reference made by the WTO. We make it clear that we have not expressed any opinion on this issue as the same has to be adjudicated by the Tribunal. The reference applications are disposed of accordingly.