

Supreme Court Of India

SLP (C) Nos. 8032-36 of 1987

Judgment Date:

02-09-1993

Himalaya Trading Company

..Petitioner

Commissioner of Wealth Tax

..Respondent

Bench :

{ HON'BLE JUSTICE M. N. VENKATACHALIAH (CJI) HON'BLE JUSTICE
S. C. AGRAWAL }

Citation :

1995 Supp (1) SCC 226;

Judgment

1. These special leave petitions have been listed before us along with the batch of cases in which the interpretation of Rule 1-BB of the Wealth Tax Rules is involved². We are afraid, having regard to the stage of the proceedings in the High Court at which these matters have been brought up here, it is inappropriate to club these matters with other cases in the batch³. What appears to have happened is that the High Court in an application under Section 27(1) of the Wealth Tax Act called for statement of the case and required a question of law to be referred to it for its opinion. The High Court held that such a question of law did arise out of the appellate order of the Tribunal⁴. In the circumstances, it is inappropriate to entertain these petitions for special leave. The Revenue will state a case and refer the question of law as reframed by the High Court in accordance with the directions of the High Court. Incidentally, the High Court, in another matter in CWT v. O. P. Tandon had answered a similar question against the Revenue and in favour of the assessee⁵. If the statement of the case has already been submitted to the High Court, we request the High Court to dispose of the matter as expeditiously as possible⁶. With these observations, these special leave petitions are accordingly dismissed.