Cit Vs. Padampat Singhania

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SooperKanoon Citation : sooperkanoon.com/492513

Court : Allahabad

Decided On : Jul-22-2003

Reported in : [2004]136TAXMAN200(All)

Appeal No. : IT Reference No. 87 of 1983 22 July 2003

Appellant : Cit

Respondent : Padampat Singhania

Judgement :
ORDER

The following question has been referred to us for opinion :

'Whether on the facts and in the circumstances of the case, on a proper interpretation of rule 3 of the Income Tax Rules, 1962 and section 2(24)(iv) of the Income Tax Act, 1961, the Tribunal was justified in holding that the value of the perquisite of free imported car with chauffeur provided to the assessee by J.K. Cotton Spg. & Wvg. Mills Co. Ltd., of which he was a Director, should be the same as in the case of an employee of the company?'

2. However, before we could start the case on merits, we asked the learned counsel for the parties that as to what would be the total amount of tax involved in this matter. Sri Upadhyay respectfully stated that total amount involved in the matter is more than Rs. 6000-7000, for the reason that total valuation of the subject matter has been made to the extent of Rs. 15,000 only.

3. In CIT v. Smt. Prakashwati : [1994]210ITR567(All) of this court and in CWT v. Executors of Late Shri D. T. Udeshi : [1991]189ITR319(Bom) of Bombay High Court, it has been held relying upon the statutory circular that where the total amount involved is less than 30,000, the reference should be returned unanswered.

4. Thus, in view of the above decisions, considering the petty amount involved in this reference, we return the reference unanswered.