Cit Vs. Umesh Kumar Modi

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SooperKanoon Citation : sooperkanoon.com/492642

Court : Allahabad

Decided On : Sep-02-2003

Reported in : [2004]140TAXMAN256(All)

Appeal No. : IT Ref. No. 243 of 1983 2 September 2003

Appellant : Cit

Respondent : Umesh Kumar Modi

Judgement :
ORDER

This is an Income Tax Reference under section 256(1) of the Income Tax Act, 1961 in which the following question has been referred to us for our opinion :

Whether, on the facts and in the circumstances of the case, the Tribunal was right in directing that. the value of the perquisite in respect of residential accommodation provided to the assessee in Modi Bhavan, should be limited to tile value fixed by the prescribed authority under section 9 of the U.P. Urban Buildings (Regulation of Letting, Rent & Eviction) Act, 1972 for the assessment year 1977-78 ?

2. Identical question has been decided by the Delhi High Court in favour of the assessee, in CIT v. Smt. Dayawati Modi : [2003]259ITR375(Delhi) , we are in respectful agreement with the Delhi High Court. Hence, this reference is also decided in the affirmative, i.e., ill favour of the assessee and against the

department.