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Cit Vs. Vishnu Neman

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Court : Delhi

Decided On : Mar-13-2002

Reported in : [2002]123TAXMAN478(Delhi)

Appeal No. : IT Ref. No. 216 of 1983 13 March 2002

Appellant : Cit

Respondent : Vishnu Neman

Advocate for Pet/Ap. : R.D. Jolly and; Ajay Jha, for the Revenue; S.K. Aggarwal

Judgement :

Following questions have been raised for opinion of this court by the Tribunal, Delhi Bench B, under section 256(1) of the Income Tax Act, 1961 (hereinafter referred to as the Act) :

'1. Whether, on the facts and in the circumstances of the case, the Tribunal is correct in law in holding that the assessed-trust was not hit by the provisions of section 13(2)(h), read with section 13(4) of the Income Tax Act, 1961 ?

2. Whether, on the facts and in the circumstances of the case, the Tribunal is correct in law in holding that the assessed-trust was entitled to exemption under section 11 in respect of its income amounting to Rs. 91,297 ?'

2. It is accepted at the bar that the aforementioned questions are covered by a decision of this court in CIT v. Sir Sobha Public Charitable Trust (2001) 250 ITR 475 as also a decision of a Division Bench of This court in CIT v. Sir Shri Ram Foundation (2001) 250 ITR 55 .

3. In view of the aforementioned pronouncements, the question referred is answered in the affirmative, against the revenue and in favor of the assessed.

4. Reference is accordingly disposed of.

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