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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ WTA 14/2005

COMMISSIONER OF INCOME TAX DEL ..... Petitioner
Through: Mr. Zoheb Hossain, Sr. Standing Counsel for the Revenue.

versus

ARUN KUMAR & SONS ..... Respondent
Through: Mr. P. Roychaudhuri, Advocate

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **04.01.2018**

It is brought to the notice of the Court that the question of law framed in the case is whether the value of the land on which an incomplete building exists is to be excluded from the definition of "assets" under Section 2(ea) of the Wealth Tax Act, 1957. An identical question was framed in the case of co-owner of the Society involved in the appeal Commissioner of Wealth Tax vs. Veena Rani, WTA 1 of 2004. The Court had disposed of that appeal by answering the question in favour of the Revenue on 03.08.2016. In doing so, the judgment on the identical question in Giridhar G. Yadalam vs. Commissioner of Wealth Tax, (2015) 17 SCC 664, was relied upon.

Following the said judgment, the question of law framed in this case, is answered against the assessee and in favour of the Revenue. The appeal, therefore, succeeds and is allowed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 04, 2018
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