PETITIONER:
M/s. ANADI PRAKASHAN AND ANOTHER

Vs.

RESPONDENT:
INSPECTING ASSISTANT COMMR. OF INCOME TAX AND OTHERS

DATE OF JUDGMENT26/08/1993

BENCH:
JEEVAN REDDY, B.P. (J)
BENCH:
JEEVAN REDDY, B.P. (J)
BHARUCHA S.P. (J)

CITATION:
1994 SCC Supl. (1) 575

ACT:

HEADNOTE:

JUDGMENT:
ORDER
Civil Appeal No. 2041 of 1982

1. Taken on board with the consent of counsel for both the parties.

2. This appeal is preferred against the judgment of the Madhya Pradesh High Court dismissing the appeal preferred by the appellant under Section 269 (occurring in Chapter XX-A) of the Income Tax Act.

3.The appellant purchased a house at Bhopal under a registered sale deed dated February 13, 1973. The consideration recited in the deed was Rs 49,000. Proceedings were taken under Chapter XX-A of the Income Tax Act with respect to the said property. The Valuation Officer of the Income Tax Department valued the house at Rs 85,600. Before the Inspecting Assistant Commissioner (IAC), both the appellant and the transferor admitted that the consideration that really passed between them was in a sum of Rs 90,000. In view of this admission and also taking into consideration other material available before him, the Inspecting Assistant Commissioner ordered acquisition of the property by his order dated May 27, 1976. The appeal preferred to the Tribunal under Section 269-G was dismissed. The appellant then carried the matter in further appeal to the High Court which too has been dismissed. Both the Tribunal and the High Court have relied upon the admission made by the appellant as well as the transferor with respect to the actual consideration that passed between them.

4.We are unable to see any substance in this appeal. Once it is admitted by the appellant and also by the transferor that the consideration that really passed between them is Rs 90,000, while the document shows that the consideration is Rs 49,000 only, it is clear that the requirements of Section 269-C(2) are satisfied. No other material is brought on record which should induce us to take a different view. The appeal accordingly fails and is dismissed. No costs.

W. P. (C) No. 3947 of 1982

5.This writ petition has been filed by the appellant in Civil Appeal No. 2041 of 1982 challenging the constitutional validity of the provisions contained in Chapter XX-A. Having regard to the facts and circumstances of this case, we are not inclined to go into the question of the constitutional validity of the said Chapter XX-A, particularly in view of the fact that except generally saying that the provisions of the Chapter are unconstitutional, no arguments as such have been addressed by the learned counsel to substantiate the said plea. Writ petition is accordingly dismissed. No costs.

577