

Madras High Court

The Commissioner Of Income Tax vs M/S.Mil Industries Ltd on 8 June, 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUDHAKAR  
AND  
THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

T.C. (A) Nos.168 to 170 of 2015

The Commissioner of Income Tax,  
Chennai.

...

Vs

M/s.MIL Industries Ltd,  
25A Industrial Estate, Ambattur,  
Chennai 600 098.

... Respondent

Prayer:- These Tax Case (Appeals) are filed, against the order of the Income Tax Appellate Tribunal  
For Appellant : Mr.T.R.Senthilkumar

COMMON JUDGMENT

(Judgment was delivered by K.B.K.VASUKI, J.)

All these Tax Case Appeals are filed by the Revenue against the order of the Tribunal,

1) Whether on the facts and circumstances of the case, the Tribunal was right in upholding the order of the Assessing Officer,

2) Whether on the facts and circumstances of the case, the land sold at Ambattur would be liable to wealth tax.

2.The issue that arises for consideration herein is as to whether the land at Ambattur would be liable to wealth tax.

3.It is the contention of the assessee that every part of the land sold comprise of factory buildings.

4.While the Assessing Officer, accepting the contention of the Revenue, levied Wealth Tax on the land.

5.The Tribunal, in para 7 of the impugned order extracted paras 20 to 24

.We have heard both the sides, considered the material on record and also gone through the order of the Tribunal.

0. I have carefully considered the arguments of the Ld AR and the Remand Report of the Tribunal.

21.I find that the argument of the Assessing Officer that only 31100sq.ft of land can be used for the purpose of the buildings.

22.Every building has to have open space for the proper enjoyment of the buildings constructed.

23. In this connection, it may be appropriate to refer to the observations of the Delhi  
In the maxim, *generalia verba sunt generaliter intelligenda* it would be helpful pro  
24. In view of the foregoing provisions of law and having regard to the facts and circum  
8. From the perusal of the conclusion of the ld.CIT (A) as reproduced above. It is seen  
6. Thus, as the issue involved herein being pure question of fact and as both the Appel  
7. Accordingly, all these tax case Appeals are dismissed. No costs.

[R.S.J.] & [K.B.K.V.J.]

08.06.2015.

Index: Yes/No

Web: Yes/No

rk

To

The Income Tax Appellate Tribunal Chennai-'B' Bench, Chennai.

R. SUDHAKAR, J .

AND K.B.K.VASUKI, J.

rk T.C. (A) Nos.168 to 170 of 2015 08.06.2015.