

Karnataka High Court Smt. Pati Devi vs Income-Tax Officer And Anr. on 15 February, 1999 Equivalent citations: 1999 240 ITR 727 KAR, 1999 240 ITR 727 Karn Author: V Singhal Bench: V Singhal JUDGMENT V.K. Singhal, J. 1. The petitioner is aggrieved by the order of the Commissioner dated July 2, 1993 (annexure-D), by which the explanation with regard to 25 tolas of gold and 250 tolas of silver has been accepted and remaining 10 tolas of gold was treated as having not been satisfactorily explained. Learned counsel for the petitioner has brought to my notice instruction dated May 11, 1994, issued by the Central Board of Direct Taxes by which 500 grams of gold jewellery and ornaments per married lady, 250 gms per unmarried lady, 100 gms per male member of the family were directed not to be seized. The instructions issued could only be retrospective in the sense that even if a seizure is made today irrespective of the date of acquisition of gold jewellery, the benefit has to be given to that extent. It is not the value which is increased but it is the weight which is considered reasonable looking to the social circumstances prevailing in the country. Simply because in a particular case the seizure is made on a date earlier to the date of instruction the benefit of instruction dated May 11, 1994, cannot be denied. 2. Annexure-D is quashed. 3. The petition is accordingly allowed.