
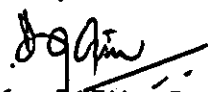




H.C.D.—I(a) Continuation Sheet

Sr. No.	Date	Orders
	20-9-2000	<p>Present: Ms. Premlata Bansal for the petitioner. Mr. R.C.Beri for the respondent.</p> <p><u>ITC 44/99</u></p> <p>Heard.</p> <p>In view of the decision of this Court in Commissioner of Income-tax v. G.Sagar Suri and Sons and Others 1998 (234) I.T.R. 58, we direct the Income-tax Appellate Tribunal to refer the following questions for opinion of this Court:-</p> <p>(i) "Whether on the facts and in the circumstances of the case, the Tribunal was correct in law in holding that the amount of US Dollars 16000 equivalent to Rs.1,84,869/- received from Arjun C. Waney was in the nature of gift in the hands of Shri Ramesh Suri and hence not taxable?</p> <p>(ii) Whether on the facts and in the circumstances of the case, the Tribunal was correct in law in holding that the assessee had discharged onus in establishing the nature of transaction?</p> <p>(iii) Whether on the facts and in the circumstances of the case, the Tribunal was correct in law in arriving at the conclusion which are based on facts and circumstances not relevant to the issue?"</p> <p>Our direction for referring the questions shall not stand on the way of Tribunal deciding the assessee's ^{reference application} appeal, stated to be pending, in respect to re-assessment under Section 147/148 of the Income-tax Act.</p> <p style="text-align: right;">  CHIEF JUSTICE  D. K. JAIN, J. </p> <p>SEPTEMBER 20, 2000 SG</p>