



Sr. No.	Date	Orders
		<p data-bbox="384 237 592 271">% 29.01.2004</p> <p data-bbox="432 320 1390 443">Present: Mr O.S. Bajpai and Mr V.N. Jha for the petitioner. Mr R.D. Jolly and Mr S.C. Sharma for respondent No.1. Mr R.C. Pandey with Mr Ajay Jha for respondent No.2.</p> <p data-bbox="384 490 703 524">+ <u>CW.No.7737/2003</u></p> <p data-bbox="384 533 400 555">*</p> <p data-bbox="564 613 1482 651">By this petition, the petitioner, inter alia, has prayed as under:</p> <p data-bbox="523 701 1385 987">“ a) to direct the respondents to release entire jewellery worth Rs. 52,10,120/- in terms of Proviso to section 132(1)(iii) of the Act, or in any case, to release jewellery worth Rs.39,53,726/- which is being retained illegally without any justification over and above the total liability created under the block assessment.”</p> <p data-bbox="389 1039 1501 1581">It is an admitted position that Settlement Commission under the Income-tax Act, 1961 is seized of the matter and an application is also submitted to the Settlement Commission for return of the jewellery. The petitioner's grievance is that the Settlement Commission is not deciding the matter and looking to the value of the jewellery and the amount which is lying with department, nothing is required to be recovered so far as the jewellery aspect is concerned.</p> <p data-bbox="389 1630 1501 2078">Our attention was drawn by the learned counsel ^{to} under Section 245F with regard to powers and procedure of Settlement Commission and also to the Proviso to 132(1)(iii). We are not entering into the merits of the case but looking to the aforesaid provisions, we direct the Settlement Commission to decide the application submitted by the present petitioner for return of the jewellery within a period of three weeks.</p>



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	January 29, 2004 m	<p>With these directions, the writ petition is disposed of.</p> <p>Direct service (Dasti).</p> <p><i>[Signature]</i> CHIEF JUSTICE</p> <p><i>[Signature]</i> BADAR DURREZ AHMED (JUDGE)</p>