

IN THE COURT OF APPEAL OF MALAYSIA AT PUTRAJAYA

(APPELLATE JURISDICTION)

CIVIL APPEAL NO: J-01-425-09

BETWEEN

KETUA PENGARAH HASIL DALAM NEGERI ... APPELLANT

AND

CHELLAM INVESTMENT SDN BHD ... RESPONDENT

Revenue Law – gains received from disposal of property - whether subject to Income Tax Act 1967 or Real Property Gains Tax 1976.

Issue : Whether the gains received by the tax payer for the disposal of 19 out of 20 residential units are business income subject to the Income Tax Act 1967 or are capital gains under the Real Property Gains Tax Act 1976.

Decision : The Court of Appeal allowed the tax payer's appeal. The Special Commissioners decision in allowing the tax payer's appeal that the gains are not business income is maintained.

Status : No grounds of judgment are provided by the Court of Appeal. No right of further appeal.

Date of Judgment : 1 January 2012

