# Shri Yeshwant U.Chavan, I.R.S., Asst.Commissioner of Incometax, Circle 1(2), Hyderabad.

बाई॰ टी॰ एन॰ एस॰-65 I. T. N. S.-65

## WEALTH TAX HINT PINT THEOMETRY DEPARTMENT

M/S.M&M ASSOCIATES (td) fin fin to of assesses 1-10-72/2/3,	1985⇒86 6. निर्धारण वर्ष · · · · · · · · · · · · · · · · · · ·
Hyderabad-500016  अं पं ं/तार पूर्व रं सं ते .  N./G. I. R. No. M-622/AC 1 (2)	7. क्या निवासी/निवासी किन्तु मामुली तौर पर निवासी नहीं/ अनिवासी  Whether Resident/Resident but not Ordinarily resident/ Non-resident.  Resident  8. लेखा विधि  Method of accounting =
ति us A.O.P. (TRUST) यदि हि०अ०कु० है तो क्या करकी उच्च दर लागू	9. पूर्व वर्ष · · · · · · · · · · · · · · · · · · ·
If HUF, is higher rate of tax applicable?  यदि कम्पनी है तो	10. कारबार/कारवारों की प्रकृति
(i) देशी/अन्य	11. सुनवाई की तारीख/तारीखें · · · · · · · · · · · · · · · · · · ·
(iii) औद्योगिक/गैर औद्योगिक	Date of order 31/03/1992  13. किस धारा तथा उपधारा के बाबीन निर्धारण किया गया  Section and sub-section under which the assessment is made.  16 (47)
	रिती का नाम of assesses  1-10-72/2/3, ress Begumpet,  Hyderabad-500016   No. Ho/ता प्र र व सं के No. M-622/AC 1 (2)  AC 1 (2)/HYD  AC 1 (

#### निर्धारण आदेश ASSESSMENT ORDER

Notice U/S 17(1) was issued on 27/03/89 and served on the assessee on 15/06/89. In response to notice Shri Ajay Mehta CA appeared on behalf of the assessee on 26/03/92 and filed a letter dated 26/03/92.

As per the letter the assesse Trust has negative wealth as per Ealance Sheet already filed alongwith the I.T. Returns for relevant years. However no returns was filed by the assessee hence the assessment is completed ex-parts, on merits.

In view of the information available the net taxable wealth is computed as under.

NIL

Net taxable wealth :

closed as 'ND' :

Leshwandhavan

( Yeshwant U.Chavan )
Asst.Commissioner of Incometax,
Circle 1(2):: Hyderabad.

Copy to the assessee.

# 62). Notra U/s 17 1(a) q w Pack

अर्थ्दि • एम • एस-3 4 ITMS-34

#### श्रायकर प्रधिनियम, 1961 की धारा 148 के प्रधीन स्चना Notice under Section 148 of the Income Tax Act, 1961

स्वाबी तेवा सं•	Office of the
m, g, m, Associates	तारीष
M)g M & M Associates  1-10-72/2/3  Mode Bruldings Beginn Pet S.	ec'. Bad
चूंकि मेरे पास ऐसा विश्वास करने का कारण है कि निर्धारण वर्ष 19ठे1	9के सिए कर से प्रभार
जापका पाय की बाय जिसके सम्बन्ध में बाप पर बायकर निर्धारित किया जाना है	पकर अधिनियम, 1961 की धारा 147 के आक्षय के
अनुसार निर्वारण से कूट गई हैं।	
Whereas I have reason to believe that	
Chargeable to tax for the assessment year 19	जोर इसके ढारा जापसे अपेका करता हूं कि
इस सूचना के तामिल होने की तारीख से 30 दिनों के अन्दर उक्त निर्धारण वर्ष की निर्धारण योग्य अपनी आय/: की आय, जिसके मम्बन्ध में आयकर निर्धारण किया जाता हैं, कि विवरणी निर्धारित फार्म में प्रस्तुत करे।	
I. therefore, propose to assess/re-assess the Income for the s	ald seesement was and I have to record
you to deliver to me within 30 days from the date of service of this r	notice, a return in the prescribed
form of your income the income of the income	for the said assessment year.
यह सूचना अध्यकर आयुक्त	
This notice is being issued after obtaining the necessary expenses of the decessary	थान प्राप्त करक जारा का गई है।
This notice is being issued after obtaining the necessary satisfaction of the Commission/the Central Board of Direct Taxes.	ner of Income-tax

THE PARTY OF THE P

TASIF

(बिकारी के इस्ताधर) (Signature of Office)) नाम Name A SCISTANT COMMISSION

Name ASSISTANT COMMISSIONER
OR CIRCLE-I (4), HYDERABAD,
Designation

P. T. O.

जन सम्पर्क अधिकारी	
धायकर विधिकारी (मुख्यासय)	
अयकर अधिकारी वार्ड/सक्त	
नरीक्षीय सहायक नामकर नायुक्त सकल	
lote: 1. If you feel any difficulty in the matter of filling to your income-tax liability, you may please con	In the return form or desire clarification on any other matter pertaining neact the :
Public Relations Officer ncome-tax Officer, (Headquarters) ncome-tax Officer, Ward/Circle	
. A. C. Circle	
्र कम्पनीयों के लिए निर्धारित फार्म, फॉर्म नं॰ 1 हैं।	
ते बाय' में से किसी एक जीवंगा एक से बिधक शीवों के अधिन प्रभावंग ता व्यक्तियों के निकारों के जैगरों तक ही सीमित हो सवाग जो 'गृह्सरूप बाह्ने तो कार्म संबंधा 3 में बपनी विवरणी दे सकता हैं। एक सादा कार्म संबंधाइसके	में साधारणतथा फामें संब 2 हैं। यदि 'वेतनों', 'प्रतिकृतियों पर ज्याव' और 'वस्य स्क्रोतों वाय से मिन्न 'वोदित की जाने वाली और कोई 'ज्यान हो, यदि वह फर्मों, ज्यक्तियों के संबम पति से अपय' या / और 'पूजी अभिलाम', शीव के बृद्धिन प्रकाय ही, तो ऐसी दक्षा में ब्रिट वह साथ संलग्न हैं। यदि यह अपयो कि साथ सावकर विद्यारों से इसकों
ते बाय ै में से किसी एक नीच या एक से बिधक शीचों के अधिन प्रभाव था या व्यक्तियों के निकारों के नेयरों तक ही सीमित हो अवया जो 'गृह् सम्व वाचे तो कार्य संख्या 3 में अपनी विवरणी दे सकता है। एक सप्दा कार्य संख्या	आय से मिश घोषित की अने वाली बुग्नेर कोई आग्नेश हो, यदि वह फर्मों, व्यक्तियों के संबम पति से आप या / और 'पूजी अभिलाभ', शीव के बुग्निन प्रणाय ही, तो ऐसी दशा में बुग्नि वह साथ सलग्न हैं। पदि यह आपके लिए उपयुक्त न ही, तो आप आवकर अधिकारी से इसको
ा बाय' में से किसी एक शीर्ष या एक से बिधिक शीर्षों के अधिन प्रभाव वा क्यां कि निकार्यों के सेवरों तक ही सीमित हो संख्या जो 'गृह् सम्प्राच्यें तो कार्य संख्या 3 में अपनी विवरणी दे सकता हैं।  एक सादा कार्य संख्या	बाय से मिन घोषित की जाने वाली और कोई आम न हो, यदि वह कमी, व्यक्तियों के संबम पति से अपने या / और 'पूजी अभिलाम', मीर्च के बुद्धिन प्रमाय ही, तो ऐसी दशा ने अदि वह साच संलग्न हैं। यदि यह आपके लिए उपनुक्त न ही तो आप आवकर अधिकारी के इसके orm No. I.  the prescribed form is ordinarily form, No. 2. However, if the assesses ple under one on more of the heads, 'V-Salaries', 'Interest on securities'' s from firms, association of persons, or bodies of individuals or is rev'. or/and 'Capital gains', he may furnish the return in Form No. 3: iclosed herewith. If this is not suitable to your case you may exchange it
ा बाप' में से किसी एक शोषं या एक से बधिक शोषों के अधिन प्रभायं अ ा व्यक्तियों के निकायों के शेयरों तक ही सीमित हो अणवा जो 'गृह सम्प्र श्रेष तो कार्य संख्या 3 में अपनी विवरणी दे सकता हैं।  एक तादा फार्म संख्या	बाय सं मिश घोषित की जाने वाली और कोई जाम न हो, यदि वह फर्मों, क्यवितवों के संबम पति से अप या / और 'पूजी अभिलाम', मीव के बहिन प्रमाय ही, तो ऐसी दशा में अदि वह साथ संलग्न हैं। यदि यह आपके लिए उपयुक्त न ही तो आप आवकर अधिकारी से इसके orm No. I.  the prescribed form is ordinarily form, No. 2. However, if the assesses the under one on more of the heads, 'Salaries', 'Interest on securities' is from firms, association of persons, or bodies of individuals or is rey" or/and "Capital gains", he may furnish the return in Form No. 3: inclosed herewith. If this is not suitable to your case you may exchange it due Capital Oscial Oscial Salaries (18) of Capital Capital Oscial Oscial Salaries (18) of Capital Capital Oscial
ा बाय' में से किसी एक शोषं या एक से बधिक शोषों के अधिन प्रभायं व ा व्यक्तियों के निकायों के शेयरों तक ही सीमित हो अववा जो 'गृह सम्प्र एक सादा कार्स संख्या अ में अपनी विवरणी दे सकता है।  एक सादा कार्स संख्या	बाय से मिन घोषित की जाने वाली और कोई आम न हो, यदि वह कमी, व्यक्तियों के संबम पति से अपने या / और 'पूजी अभिलाम', मीर्च के बुद्धिन प्रमाय ही, तो ऐसी दशा ने अदि वह साच संलग्न हैं। यदि यह आपके लिए उपनुक्त न ही तो आप आवकर अधिकारी के इसके orm No. I.  the prescribed form is ordinarily form, No. 2. However, if the assesses ple under one on more of the heads, 'V-Salaries', 'Interest on securities'' s from firms, association of persons, or bodies of individuals or is rev'. or/and 'Capital gains', he may furnish the return in Form No. 3: iclosed herewith. If this is not suitable to your case you may exchange it

MGITBP Bbsr--62/21 GIF\$/86-87--40,00,000 Copies.

## HYDERABAD BENCH: "B"

Before Shri A. Venku Reddy and Shri P. Pradhan

IT/.Nos.1803 & 1804/Hyd/1991 (Assessment Years: 1984-85 & 1985-86)

M/s. M & M Associates, Secunderapad.

-vs-

The Asst.CIT.1(2), Hyderabad.

(Appellant)

(Respondent)

Appellant by : None.
Respondent by : Shri K.Jagadeeswara Rao.

-: ORDER :-

#### PER SHRI P.PRADHAN, AM:

By petition dated 11th November, 1995, the assessee requests to withdraw these appeals. Necessary permission is granted and the appeals are hereby dismissed as withdrawn.

(A.Venku Reddy)
Judicial Member

(P.Pradhan)
Accountant Member

Dated: 70 -11-1995.

#### Copy forwarded to:

- N/s.M & M Associates, 5.4.187/3 & 4, Soham Mansion, M.G.Rosd, Secunderabad-.500 003.
- 2. The Asst. CIT. 1(2), Hyderabad.
- 3. The CIT. Hyderabad.
- 4. The CIT(A) Hyderabad.
- 5. The DR. ITAT. Hyderabad

bm

Assistant Registral
Incom: Tx Ippellare Tribunal
Hyderanad Benches.
Hyderanad

18/2

## F 7 R M No. 36

[Vide rule 47 (1) of the Income-tax Rules, 1962] FORM OF APPEAL TO THE APPELLATE TRIBUNAL

In the Income-tax Appellate Tribunal... ...

'Appeal No. ..

.. of ...

... 19...

....

M/s. M & M Associates, 5-4-187/3 & 4,

Karbala Maidan, Secunderabad ... Appellant

Versus

Income-tax, Officer, I-Ward, Circle-III,

Hyderabad.

... Respondent .

- 1. The State in which the assessment was made.
- 2. Section under which the order appealed against was passed.
- 3. †Assessment year in connection with which the appeal is preferred.
- 3A. Total income declared by the assessee for the assessment year referred to in item 3.
- 3B. Total income as computed by the Income-tax Officer for the assessment year referred to in item 3.
- 4. "The Income-tax Officer passing the original order.
- 5. "Section of the Income-tax Act, 1961, under which the I. T. O. passed the order.
- 6. \*\*The Appellate Assistant Commissioner/Commissioner (Appeals) passing the order under section 131 (2)/154/250/271/271A/272A.
- 7. "The Inspecting Assistant Commissioner passing the order under section 154/274 (2).
- 8. The Commissioner passing the order under section 154/250/263/271/271A/272A/285A.
- 9. Date of communication of the order appealed against.
- 10. Address to which notices may be sent to the Appellant.
- 11. Address to which notices may be sent to the respondent.
- 12. Date on which the return of income, if any, for the assessment year referred to in item 3 was filed.
- 13. Date on which the assessee was served with a notice, if any, calling upon him to file the return for the assessment year referred to in item 3.
- 14. ‡Relief claimed in appeal.

Sri Anilkumar B. Vithlani, Chartered Accountant, 15-1-537/6, Siddiamber Bazar, HYDERABAD. Andhra Pradesh

250

1985-86

Rs. (-) 7,25,730/-

Rs. (-) 80,420/-

Income-tax Officer, I-Ward, Circle-III, Hyderabad.

Sec. 144

Commissioner of Income-tax, (Appeals)-III, Hyderabad.

N.A.

N.A.

24-08-1991.

Sri Anilkumar B. Vithlani. Chartered Accountant, 15-1-537/6 Siddiamber Bazar, Hyderabad.

The Income-tax Officer, I-Ward, Circle-III, Hyderabad.

26-03-87

N.A.

VIDE GROUNDS OF APPEAL

VIDE ANNEXURE -

Signature (Authorised representative, if any).

(Signature)
(Appellant)

#### VERIFICATION

that what is stated above is true to the best of my information and belief.

Verified today the ...

...day of...

19... س

Signature (Appellant)

NOTES:—1. The memorandum of appeal must be in triplicate and should be accompanied by two copies (at least one of which should be a certified copy) of the order appealed against and two copies of the relevant order of the Income-tax Officer.

- 2. The memorandum of appeal in the case of an appeal by an assessee under section 253 (1) of the Act must be accompanied by a fee specified below:—
  - (a) in a case where the assessment proceedings were initiated before the 1st day of April, 1971 ...Rs. 100;
  - (b) in a case where the assessment proceedings were initiated after the 31st day of March, 1971 but before the 1st day of June, 1981
  - March, 1971 but before the 1st day of June, 1981

    (c) in any other case

    ...Rs. 125;

For the purpose of this Note, the assessment proceedings shall be deemed to have been initiated on the date referred to in item 12 or item 13, whichever is earlier. It is suggested that the fee should be credited in a branch of the authorised bank or a branch of the State Bank of India or a branch of the Reserve Bank of India after obtaining a challan from the Income-tax Officer and the triplicate challan sent to the Appellate Tribunal with the memorandum of appeal. The Appellate Tribunal will not accept cheques, drafts, hundies or other negotiable instruments.

- 3. The memorandum of appeal should be written in English or, if the appeal is filed in a Bench located in any such State as is for the time being notified by the President of the Appellate Tribunal for the purposes of rule 5A of the Income-tax (Appellate Tribunal) Rules, 1963, then, at the option of the appellant, in Hindi, and should set forth, concisely and under distinct heads, the grounds of appeal without any argument or narrative and such grounds should be numbered consecutively.
  - 4. 'The number and year of appeal will be filled in the office of the Appellate Tribunal.
- 5. †This column is not to be filled in where the appeal relates to any tax deducted under section 195(1).
  - 6. \*\*Delete the inapplicable columns.

M/S. M & M ASSOCIATES, 5-4-187/3 & 4, Karbala Maidan, S E C U N D E R A B A D.

Assessment Year 1985-86

APPEAL AGAINST THE ORDER OF C.I.T. (APPEALS)-III, DATED 20x 12-06-91 FOR THE ASSESSMENT YEAR 1985-86.

#### GROUNDS OF APPEAL

- 1. The order of the C.I.T. (Appeals)-III, Hyderabad is contrary to the facts of the case and law.
- 2. The Learned C.I.T. (Appeals) erred in upholding the disallowance of interest of Rs. 7.053/- paid to Shri Satish Modi by the appellant.
- 3. The Learned C.I.T. (Appeals) failed to notice that interest was paid by the appellant on the amounts borrowed for the purpose of its business and was an admissible expenditure.
- 4. The Learned C.I.T. (Appeals) ought to have appreciated that the Assessing Officer failed to take note of the material before him on record while disallowing the interest payment.
- 5. The Learned C.I.T. (Appeals) ought to have considered the material placed before him during the appeal and further information furnished by the appellant in letter dated 12-06-91 and arrived at a fair assessment.
- 6. The Learned C.I.T. (Appeals) ought to have noticed that even an exparte order ought to have been framed judiciously having regard to the material on record.

For these and other grounds that the appellant may urge at the time of hearing, the order of the C.I.T. (Appeals) may be set aside and interest payment of Rs. 7,053/- allowed.

(APPELLANT)

Place: Hyderabad 4

Date : 01-10-1991.

M/s. M & M Associates, 5-4-187/364, Karbala Maidan, Secundarabad.

APPELLANT

Assessment Year

1985-86

Order appealed against

Order made u/s.144.

#### BRIEF FACTS OF THE CASE

The appellant is a private determined trust and is a partner in the partnership firm M/s. Modi Builders. Return of income is filed taking the share income from the partnership firm as par the return filed in case of the firm.

Amount borrowed in the earlier year and utilised for investment in the partnership firm is carried over from year to year. Interest is paid on the loan. The interest paid is claimed as an expenditure.

Return filed by the appellant is under the Amnesty Scheme and as such the assessment is to be completed accordingly. There is no new feature in the appellants case for the year under consideration. Details called for during the course of the assessment proceedings have been filed.

#### GROUNDS OF APPEAL

- 1. The order of the Income-tex Officer in so far as it is against the appellant is contrary to the facts and law.
- 2. The return filed by the appellant is under Amnesty Scheme and as all the conditions are fulfilled, the assurances given by the Central Board of Direct Taxes in this respect are to be extended to the appellant.
- 3. The Income-tax Officer is not justified in dis-allowing interest of 2.7,053/- paid to loan creditor.
- 4. Any other ground or grounds of appeal that may be submitted at the time of hearing.

APPELLANT.

Sri S. Kulandaivelu, I.K.S.,

-622/LIII/Hyd

## ्रुवायकर विभाग

Dt.25--3--1988:

## INCOME TAX DEPARTMENT

्रिना/District

1. WY Punding the Year of Atomorphe

1985-867

2. निवंधिती का नाम (पूरा पता तक्ति)
Name of Assesses (with complete address)

M/s. M & n. Associates, 5-4-187/3 & 4, Karbala maidan, Secunderabad.

3. Paris

AOP (TRUST)

निवासी

4. क्वा---निवासो परन्तु साधारणतः निवासी नहीं भनिवासी

Resident
Whether—Resident but not ordinarily resident
Non-resident

Resident.

5. लेखा-बिधि Method of accounting

6. लेखा धर्मीय (भाष स्रोत के लिए इसे मलग दिखाएं)
Accounting period (to be shown separately for source of income)

31--7--1984

7. किस धारा भीर उप-धारा के भधीन कर निर्धारण किया गया Section and Sub-section under which the assessement is made.

144

#### कर निर्धारण आदेश ASSESSMENT ORDER

The assessee has filed its return of income for the asst. year 1985-86 admitting loss of B.7,25,730under the Amnesty Scheme. Under the Amnesty Scheme xxxxxxxxxx only returns of income cambe filed and not return of losses. Therefore this case do not come under Amnesty Scheme. The assessment for 1985-86 is a time barring assessment. The assessee has claimed net loss of Bs.7,25,730/- in the statement and apportioned among the beneficiaries. The case was posted for the hearing on 18-6-1987 and then on 5-8-87. Subsequently, the case was

pto

MOIFLE(FED) -- 85/9.1.F.E.(CAL)/82-75,34.000 -

<sup>\*</sup>क्या व्यक्ति, भविभक्त हिन्दू परिवार, कम्पनी, स्थानीय प्राधिकार, रिजस्ट्रीकृत या अरिजस्ट्रीकृत प्रमें, व्यक्तियों की संख्या

<sup>•</sup>Whether individual Hindu undivided family, company, local authority, registered or unregistered farm, association of persons body of individuals.

There being no response on all the dates of hearing, finally by way of offering a last opportunity. Ly this Office letter dt. 12-2-1988 the assessee as well as the assesseets representative were intimated that the case stands posted finally in case the assessee fails to appear on that date and the time, there was no response on the date of hearing. Therefore, as there were no responses from the assessee.

Share income from c/s. Modi Builders, 1-10-72/2/3, Begumpet, Secunderabed as per asst. order dt: 7-3-1988. (95%)

80,420

The interest paid to Satis Modi of hs.7053/- is disallowed in the absence of any details.

Declared as N.A. for 1985-86.

Apportionment.

§ .		INCOME
1, Sahaw	<b>25</b> %	20,105
2. Sourabl	2,074	20,100 2005
3. Roopest		5,026
4. Devansh	i. 6.25%	5,02 <b>5</b>
5. P#iti.	6.25%	5,025
6. Nirimit	a 6.25%	5.02 <b>5</b>
7. Rikeh	12.50%	10,050 1085
8. Hiral.	12.50%	10,050 (5
		80,420

Incometax Officer, I-ward, Cir-III,
Hyderabad.

Copy to the assessee

22/8/2 No was As allo-35. J. F. N. 3-55. अध्यकर आयात (अपीत)। क्षाप्यवर्द्धवपीत IN THE OFFICE OF THE COMMISSIONER OF INCOMETAX (Appeals)/Appellate Assistant Commissioner of Income-tax Shri J.G. PENDSE, IRS आदेशीको वारीध Commissioner of Incometax(Appends Date of Order ... Andhra Pradesh: Hyderabad rades असील संख्या (% 93 & 94/III.I/CIT(A)III · · · · · में आयकर अधिवादी के आदेश के विश्व 'को डागर किया गढा। Instituted on the Shri.S. Kulandaivelay ITO, I. Wardie of Foffer mappy officer/Inspecting Assistant Commissioner of Income-tax. (१) कर निधारण वर्ष 1984-85 1985-85 Assassment year (2) अवीतार्थी ा नाम M/s M and M Associates, Name of Appellate 5-4-187/364, Karbala Maidan, (3) जाय जिस पर चर निर्धारण किया गया है Secunderabad Income assessed (4) मामा मध्य चार- अधिकर शास्ति/ज्मीना Rs.(-) 1,36,000 (-) 80,420/-N.A. (-) 20x420x-Income-tax Penalty// Geranded. N.A. (5) धारा जि.ं अधीन आवंश जिसके विरुद्ध अपील की एई है पास किया गया या Section under which order appazled against was passed 244 144 सनवाई की तारोख

ंट ता**र्यों को धोर** से एवंस्थित resent for Appellant... Shrd... And I. Kunar Bu Vithalani FCA ंबभाग की ओर से उपस्थित

Present for Appellant Department

अपील आदेण और विनिश्चय के आधार APPELLATE ORDER AND GROUND OF DECISION

श्रभातमुद्रेक-217 सिवल/80-81-भातमुद्रेक-(सी-147)- 44-81-2,400,000 ! MGIPTC-217 CIVII/80-81--GIPTC--(C-147)--8-4-81--2,400,000.

#### ITA Nos. 93 & 94/III.I/CIT(A)III/88-89

ex-parts. The assessing officer observed that the case was posted for hearing for 1984-85 on 18-6-1987, 5-8-1987, 18-9-1987 and 30-11-1987 and for 1985-86 on 5-8-1987, 18-6-1987 is-9-1987 and 30-11-1987. There was no response on the dates of hearing. Finally for both the years together the date of hearing was fixed on 24-3-1988 and there was no response. Accordinly, the assessing officer proceeded to frame the assessments u/s 144.

from M/s Modi Builders. The assessing officer adopted the same asm per the assessment order of the firm. The only grievance of the appellant is disallowance of interest paid to Sri Satish Modi of R. 6.172 for the a.y. 1984-85 and R. 7053/- for the a.y. 1985-86. The appellant stated that the interest was paid to Shri Satish modi who also happens to be the only other partner of M/s Modi Builders where the appellant had 95% share. The P & L Account shaws that these interests was only debited to it. The liabilities and assets for both the years as filed are reproduced below:-

	BALANCE SHEET AS	on 31-7-1983	:
LIABILITIES	Car my respectively	ASSETS	
Capital Fund	R. 3,000-00	Firm Tax	378-10
M/s Modi Builders	8,75,446-47	Beneficiarias	
Shri Satish Modi	40,460-00	ounts	9,18,528-37
The second second	9,18,906-47	· ·	9,18,506 -47
	Algo thin then then Alba back that then gay then frequ	W · ·	dame have have done have seen and other edity exten
	BALANCE SHEET AS	3 on 31-7-1984	
Capital Fund	3,000-00	Firm Tax	378-10
M/s Modi Builders	15,94,116-84	Beneficiaries	
	the second of th	Accounts	16,44,262-04
Shri Satish Modi	47,523-30		
	16,44,640-14		16,45,640-18
•	title gave ages are take take also also also also file file		The state of the s

#### ITA Nos. 93 & 94/III.I/CIT(A)III/88-89

things would require to be considered by the assessing officer framing the assessments. It is very unknown unusual that on a capital fund of &. 3,000/-, the appellant incurred a loss of over &. 7,25,000/- for the a.y. 1985-86 and &. 7,84 lakhs in 198485. The appellant had also borrowed from his associate Shri Satish Modi who incidentally the only partner in M/s Modi Builders besides the appellant. Under these circumstances. I hold that the assessing officer was justified in disallowing the interest paid to Shri Satish Modi while framing the assessments u/s 144. I do not see any interference is called for at the appellate stage for disallowance of interest of &. 6,172 and &. 7,153/- for the a.ys. 1984-85 and 1985-86 respectively.

3. In the result, the appeals are dismissed.

Commissioner of Incometax(Appeals) III
Andhra Pradesh: Hyderabad

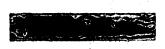
#### Certified copy

Copy of the Order Forwarded to

- 1: Appellant with D. N.
- 2. I.T.O. with records
- 3. CIT. A.P. Hyderabad
- 4. IAC. of Incometax.

Commissioner of Income Tax
(APPEALS) III,
HYDERABAD

(कम्पनी से भिन्न निर्धारितियों के शिए) (FOR NON-COMPANY ASSESSEES) तृतीय प्रतिपर्ण 3rd Counterfoil (करवाना के निजी प्रयोग के लिए) (for the taxpayer to be retained by him)



## आयकर Income Tax



ज्यम कर से भिन्न बाय पर कर 021-Taxes on income other than Corporation Tax

#### स्वयं निर्धारण कर प्र<del>थम् ३०० अस्य स्टब्स्</del>

TRIBUNAL PEES

नोट:--- प्रत्येक प्रतिपर्ण को मही और पूरी तरह भरें।

Counterfoil correctly and completely

म्यापी मेखा संख्या

Permanent Account No. M—6 22

नाम और पूरा पता
(अर्थात परिसर नं | मार्ग | गले | क्षेत्र | नगर |

गहर | जिला | राज्य ) (स्पष्ट अकरों में लिखे ) — M & M & Complete address
(i.e. premises No./Road/Street/Locality/Town/ 5-4-187/3 44 Keal ala Maridan
City/District/State (in Block letters)

प्रास्थित | Status D + O P

आयकर वार्ड | सकेल | रेज बिसमें निर्धारण किया

गया | योग्य |
Income-tax Ward/Circle/Range in which assessed/ assessable

जमा किए गए कर की राशि/Amount of tax paid

	आंकड़ों में In figures	योग (निकटतम रूपये तक पूर्णांकित) Total (rounded off to the nearest rupee)
आयकर Income-tax		ह० आंकड़ों में In figures Rs. 250 =
व्याज Interest		ह० मन्दों में Swo Huchd and grifty
अधिभार Surcharge	•	Jonly

( कु o पु o उ o / P. T. O. )

13

	क भाफ इण्डिया/रिज़द <b>ेवक भाफ इ</b> ण्डिया द्वारा आधकुतः *
र्वेक में ''''' (नाम दियो आरए)	ः शाखाः · · · · · में
ैनकद/वैक संख्याः दिनांकः	द्वारा जमा किया गया।
Paid in *Cash/Cheque No	
of India/State Bank of India/Bank authorised	(° 2NO) 1 I I
Branch begult	(Name to be indicated)
	gustages -
	जमा करने वाले व्यक्ति के हस्ताकर
दिनांक/Date	Signature of the person making the payment
*जो लागू नहीं है उसे काटिए/Strike out	whichever is not applicable.
(प्राप्तकर्त्ता बैंक में प्रयोग के लिए/FOR t	USE IN THE RECEIVING BANK)
	भुगतान प्राप्त/Received payment
	/
1. स्करोल में क्रम संख्या/Serial Number in the Scro	II
2. बैंक में चैक प्रस्तुत करने की तारीख Cheque tendered at the Bank on	Contraction of the second
3. चैक के भुगतान भीर बेडिट की तारीख प्री	A BANK OF HYDERABAD!
M a	गम् ।
दिनांक/Date	काषाध्यक्ष मधिकार के अर Signal मिल्कि Cushier Authorised Officer TRANSFER RECEIVED
	- NICEER RECEIVED
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भारव्यावश्राहर द्वारा आधृहत / / /	
Stamp of RBI/SBI/Bank authorised by RBI and	
Branch L	•
आई०टी०एन० <b>एस०-166-क</b> !. T. N. S166-A	