

WEALTH TAX
आयकर विभाग
~~INCOME TAX~~ DEPARTMENT

- M/s.M&N Associates** **1984-85**
1. निर्धारित का नाम
Name of assessee
1-10-72/2/3,
2. पता
Address **Begumpet,**
Hyderabad - 500 016
3. एच.ए.एन.जी.आर.नं.
P.A.N./G.I.R.No. **M-622/AC 1 (2)**
4. जिला/वार्ड/सर्कल
District/Ward/Circle **AC 1 (2)/HYD**
5. स्थिति
Status **A.O.P. (TRUST)**
- (क) यदि हि० अ० कु० है तो क्या कर की उच्च दर लागू होती है?
(a) If HUF, is higher rate of tax applicable?
- (ख) यदि कम्पनी है तो
(b) If company, whether
- (i) देशी/अन्य
Domestic/Others
- (ii) जनता का पर्याप्त रूप से हितबद्ध/जनता का पर्याप्त रूप से हितबद्ध नहीं
Public substantially interested/Public not substantially interested.
- (iii) औद्योगिक/गैर औद्योगिक
Industrial/Non-industrial
- (iv) धारा 108/धारा 108 से भिन्न
Section 108/other than section 108
6. निर्धारण वर्ष
Assessment year
7. क्या निवासी/निवासी किन्तु मामूली तौर पर निवासी नहीं/अनिवासी
Whether Resident/Resident but not Ordinarily resident/Non-resident. **Resident**
8. लेखा विधि
Method of accounting -
9. पूर्व वर्ष
Previous year. **31/03/1983**
10. कारबार/कारबारों की प्रकृति
Nature of Business(es). -
11. सुनवाई की तारीख/तारीखें
Date(s) of hearing -
12. आदेश की तारीख
Date of order **31/03/1992**
13. किस धारा तथा उपधारा के अधीन निर्धारण किया गया
Section and sub-section under which the assessment is made.
16 (3)

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 assessee Trust has negative wealth as per Balance Sheet already filed alongwith the I.T. Returns for relevant year. However no returns was filed by the assessee hence the assessment is completed ex-parte, on merits.

P. T. O.

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

Net taxable wealth : NIL

Closed as 'ND' :

Yeshwant U. Chavan

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

Copy to the assessee.

5/5/90
Rajesh Reddy

FORM NO. 36.

(See Rule 47 (1),

FORM OF APPEAL TO THE APPELLATE TRIBUNAL.

In the Income-tax Appellate Tribunal, Hyderabad.

IT Appeal No. 604/hyd/90 of 1989.

Appellant: Income-tax officer, WARD.1 (7), Hyderabad. **VERSUS.** M/s. Modi Builders, 5-4-187/344, Karbala Maidan, Secunderabad.

- 1. The state in which the assessment was made. : ANDHRA PRADESH.
- 2. Section under which the order appealed against was passed. : 250 of the IT Act.
- 3. Assessment year in connection with the appeal is preferred. : 1984-85
 - A. Total Income admitted by the assessee. : Rs. (-) 8715,350/-
 - B. Income assessed by the ITO : Rs. (-) 2,1,43,157/-
- 4. The ITO/DCIT passing the original order. : ITO, D-Ward, Circle-III, Hyderabad.
- 5. Section of the IT Act, 1961 under which the ITO passed the order. : 143(3)
- 6. The Commissioner (A) passing the order U/s.131(2)/154/250/271 A/272 A. : CIT (APPEALS) III, HYDERABAD
- 7. The Inspecting Asst. Commissioner passing the order under Section 154/274 (2) : --
- 8. The Commissioner passing the order under Section 154/250/263/271 A/285A : --
- 9. Date of communication of the Order appealed against. : 21-2-1990
- 10. Address to which notices may be sent to the appellant. : ITO, District, Ward.1 (7), Circle-I, Hyderabad.
- 11. Address to which notices may be sent to the respondent. : M/s. Modi Builders, 5-4-187/344, Karbala Maidan, Secunderabad.
- 12. Date of which the return of income if any, for the asst. year referred to in item 3 was filed. : 31-10-1984

14. Relief in appeal

: As per grounds of appeal

Yousufuddin
Income-tax Officer, Ward.1 (7),
Hyderabad-1. (A. P.)

GROUND OF APPEAL

SEPARATELY ENCLOSED.

VERIFICATION

I, SYED YOUSUFUDDIN, the appellant, do hereby
declare that what is stated above is true to the best
of my information and belief.

verified today the 19th day of April, 1990.

Yousufuddin
Income-tax Officer, Ward.1 (7),
(I/c), Circle-I, Hyderabad-1.

GROUND OF APPEAL

Asst. Year: 1984-85.

1. The Order of the CIT (APPEALS) is erroneous on fact and in law.
2. The learned CIT (APPEALS) erred in holding that the expenditure of Rs. 6,72,196/- incurred on development of the property.
3. Any other grounds that may be urged at the time of hearing.

L. S. R. Reddy
~~Incometax Officer. (116)~~
~~Ward-1 (7), Hyderabad,~~

10/11
10/11
10/11

10/11
10/11

10/11

28-1001-1001

at (MADRAS) ...
... ..

at (MADRAS) ...

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Incomes Officer
Ward-1 (7), Hyderabad

T. S. A. No. 604 / Hyd / 190
... ..
20/4/90

M/S Modi Builders
5-4-187 / 344, Karbala
Haidan, Sec'bad.

Krishan Rao
... ..
... ..

IL-622/III/Hyd.

आयकर विभाग

INCOME-TAX DEPARTMENT

DL. 25-3-1988.

जिला/District

1. कर वर्ष का
Year of Assessment 1984-85.
2. निर्धारित का नाम (पूरा पता सहित)
Name of Assessee (with complete address) M/s. M & M ASSOCIATES,
5-4-187/3 & 4, Karbala Maidan,
Secunderabad.
3. ~~व्यक्ति~~
Status* AOP (TRUST)
4. निवासी
क्या—निवासी परन्तु साधारणतः निवासी नहीं
अनिवासी
Whether—Resident but not ordinarily resident Resident.
Non-resident
5. लेखा-विधि
Method of accounting
6. लेखा अवधि (आय स्रोत के लिए इसे अलग दिखाएं)
Accounting period (to be shown separately for source of income) 31-7-1983.
7. किस धारा और उप-धारा के अधीन कर निर्धारण किया गया
Section and Sub-section under which the assessment is made. 144

कर निर्धारण आदेश
ASSESSMENT ORDER

The assessee has filed its return of income for 1984-85 admitting nil income under the Amnesty Scheme. Under the Amnesty Scheme only returns of income can be filed and not return of losses. Therefore, this case do not come under Amnesty Scheme. The assessment for 1984-85 is covered by the extended time limit. The assessee has claimed net loss of Rs. 7,80,727/- in the statement and apportioned among the beneficiaries. The case was posted for the first time on 18-6-1987, and then on 5-8-87. Subsequently the case was posted for hearing on 18-9-1987, 28-9-1987 and

pto

क्या व्यक्ति, प्राथमिक हिन्दू परिवार, कम्पनी, स्वतन्त्र प्राधिकार, रजिस्ट्रीकृत या अरजिस्ट्रीकृत फर्म, व्यक्तियों की संस्था व्यक्तियों का निवास।

*Whether individual Hindu undivided family, company, local authority, registered or unregistered firm, association of persons body of individuals.

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30-11-1987. There being no response on all the dates of hearing, finally by way of offering a last opportunity, by this Office letter dt. 12-2-1988 the assessee as well as the assessee's representative were intimated that the case stands posted finally for hearing on 24-3-1988 at 10 A.M. It was also informed that in case the assessee fails to appear on that date and the time, the assessment will be completed u/s 144. As ~~xxx~~ usual there was no response on the date of hearing. Therefore, the time barring assessment is completed u/s 144 as there were no responses from the assessee.

Share loss from M/s. Modi Builders,
1-10-72/2/3, Begumpet, Secunderabad
as per est. order dt. 19-3-1987
(D-Card, Cir-III, Hyd)

Rs
1,36,000

The interest paid to satish Modi of Rs.6172/-
is disallowed in the absence of any details.

DECLARED N.A. for 1984-85.

	Apportionment.	(-)	Loss. Rs
1. Sohan.	25%		34,000
2. Sourath.	25%		34,000
3. Hoopesh.	6.25%		8,500
4. Devanshi.	6.25%		8,500
5. Priti.	6.25%		8,500
6. Hirrita.	6.25%		8,500
7. Balu.	12.50%		17,000
8. Hiral.	12.50%		17,000

		Loss.	1,36,000.

(S. Kulandavelu)
Incometax Officer, I-Card, Cir-III,
Hyderabad.

Copy to the assessee.

Approved for 6-1-88

M/S.MODI BUILDERS
5-4-187/3 & 4, Karbala Maidan, Sec'bad.

Assessment Year : 1984_85

COMPUTATION OF INCOME

Income from Business:

Net Loss vide Profit and Loss A/c.	8,19,555
Deduct: Donation	4,202
	<hr/>
NET LOSS:	8,15,353
	<hr/>

A P P O R T I O N M E N T

<u>S.No.</u>	<u>Name of Partner</u>	<u>Share</u>	<u>Share of Loss</u>
1.	M & M Associates	95%	7,74,585
2.	S.M.Modi (HUF with Soham)	5%	40,768
			<hr/>
			8,15,353
			<hr/>

Taxes Paid : NIL

Tax Payable : NIL

N O T E : Form No.12 filed on 19.06.1984 under Inward
No.003933.

31

Notice u/s. 17 (IA) of WT Act

आई.टी.एन.एस-34
ITNS-34

आयकर अधिनियम, 1961 की धारा 148 के अधीन सूचना
Notice under Section 148 of the Income Tax Act, 1961

स्वाकी सेवा सं. 0622
P. A. N.

का कार्यालय
Office of the

सेवा में,
To.

तारीख
Date 23-3-89

M/s. M. M. Associates
10-7-21-3
Madr. Bur. Idings... Begumpet Sec'bad

चूंकि मेरे पास ऐसा विश्वास करने का कारण है कि निर्धारण वर्ष 19-84-85 के लिए कर से प्रभात आयकी आय को आय जिसके सम्बन्ध में आय पर आयकर निर्धारित किया जाना है आयकर अधिनियम, 1961 की धारा 147 के आधय के अनुसार निर्धारण से छूट गई है।

Whereas I have reason to believe that your income the income of in respect of which you are assessable chargeable to tax for the assessment year 19.....19..... has escaped assessment within the meaning of Section 147 of the Income-tax Act, 1961. 17 u/s 21(IA) of WT Act इसलिये मैं उक्त निर्धारण वर्ष की आय को निर्धारण / पुनः निर्धारण कराने का प्रस्ताव करता हूँ और इसके द्वारा आपसे अपेक्षा करता हूँ कि इस सूचना के तामिल होने की तारीख से 30 दिनों के अन्दर उक्त निर्धारण वर्ष की निर्धारण योग्य अपनी आय / की आय, जिसके सम्बन्ध में आयकर निर्धारण किया जाता है, कि विवरणी निर्धारित फार्म में प्रस्तुत करे।

I, therefore, propose to assess/re-assess the income for the said assessment year and I hereby require you to deliver to me within 30 days from the date of service of this notice, a return in the prescribed form of your income the income of in respect of which you are assessable for the said assessment year.

यह सूचना आयकर आयुक्त / केन्द्रीय प्रत्यक्ष कर बोर्ड से आवश्यक समाधान प्राप्त करके जारी की गई है।
This notice is being issued after obtaining the necessary satisfaction of the Commissioner of Income-tax / the Central Board of Direct Taxes.



Handwritten signature and date: 23/3/89

(अधिकारी के हस्ताक्षर)
(Signature of Officer)
नाम
Name
पद ASSISTANT COMMISSIONER
Designation CIRCLE-1 (4), HYDERABAD

P. T. O.
805030

नोट : 1. यदि आपको विवरणी फार्म भरने में कोई कठिनाई हो या आप अपने आयकर वापिसा से सम्बन्धित किसी विषय का स्पष्टीकरण चाहते हों तो कृपया इनसे संपर्क स्थापित करें :—

- जन सम्पर्क अधिकारी
- आयकर अधिकारी (मुख्यालय)
- आयकर अधिकारी वार्ड/सर्कल
- निरीक्षीय सहायक आयकर वायव्यत सर्कल

Note : 1. If you feel any difficulty in the matter of filling in the return form or desire clarification on any other matter pertaining to your income-tax liability, you may please contact the :

- Public Relations Officer
- Income-tax Officer, (Headquarters)
- Income-tax Officer, Ward/Circle
- I. A. C. Circle

2. कम्पनीयों के लिए निर्धारित फार्म, फॉर्म नं० 1 हैं।

कम्पनीयों से निम्न अन्य निर्धारितियों के मामले में निर्धारित फार्म साधारणतया फार्म सं० 2 हैं। यदि 'वेतनों', 'प्रतिभूतियों पर व्याज' और 'अन्य स्त्रियों से आय' में से किसी एक शीर्ष या एक से अधिक शीर्षों के अधिन प्रचार्य आय से भिन्न चोपित की जाने वाली और कोई व्याज न हो, यदि वह कर्मों, व्यक्तियों के संयम या व्यष्टियों के निकायों के संयमों तक ही सीमित हो अथवा जो 'गृह सम्पत्ति से आय' या / और 'पूजी अपिलाय' शीर्षों के अधिन प्रचार्य हों, तो ऐसी रकम में यदि वह बाह्य तो फार्म संख्या 3 में अपनी विवरणी दे सकता है।

एक साधा फार्म संख्या इसके साथ संलग्न है। यदि यह आपके लिए उपयुक्त न हो तो आप आयकर अधिकारी से इसकी बदल कर उपयुक्त फार्म ले सकते हैं।

2. The prescribed form in the case of Companies is Form No. 1.

In the case of assessee other than companies the prescribed form is ordinarily form No. 2. However, if the assessee has no income to declare other than what is chargeable under one or more of the heads, "Salaries", "Interest on securities" and "Income from other sources", confined shares from firms, association of persons, or bodies of individuals or is chargeable under the head "Income from house property" or/and "Capital gains", he may furnish the return in Form No. 3.

A blank form No. is enclosed herewith. If this is not suitable to your case you may exchange it for the appropriate form from the Income-tax Officer.

To assess the residue corpus assessable U/S 21(1)A of the act in respect of the residue corpus relating to M & M Associates Trust for the AY 1984-85

11th November, 1995.

From:

M/s. M & M Associates
5-4-187/3 & 4
Soham Mansion
M.G. Road
SECUNDERABAD - 500 003.

To

The Assistant Registrar
Income Tax Appellate Tribunal 'B' Bench
5-9-22/1, Shapoor House,
Adarshnagar
HYDERABAD - 500 463.

Sir,

Sub:- ITA No. 1803 & 1804/4/91 - M/s. M & M
Associates - Asst. Years 1984-85 and
1985-86 - Withdrawal of appeals - Reg.

* * *

The hearing of the above cases No. 1803 & 1804/4/91 for
Asst. Years 1984-85 and 1985-86 of M/s. M & M Associates
is fixed for hearing on 15/11/1995, before 'B' Bench.

We hereby withdraw our above two appeals and request that
the same may be disposed off accordingly.

Inconvenience caused is sincerely regretted.

Yours faithfully,
for M & M ASSOCIATES.

Satish Modi
SATISH MODI.
(Trustee)

Appellant.

लिपिक
Clerk

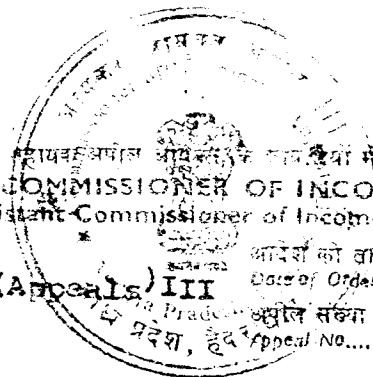
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आयकर अपीलिय अधिकरण
Income Tax Appellate Tribunal
हैदराबाद-Hyderabad

2/25/91

आदेश क्र. 88-89/III.I/CIT(A)III
12-6-1991

आयकर अधिकारी (अपील) / आयकर अपील अधिकारी के कार्यालय में
IN THE OFFICE OF THE COMMISSIONER OF INCOME-TAX
(Appeals)/Appellate Assistant Commissioner of Income-tax

Shri J.G. PENDSE, IRS
Commissioner of Income-tax (Appeals) III
Andhra Pradesh: Hyderabad



आदेश की तारीख 12-6-1991
Date of Order

अपील संख्या (% 93 & 94/III.I/CIT(A)III)
88-89
Appeal No.

.....में आयकर अधिकारी के आदेश के विरुद्धको दायर किया गया।
Initiated on the**Shri S. Kulandaivelu, ITO, I Ward, Cir-III, Hyd**
Commissioner of Income-tax. Inspecting Assistant

(1) कर निर्धारण वर्ष Assessment year	1984-85	1985-86
(2) अपीलार्थी का नाम Name of Appellate	M/s M and M Associates, 5-4-187/364, Karbala Maidan, Secunderabad	
(3) आय जिस पर कर निर्धारण किया गया है Income assessed		
(4) लगा गया कर- Income-tax	Rs. (-) 1,36,000	(-) 80,420/-
अधिकार- Super tax	N.A.	(-) 80,420/- N.A.
(5) धारा जिसके अधीन आदेश जिसके विरुद्ध अपील की गई है पास किया गया था Section under which order appealed against was passed	144	144

सुनवाई की तारीख
Date of hearing.....12-6-1991.....

अपीलार्थी की ओर से उपस्थित
Present for Appellant...**Shri Anil Kumar B. Vithalani, FCA**

अपील की ओर से उपस्थित
Present for Appellant Department

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

समाप्तमुद्रक-217 सिविल/80-81-समाप्तमुद्रक-(सी-147)-4-4-81-2,400,000।
MG/PTC-217 Civil/80-81-GIPTC-(C-147)-4-4-81-2,400,000.

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



The assessments for both these years were framed ex-parte. The assessing officer observed that the case was posted for hearing for 1984-85 on 18-6-1987, 5-8-1987, 18-9-1987, 28-9-1987 and 30-11-1987 and for 1985-86 on 5-8-1987, 18-6-1987, 18-9-1987 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. Accordingly, the assessing officer proceeded to frame the assessments u/s 144.

2. The sources of income of the appellant is share income from M/s Modi Builders. The assessing officer adopted the same as per the assessment order of the firm. The only grievance of the appellant is disallowance of interest paid to Sri Satish Modi of Rs. 6,172 for the a.y. 1984-85 and Rs. 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 shows 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

Capital Fund	Rs. 3,000-00
M/s Modi Builders	8,75,446-47
Shri Satish Modi	40,460-00

	9,18,906-47

ASSETS

Firm Tax	378-10
Beneficiaries accounts	9,18,528-37

	9,19,06 -47

BALANCE SHEET AS on 31-7-1984

Capital Fund	3,000-00
M/s Modi Builders	15,94,116-84
Shri Satish Modi	47,523-30

	16,44,640-14

Firm Tax	378-10
Beneficiaries Accounts	16,44,262-04

	16,44,640-14

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

Irrespective of the merits of the appellant's case, several things would require to be considered by the assessing officer framing the assessments. It is very ~~unusual~~ unusual that on a capital fund of Rs. 3,000/-, the appellant incurred a loss of over Rs. 7,25,000/- for the a.y. 1985-86 and Rs. 7,84 lakhs in 1984-85. 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 Rs. 6,172 and Rs. 7,153/- for the a.y.s. 1984-85 and 1985-86 respectively.

3. In the result, the appeals are dismissed.


83/-

(J.G. PENDSE)

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

[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... .. 19.....

M/S. M & M ASSOCIATES, 5-4-187/3 & 4,

Karbala Maida, Secunderabad. ...Appellant

Versus

Income-tax Officer, 1B-Ward, Circle-III.

...Respondent

- | | |
|---|---|
| 1. The State in which the assessment was made. | Andhra Pradesh. |
| 2. Section under which the order appealed against was passed. | 250 |
| 3. †Assessment year in connection with which the appeal is preferred. | 1984-85 |
| 3A. Total income declared by the assessee for the assessment year referred to in item 3. | (-) Rs. 7,80,757/- |
| 3B. Total income as computed by the Income-tax Officer for the assessment year referred to in item 3. | (-) Rs. 1,36,000/- |
| 4. **The Income-tax Officer passing the original order. | Income-tax Officer,
Ward-1, Circle-III, Hyderabad. |
| 5. **Section of the Income-tax Act, 1961, under which the I. T. O. passed the order. | Sec. 144. |
| 6. **The Appellate Assistant Commissioner/Commissioner (Appeals) passing the order under section 131 (2)/154/250/271/271A/272A. | Commissioner of Income-tax,
(Appeals)-III, Hyderabad. |
| 7. **The Inspecting Assistant Commissioner passing the order under section 154/274 (2). | N.A. |
| 8. **The Commissioner passing the order under section 154/250/263/271/271A/272A/285A. | N.A. |
| 9. Date of communication of the order appealed against. | 24-08-1991. |
| 10. Address to which notices may be sent to the Appellant. | Sri Anilkumar B. Vithlani,
Chartered Accountants,
15-1-537/6, Siddiamber Bazar,
Hyderabad. |
| 11. Address to which notices may be sent to the respondent. | The Income-tax Officer,
Ward - 1, Circle-III, Hyd. |
| 12. Date on which the return of income, if any, for the assessment year referred to in item 3 was filed. | 24-03-87. |
| 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. | N.A. |
| 14. †Relief claimed in appeal. | VIDE GROUNDS OF APPEAL. |

Sri Anilkumar B. Vithlani,
 Chartered Accountant,
 15-1-537/6, Siddiamber Bazar,
 H Y D E R A B A D.

‡GROUNDS OF APPEAL

3/4 VIDE ANNEXURE -

.....
Signature
(Authorised representative, if any). -

22 Satish mal
.....
(Signature)
(Appellant)

VERIFICATION

Pr. M/s. M & M Associates,

I,....., the appellant, do hereby declare that what is stated above is true to the best of my information and belief.

Verified today the..... day of..... 19.....

23 Satish mal
.....
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 | ...Rs. 125; |
| (c) in any other case | ...Rs. 200. |

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.

7. †If the space provided is found insufficient, separate enclosures may be used for the purpose.

M/S. M. & M ASSOCIATES,
5-4-187/3 & 4, Karbala Maidan,
SECUNDERABAD.

Assessment Year 1984-85.

APPEAL AGAINST THE ORDER OF C.I.T. (APPEALS)-III,
DATED 20-12-89 FOR THE ASSESSMENT YEAR 1984-85.

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. 6,172/- 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 noticed that even an exparte order ought to have been framed judiciously having regard to the material on record.
6. 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.

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. 6,172/- allowed.

24 Satish Modi
(APPELLANT)

Place: Hyderabad

Date : 01-10-1991

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

APPELLANT

Assessment Year

1984-85

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 per 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.

GROUND OF APPEAL

1. The order of the Income-tax 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 Rs.6,172/- paid to loan creditor.
4. Any other ground or grounds of appeal that may be submitted at the time of hearing.

x 5 *Sahib mal*

APPELLANT.

चालान नं०
CHALLAN No. 11

तृतीय प्रतिपण
3rd Counterfoil
(करदाता के निजी
प्रयोग के लिए)
(For the taxpayer to
be retained by him)

(कम्पनी से भिन्न निर्धारितियों के लिए)
(FOR NON-COMPANY ASSESSEES)

आयकर
Income Tax

निगम कर से भिन्न
भाय पर कर
021-Taxes on income
other than
Corporation Tax

स्वयं निर्धारण कर
SELF-ASSESSMENT-TAX
TRIBUNAL FEES

नोट :- प्रत्येक प्रतिपण
को सही और
पूरी तरह भरे।
Note Fill up every
Counterfoil
correctly and
completely

स्थायी लेखा संख्या

Permanent Account No.

M-622

निर्धारण वर्ष

Assessment year

1984-85

नाम और पूरा पता

(अर्थात् परिवार नं०/मार्ग/गली/क्षेत्र/नगर/

शहर/जिला/राज्य) (स्पष्ट अक्षरों में लिखें)

Name & Complete address

(i.e. premises No./Road/Street/Locality/Town/

City/District/State (in Block letters)

प्रास्थिति/Status

A.O.P

आयकर वार्ड/सकल/रेंज जिसमें निर्धारण किया

गया/योग्य

Income-tax Ward/Circle/Range in which assessed/
assessable

Ward-2 Circle III

जमा किए गए कर की राशि/Amount of tax paid

Hyd

	आंकड़ों में In figures	योग (निकटतम रुपये तक पूर्णांकित) Total (rounded off to the nearest rupee)
आयकर Income-tax		रु० आंकड़ों में In figures Rs. 250/-
व्याज Interest		रु० शब्दों में In words Rs. Two Hundred Only
अधिभार Surcharge		fifty only

(कृ० पृ० 30/P.T.O.)

* रिज़र्व बैंक ऑफ इण्डिया/स्टेट बैंक ऑफ इण्डिया/रिज़र्व बैंक ऑफ इण्डिया द्वारा अधिकृत
बैंक में शाखा में
(नाम दिया जाए)

* नकद/चैक संख्या दिनांक द्वारा जमा किया गया।

Paid in *Cash/Cheque No. on into *Reserve Bank
of India/State Bank of India/Bank authorised by RBI. *SBI*
Branch *Beopur* (Name to be indicated)

जमा करने वाले व्यक्ति के हस्ताक्षर
Signature of the person making the payment

दिनांक/Date *11/10/91*

* जो लागू नहीं है उसे काटिए/Strike out whichever is not applicable.

(प्राप्तकर्ता बैंक में प्रयोग के लिए/ FOR USE IN THE RECEIVING BANK)

Rs 50/- (Fifty only)

भुगतान प्राप्त/Received payment

1. स्क्रोल में क्रम संख्या/Serial Number in the Scroll _____

2. बैंक में चैक प्रस्तुत करने की तारीख
Cheque tendered at the Bank on _____

3. चैक के भुगतान और क्रेडिट की तारीख
Cheque realised and credited on _____

दिनांक/Date *11.10.91*

भार.बी.आई./एस.बी.आई./
भार.बी.आई. द्वारा अधिकृत
बैंक और शाखा की मोहर
Stamp of RBI/SBI/Bank
authorised by RBI and
Branch

173

आई.टी.एन.एस.-166-क
I. T. N. S.-166-A

