

Gandhi & Gandhi
Chartered Accountants

April 17, 1993

The Commissioner Of Income Tax, Appeals - III
Andhra Pradesh
Hyderabad

Dear Sir,

Sub : Modi Builders - M - 312.

We are filing herewith the following appeal papers on behalf of the above firm.

601590

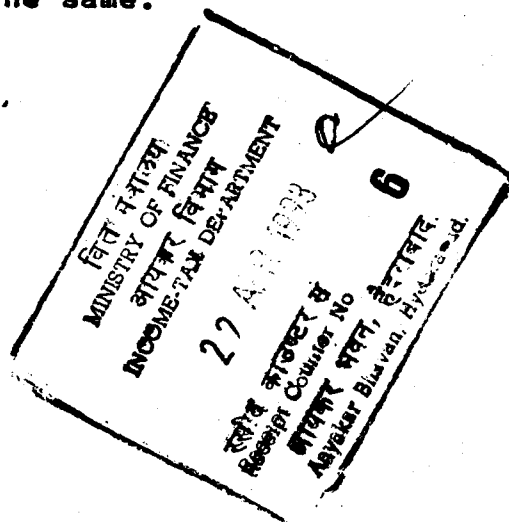
- 1) Form No. 35 in duplicate.
- 2) Statement of Facts and Grounds of Appeals, in duplicate.
- 3) Xerox copies of Assessment Order, in duplicate.
- 4) Notice of demand in original.
- 5) A Power of Attorney in our favour.

Kindly acknowledge the same.

Thanking You
Yours truly
Gandhi & Gandhi



Ajay Gandhi



FORM No. 35

(Vide rule 45 of Income-tax Rules, 1962)

**APPEAL TO THE DEPUTY COMMISSIONER (APPEALS) OF INCOME-TAX
AND COMMISSIONER OF INCOME-TAX (APPEALS)**

JC 1676

*

§No.....of.....19.....-19.....
Modi Builders - Methodist Complex
Begumpet, Hyderabad

Name and address of the Appellant.

Permanent Account Number.

M-312

† Assessment year in connection with which the appeal is preferred.

1990-91

Assessing Officer/Valuation Officer passing the order appealed against.

**Deputy Commissioner (Assts)
Spl Range - 3**

Section and sub-section of the Income-tax Act, 1961, under which the Assessing Officer/Valuation Officer passed the order appealed against and the date of such order.

u/s 143(3) dated 05-03-93

Where the appeal relates to any tax deducted under section 195(1), the date of payment of the tax.

Where the appeal relates to any assessment or penalty, the date of service of the relevant notice of demand.

In any other case, the date of service of the intimation of the order appealed against.

13.6.93

Section and clause of the Income-Tax Act, 1961, under which the appeal is preferred.

u/s 246

Where a return has been filed by the appellant for the assessment year in connection with which the appeal is preferred, whether tax due on the Income returned has been paid in full. (If the answer is in the affirmative, give details of date of payment and amount paid).

**Yes, Return filed on
31-08-90 and a revised
return on 29-10-92**

Where no return has been filed by the appellant for the assessment year in connection with which the appeal is preferred, whether an amount equal to the amount of advance tax payable by him during the financial year immediately preceding such assessment year has been paid. (If the answer is in the affirmative, give details of date of payment and amount paid).

- NA -

‡Relief claimed in appeal.

As per grounds of appeal

Where an appeal in relation to any other assessment year is pending in the case of the appellant with any Deputy Commissioner (Appeals) or Commissioner (Appeals), give the details as to the—

- (a) Deputy Commissioner (Appeals) or Commissioner (Appeals), with whom the appeal is pending;
- (b) assessment year in connection with which the appeal has been preferred;
- (c) Assessing Officer passing the order appealed against;
- (d) section and sub-section of the Act, under which the Assessing Officer passed the order appealed against and the date of such order.

- NA -

Address to which notices may be sent to the appellant.

**Gandhi & Gandhi
Chartered Accountants
1002, Paigah Plaza
Basheerbagh, Hyderabad**

[Handwritten Signature]

**Signed
(Appellant)**

MODI BUILDERS - METHODIST COMPLEX

Assessment Year 1990-91

Statement of Facts:

The firm has filed its return of income on 31st August, 1990 and filed revised return on 29th October, 1992. The assessee has declared a business loss of Rs.5,29,362/-.

Inspite of the explanations offered by the authorised representative the Assessing Officer has treated the Business Income as Income from House Property and Income from Other Sources.

The Assessing Officer has fixed the Annual Value of the property at the rate of Rs.4.50 per sq.foot, though the firm has offered all the actual receipts as business receipts.

23/10/92

MODI BUILDERS - METHODIST COMPLEX

Assessment Year 1990-91

Grounds of Appeal:

- 1) The learned Deputy Commissioner (Assts) has erred in holding that the income of the assessee should be charged to tax under head income from House Property.
- 2) The learned Deputy Commissioner (Assts) has erred in treating the assessee as the owner of premises u/s 27.
- 3) The learned Deputy Commissioner (Assts) has erred in fixing the annual value of the property at the rate of Rs.4.50 per sq. feet.
- 4) The learned Deputy Commissioner (Assts) has erred in not accepting the returned loss of the assessee.
- 5) Any other ground that may be urged at the time of hearing.

to
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