IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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W.T.A. Nos.22 of 2006

Between:

Commissioner of Wealth Tax - IV
Hyderabad. … Appellant

And

Om International Hotel (P) Limited,
Hyderabad. … Respondents

JUDGMENT PRONOUNCED ON 16.09.2015

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? :
2. Whether the copies of judgment may be marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? :

THE HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.T.A. No.22 of 2006

JUDGMENT: (Per the Hon'ble Sri CKR, J)

The revenue is in appeal against the order of the Tribunal dated 30.06.2004 in W.T.A. No.30/Hyd/2000 for the assessment year 1992-93.

The respondent assessee is a private limited company engaged in the business of running a hotel. A part of the building was let out temporarily by the assessee to the State Bank of India for running staff training centre. On account of the fact that it was let out to the State Bank of India for running the staff training centre, the same was sought to be brought to tax under the Wealth Tax Act. The Tribunal having analyzed the facts, on record, particularly, the lease agreement entered into by the assessee with the State Bank of India and the amenities and services that are required to be provided in the agreement came to the conclusion that the assessee is using the building for earning income. The Tribunal also had taken into consideration the fact that under the agreement, the assessee is required to provide various amenities to the State Bank of India. On appreciation of these facts, the Tribunal gave a categorical finding that the building is a tool in the hands of assessee for earning income and in that view of the matter, has held that a building is a business asset not amenable for wealth tax. This being a pure question of fact and there being no substantial question of law raised before us showing the finding recorded by the Tribunal as perverse, we decline to answer the questions raised. Accordingly,
this WTA is dismissed._

As a sequel, miscellaneous petitions, if any, stands closed. There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

JUSTICE CHALLA KODANDA RAM

Date: 16.09.2015
LSK