The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Challa Kodanda Ram

ITTA No.615 of 2017

Date: 07.11.2017

Between:

The Prl. Commissioner of Income Tax-6,
Hyderabad.

… Appellant

and

Vijay Infotech Ventures
402 Ground floor,
Surya Towers, Secunderabad

…Respondent

Counsel for the Appellant: **Ms.M.Kiranmayee,**
Sr.Standing Counsel for Income Tax Dept.,

The Court made the following:

Judgment: **(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)**

The issue that fell for consideration before the Income Tax Appellate Tribunal, Hyderabad Bench 'B', Hyderabad (for short 'the Tribunal') was whether the income derived from the building let out for Software Technology Park can be regarded as income under the head 'Profit and Gains of Business' or 'Income from House Property'. The Tribunal has rendered a finding of fact that the main object of the assessee was to lease out the property; that the assessee has created the partnership firm with the object of leasing out the property to make profit; and that therefore, the income has to be treated as the one derived from business. In support of its conclusions, the Tribunal has relied upon the judgment of the Supreme Court in **M/s.Chennai Properties and Investments Ltd., (Civil Appeal No.4494 of 2004, dated 09.04.2015, and Rayala Corporation Pvt. Ltd. vs. ACIT (Civil Appeal No.6437 of 2016, dt.11.08.2016).**

As the findings of the Tribunal, questioned in this Appeal, pertain to a pure question of fact and the conclusion arrived at by the Tribunal is well supported by the judgments of the Supreme Court referred to above, we do not find any substantial question of law for adjudication in this Appeal.

Hence, the Appeal is dismissed.

(C.V.Nagarjuna Reddy, J)

(Challa Kodanda Ram, J)

Dt: 7th November, 2017
Msb/lur