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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 375/2018

PR.COMMISSIONER OF INCOME TAX-3 ..... Appellant
Through : Sh. Rahul Chaudhary, Sr. Standing Counsel.

versus

FOREMOST ESTATE PVT. LTD. ..... Respondent
Through : None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **04.04.2018**

The Income Tax Appellate Tribunal's (ITAT) confirming findings with respect to the assessee's contentions that the income reported by it as pertaining to 'income from house property' was correct, is under challenge in this appeal under Section 260A of the *Income Tax Act, 1961* by the Revenue. The Assessing Officer (AO) brought to tax the amounts on the ground that the income was derived from business; nevertheless, even though the income was reported as rent, it ought to have been characterized as stock-in-trade.

The AO, based upon a factual analysis, concluded that rental income was consistently reported and accepted for over 10 years and had been also assessed as such. The CIT(A), therefore, granted the relief which was merely confirmed by the ITAT. No question of law arises. The appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 04, 2018/ajk