(1988) 08 AHC CK 0022

In the Allahabad High Court

Case No : Income-tax Application No. 139 of 1986

Commissioner of Income Tax — APPELLANT

Vs

Modi Pon Ltd. — RESPONDENT

Date of Decision : 23-08-1988

Acts Referred:
Income Tax Act, 1961 — Section 256(2)

Citation : (1989) 175 ITR 118

Hon'ble Judges : Om Prakash, J;B.N. Misra, J

Bench : Division Bench

Judgement

B.N. Misra, J.—Upon hearing the learned counsel for the Revenue and learned counsel for the assessee, we direct the Tribunal to state the case and refer questions Nos. 2, 5 and 8 as extracted hereunder, to this court :

"2. Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was justified in law in confirming the order of the Commissioner of Income Tax (Appeals) in allowing the interest of Rs. 2,02,550 claimed by the assessee on the borrowed money utilised in granting advance without interest ?

5. Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was legally justified in confirming the order of the Commissioner of Income Tax (Appeals) in deleting the addition of Rs. 16,96,150 received on account of security deposits for cops but appropriated towards the sale proceeds ?

8. Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was legally justified in confirming the order of the Commissioner of Income Tax (Appeals) in directing the Income Tax Officer to allow development rebate on the cost of cops ?"

We do not find any statable questions of law in respect of the remaining questions. Question No. 9 is a repetition of question No. 8. As regards questions

Nos. 6 and 7, even the judgment of the earlier years referred to by the Tribunal are not available on record.

2. The application is accordingly disposed of.

