

**Court No. - 37**

**Case :-** INCOME TAX APPEAL DEFECTIVE No. - 62 of 2006

**Petitioner :-** Commissioner Of Income Tax And Another

**Respondent :-** M/S Entee Builders,Butter Plaza,Bareilly

**Petitioner Counsel :-** A.N.Mahajan

**Hon'ble R.K. Agrawal,J.**

**Hon'ble Shashi Kant Gupta,J.**

The amount of security received by the respondent assessee was treated as an income for the Assessment Year in question. However, the C.I.T. (A) as also the Tribunal has held that the said amount can not be treated as income, as it is only a security deposit which is refundable. The Tribunal has taken care of the situation by clarifying that the Assessing Authority shall be at liberty to treat the amount of security deposit if not claimed by the tenant in any year after they vacate the shop without claiming the refund of the amount and also that after 20 years when the stipulated period is over, the amount of cash security shall be the income of the assessee liable to be taxed in that year. Therefore, the finding of the Tribunal does not suffer from any legal infirmity. The appeal does not involve any substantial question of law, which is hereby dismissed.

**Order Date :-** 1.9.2009

AM/-