**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

D.B. Income Tax Appeal No. 8/2021

Pr. Commissioner Of Income Tax-1, Jodhpur

----Appellant

Versus

M/s/ Marudhar Hotels Pvt. Ltd.

----Respondent

For Appellant(s)	:	Mr. KK Bissa
For Respondent(s)	:	Mr. Ramit Mehta

**HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE MADAN GOPAL VYAS**

Order

15/02/2022

Heard.

This appeal is admitted on following two substantial questions of law:-

> "(1) Whether the Income Tax Appellate Tribunal was justified in arriving at the conclusion that the income from the activity of sale of plots by the assessee is required to be assessed under the head "Long Term Capital Gains" and not under the head "Income from Business"?
>
> (2) Whether the Income Tax Appellate Tribunal is justified in the existing facts and law in deleting the dis-allowance out of interest expenses of Rs.42976571/- on account of interest free loan/ advance given by the assessee to associate entity and other close relatives of directors of the company?"

Learned counsel for the respondent takes notice of admission of appeal.

Appeal be listed for final hearing with D.B. Income Tax Appeal No. 120/2018.

(MADAN GOPAL VYAS),J **(M. M. SHRIVASTAVA),J**

65-66 nidhi/-