

**SUPREME COURT OF INDIA**

Commissioner of Income-Tax

Vs.

Gopal Bansilal Inani

(D.P. Wadhwa and S.M. Quadri JJ.)

01.02.2000

**ORDER**

1. This appeal is directed against the judgment dated November 28, 1990, of the Division Bench of the Andhra Pradesh High Court under Section 256(2) of the Income-tax Act, 1961, refusing to direct reference of the following question of law for its consideration:

Whether, on the facts and in the circumstances of the case, the Income-tax Appellate Tribunal was justified in directing the Income-tax Officer to deduct interest payments made to the coparceners on the amounts lent by them to the Hindu undivided family?

2. Since answer to the question is covered by the decision of this Court, we set aside the impugned judgment of the High Court and treat this question as deemed to have been referred for answering" in accordance with law.

3. Following the decisions of this Court in CIT v. Venugopal Inani and ITO v. Smt. N.K. Sarada Thampatty [1991] 187 ITR 696, we answer the question in the negative, in favour of the Revenue and against the assessee. The appeal is disposed of accordingly. There shall be no order as to costs.