

3. *The learned Commissioner of Income-Tax (Appeals) ought to have appreciated the fact that the profit from Sri Sai Balaji Restaurant and Bar would not be as high as 10%.*

4. *The learned Commissioner of Income-Tax (Appeals) erred in confirming the action of the Assessing Officer in separately adding Rs.24,800/- being the interest received, in the case of Sri Sai Balaji Restaurant and Bar, particularly when the income is determined by estimation.*

5. *Any other ground that may be urged at the time of hearing.*

3. Ld.counsel's first and foremost grievance is that both the lower authorities have erred in law and on facts in estimating 10% of the income element qua the tax payees receipts derived from retail wine business, bar and restaurant. We notice that the Assessing officer had estimated the impugned income element @ 15% where as the CIT(A) has already granted relief to the extent of 5% thereby restricting the same to the extent of 10% only by following tribunal's order in M/s Mallikarjuna Bar & Restaurant in ITA 186/H/2012. Learned counsel fails to pin point any distinction on facts in the impugned bar and restaurant business. We, therefore, find no reason to interfere with the CIT(A)'s directions to this effect. The assessee fails in his first and foremost grievance therefore.

4. Learned counsel is fair enough in not pressing assessee's second substantive grievance involving a sum of Rs. 24,800/- keeping in mind the smallness thereof. This ground is rejected accordingly.

This assessee's appeal is dismissed.

Pronounced in Open Court on 27th August, 2021.

Sd/-

Sd/-

(L.P. SAHU)
ACCOUNTANT MEMBER

(S.S. GODARA)
JUDICIAL MEMBER

Dated: the 27th August, 2021.

* gmv

Copy of the Order forwarded to:

1. Sri Hussain Goud Kowkuntla, Prop. Sammakka Sarakka Wines,
H.No. 3-105/7/1, Boduppal village, Medipelli Mandal, Medchal Dist.
500 038, Telangana.
2. ITO, Ward 15(4), Hyderabad
3. ACIT, Range 15, Hyderabad.
4. CIT(A)-7, Hyderabad
5. Pr.CIT -7, Hyderabad
6. DR, ITAT, Hyderabad.
7. Guard File.