

Sl no	Year	Citation	House Property	Business Income	Summary
1	1961	42 ITR 49 (SC)	East India Housing and Land Development Trust Ltd vs CIT	-----	The income derived by the company from shops and stalls is income received from property and falls under the specific head described in section 9. The character of that income is not altered because it is received by a company formed with the object of developing and setting up markets
2	1964	51 ITR 353 (SC)	-----	Sultan Bros Pvt Ltd vs CIT	Use of AC and DG sets inseparable from hiring of space - Commercial activities performed in a systematic manner- Income is taxable under Other Sources.
3	1967 1963	66 ITR 596 (SC) & 48 ITR 577 (Bom)	-----	CIT vs National Storage Pvt Ltd	In cases where the income received is not from the bare letting of the tenement or from the letting accompanied by incidental services or facilities, but the subject hired out is a complex one and the income obtained is not so much because of the bare letting of the tenement but because of the facilities and services rendered, the operations involved in such letting of the property may be of the nature of business or trading operations and the income derived may be of the nature of business or trading operations.
4	1971	82 ITR 547(SC)	-----	Karnani Properties Ltd vs CIT	Composite rent - Held, if the services rendered by the assessee are the results of its activities carried on continuously in an organised manner, with a set purpose and with a view to earn profits, those activities would constitute business activities and the income arising therefrom would be assessable under section 10 (of the 1922 Act, i.e. as business income under section 28 of the 1961 Act).

SI no	Year	Citation	House Property	Business Income	Summary
5	1972	83 ITR 700 (SC)	S.G. Mercantile Corporation (P) Ltd. vs. CIT	-----	Same as East India Case - The income derived by the assessee from shops and stalls is income received from property and falls under the specific head described in section 9. The character of that income is not altered because it is received by a company formed with the object of developing and setting up markets.
6	1978	114 ITR 779 (Cal)	-----	Everest Hotels Ltd v. CIT	Letting out on lease the entire hotel along with goodwill, furniture, equipments, building, etc is commercial utilisation of the property.
7	1994	208 ITR 6451 (Mad)	CIT v. Kongarar Spinners (P.) Ltd	-----	Letting out of property - Simpliciter, without anything more
8	1997	225 ITR 471 (Kar)	-----	Sri Balaji Enterprises vs. CIT	If the property is taken on lease, thereafter developed and leased out to various tenants as part of the business activity of the assessee and not in its activity as the owner, then the income has to be treated as business income. However, this judgment now stands impliedly overruled by the judgment of the Supreme Court in the case of Podar Cement (P.) Ltd.
9	1997	226 ITR 625 (SC)	CIT vs. Podar Cement (P) Ltd	-----	Lease hold property - 'Owner' is a person who is entitled to receive income from the property in his own right
10	2003	262 ITR 517 (Kar)	CIT vs. Bhoopalam Commercial Complex and Industries (P) Ltd	-----	Lease hold property - Relied on the judgement of Podar and East India (Court also held that, Podar Cements overrides Balaji Enterprises case)

SI no	Year	Citation	House Property	Business Income	Summary
11	2003 2000	263 ITR 143 (SC) & 249 ITR 473 (Cal)	Shambhu Investment (P) Ltd. v. CIT	-----	<p>Composite rent - the assessee had let out the furnished office to the occupants on a monthly rental which was inclusive of all charges to the assessee. The entire cost of the property let out to the occupants had been recovered by way of interest-free advance by the assessee. Therefore, the Court held, that it could not be said that he was exploiting the property for its commercial business activities.</p> <p>Calcutta High Court observed that, in case it is found that the main intention is to exploit the immovable property by way of complex commercial activities it must be held as business income.</p>
12	2004	265 ITR 379 (Guj)	-----	ACIT v. Saptarshi Services Ltd	Income from developing the property as a business centre and providing various services like receptionist, data processing, conference room etc. - No ownership rights and property let out for business development
13	2005	93 TTJ 463 (Bang)	-----	DCIT vs. Manmit Arcade (P) Ltd.	Distinguished the case of Bhoopalam wherein land taken on lease was held as investment. Whereas in the said case, land was taken on lease as business venture
14	2006	284 ITR 229 (Bom)	-----	CIT v. Mohiddin Hotels (P.) Ltd	Infrastructural facilities inseparable from building
15	2007	112 TTJ (Kol) 523	-----	PFH Mall and Retail Management Ltd. vs. ITO	Mere fact that income is attached to immovable property, cannot be sole criterion for assessment of such incomes as income from house property. As the main intention was to exploit the immovable property by way of complex commercial activities, it was held as business income. Further, no tenancy rights were given.

SI no	Year	Citation	House Property	Business Income	Summary
16	2008	298 ITR 394 (Del - ITAT)	-----	ITO vs Skipper Properties (P) Ltd.	Temporary leasing of property by a business concern
17	2008	300 ITR 118 (Mad)	Keyaram Hotels P. Ltd. Vs. ACIT	-----	Income earned by way of leasing property - no commercial activity carried out.
18	2008	119 TTJ 421 (Bang)	-----	Global Tech Park (P) Ltd. vs ACIT	The assessee company was incorporated with the sole intention of developing technology park for which it obtained leasehold land for constructing superstructure thereon which could not be considered as investment in a property for earning rental income only. Where, letting out of the property was a composite one with the host of services and amenities, it has to be charged as income from business.
19	2009	122 TTJ 0163 (MUM-ITAT)	-----	Harvindarpal Mehta (HUF) vs DCIT	Running of business centre and providing services like receptionist, waiting room etc - ultimate control over the premises is with the assessee as keys of the centre always remain with the assessee, ie, no tenancy rights was given.
20	2009	031 SOT 0132 (Mum - ITAT)	-----	Gesco Corporation Limited vs ACIT	Assessee was giving space with services and facilities which were varied and wide and such activities together would definitely constitute an organized structure for making profits, and would necessarily constitute a business. Thus, in our view the assessee had created a commercial infrastructure and the services rendered were complex commercial / business activity - assessee was a property manager rather than a passive owner of the property.