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INCOME FROM HOUSE PROPERTY

(I) BASIS OF CHARGING INCOME FROM HOUSE PROPERTY

Under the head 'Income from House Property' the basis of charge is the annual value of property.

The property:

(i) Consists of any buildings or lands appurtenant thereto,

(ii) Of which the assessee is the owner, and

(iii) which is not used for purposes of assessee's business or profession. (Sec. 22)

The following are the important points in the above definition:

(1) Buildings or lands appurtenant thereto

Under the head 'Income from House Property income is computed on buildings and land appurtenant thereto. Land which is not appurtenant to any building does not come within the scope of this section. Income from such land is taxable under the head 'Income from Other Sources'. The lands appurtenant to building include compound, play-ground, kitchen-garden, courtyard, etc. In case of non-residential building, car parking spaces, drying grounds, play grounds, connecting roads in the factory area shall be lands appurtenant to buildings.

The following are the exceptions to the general rule that income from house property is taxable under the head 'Income from House Property'.

Exceptions

(a) Building or staff quarters let out to employees and others.

If the assessee lets out the building or staff quarters to the employees of business whose residence there is necessity for the efficient conduct of business, the rent collected from such employees is assessable as income from business and not as income from house property. (CIT vs. Delhi Cloth & General Mills Ltd. 59 ITR 152)

(b) If a building is let out to authorities for locating bank, post office, police station, etc.,

If a building is let out to authorities for locating bank, post office, police station, etc., income from such building will be assessable as income from business and not as income from house property, provided the dominant purpose of letting out the building is to enable the assessee to carry on his business more efficiently and smoothly. (CIT vs. National News-paper and Paper Mills Ltd. (1978) 114 ITR 388)

Properties & Investment Ltd. vs. CIT (2016) 231 Taxman 456 (SC)

(c) Composite letting of building with other assets.

Where the assessee lets on hire machinery, plant or furniture belonging to him and also buildings for a composite rent and the rent of the buildings is inseparable from the rent of the said machinery, plant or the furniture, the income from such letting is not chargeable to income tax under the head 'Income from House Property but it is taxable under the head 'Income from Other Sources' or under the head 'Business or Profession', if such letting is his business. [Sec. 56(2)(iii)

(d) Paying-guest accommodation

It is assessable as business income.

Where in terms of memorandum of association, main object of assessee company was to acquire properties and earn income by letting out same, said income was brought to tax as business income and not as income from house property. (Chennai Properties & Investment Ltd. vs. CIT (2016) 231 Taxman 456 (SC)

(2) The assessee should be the owner of the house property

It is only the owner of the house property, who is liable to pay tax, under this head of income. Where the assessee is the lessee of a building and he derives an income from subletting or reletting, it will be taxable under the head 'Income from Other Sources' and not under the head Income from House Property'.

The following are the owners of a house property:

(i) The person in whose name the property is registered.

(ii) In case of mortgage, it is the mortgagor and not the mortgagee.

Deemed Owners (Sec. 27)

(a) A person who has transferred property to Spouse or Minor Child without adequate consideration.

The following are deemed to be the owners of the property:

Where an individual transfers a house property to his or her spouse without adequate consideration and not for an agreement to live apart, then the transferor individual will be deemed to be owner of the property, although the transferee individual is the legal owner. Similarly, when an individual transfers a house property to his or her minor child (other than daughter), without adequate consideration, then the transferor will be deemed to be owner of the property, although the child is the legal owner.

(b) Holder of an Impartible Estate

Where a house property is owned by more than one person, but the share of each partner is unknown or unascertainable, then for tax purposes, the holder of the property will be deemed to be the owner of the property.

(c) Property held by a Member of Co-operative Society or Company or Association of Persons, who has been allotted with the property under any Housing Scheme of the Society or Company or AOP.

When a member has been allotted a house property under a Housing Scheme by a Cooperative Society or Company or Association of Persons - then the member, to whom the property is allotted will be deemed to be the owner of the property, for tax purposes, although the ownership remains with the Society till the member settles the entire consideration of the allotted property.

(d) A person who has acquired property under a Power of Attorney Transaction

where a sale of property has taken place between two parties, then the buyer will be deemed to be the owner of the property if, the possession of property is given by seller to buyer, the buyer has paid the consideration or has kept it ready for payment, however, the registration in the name of buyer has not been effected. Then, the buyer is said to be having a 'Power of Attorney' on the property and will be deemed to be the owner of the house property.

(e) A person who has acquired a property on lease for a term of 12 years or more.

When a property is leased by one person to another, for a period of 12 years or more, then the lessee will be deemed to be the owner of the property, for tax purposes.

(f) Disputed Ownership

ownership is disputed in a court of law, the recipient of rental income or the person who is in possession of the properly as owner is treated as the owner.

(3) It is not used for purposes of assessee's business or profession

If the property, or a portion of it is occupied by the assessee for the purpose of his own business or profession and the profits of such business or profession are assessable to tax, the annual value in respect of such property or portion of it is not taxable as income from house property and also nothing will be deductible as expenditure on rent of this premises in computing the profits of business or profession.

(II) DEEMED TO LET OUT PROPERTY

Where the assessee is in occupation of more than one residential property owned by him (i.e., when assessee has more than one self-occupied property), then for tax purposes only one of the self-occupied properties must be assessed as 'self-occupied property' and the other self-occupied properties must be treated as let-out properties and assessed accordingly. Self-occupied properties which are treated as let-out properties for assessment purposes are called 'Deemed to be let-out Properties'.

For assessment purposes, the assessee can opt for the property which he wants to be assessed as self-occupied property, among the different self-occupied properties. In case, assessee has not taken any such option, the property to be assessed as self-occupied property must be identified based on the impact of tax (i.e., whichever property when assessed as 'self-occupied property' results in lowest taxable income under this head, must be considered as self-occupied property, and the other self-occupied properties must be assessed as deemed to be let out properties'.

The following is the format for computing income from a 'deemed to be let-out property

Particulars	Rs	Rs
Gross Annual Value (See Note 1 Below)		?????/
Less: Municipal Taxes paid by the assessee during the previous year.		
Net Annual Value		?????
		??????
Less: Deductions under Section 24		
(a) Standard Deduction (30% of Net Annual Value)	?????	
(b) Interest on Borrowed Capital	?????	??????
Income from House Property		??????

Notes: 1. Since the property is not actually let-out, but treated as let-out, there is no actual rent for the property. Hence, Notional Rent or Expected Rent itself is the Gross Annual Value for such property.

2. There is no maximum limit for deduction towards interest on borrowed capital. The maximum limit is applicable only when the property is assessed as self-occupied property.

(III) ALLOWABLE DEDUCTIONS IN COMPUTING HOUSE PROPERTY INCOME

Deductions under Section 24

From Net Annual Value of a let out property, when deductions under Section 24 are provided, we arrive at 'Income from Let-out Property'. There are two deductions under Section 24, viz..

1. Standard deduction

2. Interest on borrowed capital

Standard Deduction (Section 24(a)]

It is a deduction for the expenses incurred by the owner on the property for repairs, maintenance, insurance, taxes levied by other authorities like State Government, rent collection charges in case of let –out properties etc. However, the actual expenditure incurred by the assessee is not deducted, and instead a standard deduction is prescribed. The standard deduction is available irrespective of whether the assessee incurs any expenditure towards the property or not, and the quantum of expenditure incurred, if any.

The standard deduction is - **30% of 'Net Annual Value'.**

Where the Net Annual Value is negative, standard deduction must be taken as 'Nil'.

Interest on Borrowed Capital (Section 24(b)]

Under this clause, deduction is available for interest on loan borrowed by the assessee for property for interest on loan borrowed by purposes. That is, where the assessee had borrowed any loan for purchase, construction, alteration, modification, repairs, renewals of property, then the interest on such loan is deductible under Section 24(b).

Suppose, an assessee has borrowed a loan for his daughter's marriage, by mortgaging his house property. Interest on such loan is not deductible, though property is involved in borrowing, since the loan is not borrowed for property purposes.

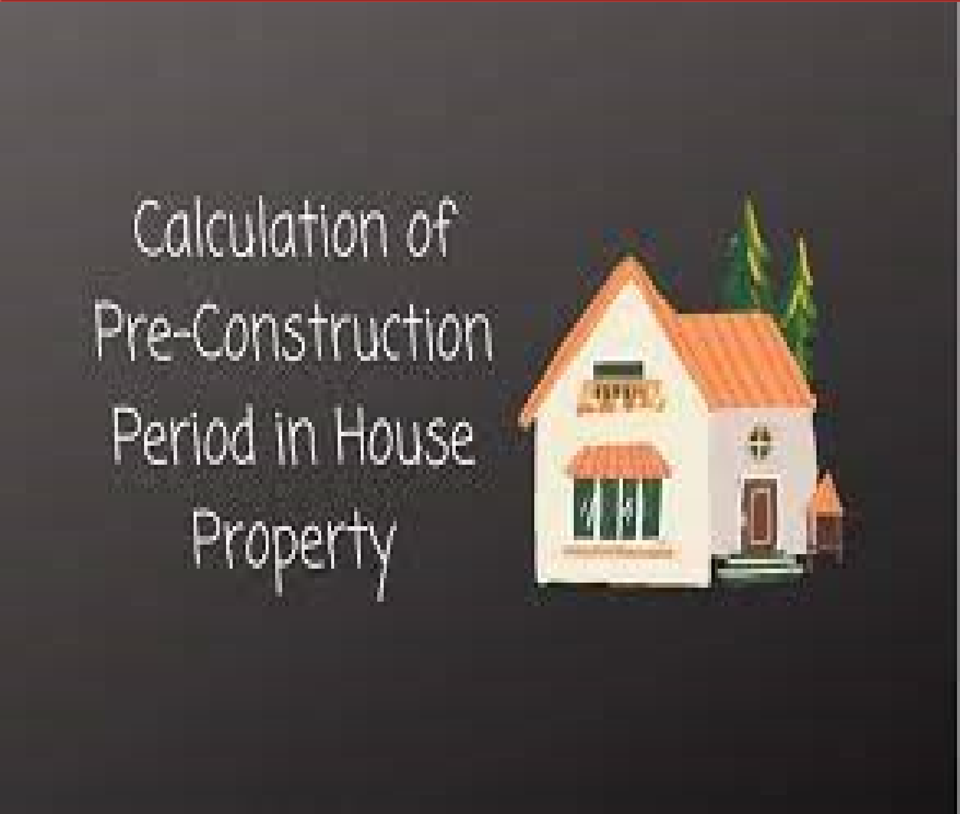
The amount of interest deductible is calculated in the following manner

Particulars	Amount Rs
Previous Year Interest	??????
Add: One-fifth of 'Pre-completion period interest	??????
Net Annual Value	??????

Previous Year Interest refers to interest on loan outstanding for the relevant previous year.

'Pre-Completion period interest' refers to interest for 'pre-completion period'. 'pre-completion period' is the period commencing from the date of borrowing the loan and ending on earlier of 31" March preceding the date of completion of construction, or date on which the loan has been completely repaid. The pre-completion period interest must be **deducted equally over a period of 5 consecutive years,** commencing from the previous year in which the **construction** of property was **completed.**

Following are the steps involved in ascertainment of pre-completion period



1. Ascertain the date of borrowing the loan.

2. Ascertain the date of completion and identify 31" March immediately preceding that date,

3. Ascertain the date on which the loan has been completely repaid.

4. Consider the **earlier** date among 2 and 3.

5. The duration between 1 and 4 is pre-completion period.

ANNUAL VALUE (Sec. 23)

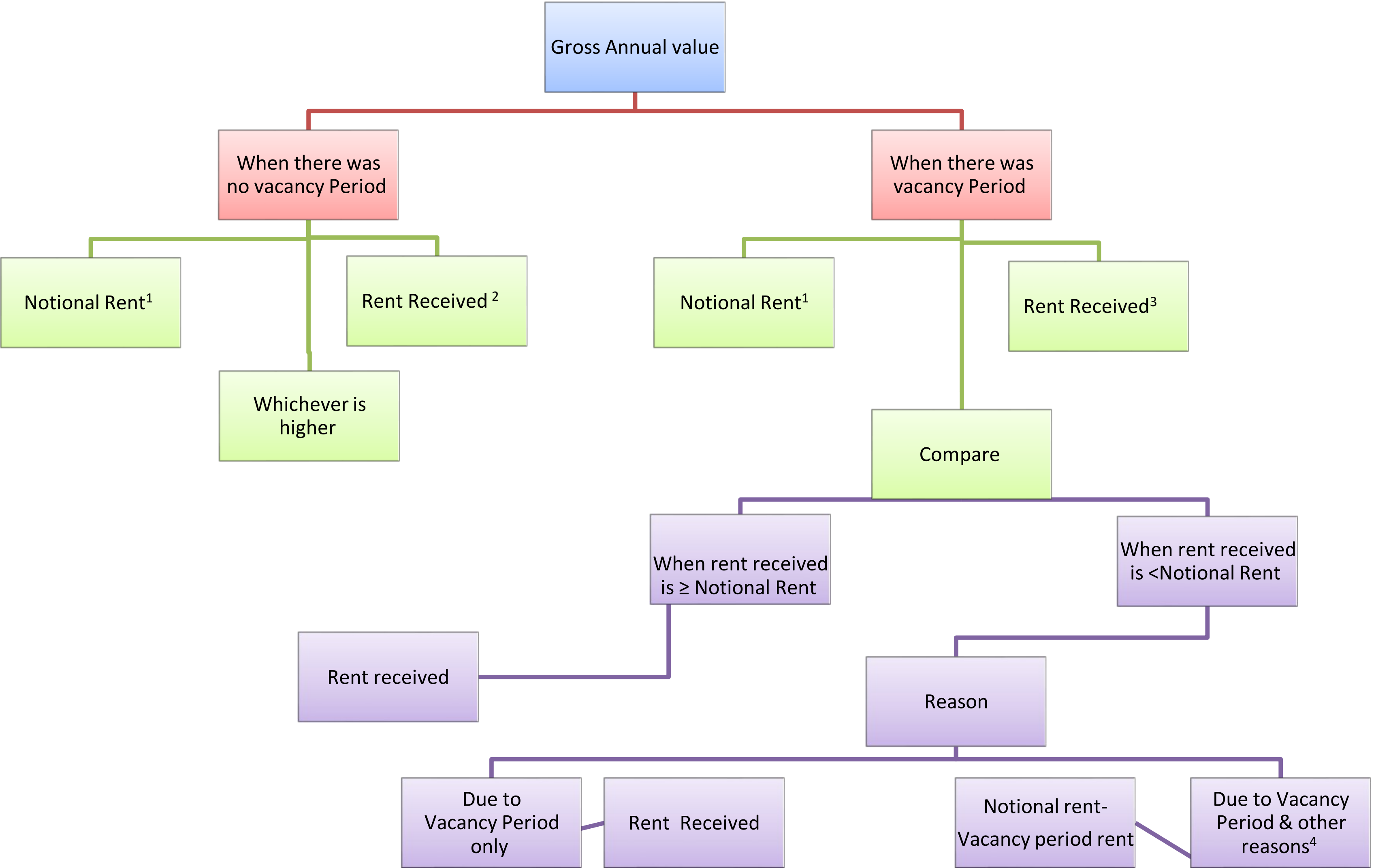
The annual value of a house property let out shall be deemed to be :

(a) the sum for which the property might reasonably be expected to be let from year to year; or (b) where the property or any part of property is let and the actual rent received or receivable by the owner is in excess of the sum referred to in (a), the amount of rent received or receivable; or (c) where the property or any part of the property is let and was vacant during the whole or any part of the previous year and owing to such vacancy the actual rent received or receivable by the owner in respect thereof is less than the sum referred to in (a), the amount so received or receivable.

Step 1: Find out Gross Annual Value

According to Section 23(1)(a), the annual value of a property shall be the sum for which the property might reasonably be expected to be let from year to year.

The following flowchart summarises the provisions for calculation of 'Gross Annual Value' for a let-out property:


Gross Annual value
When there was no vacancy Period
When there was vacancy Period
Notional Rent1
Rent Received 2
Whichever is higher
Notional Rent1
Rent Received3
Compare
When rent received is ≥ Notional Rent
When rent received is <Notional Rent
Rent received
Reason
Due to Vacancy Period only
Rent Received
Notional rent- Vacancy period rent
Due to Vacancy Period & other reasons4

Notes:

1. Notional rent is higher of municipal value and fair rental value, restricted to standard rent.

2. Rent received (when there is no vacancy period) = Annual rent ***minus*** unrealised rent (if all required conditions for its deduction are satisfied).

3. Rent received (when there is vacancy period) = Annual rent minus unrealised rent (if all required conditions for its deduction are satisfied) ***minus*** vacancy period rent.

4. Apart from vacancy period, the other reasons due to which rent received can be lower than notional rent are:

(a) Annual rent being less than notional rent.

(b) Annual rent minus unrealised rent, being less than notional rent

An alternative approach to calculate Gross Annual Value is as follows:

Particulars	Amount Rs
Step One: Calculation of Notional Rent **Higher of Municipal Value and Fair Rental Value restricted to Standard Rent**	?????
Step Two: Calculation of Rent Recovered **Annual Rent minus Unrealised Rent**	?????
Step Three: Calculation of Gross Annual Value **Higher of Step 1 and Step 2 minus Vacancy Period Rent**	?????

The following are required for calculating Gross Annual Value:

1. Municipal Value
2. Fair Rental Value
3. Standard Rent
4. Actual Rent
5. Unrealised Rent
6. Vacancy Period Rent

1. Municipal Value

It refers to the value of the property as determined by the Municipal Authorities. The Municipal Authorities value every property in its jurisdiction each year, for levy of municipal taxes.

2. Fair Rental Value

It refers to the rent of a similar accommodation in same locality. For example, the rent for a 2 BHK in MG Road may be Rs 25,000 per month; the rent for a 3 BHK in Central Part of a city might be Rs 40,000 per month. Such estimate of the rent for a similar accommodation of the assessee is Fair Rental Value.

3. Standard Rent

It refers to the rent according to Rent Control Act. Where this Act is applicable, the rent for property in the jurisdiction will be governed by the provisions of the Act. Presently, in India, this Act is applicable only in a few cities.

4. Actual Rent

It refers to the actual rent charged by the assessee to the tenant, for letting out his property. The Actual rent must always be considered for the entire previous year, while calculating Gross Annual Value. Hence, it is also called 'Annual Rent'.

5. Unrealised Rent

It refers to rent not realised from the tenant. Rent not realised or not recovered can be deducted while calculating Gross Annual Value, only when the following conditions are fulfilled:

(a) The tenancy is bona fide,

(b) The tenant has defaulted payment of rent.

(c) Necessary steps must be taken to vacate the defaulting tenant from the property.

(d) The defaulting tenant must not be residing in any other property of the assessee.

(e) All steps have been taken for recovering the rent from the tenant, including legal proceedings; or the defaulting tenant is not available for taking any action.

6. Vacancy Period Rent

Where the property was not let out for the entire period of the relevant previous year, then there is said to be a vacancy period during the previous year. Rent for the period during which the property was vacant during the previous year is 'vacancy period rent'. For example, suppose assessee let out the property till January 2019 and the property is vacant from February 2019. If the Actual rent per month is Rs 10,000, then vacancy period rent is (Rs 10,000 x 2) = Rs 20,000.

Note: Where the house property is held as stock-in-trade and the property is not let during the whole or any part of the previous year, the annual value of such property shall be taken *as 'Nil' (with effect from Assessment Year 2018-19)*. However this concession is available only for the period up to 1 year from the end of the financial year in which the certificate of completion of construction of the property is obtained from the competent authority.

Step 2: Municipal taxes deducted from Gross Annual Value

Municipal Taxes

Municipal Taxes refer to taxes levied by the local authority on the property. It is levied in various names like water cess, sweeper cess, Sewerage Maintenance Cess, halalkore tax etc. Municipal Tax is levied as a percentage of municipal value of the property.

Municipal Taxes can be deducted from Gross Annual Value, when the following conditions are fulfilled

1. It must be paid,

2. By the owner (i.e., assessee),

3. during relevant previous year.

When any of the above conditions are not fulfilled, municipal taxes cannot be deducted. So, municipal taxes levied but yet to be paid are not deductible. Municipal taxes of a property paid by tenant of the property, or any person other than the owner of the property are **not** deductible

Municipal taxes are deductible on payment basis. That is, only amount paid during relevant previous year is deductible, irrespective of the period to which the taxes paid belongs to. The entire amount of municipal tax paid during previous year must be deducted.

When Municipal taxes paid by the assessee during previous year are deducted from Gross Annual Value, we arrive at **Net Annual Value'.**

Where, the deduction for municipal taxes exceeds gross annual value, the 'Net Annual Value will be **negative.** Although, negative value of a property does not connote any meaning, for tax purposes, the same should be considered.

Computation of Net Annual Value

Particulars	Details Rs	Amount Rs
Gross Annual Value Less: Municipal Taxes paid by the assessee during the previous year.		????? ?????
Net Annual Value		?????

Deductions under Section 24

From Net Annual Value of a let out property, when deductions under Section 24 are provided, we arrive at 'Income from Let-out Property'. There are two deductions under Section 24, viz..

1. Standard deduction

2. Interest on borrowed capital

Standard Deduction (Section 24(a)]

It is a deduction for the expenses incurred by the owner on the property for repairs, maintenance, insurance, taxes levied by other authorities like State Government, rent collection charges in case of let –out properties etc. However, the actual expenditure incurred by the assessee is not deducted, and instead a standard deduction is prescribed. The standard deduction is available irrespective of whether the assessee incurs any expenditure towards the property or not, and the quantum of expenditure incurred, if any.

The standard deduction is - **30% of 'Net Annual Value'.**

Where the Net Annual Value is negative, standard deduction must be taken as 'Nil'.

Interest on Borrowed Capital (Section 24(b)]

Under this clause, deduction is available for interest on loan borrowed by the assessee for property for interest on loan borrowed by purposes. That is, where the assessee had borrowed any loan for purchase, construction, alteration, modification, repairs, renewals of property, then the interest on such loan is deductible under Section 24(b).

Suppose, an assessee has borrowed a loan for his daughter's marriage, by mortgaging his house property. Interest on such loan is not deductible, though property is involved in borrowing, since the loan is not borrowed for property purposes.

The amount of interest deductible is calculated in the following manner

Particulars	Amount Rs
Previous Year Interest	??????
Add: One-fifth of 'Pre-completion period interest	??????
Net Annual Value	??????

Previous Year Interest refers to interest on loan outstanding for the relevant previous year.

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Following are the steps involved in ascertainment of pre-completion period

1. Ascertain the date of borrowing the loan.

2. Ascertain the date of completion and identify 31" March immediately preceding that date,

3. Ascertain the date on which the loan has been completely repaid.

4. Consider the **earlier** date among 2 and 3.

5. The duration between 1 and 4 is pre-completion period.

Self Occupied Property

When a property owned by the assessee is used by him for his own residential occupation, it is called 'self-occupied property'. Where the property is used by the assessee for his business or profession, such property will be considered under the head "Business and Profession'. However, where the property owned by the assessee is meant for residential occupation, it is chargeable under the head 'Income from House Property'.

The property might be used by the assessee himself, or his parents, or his children or the HUF in which assessee is a member. In any of these cases, the property will be regarded as 'self-occupied property. Any property kept vacant by the assessee for the entire period of relevant previous year will also be regarded as 'Self-occupied property'.

The following is the format for computing 'income from self-occupied property'

Particulars	Details Rs	Amount Rs
Annual Value		Nil
Less: Deduction under Section 24(b) - Interest on borrowed capital		????
Income from House Property		????

1. Since, the assessee does not get any monetary benefit from the property, the Annual Value for a self-occupied property is 'Nil' in accordance with Sections 23(2)(a) and 23(2)(b).

2. The 'Annual Value' in the above case refers to the 'value after deduction for payment of municipal taxes'.

3. A self-occupied property is eligible for only one deduction under Section 24(b) - towards Interest on borrowed capital.

4. The deduction under Section 24(b) for a self-occupied property must be calculated as under

Amount of interest as per format

Or

Maximum Limit

5. The interest as per format is the following

Particulars	Amount Rs
Previous Year Interest Add: One-fifth of 'Pre-completion period interest'	Nil ????
Income from House Property	????

6. Maximum Limit for deduction under Section 24(b) in case of self-occupied property

When all of the three prescribed conditions are fulfilled – Rs 2, 00,000

Otherwise – Rs 30,000

7. Conditions for considering Rs 2,00,000 as Maximum Limit

(a) The loan must have been borrowed on or after 15 April, 1999.

(b) The loan must be borrowed for purchase or construction of house property or for re-Day of an earlier loan which had been borrowed for purchase or construction of house property. The old loan might have been borrowed even prior to 15 April, 1999.

(c) The purchase or construction of property must be completed within **5 years** from the last date of the financial year during which the loan (i.e., original loan) was borrowed.

8. The second condition above states that the loan must be borrowed for purchase construction of property. Where the loan is borrowed for any other purpose of property like repairs, alterations, renewals, reconstruction, etc., the second condition is not considered as fulfilled.

9. The third condition specifies the period by which the purchase or construction of property must be completed. Suppose, assessee borrowed loan for purchase or construction of property in July 2017. In this case, the loan has been borrowed during financial year 2017-18. The last date of this financial year is 31S' March 2018. So, the purchase or construction must be completed within 5 years from 315 March 2018, i.e., by 31''' March 2023.

10. In case the present loan was borrowed to repay an earlier housing loan, the third condition must be applied for the original loan.

11. Only when **all the conditions** are fulfilled, the maximum limit can be taken as Rs 2,00,000. When **any or all of the above conditions are not fulfilled,** the maximum limit must be taken as Rs 30,000.

12. The maximum limit for deduction under Section 24(b) is applicable only for properties which are assessed as 'self-occupied properties'.

13. Where an assessee owns a house property, but is not in its occupation on account of his employment, business or profession carried on at any other place, and has to reside at such other place in a house property not belonging to him, then the property owned by the assessee, though not occupied must be assessed as self-occupied property.

14. If the assessee let out his house to his employer, which in turn allots the same to him, as rent-free accommodation, such house will not be treated as self-occupied, because he is not occupying his own house in the capacity of owner.

Let-out Property

Let-out property refers to property given on rent. The tenant might use the property for residential or commercial purpose. For tax provisions, the purpose for which the tenant is using the property is irrelevant.

Step: 1 calculate Gross Annual value

Step: 2 calculate Annual value

Step 3: Deduction u/s 24

The format for computing taxable income from a 'let-out house property' and the provisions for the same are as follows:

The format for computing taxable income from a 'let-out house property' and the provisions for the same are as follows:

Particulars	Details Rs	Amount Rs
Gross Annual Value		???????
Less: Municipal Taxes paid by the assessee during the previous year.		?????
Net Annual Value		?????
Less: Deductions under Section 24		
(a) Standard Deduction	??????	
(b) Interest on Borrowed Capital	??????	?????
Income From Let-out Property		?????

Annual Value (Let out property)

Let-out property refers to property given on rent. The tenant might use the property for residential or commercial purpose. For tax provisions, the purpose for which the tenant is using the property is irrelevant.

An approach to calculate Gross Annual Value is as follows:

Particulars	Amount Rs
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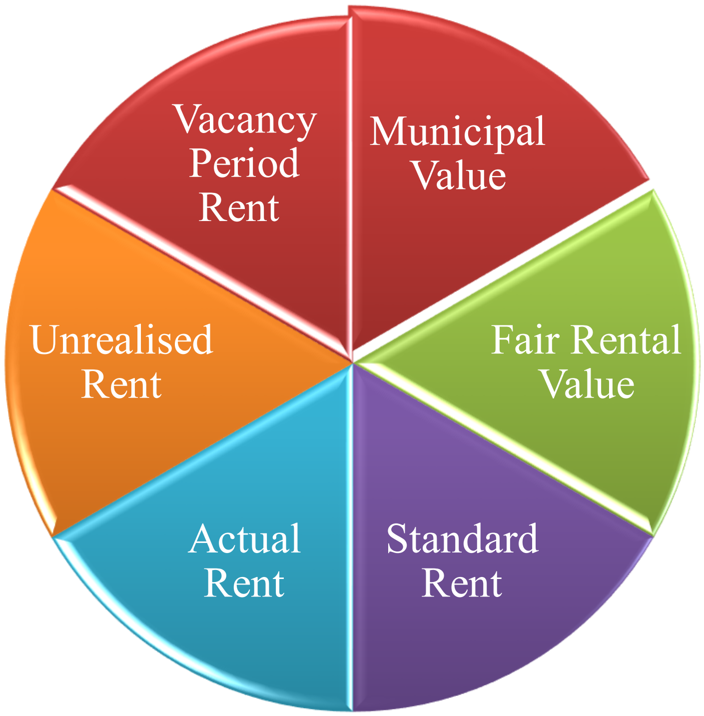

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EXEMPTIONS REGARDING INCOME FROM HOUSE PROPERTY

There are two kinds of exemptions regarding income from house property:

(1) Income is not included in gross total income (i.e., fully exempt), and

(2) Income is included in assessee's gross total income but deduction is allowed from gross total income.

1. Fully Exempted Incomes

(1) Income from farm house [Sec. 2(1A) (c) & 10(1)]

(2) Annual Value of one palace of ex-Indian Ruler. [Sec. 10(19A)]

(3) Income from property owned by:

(i) Local Authority; [Sec. 10(20)]

(ii) Scientific Research Association; [Sec. 10(21)]

(iii) University or other educational institution existing for educational purposes and not for purposes of profit; [Sec. 10(23C)]

(iv) Hospital or medical institution existing for philanthropic purposes and not for purposes of profits. [Sec. 10(23C)]

1. Fully Exempted Incomes

(v) Trade Union; [Sec. 10(24)]

(vi) Charitable Trust; [Sec. 11]

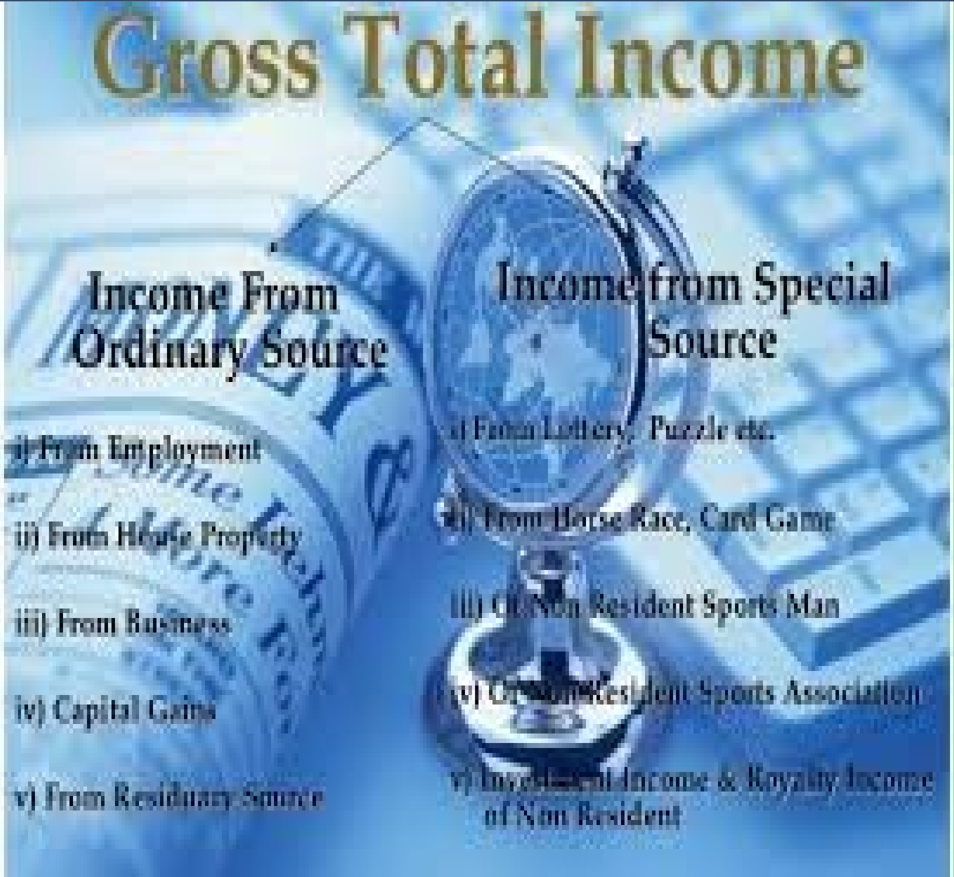
(vii) Political Party. [Sec. 13 A]

(4) Income from property used for assessee's own business or profession.

(5) Income from one self-occupied house.

(6) Income from house meant for self-residence but could not be occupied throughout the previous year on account of his service business or profession at any other place

2. Deductible from Gross Total Income



(1) Income of a co-operative society from the letting of godowns or warehouses for storage of commodities meant for sale.

(2) Income of a co-operative society from house property provided its gross total income does not exceed Rs 20,000 and the society is not a housing society, urban consumers' Co-operative society, transport society or society manufacturing goods with the aid of power.

Composite Rent

If the assessee, being owner of a property, has let out the property along with certain amenities or facilities like free supply of water & water tax , electricity, gas, Cooler, Lift, free maintenance of the property, garden, swimming pool, staircase, etc., then, the rent charged for the property will be called as 'Composite Rent'.

When the rental agreement specifies separately the rent for the property and the charge amenities, then the rent will be considered as 'actual rent'; and the charges for amenities will be taxable to the extent the charges exceed the cost of providing such amenities. The excess amount will be taxable under the head 'Income from Business' (if assessee is engaged in the business of letting out properties) or 'Income from other sources'.

Municipal Valuation/Municipal rental value

It refers to the value of the property as determined by the Municipal Authorities. The Municipal Authorities value every property in its jurisdiction each year, for levy of municipal taxes.

For the purpose of levying local taxes the local authority i.e. Municipal Corporation / Committee etc. conducts a periodical survey of the house properties in their local limits. On the basis of such survey the rental values are fixed which serves as the basis for levying tax. The rental value so fixed is called Municipal rental value or Municipal Valuation.

(D) Standard deduction

It refers to the rent according to Rent Control Act. Where this Act is applicable, the rent for property in the jurisdiction will be governed by the provisions of the Act. Presently, in India, this Act is applicable only in a few cities.

(e) Fair rental value

It refers to the rent of a similar accommodation in same locality. In other words, it is the rental value a house property can fetch. It is based on the rent prevailing for similar type of accommodation in same or similar type of locality. It is based on the principle that rent prevailing in same locality for similar sized property is almost the same. Such rental value is called Fair rental value.

For example, the rent for a 2 BHK in MG Road may be Rs 25,000 per month; the rent for a 3 BHK in Central Part of a city might be Rs 40,000 per month. Such estimate of the rent for a similar accommodation of the assessee is Fair Rental Value.

(f) Unrealized rent

It refers to rent not realised from the tenant. Rent not realised or not recovered can be deducted while calculating Gross Annual Value, only when the following conditions are fulfilled:

(a) The tenancy is bona fide,

(b) The tenant has defaulted payment of rent.

(c) Necessary steps must be taken to vacate the defaulting tenant from the property.

(d) The defaulting tenant must not be residing in any other property of the assessee.

(e) All steps have been taken for recovering the rent from the tenant, including legal proceedings; or the defaulting tenant is not available for taking any action.