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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.2241 OF 2013

Commissioner of Income Tax-Central-IV ..Appellant
-***Versus***-
M/s. Ruby Mills Limited ..Respondent

....

Mr. Tejveer Singh for the Appellant.
Mr. R. Murlidhar a/w B. G. Yewale i/b. M/s. Rajesh Shah & Co. for the Respondent.

....

CORAM: S. C. DHARMADHIKARI &
A. K. MENON, JJ.

DATE :- 23rd APRIL, 2015.

P.C.:

Having heard both sides and finding that the issue raised by the assessee was arguable and debatable, imposition of penalty cannot be sustained. That has been rightly deleted by the Tribunal. Further, the fact that the matter traveled upto the Tribunal and where the assessee succeeded may be after imposition of the penalty shows that in the facts and circumstances, there was no justification for imposition of penalty. That has been rightly deleted. The appeal does not raise any substantial question of law. It is, accordingly, dismissed. No costs.

(A. K. MENON, J.) **(S. C. DHARMADHIKARI, J.)**