THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

I.T.T.A No.743 of 2014

DATE: 23.01.2015

Between:

K. Gopi
Hyderabad.

… Appellant

And

Commissioner of Income Tax – VI,
Hyderabad.

… Respondent

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

I.T.T.A.No.743 of 2014

JUDGMENT: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

Pre-admission notice was issued.

We have heard the learned counsel for the parties and admit the appeal on the following substantial question of law:

1. Whether the finding of the learned Tribunal that no creditor was produced before the Assessing Officer is absolutely erroneous and contrary to the record and thereby, the conclusion arrived at on the basis thereof is legally sustainable or not?

We have gone through the order of the Assessing Officer as well as the Commissioner of Income Tax (Appeals) and it appears that both the Officers concurrently found that no creditor was produced and moreover at one point of time, the learned Tribunal remanded the matter for reconsideration of the issues. Thereafter, the learned Tribunal found that no creditor was produced before the Assessing Officer.

Learned counsel for the appellant seeks to rely on the remand report submitted by the Revenue Officials other than the Assessing Officer to submit that the creditors were produced before the Assessing Officer and in spite of that, the

Commissioner of Income Tax (Appeals) did not consider this matter and the learned Tribunal has disbelieved this fact erroneously.

We are unable to accept this submission, as the learned Tribunal has found that no one was produced and we do not find such a finding absurd or perverse. Hence, we find no reason to interfere with the impugned judgment and order.

The appeal is accordingly dismissed. No costs.

K.J. SENGUPTA, CJ

-
-

SANJAY KUMAR, J

Date: 23.01.2015
va