OD-26

ITAT/118/2018
IA NO: GA/2/2018(Old No.GA/884/2018)
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCOME TAX)
ORIGINAL SIDE

PRINCIPAL COMMISSIONER OF INCOME TAX-12, KOLKATA
VERSUS
SRI RAGHU NANDAN MODI

BEFORE :

THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA

Date : 30th November, 2021

*Appearance* :-

Mr. Suniti Chatterjee, Adv.
… For Appellant
Mr. J.P. Khaitan, Sr. Adv.
Mr. Asim Chowdhury, Adv.
… For Respondent

The Court : This appeal by the assessee filed under Section 260A of the Income Tax Act, 1961 (the Act, for brevity) is directed against the order dated 2nd June, 2017 passed by the Income Tax Appellate Tribunal, "B" Bench, Kolkata in ITA No.2186-87/Kol/2014 for assessment years 2010-11 and 2011-12. The appellant has raised the following questions of law for consideration :-

*"Whether on the facts and the circumstances of the case, the Learned Income Tax Appellate Tribunal, "B" Bench, Kolkata was justified in law or in holding that perquisites of rent free*

*accommodation can be determined only in pursuance of provisions of Section 23(1)(a) of the Act which requires to determine the same as per the guidelines of Municipal Corporation and not what the property might reasonably be expected to let out from year to year ?"*

We have heard Mr. Suniti Chattrjee, learned Standing Counsel appearing for the appellant revenue and Mr. J.P. Khaitan, learned Senior Counsel appearing for the respondent assessee.

It is submitted on behalf of the appellant revenue that the present appeal cannot be pursued by the revenue on account of low tax effect. Accordingly, in view of the said submission, the appeal stands disposed of on the ground of low tax effect. However, substantial questions of law are left open.

The appeal and the connected application are, accordingly, disposed of.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

SN/S. Das
AR(CR)