OD-15 IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction(Income Tax)
ORIGINAL SIDE

ITAT/186/2018
IA No: GA/2/2018(Old No.GA/1377/2018)

PRINCIPAL COMMISSIONER OF INCOME TAX, KOLKATA-3, KOLKATA
VERSUS
ITC LIMITED

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date : 09th July, 2021.

Appearance:
Mr. J. P. Khaitan, Sr. Adv.
Ms. Nilanjana Banerjee Pal, Adv.
... for the respondent.

The Court: This appeal has come up for admission. The substantial question of law framed by the appellant is as follows:

"Whether on the facts and in the circumstances of the case the Learned Income Tax Appellate Tribunal "A" Bench erred in law as well as in facts in deciding the appeal in favour of the Assessee when it is evident that the Assessee has claimed double deduction of excise duty on closing stock amounting to Rs.270,06,83,951, once in profit and loss account and further deduction in computation of total income for the Assessment Year 2005-2006 which is not as per "Accounting Standard-2 and its guidance note." However, the Assessee is not justified in claiming double deduction of excise duty on closing stock, once in profit and loss and account and further deduction in computation of total income?"

An identical question was framed for consideration of this Court in an appeal filed against an order of the Income Tax Tribunal in ITAT/24/2019. A co-ordinate Bench of this Court by an order dated June 24, 2019 rejected the appeal at the admission stage opining that the question referred to above is not a substantial question of law.

Further, in ITAT 84/2017, the identical question of law was framed along with other questions of law. The appeal was admitted by a co-ordinate Bench by an order dated November 7, 2019 on the other questions of law but not on the question of law which has been framed in the present appeal.

In view of the aforesaid, we are unable to admit this appeal.

The appeal being ITAT 186 of 2018 and application being IA No.GA/2/2018(Old No. GA/1377/2018) are dismissed.

(ARIJIT BANERJEE, J.)

(ARINDAM MUKHERJEE, J.)

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