OD-66

ITAT/354/2017
IA NO: GA/2/2017(Old No.GA/3559/2017)
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCOME TAX)
ORIGINAL SIDE

PRINCIPAL COMMISSIONER OF INCOME TAX, CENTRAL-I, KOLKATA
VERSUS
MR. SUBRATA BANIK

BEFORE :

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

Date : 23rd November, 2021

Appearance :-

Ms. Sucharita Biswas, Adv.
Mr. Asok Bhowmick, Adv.
... For Appellant
Mr. J.P. Khaitan, Sr. Adv.
Mr. Avra Majumder, 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 18th November, 2016 passed by the Income Tax Appellate Tribunal, "A" Bench, Kolkata in I.T.(S.S.)A. Nos. 83, 84, 85 & 89/KOL/2013 for assessment years 2002-03, 2003-04, 2004-05 and 2005-06. The appellant has raised the following questions of law for consideration :-

a) Whether on the facts and in the circumstances of the case the Hon'ble Income Tax Appellate Tribunal, "A" Bench, Kolkata erred in law in deleting the disallowance of claim of advertisement expenses as deferred revenue expenditure ?

b) Whether on the facts and in the circumstances of the case the Hon'ble Income Tax Appellate Tribunal, "A" Bench, Kolkata justified in law that the expenses incurred in previous year not related to assessment year in question can be allowed as deferred revenue expenditure ?

We have heard Ms. Sucharita Biswas, learned Standing Counsel appearing for the appellant revenue and Mr. J.P. Khaitan, learned Senior Counsel appearing for the respondent assessee. Learned Standing Counsel for the appellant submitted that the present appeal is below the monetary limit fixed by the CBDT in their Circular and therefore the revenue cannot pursue the appeal. The said submission is placed on record and the appeal stands disposed of on the ground of low tax effect. Consequently, substantial questions of law are left open.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

SN/S. Das
AR(CR)