OD-4

ORDER SHEET
ITA/99/2018
IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Income Tax)
ORIGINAL SIDE

COMMISSIONER OF INCOME TAX, KOIKATA -IV, KOLKATA
VS
M/S. KHAITAN INDIA LTD.

BEFORE:
The Hon'ble JUSTICE T. S. SIVAGNANAM
And
The Hon'ble JUSTICE HIRANMAY BHATTACHARYYA
Date : 25TH MARCH, 2022.

Appearance:
Mrs. Smita Das De, Adv.
...For the Appellant

Mr. A. Agarwal, Adv.
Mr. Farhan Ghaffar, Adv.
Mrs. S. Chakraborty, Adv.
...For the Respondent

The Court : This appeal filed by the revenue under Section 260A of the Income Tax Act, 1961 (the 'Act' in brevity) is directed against the order dated 13th February, 2014 passed by the Income Tax Appellate Tribunal, "A" Bench, Kolkata in I.T.A No.1841 to 1843/Kol/2008 for the assessment year 2004-05.

The revenue has raised the following substantial question of law for consideration:

*"'(i) Whether on the facts and in the circumstances of the case the Tribunal was justified in law in reversing the decision of the C.I.T.(A) thereby deleting the additions made by the Assessing Officer despite the fact that the*

*assessee's claim of interest expenses is in the nature of unascertained liability as the assessee did not consider the expenses in the books of accounts and also did not pay within the statutory period ?"*

We have heard Ms. Smita Das De, learned standing Counsel appearing for the appellant/revenue and Mr. A. Agarwal, learned Counsel appearing for the respondent/assessee.

It is submitted by the learned Counsel for the appellant/revenue that this appeal is not being pursued by the revenue on the ground of low tax effect. This submission is placed on record and the appeal stands dismissed on the ground of low tax effect. Consequently, the substantial question of law is left open.

(T. S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

S.De/SN