OD-16

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCOME TAX)
ORIGINAL SIDE

ITA/92/2011

COMMISSIONER OF INCOME TAX, KOLKATA-III, KOLKATA
VS.
M/S. SONAL TIE-UP PVT. LTD.

BEFORE :

THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 3rd November, 2022

Appearance :
Mr. Aryak Dutt, Adv..
...for appellant.

The Court : This appeal filed by the revenue under Section 260A of the Income Tax Act, 1961 (the Act, for brevity) is directed against the order dated 30th September, 2010 passed by the Income Tax Appellate Tribunal 'A' Bench, Kolkata In ITA No.827/Kol/209 for the assessment year 2005-06.

The appeal was admitted on 21st February, 2011 on the following substantial question of law:

"Whether the Tribunal below committed substantial error of law in cancelling the order passed under Section 263 of the Income Tax by wrongly holding that Explanation to Section 73 of the Act did not apply?"

We have heard Mr. Aryak Dutt, learned standing counsel appearing for the appellant/revenue.

As could be seen from the assessment order, the total taxable income was computed to be only Rs.31,110/-. If that be so, the tax effect in this appeal is far below the threshold limit fixed by the CBDT and, therefore, the appellant/revenue is disentitled from pursuing this appeal further.

In the light of the above, 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.Pal/SN