O-120

ITA/135/2010

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

COMMISSIONER OF INCOME TAX,
CENTRAL CIRCLE-XVII, KOLKATA

-Versus-

JSIS AGRO (P) LTD.

Appearance :
Mr. Soumen Bhattacharyya, Adv.
. . . for the appellant.

Mr. J. P. Khaitan, Sr. Adv.
Ms. Swapna Das, Adv.
Mr. Siddhartha Das, Adv.
...for the respondent.

BEFORE:
The Hon'ble JUSTICE T.S. SIVAGNANAM
-And-
The Hon'ble JUSTICE SUPRATIM BHATTACHARYA

Date : 16th September, 2022.

The Court : This appeal filed by the revenue under Section 260A of the Income Tax Act, is directed against the order dated 3rd July, 2009 passed by the Income Tax Appellate Tribunal, "B" Bench, Kolkata (the Tribunal) in IT(SS)A No.47/Kol/2006 for the block period F.Y. 1985-86 to 1994-95 and 1.4.1995 to 21.12.1995.

The appeal was admitted on the following substantial question of law:

(i) Whether on the facts and circumstances of the case, the Tribunal was justified in law in annulling the order under Section 158BD dated 31.3.2006 without giving any reasons on the merits of the case ?"

We have heard Mr. Soumen Bhattacharyya, learned standing counsel for the appellant/revenue and Mr. J.P. Khaitan, learned senior counsel assisted by Ms. Swapna Das and Mr. Siddhartha Das, learned advocates for the respondent/assessee.

From the substantial question of law which has been admitted it is seen that the tax effect involved in this appeal is much less than the threshold limit fixed by the Circular issued by the CBDT. Therefore, the revenue cannot pursue this appeal.

Accordingly, the appeal (ITA/135/2010) stands disposed of on the ground of low tax effect and the substantial question of law is left open.

(T.S. SIVAGNANAM, J.)

(SUPRATIM BHATTACHARYA, J.)

S.Das/As.