O-114

ITA/86/2010

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

COMMISSIONER OF INCOME TAX,
KOLKATA – IV, KOLKATA

-Versus-

VANDANA COMMERCIALS (P) LTD.

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

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 9th October, 2009 passed by the Income Tax Appellate Tribunal, "C" Bench, Kolkata (the Tribunal) in ITA No.531/Kol/2009 for the assessment year 2002-03.

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

(i) Whether, on the facts and in the circumstances of the case, the Income-tax Appellate Tribunal is correct in deleting the additions of Rs.1,76,23,687/- and Rs.20,05,000/-

> *respectively, in respect of sundry creditors and share application money appearing in the balance sheet of the assessee, which were not explained to the satisfaction of the Assessing Officer and were deleted by the Commissioner of Income Tax (Appeals) by admitting fresh evidence in violation of Rule 46A of the Income-tax Rules, 1927?"*

We have heard Mr. Soumen Bhattacharyya, learned standing counsel for the appellant/department.

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/86/2010) 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.