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

ITA 132 of 2019

PRINCIPAL COMMISSIONER OF INCOME TAX-15, KOLKATA
Vs
MANISH CHAND AGARWAL

BEFORE :

THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 18th February, 2022

Appearance:
Mr. P.K. Bhowmick, Adv.
...for the appellant.

Mr. Subash Agarwal, Adv.
Mr. Pranit Bag, Adv.
...for the respondent.

The Court : This appeal filed by the revenue is directed against the consolidated order dated 15.02.2018 passed by the Income Tax Appellate Tribunal, Kolkata 'C' Bench, in ITA No.371/Kol/2017 for the assessment year 2011-12 and ITA No.372/Kol/2017 for the assessment year 2012-13.

The appeal was admitted on 12th September, 2019 to decide the following substantial question of law:

1. Whether on the facts and circumstances of the case, the Learned Income Tax Appellate Tribunal has erred in law in deleting the disallowance of unexplained credit of Rs.2,39,48,623/- holding the same as deemed dividend under Section 2(22)(e) of the Income Tax Act, 1961 without taking into consideration the facts on record in respect of Assessment Year 2012-13?

We have heard Mr. P.K. Bhowmick, learned senior standing counsel appearing for the appellant/revenue and Mr. Subash Agarwal, learned counsel assisted by Mr. Pranit Bag, learned counsel appearing for the respondent/assessee.

Learned counsel appearing for the appellant/revenue pointed out that the tax effect involved in this appeal is less than the threshold limit fixed by the CBDT in its circular. Therefore, the appeal is not pursued by the revenue. Consequently, the appeal stands dismissed on the ground of low tax effect. The substantial question of law framed for consideration is left open.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

s.pal/pkd.