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

ITAT/84/2022
IA No.GA/2/2022
PRINCIPAL COMMISSIONER OF INCOME TAX,CENTRAL-2, KOLKATA
Vs
M/S. ELECTRO STEEL CASTING LIMITED

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 29th August, 2022

Appearance :
Mr. Tilak Mitra, Adv.
...for the appellant.

Mr. Sanjay Bhowmick, Adv.
Mr. S. Kejriwal, Adv.
...for the respondent.

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 12th January, 2021 passed by the Income Tax Appellate Tribunal "A" Bench Kolkata (the Tribunal) in C.O. No. 23/Kol/2020 in I.T. (S.S.)A. No.71/Kol/2019 for the assessment year 2006-2007.

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

(a) Whether the assessee was entitled to get benefit under section 801A of the said Act or not?

(b) Whether the benefit could be computed at the rate restricted by the West Bengal electricity regulatory commission or not?

(c) Whether the Learned Appellate Tribunal was justified in upholding the order passed by the Commissioner of Income Tax (Appeal)?

(d) Whether educational cess levied on the income tax is allowable as a deduction while computing income from business or profession?

We have heard Mr. Tilak Mitra, learned standing counsel appearing for the appellant and Mr. Sanjay Bhowmick, learned advocate assisted by Mr. S. Kejriwal, learned advocate for the respondent.

It was submitted by the learned advocate appearing for the respondent that the appeal is below the tax effect and, therefore, the revenue cannot pursue the appeal. The appeal was adjourned on the earlier occasion to enable the learned standing counsel to verify as regards the said submission.

Today, Mr. Tilak Mitra learned standing counsel has submitted that he has been given written instruction by the department that the tax effect in this appeal is below the threshold limited. If that be so, the revenue cannot pursue the appeal.

Accordingly, the appal stands disposed of on the ground of low tax effect. Consequently, the substantial questions of law are left open.

The application for stay being IA No.GA/2/2022 stands closed.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

s.chandra/S.Pal