OD-14

ITAT/377/2016
IA No.GA/1/2016 (Old No.GA/3329/2016)

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

PRINCIPAL COMMISSIONER OF INCOME TAX, KOLKATA-17

-Versus-

RUPAYAN UDYOG

Appearance:
Mr. Smarajit Roychowdhury, Adv.
...for the appellant.

Mr. Soumitra Chowdhury, Adv.
Mr. Avra Majumdar, Adv.
Mr. Vinayak Gupta, Adv.
...for the respondent.

BEFORE:
The Hon'ble JUSTICE T.S. SIVAGNANAM
-And-
The Hon'ble JUSTICE BIVAS PATTANAYAK

Date : 15^{th} July, 2022.

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 13^{th} April, 2016 passed by the Income Tax Appellate Tribunal, Kolkata, "C" Bench, Kolkata in ITA Nos.1943 & 1944/Kol/2014 for the assessment years 2003-04 and 2004-05.

We have heard Mr. Smarajit Roychowdhury, learned standing counsel for the appellant/revenue and Mr. Soumitra Chowdhury, learned counsel assisted by Mr. Avra Majumdar and Mr. Vinayak Gupta, learned Advocates for the respondent/assessee.

From the materials placed before this Court by the learned Advocate appearing for the respondent/assessee, we find that the tax effect for the assessment year 2003-04 is Rs.49,43,956/- and the tax effect for the assessment year 2004-05 is Rs.6,78,498/-.

In the light of the same, the revenue cannot pursue the instant appeal on the ground of low tax effect.

Accordingly, the appeal filed by the revenue (ITAT/377/2016) stands dismissed on the ground of low tax effect and the substantial questions of law are left open.

Consequently, the connected application for stay (IA No.GA/1/2016) also stands closed.

(T.S. SIVAGNANAM, J.)

(BIVAS PATTANAYAK, J.)

As/S.Das
AR(CR)