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

ITA/3/2012
COMMISSIONER OF INCOME TAX, CENTRAL-III, KOLKATA
VS.
M/S. BASIL EXPRESS LIMITED

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 3rd March, 2023

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

The Court : - This appeal filed by the revenue under Section 260A of the Income Tax Act, 1961 (the Act) is directed against the order dated January 21, 2011 passed by the Learned Income Tax Appellate Tribunal "A" Bench, Kolkata in I.T.A. Nos. 1912 to 1914/Kol/2009, 915/Kol/2009 and 1916 & 1917/Kol/2009 relating to the Assessment years 2002-2003 to 2003-2004, 2004-2005 and 2007-2008 respectively.

It has been pointed out by the learned advocate representing the revenue that the tax effect involved is Rs.1,31,324/- relating to Assessment Year 2002-03, Rs.1,45,674/- relating to Assessment Year 2003-04, Rs.94,681/- relating to Assessment Year 2004-05 and Rs.5,10,952/- relating to Assessment Year 2007-08 which are far less than threshold limit fixed by the C.B.D.T.

This appeal was admitted by an order dated 13th December, 2011 on the following substantial question of law :

(i) Whether the learned Tribunal committed substantial error in law in not applying the provisions contained in Section 269SS and Section 269T of the Income-tax Act to the fact of the present case simply because the parties are two sister concerns by overlooking the first proviso the sister concern do not come within the exception"?

In view of the fact that the tax effect is below the threshold limit, the revenue cannot pursue this appeal any further. In view thereof, the appeal stands dismissed on the ground of low tax effect and the substantial question of law is, however, left open.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

Pkd/GH.