

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

ITAT/9/2023
GA/1/2023, GA/2/2023
PRINCIPAL COMMISSIONER OF INCOME TAX 5, KOLKATA
VS.
RAJESH KUMAR AGARWAL

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 17TH FEBRUARY, 2023

Appearance :
Mr. Amit Sharma, Adv.
...for appellant
Mr. Anil Dugar, Adv.
Mr. R. Chatterjee, Adv.
Mr. R. Mazumder, Adv.
...for respondent

The Court : - Heard learned Counsel for the either side.

The respondent has been served and an affidavit-of-service has been filed.

There is a delay of 1284 days in filing the appeal.

We have perused the appeal filed in support of the petition and we find that sufficient cause has not been shown for not preferring the appeal within the period of limitation. Further we note that the department though fit to pursue the appeal much after the decision of this Court in PCIT-5 SWATI BAJAJ 2022 SCC ONLINE CAL 1572. Thus we are not persuaded to exercise any discretion in favour of the appellant/revenue. Consequently, the application stands dismissed and the appeal is rejected.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)