

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

ITAT/65/2022
IA NO. GA/1/2023, GA/2/2023
PRINCIPAL COMMISSIONER OF INCOME TAX 5, KOLKATA
VS.
SHANKAR LAL SHROFF

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 24th March, 2023

Appearance :
Mr. Tilak Mitra, Adv.
...for appellant
Mr. Asim Chowdhury, Adv.
...for respondent

The Court : - This appeal by the revenue has been filed beyond the period of limitation.

There is a delay of 1358 days in filing the appeal.

We have heard Mr. Tilak Mitra, learned standing Counsel for the appellant and Mr. Amit Agarwal, learned Counsel on behalf of the respondent.

On perusal of the affidavit filed in support of the condone delay petition, we find that sufficient cause has not been shown for not preferring the appeals within the period of limitation. Further we note that decision to file this appeal was taken much after the decision of this Court in PCIT-5 vs. 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 is dismissed and the appeal stands rejected.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)