OD–1

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

ITA/115/2019
PRINCIPAL COMMISSIONER OF INCOME TAX-1, KOLKATA
VS.
THE PEERLESS GENERAL FINANCE & INVESTMENT CO. LTD.

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 16th March, 2023

Appearance :
*Mr. Tilak Mitra, Adv.*
*…for appellant*
*Mr. Abhijit Chatterjee, Adv.*
*Mr. Gopal Ram Sharma, Adv.*
*…for respondent*

The Court : - This appeal filed by the revenue under Section 260A of the Income Tax Act (the Act) is directed against the order dated 18.3.2016 passed by the Income Tax Appellate Tribunal "B" Bench, Kolkata in ITA No. 873/Kol/2013 for the Assessment year 2009-2010. The appeal was admitted on 27th August, 2019 on the following substantial question of law :-

"Whether on the facts and in the circumstances fo the case, the learned tribunal erred in law in allowing an addition of Rs.5,44,74,963/- which was disallowed by the assessing officer under section 14A of the Income Tax Act read with Rule 8D of the Income Tax Act?"

We have heard Mr. Tilak Mitra, learned standing Counsel for the appellant and Mr. Abhijit Chatterje, learned senior Counsel duly assisted by Mr. Gopal Ram Sharma, learned Advocate for the respondent/assessee.

We need not labour much to decide substantial question of law framed for consideration as in the assessee's own case in ITAT/174/2021 for the assessment year

2014-15 the very same substantial question of law was considered and by judgment dated 12.09.2022 the appeal filed by the revenue was dismissed. In the said appeal there were six substantial questions of law and the third substantial question of law is identical to the substantial question of law framed in the case on hand.

Thus following the said decision in ITAT/174/2021 the appeal filed by the revenue is dismissed and the substantial question of law is answered against the revenue.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

pkd/GH