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

ITA/135/2011
DIRECTOR OF INCOME TAX [EXEMPTION], KOLKATA
VS.
PAILAN EDUCATIONAL TRUST COMMISSIONER OF INCOME TAX,
KOLKATA-II, KOLKATA

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

<u>*Appearance*</u> :
Mr. Soumen Bhattacharyya, Adv.
...for appellant
Mr. Pranit Bag, Adv.
Mr. Snehashis Sen, Adv.
Mr. Abhishek Banerjee, Adv.
...for respondent.

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 August 6, 2010 passed by the Learned Income Tax Appellate Tribunal "B" Bench, Kolkata in I.T.A. No. 136/Kol/2009 for the Assessment Year 2005-06.

It has been pointed out by the learned advocate representing the revenue that the tax effect involved is Rs.41,81,451/- which is far less than threshold limit fixed by the C.B.D.T.

This appeal was admitted by an order dated June 9, 2011 on the following substantial question of law :

(i) Whether the learned Tribunal below committed substantial error of law in holding that there was no violation of section 13(1)(c) of the Income-tax Act by disregarding the fact that both the assessee-Trust and the Trust Sylven College of Management Studies are controlled by Apurba Saha, who is the signing authority of both the Trusts and the trustees are mere employees."

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.