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

ITA/138/2011
IA NO. GA/2/2011 (Old No.GA/1359/2011)
THE COMMISSIONER OF INCOME TAX KOLKATA- XII, KOLKATA
VS.
RADHE SHYAM GUPTA & SONS (H U F)

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 1st March, 2023

<u>*Appearance*</u> :
Mr. Soumen Bhattacharjee, Adv.
...for appellant

The Court : - This appeal has been filed by the revenue under Section 260A of the Income Tax Act, 1961 (the Act) is directed against the order dated 18.2.2010 passed by the Income Tax Appellate Tribunal "B" Bench, Kolkata in I.T.A. No. 1169/Kol/2007 relating to the Assessment Year 2003-2004.

The appeal was admitted on 13.6.2011 on the following substantial question of law :-

i) Whether the learned Tribunal below committed substantial error of law in deleting the addition made by the Assessing Officer and confirmed by the commissioner of Income-tax (Appeals) amounting to Rs.1,88,40,707/- under the head "Karigar Purja se Account" shown by the assessee as the liability towards outstanding payment to the Karigars when the assessee could not give identity of those Karigars?

We have heard Mr. Soumen Bhattacharjee, learned standing Counsel for the appellant.

As rightly pointed out by the learned standing Counsel the tax-effect in this appeal is less than the threshold limit of Rs. 1 crore as it is Rs.83,25,148/-. Therefore, the revenue cannot pursue this appeal.

Accordingly, the appeal stands disposed of on the ground of low tax effect.

The substantial question of law, which has been admitted, is left open.

Consequently, GA/2/2011 stands closed.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

Pkd/GH.