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

ITA/154/2009
COMMISSIONER OF INCOME TAX, KOLKATA-XIV
VS.
M/S. FIBRE BOX COMPANY

BEFORE :

THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 13th February, 2023

<u>Appearance</u> :
Mr. Prithu Dudhoria, Adv.
... for appellant

The Court : This appeal filed by the revenue filed under Section 260A of the Income Tax, 1961 (the Act) is directed against the order dated 24th December, 2008, passed by the Income Tax Appellate Tribunal, "B" Bench, Kolkata (Tribunal) in ITA Nos. 1301 and 983/Kol/2008 for the assessment year 1999-00.

The appeal was admitted on 28th January, 2010 on the following substantial questions of law :-

> "Whether the learned Tribunal is justified in law in holding that Section 45 sub-section (4) has come into operation after 1st April, 1999 when the partnership firm stood dissolved and thereby did not apply the said provision ?"

We have heard Mr. Prithu Dudhoria, learned standing counsel appearing for the appellant.

Learned standing counsel upon referring to the order passed by the Commissioner of Income tax (Appeals) XII, dated 30th April, 2008 points out that the tax effect in this appeal is Rs.26,86,946/-. If that be so, the revenue cannot pursue this appeal as it is well below the threshold limit of Rs.1 Crore as fixed by the CBDT.

For the above reason, the appeal stands disposed of on the ground of low tax effect and the substantial question of law is left open.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

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