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

ITA/151/2011
COMMISSIONER OF INCOME TAX, KOLKATA - II
Vs.
M/s. GANESHBARI TEA CO. (P) LTD.

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 20TH FEBRUARY, 2023

Appearance :
*Mr. Amit Sharma, Adv.*
*..for appellant*

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 February 1, 2011 passed by the Income Tax Appellate Tribunal "B" Bench, Kolkata in ITA No. 2088/Kol/2010 for the assessment year 2006-07. The appeal was admitted on 2.8.2011 on the following substantial questions of law :-

i) Whether on the facts and in the circumstances of the case, the learned Tribunal below committed substantial error of law in restricting the disallowance of Rs.16,00,000/- to Rs.11,33,440/- under section 2(24)(x) and Sec.43B of the Income-tax Act, 1961 without appreciating the fact that the respondent could not file any evidence in support of the said claim?

ii) Whether the learned Tribunal below committed substantial error of law in treating the interest on account of loan granted to the sister concerns of the respondent as interest free loan ?

We have heard Mr. Amit Sharma, learned standing Counsel on behalf of the appellant.

As could be seen from the substantial questions of law which have been admitted for consideration the tax effect in this appeal is much lower the threshold limit fixed by the C.B.D.T. Therefore, the revenue cannot pursue this appeal.

Accordingly, the appeal stands disposed of on the ground of low tax effect and the substantial questions of law are left open.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

Pkd/GH.