OD-6

ITA/189/2009

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

COMMISSIONER OF INCOME TAX,
CENTRAL-I, KOLKATA

-Versus-

M/S. HOOGHLY MILLS COMPANY LIMITED

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 9th February, 2023

Appearance :
Mr. Soumen Bhattacharyya, Adv.
...for the appellant.

Mr. Asim Chowdhury, Adv.
Mr. Soham Sen, Adv.
...for the respondent.

The Court : This appeal filed by the revenue under Section 260A of the Income Tax Act, 1961 (the 'Act' for brevity) is directed against the order dated 6th March, 2009 passed by the Income Tax Appellate Tribunal, "A" Bench, Kolkata (the Tribunal) in ITA No.2139/Kol/2008 for the assessment year 2005-06.

The revenue has raised the following substantial question of law for consideration:

(i) *Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was justified in directing the disallowance on account of gratuity payable to employees amounting to Rs.1,68,90,760/- ?*

We have heard Mr. Soumen Bhattacharyya, leaned standing counsel appearing for the appellant/revenue and Mr. Asim Chowdhury, learned Advocate assisted by Mr. Soham Sen, learned Advocate appearing for the respondent/assessee.

As could be seen from the substantial question of law which has been raised, the tax effect in the instant case is well below the threshold limit of Rs.1 crore to enable the revenue to pursue this appeal before this Court.

Therefore, the appeal (ITA/189/2009) 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.)

A/s./K.Banerjee