OD-4

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

ITAT 110/2022
With
ITAT 35/2023
IA No: GA/2/2022
PRINCIPAL COMMISSIONER OF INCOME TAX, CENTRAL-1, KOLKATA
VS.
JIS FOUNDATION

BEFORE :

THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 27th February, 2023

Appearance :
Mr. Smarajit Roychowdhury, Adv.
Mr. Prithu Dudhoria, Adv.
....for appellant

Mr. J.P. Khaitan, Sr. Adv.
Ms. Swapna Das, Adv.
Mr. Siddharth Das, Adv.
... for respondent

The Court : This appeal has been filed by the revenue under Section 260A of the Income Tax Act, 1961 (the Act) challenging the order dated 9th July, 2021 passed by the Income Tax Appellate Tribunal, 'A' Bench, Kolkata (Tribunal) in IT(SS)A No. 86 and 89 to 92/Kol/2019 and IT(SS)A No. 01 and 03 to 06/Kol/2020 for the assessment years 2008-09 and 2011-12 to 2014-15.

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

"Whether the Learned Tribunal has committed substantial error in law in deleting the additions made in the assessment year 2008-09 and assessment year 2011-12 to assessment year 2014-15 on account of unexplained investment made under Section 69 on the basis District Valuation Officer's valuation report ?"

We have heard Mr. Smarajit Roychowdhury, learned standing counsel appearing for the appellant and Mr. J.P. Khaitan, learned senior counsel for the respondent.

On a perusal of the order passed by the learned Tribunal, we find that the Tribunal has followed its earlier decision in the case of Narula Education Trust for the assessment year 2008-09 to 2013-14. The revenue had challenged the correctness order in ITAT 35 of 2023 and by judgment and order dated 27th February, 2023 the appeal was dismissed. The operative portion of the said judgment reads as follows :-

"We find that the reasoning given by the learned Tribunal is fully justified and the order does not call for any interference.

For the above reason, the appeal filed by the revenue is dismissed and the substantial question of law is answered against the revenue.

The stay application being IA No: GA/2/2023 is also dismissed."

In the light of the above, no grounds have been made out to interfere with the order passed by the Tribunal. In the result, the appeal filed by the revenue is dismissed and the substantial question of law is answered against the revenue.

The stay application being IA No: GA/2/2023 is also dismissed.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)

S.Pal/SN.