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ITA/56/2018

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (Income Tax)
ORIGINAL SIDE

PRINCIPAL COMMISSIONER OF INCOME TAX, K9OLKATA-3, KOLKATA

-Versus-

M/S. SHREE GANESH JEWELLERY HOUSE LTD.

BEFORE :
THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI
And
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ
Date :30th April, 2024

Appearance:
Mr. Tilak Mitra, Adv.
...for the appellant.

1. Heard Sri Tilak Mitra, learned standing counsel for the appellant. None appears for the respondent/assessee.
2. This appeal was admitted by this court by order dated 17.5.2018 on the following substantial question of law:

   "Whether on the facts and in the circumstances of the case conclusion arrived that by the Learned Tribunal in quashing the order of the CIT passed under Section 263 of the Income Tax Act, 1961 is perverse ?"
3. We have perused the impugned order dated 24.8.2016 passed in ITA/1248/Kol/2016 for the assessment year 2010-11 by the Income Tax

Appellate Tribunal, "C" Bench, Kolkata and we find that the ITAT has meticulously considered the entire issue on facts and on law and thereafter recorded the following conclusion in paragraph 9 :

> *"9. Accordingly, in our considered view, we find that the issue of interest has been duly considered by the Assessing Officer merged with the order of CIT(A). So the impugned order passed by AO is neither erroneous nor prejudicial to the interest of revenue. Therefore we find the impugned revision order unsustainable in law, and we, therefore, quash the same. The issue gets the relief accordingly."*

4. We do not find any illegality or perversity in the impugned order of the ITAT. The appeal (ITA/56/2018) has no merit and is, therefore, dismissed. The substantial question of law is answered in favour of the assessee and against the revenue.

(SURYA PRAKASH KESARWANI, J.)

(RAJARSHI BHARADWAJ, J.)

As.