OD–9

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

ITAT/72/2024
IA No: GA/1/2024, GA/2/2024
PRINCIPAL COMMISSIONER OF INCOME TAX - 1, KOLKATA
VS.
M/S. TCG URBAN INFRASTRUCTURE HOLDINGS PVT. LTD.

BEFORE :

THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE SUPRATIM BHATTACHARYA
Date : 11th March, 2024

<u>*Appearance*</u> :
Mr. Tilak Mitra, Adv.
Mr. Prithu Dudhoria, Adv.
…for appellant
Mr. Pratyush Jhunjhunwalla, Adv.
Ms. Sretapa Sinha, Adv.
…for respondent

The Court : We have heard Mr. Tilak Mitra, learned standing Counsel appearing with Mr. Prithu Dudhoria, learned Advocate for the appellant department and Mr. Pratyush Jhunjhunwalla, learned Counsel for the respondent assessee.

There is a delay of 713 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find there is no acceptable explanation for the inordinate delay. At the request of the learned Advocates for the parties, we have also examined the facts of the case and the findings rendered by the learned Tribunal.

Considering the grounds which are urged before the Tribunal in comparison with the substantial questions of law raised in this appeal, we find there is a discrepancy in the amount of disallowance and expenses as made by the Assessing Officer as contested by the revenue before the Tribunal. We have examined the order passed by the learned Tribunal and we find that the entire issue is completely factual. The facts as brought on record by the Commissioner of Income Tax (Appeals) were reconsidered by the Tribunal and the same were affirmed. Apart from that the Tribunal has taken note of the decisions of various High Courts which clearly support the case of the assessee.

Thus, we are not persuaded to exercise any discretion in favour of the appellant revenue. Accordingly, the application for condonation of delay is dismissed. Consequently, the appeal stands rejected.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)

SN.
AR(CR)