

ORDER

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

ITA/51/2022
PRINCIPAL COMMISSIONER OF INCOME TAX CENTRAL 1 KOLKATA
VS
M/S. ORISSA METALIKS PVT. LTD.

BEFORE :

THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI

AND

THE HON'BLE JUSTICE AJAY KUMAR GUPTA

Date : 3rd July 2024.

Appearance:

Mr. Vipul Kundalia, Advocate
Mr. Amit Sharma, Advocate
... for appellant.

Mr. Agnibesh Sengupta, Advocate
Ms. Pritha Basu, Advocate
Mr. Saptarshi Kar, Advocate
... for respondent.

1. Heard Sri Vipul Kundalia, learned senior standing counsel for the appellant and Sri Agnibesh Sengupta, learned counsel for the respondent.
2. Both the learned counsel for the parties jointly state that the questions involved in the present appeal are squarely covered by the judgment of Hon'ble Supreme Court in the case of Principal Commissioner of Income Tax, Central-3 v. Abhisar Buildwell (P) Limited [2003] 149 taxmann.com 399 (SC) and in view thereof the present appeal deserves to be dismissed and the substantial questions of law deserve to be answered in favour of the assessee and against the Revenue.

3. In view of the statements jointly made by learned counsel for the parties, the appeal is **dismissed**. The substantial questions of law as framed in the order dated 11.07.2022 are answered in favour of the assessee and against the respondent.

(SURYA PRAKASH KESARWANI, J.)

(AJAY KUMAR GUPTA, J.)

S. Kumar