ORDER OD – 5

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

ITA/25/2020
COMMISSIONER OF INCOME TAX
(LARGE TAXPAYERS UNIT), KOLKATA
VS
M/S. UNITED BANK OF INDIA

BEFORE :
THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI
AND
THE HON'BLE JUSTICE AJAY KUMAR GUPTA
Date : 9th July 2024.

Appearance:

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

Mr. Avra Mazumder, Advocate
Mr. Soumitra Chowdhury, Advocate
... for respondent.

1. Heard Sri Vipul Kundalia, learned senior standing counsel for the appellant and Sri Avra Mazumder, learned counsel for the respondent assessee.

2. This appeal was admitted by order dated 27.01.2020, on the following substantial question of law:-

"Whether a nationalised banking company would be subject to the requirements of Section 115JB of the Income Tax Act, 1961?"

3. This appeal relates to assessment years 2010-11 and 2012-13. Section 115JB was amended subsequently. Both the learned counsel for the parties jointly state that the afore-noted substantial question of law,

insofar as the assessment years in question are concerned, is squarely covered by a judgment of a coordinate Bench of this Court in ITA/116/2019 [Commissioner of Income Tax v. United Bank of India] decided on 24.11.2023 and in ITA/12/2021 [Principal Commissioner of Income Tax v. Damodar Valley Corporation] decided on 03.12.2021.

4. We find that the aforesaid judgments are squarely applicable on facts of the present case inasmuch as the present case as well as the afore-noted two judgments both relate to unamended Section 115JB.

5. In view of the aforesaid, the appeal is **dismissed**. The substantial question of law is answered in favour of the assessee and against the Revenue.

(SURYA PRAKASH KESARWANI, J.)

(AJAY KUMAR GUPTA, J.)

S. Kumar