OD-45

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

ITAT/176/2024
IA NO:GA/1/2024
PRINCIPAL COMMISSIONER OF INCOME TAX 13, KOLKATA
VS
MR. CHETAN KUMAR TEKRIWAL (HUF)

BEFORE:
THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
AND
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 16^{TH} AUGUST, 2024

Appearance:

Ms. S. Das De, Adv.

Mr. H. Tiwari, Adv.

The Court: This appeal by the revenue, filed under section 260(A) of the Income Tax Act, 1971 (hereinafter referred to as "the Act"), is directed against the order dated 30.11.2023, passed by the Income Tax Appellate Tribunal, 'A' Bench, Kolkata, in ITA No./705/Kol/2022, for the assessment year 2015-16.

The question involved in this appeal is whether the Assessing Officer was justified in imposing penalty under section 171(1)(c) of the Act?

On going through the facts, it is found that the Assessing Officer nowhere demonstrated that the claim of the assessee was either found to be false either during the assessment proceeding or during the penalty proceeding.

In this regard, the learned Tribunal took note of the decision of the Hon'ble Supreme Court in the case of **CIT –vs- Reliance Petroproducts Private Limited, reported in (2010) 11 SCC 762**.

The decision arrived at by the learned Tribunal is just and proper. Since the assessee fully disclosed the particulars in the return of income, section 271(1)(c) of the Act would not stand attracted.

For the aforesaid reasons, the appeal is dismissed and the substantial question of law is answered against the revenue.

The connected application accordingly stands closed.

(T.S SIVAGNANAM, CJ)

(HIRANMAY BHATTACHARYYA, J.)

tk