ORDER OD – 23

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

ITAT/194/2024
IA NO: GA/2/2024

PRINCIPAL COMMISSIONER OF INCOME TAX, ASANSOL
VS.
M/S. H S VIRDI

BEFORE:

THE HON'BLE THE CHIEF JUSTICE T. S. SIVAGNANAM
AND
THE HON’BLE JUSTICE HIRANMAY BHATTACHARYYA

Date : 8th November 2024.

APPEARANCE:

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

The Court:- This appeal by the revenue filed under Section 260A of the Income Tax Act, 1961 (the Act) is directed against the order dated 21st August 2023 passed by the Income Tax Appellate Tribunal, ‘B’ Bench, Kolkata (the Tribunal) in ITA No.126/Kol/2023 for the assessment year 2012-13.

We have heard the learned advocate for the appellant.

Though three substantial questions of law have been suggested by the revenue in paragraph 16 of the memo of appeal, the tax effect involved in this appeal has been mentioned as Rs.8,96,232/-. Though the revenue takes a stand that the case falls under the exception clause of the concerned circular, it has not been clearly pointed out under which exception clause the revenue seeks to bring the matter. In the absence of any such specific averment, we are required to go by the quantum of tax involved in this appeal which, admittedly, is lesser than the threshold limit. Hence, the revenue cannot prosecute this appeal any further and the appeal stands disposed of on the ground of tax effect and the substantial questions of law are left open.

(T. S. SIVAGNANAM, C.J.)

(HIRANMAY BHATTACHARYYA, J.)

S. Kumar