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

ITAT/223/2024
IA NO: GA/1/2024, GA/2/2024
THE PRINCIPAL COMMISSIONER OF INCOME TAX 2 KOLKATA
VS
M/S MBLA CAPITAL LTD.

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
-A N D-
HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
DATE : November 06, 2024.

Appearance :
Mr. Soumen Bhattacharjee, Adv.
Mr. Ankan Das, Adv.
...for appellant
Mr. J P Khaitan, Sr. Adv.
Mr. Saumya Kejriwal, Adv.
Ms. Ananya Rath, Adv.
Ms. Akansha Chopra, Adv.
...for respondent

The Court :- This appeal is filed by the revenue challenging the order passed by the Income Tax Appellate Tribunal "B" Bench, Kolkata in ITA/171/Kol/2022 for the assessment year 2017-18.

It appears that there is a delay of 627 days in filing the appeal. The learned Senior Advocate appearing for the respondent objected to the condonation of delay and apart from that contended that revenue cannot proceed with this appeal on the ground of low tax effect. In fact this submission was made before the Court on the last hearing date i.e. 18th September, 2024 and the department was granted time to give suitable instruction to the learned standing Counsel.

Accordingly written instruction have been given from which it is seen that the tax effect is much below the threshold limit prescribed in the circular issued by the C.B .D.T.

Hence, the revenue cannot proceed with this appeal.

Accordingly, the appeal as well as the application stand disposed of on the ground of low tax effect. The substantial questions of law suggested are left open.

Though it has been written in the written instruction that there is an audit objection but this can no longer be a ground in the light of the recent circular dated 5th March, 2022.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

pkd/GH.