O-29

ITA/167/2011

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

COMMISSIONER OF INCOME TAX, CENTRAL-III, KOLKATA
VERSUS
APPELINE COSMETICS AND TOILETRIES LTD.

BEFORE :
THE HON'BLE JUSTICE SURYA PRAKASH KESARWANI
AND
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ

Date : 6TH May, 2024.

Appearance:
Mr. Om Narayan Rai, Adv.
Mr. Prithu Dudheria, Adv.
… for the appellant.

1. Heard Sri Om Narayan Rai,, learned senior standing counsel assisted by Sri Prithu Dueheria, learned advocate for the appellant. None appears for the respondent.

2. The assessment years involved in the present appeal are 2002-03, 2003-04, 2004-05 and 2007-08.

3. This appeal was admitted by this Court by order dated 21.09.2011 on the following substantial question of law:

> *"Whether the Learned Tribunal below committed substantial error of law in holding that the amount received on account of*

share application money and repayment of the same did not violate the provisions of Sections 269SS and 269T of the Act respectively attracting penalty under Sections 271D and 271E respectively of the Act ?"

4. The substantial question of law as involved in the present appeal, on similar set of facts, has been answered by us in ITA/68/2012 (Commissioner of Income Tax, Central-III, Kolkata vs. M/s. Vamshi Chemicals Ltd.) today in favour of the assessee and against the revenue and the appeal was dismissed.

5. In view of the aforesaid, the appeal (ITA/167/2011) is dismissed and the substantial question of law is answered in the negative i.e., against the revenue and in favour of the assessee.

(SURYA PRAKASH KESARWANI, J.)

(RAJARSHI BHARADWAJ, J.)

As