IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction [Income Tax]

ORIGINAL SIDE

ITA/19/2011

M/S. SHADAB ENTERPRISES
VS.
INCOME TAX OFFICER, WARD -32(4) & ORS.

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)
Dated : 31ST July, 2025

Appearance :

Mr. Sukalpa Seal, Adv.(VC)
Mr. Bhaskar Sengupta, Adv.
…for Appellant
Mr. Aryak Dutt, Adv.
..for Respondent

The Court : This appeal filed by the assessee under Section 260A of the Income Tax Act, 1961 (the Act) is directed against the order dated 30th June, 2010 passed by the Income Tax Appellate Tribunal, "B" - Bench, Kolkata (the Tribunal) in ITA No.114/Kol/2010 for the assessment year 1998-99.

The assessee has raised the following substantial questions of law:

a) *Whether the Income Tax Appellate Tribunal erred in confirming the order of the assessing officer who accepted the purchase made on 01.04.1997 of Rs.6,35,360/- is genuine but disallowed the purchase of Rs.6,35,360/- on the ground that the said purchase was related with the financial year 1996-97 instead of financial year under scrutiny i.e. 1997-98 without perusing the purchase register, party ledger and* *statement of accounts for both the financial year i.e. 1996-97 and 1997-98 and thus the finding of Tribunal is erroneous and perverse?*

b) *Whether the Income Tax Appellate Tribunal erred in confirming the order of the assessing officer who on one hand disallowed the purchase made in the year 1997-98 for Rs.6,35,360/- but on the other hand had calculated the average purchase price for the year 1997-98 adding the said purchase of Rs.6,35,360/- thereby ignored the regular method as per audit report and books of accounts and enhanced the sale by Rs.3,71,312/- and thus the finding of Tribunal is erroneous and perverse?*

On bare perusal of the questions which have been framed, it is evidently clear that the matter is entirely factual. The endeavour of the appellant before this Court is to demonstrate that purchase effected from one Dinu Ram was during the financial year 1997-98 relating to the assessment year 1999-2000. According to the learned Advocate appearing for the appellant/assessee, the Assessing Officer did not examine the purchase register and erroneously held that the purchase related to the financial year 1996-97 relating to the assessment year 1997-98. Before the Assessing Officer, the assessee was granted an opportunity to establish their case. As would appear, on 1.2.2001 the assessee produced copy of bill No.64 along with a copy of road challan of M/s. Sahily Transport Agency and Form No.40 of the West Bengal Sales Tax. The Assessing Officer examined the documents and it was seen that the bill was raised on 14.3.1997, that is, during the financial year 1996-97 and the entire lots of goat skins were handed over to the transporter on 14.3.1997 for sending it to Calcutta. The consignment as per Form No.40 crossed Cooch Bihar on 28.3.1997. Therefore, the Assessing Officer concluded that no evidence was produced by the assessee to prove that the consignment was received by the assessee after March 1997. Therefore, the Assessing Officer held that the total purchase of Rs.6,35,360/- related to the financial year 1996-97, that is, the assessment year 1997-98. Under such circumstances, the same was disallowed being unrelated to the financial year 1997-98 relating to the assessment year 1998-99.

When the matter was carried in appeal before the Appellate Authority, the Appellate Authority re-examined the factual aspect and affirmed the view taken by the Assessing Officer.

The assessee further challenged the said order by filing an appeal before the learned Tribunal. The learned Tribunal had once again re-examined the factual position and pointed out that nothing other than one bill No.64 was produced before the Assessing Officer and before the Tribunal, the assessee did not produce any other documents to discharge the onus of prima facie proving the impugned purchase.

Thus, we find no question of law, much less substantial questions of law, arising for consideration in this appeal.

Accordingly, the appeal fails and is dismissed.

(T.S. SIVAGNANAM, CJ.)

(CHAITALI CHATTERJEE (DAS), J.)

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