Commissioner of Income Tax, Central-I, Kolkata v. M/s. Nilhat Promoters and Fiscal Private Limited

ITA/90/2012

ITA/90/2012 (High Court at Calcutta, 2024-01-22) | 2024-01-22

Revenue's perversity challenge rejected following Ankita Finvest and examination of the Tribunal order.

High Court at Calcutta | 2-judge bench (Division Bench) | Justice Surya Prakash Kesarwani | Justice Rai Chattopadhyay

Assessment years: 2006-07, 2007-08

01 FACTS OF THE CASE

Revenue's ITA 90/2012 concerned AYs 2006-07 and 2007-08. It had been admitted on whether the Tribunal's factual findings, confirming CIT(A), lacked acceptable supporting material. Revenue appeared at the hearing; the respondent did not.

Source: PDF pp.1–2

02 DISCUSSION BY THE HON'BLE COURT

The admission order referred to the identical question in Ankita Finvest, ITA 13/2011. The Court noted that appeal's dismissal on 19 December 2023 and also examined the impugned Tribunal order in the present case.

Source: PDF p.2, paras 3–4

03 JUDICIAL DECISION

No perversity was found in the Tribunal order.

Source: PDF p.2, para 4

04 OUTCOME / IN WHOSE FAVOUR

Revenue appeal dismissed; the substantial question answered for the assessee.

Source: PDF p.3, para 5

05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

The Court examined the order despite non-appearance: The respondent's absence did not result in an automatic Revenue victory. The Court heard Revenue, considered the connected precedent and independently stated that the Tribunal order was not perverse. This is a reasoned disposal of the framed challenge, not a dismissal for the appellant's default. (PDF pp.1–3)

A perversity challenge requires more than disagreement: The admitted question targeted the absence of acceptable material supporting the factual finding. The Court found no such defect. Any analogous challenge should identify the evidentiary failure in the order itself; this judgment does not supply a general factual rule about an unspecified transaction or addition. (PDF pp.1–2)

Do not import the unreported underlying tax issue: The short source identifies the years and Ankita Finvest reference but does not name a charging or deduction provision, amount or transaction. Those details cannot be assumed from the company name or a legacy index label. Detailed substantive reliance requires the underlying orders; the present holding remains rejection of the perversity challenge. (PDF pp.2–3)

Source: PDF pp.1–3

SOURCE & VERIFICATION

Original High Court judgment PDF — AKHB source repository

Complete 3-page original reviewed; source bytes verified.

Full original and all five panels re-reviewed on 21 October 2026.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

STATUTORY SCOPE

Current law and subsequent treatment not independently verified.

LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently verified.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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