Vs. Mr. Anindya Dutta

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SooperKanoon Citation : sooperkanoon.com/1162968

Court : Kolkata

Decided On : Aug-19-2014

Judge : Soumitra Pal

Respondent : Mr. Anindya Dutta

Judgement :

ORDER
SHEET IN THE HIGH COURT AT CALCUTTA Special Jurisdiction (Income Tax) ORIGINAL SIDE ITAT No.90 of 2014 G.A.No.2067 of 2014 DIRECTOR OF INCOME TAX (INTERNATIONAL TAXATION & TRANSFER PRICING),KOLKATA Versus Mr.ANINDYA DUTTA BEFORE: The Hon'ble JUSTICE SOUMITRA PAL The Hon'ble JUSTICE ARINDAM SINHA Date : 19th August, 2014.

Mr.P.Dudhoria, Advocate The Court : Let the appeal be admitted.

Let the appeal be heard on the following questions : (a) Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal erred in law in not considering the fact that the right to acquire a property and the acquisition of the property are two different assets within the meaning of Section 2(14) and Section 2(47) of the Income Tax Act, 1961?.

(b) Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal erred in law in holding that the CBDT Circular No.471 dated October 15, 1986 was applicable in the instant case in order to decide the holding period of the two flats for the purpose of computing capital gains ?.

(c) Whether on the facts and in the circumstances of the case,the Income Tax Appellate Tribunal erred in law in holding that the assessee was eligible for exemption under section 54 of the Income Tax Act, 1961 ?. Let requisite number of paper books be prepared containing all relevant papers within eight weeks from the date of service of the signed copy of the order.

Let copies of paper books be served upon the respondent within a fortnight from the date of preparation of the paper book.

In default, the appeal will stand dismissed.

G.A.No.2067 of 2014 is thus disposed of.

Let the appeal appear in the Monthly list of January, 2015.

(SOUMITRA PAL, J.) (ARINDAM SINHA, J.) km AR(CR)