(2014) 07 BOM CK 0051

In the Bombay High Court

Case No : Income Tax Appeal No. 415 of 2012

Commissioner of Income Tax APPELLANT

Vs

Nayan Builders and Developers RESPONDENT

Date of Decision : 08-07-2014

Acts Referred:

Citation : (2014) 368 ITR 722

Hon'ble Judges : S.C. Dharmadhikari, J;B.P. Colabawalla, J

Bench : Division Bench

Advocate : Abhay Ahuja, Advocate for the Appellant; Sanjiv M. Shah, Advocate for the Respondent

Judgement

1. Having heard Mr. Ahuja, learned counsel appearing on behalf of the appellant, we find that this appeal cannot be entertained as it does not raise any substantial question of law. The imposition of penalty was found not to be justified and the appeal was allowed. As a proof that the penalty was debatable and arguable issue, the Tribunal referred to the order on the assessee''s appeal in quantum proceedings and the substantial questions of law which have been framed therein. We have also perused that order dated September 27, 2010, admitting Income Tax Appeal No. 2368 of 2009. In our view, there was no case made out for imposition of penalty and the same was rightly set aside. The appeal raises no substantial question of law, it is dismissed. No costs.