

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 943 OF 2009

Surendra Paul Gupta. ... Appellant.

V/s.

Deputy Commissioner of Income-tax. ... Respondent.

P.J.Pardiwala, senior counsel with A.K.Jasani for the appellant.

D.K.Kamwal for the respondent.

CORAM : VC.DAGA AND J.PDEVADHAR, JJ.

DATED : 8th October 2009.

P.C. :

Heard.

2. Admit on the following substantial questions of law:

“(1) Whether on the facts and circumstances of the case, the Tribunal was justified in law in upholding that the penalty of Rs.47,19,440/- imposed under section 271(1)(c) of the Act?

(2) Whether on the facts and circumstances of the case, the finding of the Tribunal that the penalty under section 271(1)(c) of the Act was imposed by its assessing officer on his satisfaction that the appellant concealed the particulars of income or had furnished inaccurate particulars is per versed and/or contrary to material on record inasmuch as the penalty was imposed on the basis of the finding of its appellate authority?

3. To be heard along with ITXA No.648/2004.

4. Mr.Kamwal waives for the respondent.

(J.PDEVADHAR, J.)

(V.C.DAGA J.)