

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Income Tax Appeal No. 59/2026

The Principal Commissioner Of Income Tax-1,

----Appellant

Versus

Kalawati Sharma,

----Respondent

For Appellant(s) : Mr. Nitin Jain with
Ms. Kriti Kalawatia

For Respondent(s) :

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

28/04/2026

Heard.

This appeal is admitted on following substantial questions of law:

B. "Whether on the facts and in the circumstances of the case and in law, the ITAT was justified in holding the long-term capital gain claimed by the assessee as genuine, despite overwhelming material brought on record by the Assessing by the Officer based on investigation Investigation Wing and SEBI, establishing that M/s Mishika Finance & Trading Ltd. was a penny stock used for providing accommodation entries through price manipulation?"

E. "Whether on the facts and in the circumstances of the case and in law, the ITAT was justified in deleting the addition made under section 68 of the Income-tax Act by disregarding circumstantial and

corroborative evidence forming a complete chain to prove that the impugned long-term capital gain was bogus?"

F. "Whether on the facts and in the circumstances of the case and in law, the ITAT was justified in deleting the consequential addition made under section 69C towards commission paid for obtaining accommodation entries, without recording any independent findings, despite the fact that payment of commission is a natural corollary of bogus LTCG transactions as established through investigation?"

G. "Whether on the facts and in the circumstances of the case and in law, the Hon'ble ITAT was justified in in treating the issue as conclusively settled, ignoring the fact that the Department has already filed a Special Leave Petition before the Hon'ble Supreme Court in the assessee's own case for AY 2015-16, which is pending adjudication, and therefore the issue has not attained finality?"

Issue notice to the respondent(s).

(ASHOK KUMAR JAIN),J

(INDERJEET SINGH),J