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IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction [Income Tax]

ORIGINAL SIDE

ITAT/56/2026
IA NO: GA/1/2026, GA/2/2026
PRINCIPAL COMMISSIONER OF INCOME TAX SILIGURI
VS
MALDA CO OPERATIVE AGRICULTURE
AND RURAL DEVELOPMENT BANK

BEFORE :
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ
And
THE HON'BLE JUSTICE UDAY KUMAR
Date : 1st April, 2026

Appearance :
Mr. Aryak Dutt, Adv.
Mr. Amit Sharma, Adv.
Mr. A.K. Agrahari, Adv.
Mr. Raja Kundu, Adv.
…for appellant.

Mr. J.P. Khaitan, Sr. Adv.
Ms. Swapna Das, Adv.
Mr. Siddharth Das, Adv.
…for respondent.

The Court : There is a delay of 84 days in filing the appeal. We are satisfied with the explanation offered for not preferring the appeal within time. Therefore, the delay is condoned. The application is allowed.

IA No.GA/1/2026 is disposed of.

Heard the learned counsels for the respective parties.

The appeal is admitted on the following substantial questions of law :

“1. Whether the Learned Tribunal has committed substantial error in law in deleting the addition made by the Assessing Officer on account of unexplained cash deposit under Section 68 of the Income Tax Act, 1961 amounting to Rs.8,64,31,000/- as the assessee was unable to substantiate its claim?

2. Whether the Learned Tribunal has substantially erred in law by not considering that the respondent assessee, a primary Agricultural and Rural Development bank, was expressly excluded from the list of entities (as per Ministry of Finance Gazette Notification No.2653 dated 08.11.2016 and subsequent RBI Circulars) permitted to accept or exchange SBNs after 08.11.2016?

3. Whether the Learned Tribunal has substantially erred in law in not considering the specific finding of the Assessing Officer that several members, supposed to be small farmers, deposited unusually large sus in SBNs (ranging from Rs.7,00,000/- to Rs.21,00,000/-), raising serious doubts about their creditworthiness, which the assessee failed to substantiate with any evidence during the course of assessment proceedings?"

The appellant is directed to file requisite number of informal paper books prepared out of court enclosing therein all relevant papers and documents used before the learned trial court within 10 (ten) weeks from date by serving copies thereof to the learned Advocate for the respondent.

Settlement of index and all other formalities are dispensed with.

Since the respondent is represented, service of notice of appeal stands dispensed with.

Let this matter appear after twelve weeks.

GA/2/2026 stands disposed of.

(RAJARSHI BHARADWAJ, J.)

(UDAY KUMAR, J.)

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