O 22

ORDER SHEET
ITAT/154/2026
IA NO:GA/1/2026
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCOME TAX)
ORIGINAL SIDE

MCLEOD RUSSEL INDIA LIMITED
VS
PRINCIPAL COMMISSIONER OF INCOME TAX, KOLKATA -2

BEFORE:
The Hon'ble JUSTICE RAJARSHI BHARADWAJ
AND
The Hon'ble JUSTICE UDAY KUMAR
Date: 13th July, 2026.

Appearance:
Mr. Pratyush Jhunjhunwala, Adv.
Ms. Sakshi Singhi, Adv.
...for the appellant

Mr. Prithu Dudhoria, Adv.
Mr. Amit Sharma, Adv.
...for the respondent

The Court: We have heard learned advocates on either side.

The appeal is admitted on the following substantial questions of law for consideration.

> "i. Whether Explanation 2 to section 36(1)(va) and Explanation 5 to section 43B inserted by the Finance Act, 2021 are prospective and/or amendatory and are not applicable to the assessment year 2020-21 ?

ii. Whether the disallowance of Rs.29,30,55,721/- is erroneous, contrary to law and the findings and observations in the orders of the authorities below are perverse ?

iii. Without prejudice to the above, whether the deduction of Rs.29,30,55,721/- of the employee's contribution to provident fund and state insurance could have been made under section 37 of the Income Tax Act, 1961 ?"

The appellant shall file requisite number of informal paper books prepared out of Court including therein all relevant materials used before the learned Court below within ten weeks from date and serve copies thereof upon 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 the matter be listed twelve weeks hence.

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

(RAJARSHI BHARADWAJ, J.)

(UDAY KUMAR, J.)

B.Pal