

Mayur R. Parekh

25 (1) Whether, the penalty of Rs. 4.00 lacs imposed and sustained against the applicant is wholly illegal and contrary to the provisions of Section 15-A(1)(o) of the U.P Trade Tax Act, 1948 ? (2) Whether, the penalty imposed on the applicant under Section 15-A(1)(o) of the Act, 1948 is wholly perverse, arbitrary and excessive? Held : Yes The present revision has been filed against the order dated 7.11.2008 passed by Commercial Tax Tribunal, Kanpur Bench 1, Kanpur in Second Appeal No. 238 of 2006 (M/s Colgate Palmolive India Ltd. vs. Commissioner Trade Tax, Kanpur) for the assessment year 2004-2005 arising out of penalty proceedings initiated under Section 15-A(1)(o) of U.P. Trade Tax Act, 1948 (hereinafter referred to as “Act, 1948”). The revisionist submits that the revisionist is a Public Limited Co.....