



at Rs.8,674.00 as such, was asked to pay balance amount of tax of Rs.26,807.00.

3. As against the assessment, being aggrieved, the dealer preferred appeal before first appellate authority. The first appellate authority on redetermination of the GTO and TTO in presence of the dealer reduced the demand to Rs.863.00 only.

When the demand of tax reduced from Rs.26,807.00 to only Rs.863.00, Revenue being aggrieved knocked the door of this forum.

4. To sum and substance, the main contention of the appellant-State is, the addition of profit margin by the first appellate authority is quite low. The first appellate authority has wrongly calculated the GTO by giving the deduction of tax suffered goods for Rs.23,422.00 twice.

5. The appeal is heard without cross objection.

6. So far as the question of addition of profit percentage, it is believed that, the first appellate authority on due consideration of nature of the dealer's business and the profit margin of similar dealer's at the relevant period has fixed it @ 3%. On perusal of the impugned order, it can very well found that, on a threadbare analysis, the first appellate authority has determined profit percentage. So, there is no scope to interfere with the determination of profit percentage by the first appellate authority as this is the subjective satisfaction of the first appellate authority on consideration of all factors. So far as the double calculation of the amount of Rs.23,422.00 of the tax suffered goods, it only can be said that, this is a question of calculation mistake, which can be rectified by the authority.

In that view of the matter, it is believed that, this is a fit case, where the matter should be remanded to the first appellate authority for recalculation of the tax liability so far as the arithmetical

mistake relating to the calculation/deduction of tax suffered goods from the GTO as claimed.

From the discussion above, it is hereby ordered.

7. The appeal by the Revenue is allowed. The matter is remitted back to the first appellate authority for calculation of tax liability afresh without disturbing the findings arrived at in the impugned order.

Dictated & corrected by me,

Sd/-  
(S. Mohanty)  
1st Judicial Member

Sd/-  
(S. Mohanty)  
1<sup>st</sup> Judicial Member