

# THE INCOME TAX REPORTS

THE DIRECT TAX LAW WEEKLY

FOUNDED IN 1933

BY

**A. N. AIYAR**

*[English Cases which appear are reprinted from The Law Reports and The Weekly Law Reports by special permission of the Incorporated Council of Law Reporting for England and Wales, London, U. K.]*

EDITORS :

**LAKSHMI R. SUNDARESAN, M.A., B.A.L.**

**T. A. RAMAKRISHNAN, B.Sc., B.L.**  
*Advocate, High Court, Madras.*

**AMBUJAM VENKATARAMAN, M. A., LL.B.**  
*Advocate, High Court, Madras.*

**T. N. CHANDRASHEKAR, B.Sc., B.L., M.B.A.**  
*Advocate, High Court, Madras.*

## **MODE OF CITATION**

**Statutes : [2020] 424 ITR (St.)**

**Reports : [2020] 424 ITR**

**VOLUME 424**

**2020**

COMPANY LAW INSTITUTE OF INDIA PRIVATE LTD.,  
2, VAITHYARAM STREET,  
CHENNAI-600 017.

© Company Law Institute of India Pvt. Ltd.

**Reporters :**

<i>Supreme Court</i>	... Mrs. Rajani Krishnaprasad, Advocate
<i>Allahabad High Court</i>	... Praveen Kumar Misra, Advocate
<i>(Lucknow Bench)</i>	... D. D. Chopra, Advocate
<i>Andhra Pradesh High Court</i>	... S. Dwarakanath, Advocate
<i>Bombay High Court</i>	... Dr. Birendra Saraf, Advocate
<i>Bombay High Court</i>	
<i>(Nagpur Bench)</i>	... C. J. Thakar & N. J. Thakar, Advocates
<i>(Panaji Bench : Goa)</i>	... Mrs. Shanta G. Amonkar, Advocate
<i>Calcutta High Court</i>	... Dilip Roy Chowdhury, Advocate
<i>Chhattisgarh High Court</i>	... Neelabh Dubey, Advocate
<i>Delhi High Court</i>	... Mrs. Rajani Krishnaprasad, Advocate
<i>Gauhati High Court</i>	... Dr. Ashok K. Saraf, Advocate
<i>Gujarat High Court</i>	... Manish K. Kaji, Advocate
<i>Himachal Pradesh High Court</i>	... Kapil Dev Sood & Sanjeev Sood, Advocates
<i>Jammu &amp; Kashmir High Court</i>	...
<i>Jharkhand High Court</i>	... K. K. Jhunjunwala, Advocate
<i>Karnataka High Court</i>	... K. V. Siva Prasad, Advocate
<i>Kerala High Court</i>	... Ajay V. Anand, Advocate
<i>Madhya Pradesh High Court</i>	... Sumit Nema, Senior Advocate
<i>Madhya Pradesh High Court</i>	
<i>(Gwalior Bench)</i>	... D. D. Bansal, Advocate
<i>(Indore Bench)</i>	... Mohammed Altaf Khan, Advocate
<i>Madras High Court</i>	... Ramasamy, K., Advocate
<i>Orissa High Court</i>	... Siddhartha Ray, Advocate
<i>Patna High Court</i>	... Sushanta Kumar Das, Advocate
<i>Punjab &amp; Haryana High Court</i>	... Dr. N. L. Sharda, Advocate
<i>Rajasthan High Court</i>	... Lekh Raj Mehta, Advocate
<i>Rajasthan High Court</i>	
<i>(Jaipur Bench)</i>	... Narendra Kumar Baid, Advocate
<i>Sikkim High Court</i>	... N. K. P. Saraf, Advocate
<i>Uttarakhand High Court</i>	... Surendra Kumar Posti, Advocate

**CONTENTS**

	PAGES
1. TABLE OF CASES REPORTED . . .	i — iv
2. TABLE OF CASES CITED . . .	v — xix
3. INDEX TO JOURNAL SECTION . . .	xx
4. ERRATUM . . .	xx
5. JOURNAL SECTION . . .	1 — 52
6. REPORTS OF CASES . . .	1 — 720
7. SUBJECT INDEX . . .	i — xxvi
8. SECTIONWISE INDEX . . .	xxvii — xlviii

---



*Disclaimer* : While every effort has been made to ensure that this journal/book is free from errors or omissions, the authors, editors, publishers, printers, the company and/or its directors and other officers, shall not be liable in any manner whatsoever for any action taken or omitted to be taken, opinions expressed, advice rendered or accepted based on any materials or information published in this journal/book.

Views expressed by the editors in the notes and comments and by authors in the articles published in the Journal section are exclusively their own.

---

Published by S. Ayyappan on behalf of Company Law Institute of India Pvt. Ltd.,  
No. 2 (old No. 36), Vaithyaram Street, T. Nagar, Chennai-600 017  
and printed by him at Company Law Institute Press, No. 2 (old No. 36),  
Vaithyaram Street, T. Nagar, Chennai-600 017.

**THE  
INCOME TAX REPORTS  
VOLUME 424 — 2020**

---

**TABLE OF CASES REPORTED**

		PAGE
Andoorkonam Service Co-operative Bank Ltd. <i>v.</i> ITO	(Ker)	283
Asset Reconstruction Company India Pvt. Ltd. <i>v.</i> Deputy CIT	(Bom)	715
Basir Ahmed Sisodiya <i>v.</i> ITO	<b>(SC)</b>	<b>1</b>
Cognizance for extension of limitation, <i>In re</i>	<b>(SC)</b>	<b>314</b>
Cognizant Technology Solutions India Pvt. Ltd. <i>v.</i> Deputy CIT (LTU)	<b>(SC)</b>	<b>302</b>
CIT (Principal) <i>v.</i> AMI Industries (India) P. Ltd.	(Bom)	219
CIT <i>v.</i> Anoop Jain	(Delhi)	115
CIT <i>v.</i> Carpet India	<b>(SC)</b>	<b>316</b>
CIT <i>v.</i> Chhata Sugar Company Ltd.	(All)	276
CIT (LTU) <i>v.</i> Cholamandalam MS General Insur- ance Co. Ltd.	(Mad)	272
CIT (Principal) <i>v.</i> City Centre Mall Nashik Pvt. Ltd.	(Bom)	85
CIT (Principal) <i>v.</i> CLP Power India Pvt. Ltd.	(Guj)	98
CIT (Principal) <i>v.</i> Eight Roads Investment Advi- sors Pvt. Ltd.	(Bom)	563
CIT (Principal) <i>v.</i> Everlon Synthetics Pvt. Ltd.	(Bom)	232
CIT (Deputy) <i>v.</i> Gay Travels P. Ltd.	(Mad)	376
CIT (Principal) <i>v.</i> Grasim Industries Ltd.	(Bom)	236

ii	INCOME TAX REPORTS	[VOL. 424
		PAGE
CIT (Asst.) <i>v.</i> Gupta (V. K.)	(Delhi)	602
CIT <i>v.</i> India Cements Ltd.	(Mad)	410
CIT (Exemptions) <i>v.</i> India Habitat Centre	(Delhi)	325
CIT <i>v.</i> JSW Steel Limited	(Karn)	227
CIT <i>v.</i> Kannagi (K.) (Dr.)	(Mad)	470
CIT <i>v.</i> Rajkumar (N.) (Dr.)	(Mad)	470
CIT (Principal) <i>v.</i> Rishabhdev Technocable Ltd.	(Bom)	338
CIT (Principal) <i>v.</i> Sona Vets Pvt. Ltd.	(Cal)	387
CIT (Principal) <i>v.</i> Sunshine Import and Export Pvt. Ltd.	(Bom)	195
CIT (Principal) <i>v.</i> V. A. Tech Wabag Pvt. Ltd.	(Mad)	105
CIT (Principal) <i>v.</i> Valvoline Cummins Pvt. Ltd.	(Delhi)	162
CIT <i>v.</i> Varghese (V. M.)	(Ker)	561
CIT (Principal) <i>v.</i> Western Agri Seeds Ltd.	(Guj)	244
CIT (Principal) <i>v.</i> Yamunaji Corporation	(Guj)	369
Connectwell Industries Pvt. Ltd. <i>v.</i> Union of India	<b>(SC)</b>	<b>18</b>
Dalpatsinh Ukabhai Vasava <i>v.</i> Principal CIT	(Guj)	354
Durlabhai Kanubhai Rajpara <i>v.</i> ITO	(Guj)	428
Engineering Professional Co. Pvt. Ltd. <i>v.</i> Deputy CIT	(Guj)	253
Gayatri Microns Ltd. <i>v.</i> Asst. CIT	(Guj)	288
Gujarat Co-operative Milk Marketing Federation Ltd. <i>v.</i> ITO	(Guj)	247
Intec Corporation <i>v.</i> Asst. CIT	(Delhi)	167

2020]	TABLE OF CASES REPORTED	iii
		PAGE
Jayesh T. Kotak <i>v.</i> Deputy CIT	(Guj)	435
Jiwan Kumar <i>v.</i> Principal CIT	(P&H)	296
Karti P. Chidambaram <i>v.</i> Deputy DIT (Investigation)	(Mad)	30
Mehta Laboratories <i>v.</i> Principal Chief CIT	(Guj)	405
Muralidhar (B.) <i>v.</i> Deputy CIT	(Mad)	397
National Refinery Pvt. Ltd. <i>v.</i> Asst. CIT	(Bom)	267
Navin Jolly <i>v.</i> ITO	(Karn)	462
New Delhi Television Ltd. <i>v.</i> Deputy CIT	<b>(SC)</b>	<b>607</b>
Olympia Industries Ltd. <i>v.</i> Union of India	(Bom)	202
Paradigm Geophysical Pty. Ltd. <i>v.</i> CIT (International Taxation)	(Delhi)	521
Peroorkkada Service Co-operative Bank Ltd. <i>v.</i> ITO	(Ker)	422
Precision Wires India Ltd. <i>v.</i> Asst. CIT	(Guj)	130
Qatalys Software Technologies Private Limited <i>v.</i> Union of India	(Mad)	143
R. Kantilal and Co. <i>v.</i> ITO	(Guj)	92
Rajasthan State Electricity Board <i>v.</i> Deputy CIT (Assessment)	<b>(SC)</b>	<b>704</b>
Shanmugaraj (A. P.) <i>v.</i> Deputy CIT	(Mad)	347

iv	INCOME TAX REPORTS	[VOL. 424
		PAGE
Srinidhi Karti Chidambaram <i>v.</i> Deputy DIT (Investigation)	(Mad)	30
Toyota Kirloskar Motor (P.) Ltd. <i>v.</i> CIT	(Karn)	212
Vodafone Essar Gujarat Ltd. <i>v.</i> Asst. CIT	(Guj)	498
Vodafone Idea Ltd. <i>v.</i> Asst. CIT	<b>(SC)</b>	<b>664</b>
Yum! Restaurants (Marketing) Private Limited <i>v.</i> CIT	<b>(SC)</b>	<b>630</b>



### TABLE OF CASES CITED

	PAGE
A. M. Shah and Company <i>v.</i> CIT [1999] 238 ITR 415 (Guj)	98
Abraham (C. A.) <i>v.</i> ITO [1961] 2 SCR 765	253
Alamelu Veerapan <i>v.</i> ITO [2018] 12 ITR-OL 95 (Mad)	428
Alembic Chemical Works Co. Ltd. <i>v.</i> CIT [1989] 177 ITR 377 (SC)	236
Amrit Lal Mangal (Dr.) <i>v.</i> Union of India [2015] 9 ITR-OL 420 (P&H)	143
Anusua Vithal <i>v.</i> J. H. Mehata, Additional Authority, under Payment of Wages Act [1960] AIR 1960 Bom 201	521
Aspinwall and Co. Ltd. <i>v.</i> CIT [2001] 251 ITR 323 (SC)	387
Associated Power Co. Ltd. <i>v.</i> CIT [1996] 218 ITR 195 (SC)	630
Attorney General of Trinidad and Tobago <i>v.</i> Gordon Grant and Co. Ltd. [1935] AC 532 (PC)	253
Authorized Officer, State Bank of Travancore <i>v.</i> Mathew (K. C.) [2018] 2 Comp Cas-OL 131 (SC)	397
B. R. Ltd. <i>v.</i> V. P. Gupta, CIT [1978] 113 ITR 647 (SC)	498
B. S. E. Brokers Forum <i>v.</i> SEBI [2001] 104 Comp Cas 506 (SC)	143
Babhutmal Raichand Oswal <i>v.</i> Laxmibai R. Tarte [1975] 1 SCC 858 ; [1975] AIR 1975 SC 1297	30
Bajaj Tempo Ltd. <i>v.</i> CIT [1992] 196 ITR 188 (SC)	462
Baldev Singh Giani <i>v.</i> CIT [2001] 248 ITR 266 (P&H)	376
Bangalore Club <i>v.</i> CIT [2013] 350 ITR 509 (SC) <i>distinguished</i>	325
do. <i>v.</i> do. <i>relied on</i>	630
Bausch and Lomb Eyecare (India) Pvt. Ltd. <i>v.</i> Addl. CIT [2016] 381 ITR 227 (Delhi)	162
Bhupendra Murji Shah <i>v.</i> Deputy CIT (Writ Petition Nos. 2157 and 2160 of 2018, dated 11-9-2018)	354
Biswajit Das <i>v.</i> Union of India [2019] 413 ITR 92 (Delhi)	143
Brij Kishore Sharma <i>v.</i> Ram Singh and Sons [1996] 11 SCC 480	664
Broome <i>v.</i> Cassell Co. Ltd. [1971] 2 QB 354	30
C. R. Corera and Brothers <i>v.</i> CIT [1963] 49 ITR 188 (Mad)	130
Calcutta Discount Co. Ltd. <i>v.</i> ITO [1961] 41 ITR 191 (SC)	607
Carlisle and Silloth Golf Club <i>v.</i> Smith [1913] 3 KB 75	325

vi	INCOME TAX REPORTS	[VOL. 424
		PAGE
Carlyle India Advisors Pvt. Ltd. v. Deputy CIT [2014] 43 taxmann.com 184 (Mumbai-Trib)		563
Chainrup Sampatram v. CIT [1953] 24 ITR 481 (SC)		276
Chandreshbhai Jayantibhai Patel v. ITO [2019] 413 ITR 276 (Guj) <i>relied on</i>		428
Chennai Properties and Investments Ltd. v. CIT [2015] 373 ITR 673 (SC)		85
Chuharmal v. CIT [1988] 172 ITR 250 (SC)		115
City Centre Mall Nashik P. Ltd. v. Asst. CIT [2017] 8 ITR (Trib)-OL 128 (Mumbai) <i>affirmed</i>		85
City Corporation of Calicut v. Thachambalath Sadasivan [1985] 2 SCC 112 ; [1985] SCC (Tax) 211		143
Claggett Brachi Co. Ltd. v. CIT [1989] 177 ITR 409 (SC) <i>applied</i>		607
Cognizant Technology Solutions India P. Ltd. v. Deputy CIT, LTU [2019] 416 ITR 462 (Mad)		302
Cognizant Technology Solutions India P. Ltd. v. Deputy CIT, LTU [2019] 418 ITR 576 (Mad) <i>modified</i>		302
Collector of Central Excise (Asst.) v. Dunlop India Ltd. [1985] 1 SCC 260		253
Collector of Central Excise (Asst.) v. Dunlop India Ltd. [1985] 154 ITR 172 (SC)		397
CTO v. Jalani Enterprises [2011] 266 ELT 289 (SC)		387
CCE v. Fiat India Pvt. Ltd. [2012] 16 GSTR 569 (SC)		276
CIT and EPT v. Sri Rama Sugar Mills Ltd. [1952] 21 ITR 191 (Mad)		130
CIT v. Abdul Rahman Sait [2008] 306 ITR 142 (Mad)		410
CIT v. ABG Heavy Industries Ltd. [2010] 322 ITR 323 (Bom)		105
CIT (Deputy) v. Ace Multi Axes Systems Ltd. [2018] 400 ITR 141 (SC)		167
CIT v. ACME Paper Ltd. [1996] 218 ITR 475 (MP)		498
CIT v. Aggarwal Engg. Co. [2008] 302 ITR 246 (P&H)		1
CIT v. Ajax Products Ltd. [1965] 55 ITR 741 (SC)		521
CIT v. Ajit Kumar (S.) [2008] 300 ITR 152 (Mad)		195
CIT v. Alagusundaram Chettiar (L.) [1977] 109 ITR 508 (Mad)		435
CIT v. Alcatel Lucent Canada [2015] 372 ITR 476 (Delhi)		521
CIT v. Alfa ICA (India) Ltd. [2013] 217 Taxman 129 (Guj) (Mag.)		435
CIT v. Amarsinghji Mills Ltd. [2006] 286 ITR 129 (Guj)		498
CIT (Addl.) v. Ashok Alco Chem Ltd. [2005] 96 ITD 160 (Mum)		498
CIT (Deputy) (Asstt.) v. Ashok Paper Mills Ltd. [2002] 256 ITR 673 (Gauhati)		704

2020]	TABLE OF CASES CITED	vii
		PAGE
	CIT <i>v.</i> Atam Ballabh Finance Pvt. Ltd. [2002] 258 ITR 485 (Delhi)	498
	CIT <i>v.</i> Baby Marine Exports [2007] 290 ITR 323 (SC) <i>distinguished</i>	316
	CIT <i>v.</i> Badiani (P. K.) [1970] 76 ITR 369 (Bom)	435
	CIT (Pr.) <i>v.</i> Bain Capital and Advisors (I) P. Ltd. (Income Tax Appeal No. 541 of 2016, dated 24-11-2018)	563
	CIT (Pr.) <i>v.</i> Banco Aluminium Ltd. [2018] 93 taxmann.com 52 (Guj) <i>followed</i>	130
	CIT <i>v.</i> Bankipur Club Ltd. [1997] 226 ITR 97 (SC) <i>relied on</i>	630
	CIT <i>v.</i> Bengal Assam Steamship Co. Ltd. [1985] 155 ITR 26 (Cal)	498
	CIT <i>v.</i> Bholanath Poly Fab Pvt. Ltd. [2013] 355 ITR 290 (Guj) <i>relied on</i>	338
	CIT <i>v.</i> British Paints India Ltd. [1991] 188 ITR 44 (SC)	276
	CIT <i>v.</i> Calcutta Knitweaves [2014] 362 ITR 673 (SC)	462
	CIT <i>v.</i> Carlyle India Advisors Pvt. Ltd. [2013] 357 ITR 584 (Bom)	563
	CIT <i>v.</i> Carpet India [2008] 306 ITR 359 (P&H) <i>reversed</i>	316
	CIT <i>v.</i> Carpet India [2018] 405 ITR 469 (SC)	316
	CIT <i>v.</i> Chettinad Lignite Transport Services Private Limited [2019] 413 ITR 162 (Mad)	105
	CIT <i>v.</i> Chhabil Dass Agarwal [2013] 357 ITR 357 (SC) <i>followed</i>	253
	CIT <i>v.</i> Chinnathamban (K.) [2007] 292 ITR 682 (SC)	115
	CIT <i>v.</i> Chittal Achi (V. R.) [1983] 140 ITR 698 (Mad)	470
	CIT (Deputy) <i>v.</i> Cholamandalam MS General Insurance Co. Ltd. [2012] 12 ITR (Trib)-OL 540 (Chennai) <i>affirmed</i>	272
	CIT <i>v.</i> Chuni Lal Rameshwar Lal [1968] 70 ITR 167 (Patna)	521
	CIT <i>v.</i> Coimbatore Motor Transport Co-op. Society for Ex-service man [1968] 70 ITR 165 (Mad)	130
	CIT (Asst.) <i>v.</i> DLF Cyber City Developers Ltd. [2014] 34 ITR (Trib) 696 (Delhi)	288
	CIT <i>v.</i> Daisy Packers Pvt. Ltd. [2013] 1 ITR-OL 80 (Guj)	435
	CIT <i>v.</i> Darbhanga Sugar Co. Ltd. [1956] 29 ITR 21 (Patna)	130
	CIT <i>v.</i> Delhi Gymkhana Club Ltd. [2011] 339 ITR 525 (Delhi)	325
	CIT (Addl.) <i>v.</i> Desai Bros [1977] 108 ITR 14 (Guj) <i>applied</i>	130
	CIT (TDS) <i>v.</i> Director, Delhi Public School [2011] 14 taxmann.com 45 (P&H)	247
	CIT <i>v.</i> Durga Prasad More [1971] 82 ITR 540 (SC)	115
	CIT (Asst.) <i>v.</i> Elecon Engineering Co. Ltd. [2010] 322 ITR 20 (SC)	227
	CIT <i>v.</i> Elgi Finance Ltd. [2006] 286 ITR 674 (Mad)	410
	CIT <i>v.</i> English Electric Co. of India Ltd. [2000] 243 ITR 512 (Mad)	276

viii	INCOME TAX REPORTS	[VOL. 424
		PAGE
CIT <i>v.</i> Excel Industries Ltd. [2013] 358 ITR 295 (SC)		325
CIT <i>v.</i> G. K. Contractor [2009] 19 DTR (Raj) 305		1
CIT <i>v.</i> Ganga Corporation Asbestos Pvt. Ltd. [2014] 366 ITR 582 (All)		498
CIT <i>v.</i> Gita Duggal [2013] 357 ITR 153 (Delhi) <i>followed</i>		462
CIT <i>v.</i> Gita Duggal [2015] 371 ITR (St.) 369 (SC)		462
CIT (Asst.) <i>v.</i> Goldmines Shares and Finance Pvt. Ltd. 2008-TIOL-220-ITAT/AHM-(SB)		498
CIT <i>v.</i> Gotla (J. H.) [1985] 156 ITR 323 (SC)		498
CIT <i>v.</i> Grand Hotel [1991] 189 ITR 153 (All)		130
CIT <i>v.</i> Greenworld Corporation [2009] 314 ITR 81 (SC)		167
CIT <i>v.</i> Gujarat Electricity Board [2003] 260 ITR 84 (SC)		664
CIT <i>v.</i> Ifthiqar Ashiq (I.) [2016] 239 Taxman 443 (Mad)		462
CIT (Asst.) <i>v.</i> India Cements Ltd. [2008] 306 ITR (A.T.) 298 (Chennai) <i>affirmed</i>		410
CIT (Asst.) <i>v.</i> Indwel Lianings (P.) Ltd. [2009] 313 ITR (A.T.) 118 (Chennai)		105
CIT <i>v.</i> J. K. Synthetics Ltd. [2009] 309 ITR 371 (Delhi)		244
CIT <i>v.</i> Jupiter Bio-Science Ltd. [2013] 352 ITR 113 (Karn)		227
CIT <i>v.</i> Kelvinator of India Ltd. [2010] 320 ITR 561 (SC)		410
CIT <i>v.</i> Knight Frank (India) P. Ltd. [2016] 7 ITR-OL 262 (Bom)		85
CIT (Pr.) <i>v.</i> Krome Planet Interiors P. Ltd. [2020] 423 ITR 62 (Bom)		85
CIT <i>v.</i> La Medica [2001] 250 ITR 575 (Delhi) <i>distinguished</i>		338
CIT <i>v.</i> Lake Palace Hotels and Motels Pvt. Ltd. [1997] 226 ITR 561 (Raj)		130
CIT <i>v.</i> Lallubhai Jogibhai Patel [2003] 261 ITR 216 (Guj)		470
CIT <i>v.</i> Lucky Laboratories Ltd. [2006] 284 ITR 435 (All)		498
CIT <i>v.</i> Madras Motors (P.) Ltd. [1984] 150 ITR 150 (Mad)		498
CIT (Pr.) <i>v.</i> Maruti Suzuki India Ltd. [2019] 416 ITR 613 (SC) <i>applied</i>		288
CIT <i>v.</i> Mercantile Bank Ltd. [1988] 169 ITR 44 (Bom)		498
CIT <i>v.</i> Mir Mohammad Ali [1964] 53 ITR 165 (SC)		130
CIT <i>v.</i> Modipon Ltd. [2018] 400 ITR 1 (SC)		236
CIT <i>v.</i> Mohd. Abdul Khadir (A.) (Dr.) [2003] 260 ITR 650 (Mad)		470
CIT (Pr.) <i>v.</i> Monnet Ispat and Energy Ltd. [2018] 12 ITR-OL 281 (SC)		18
CIT <i>v.</i> Mukundray K. Shah [2007] 290 ITR 433 (SC)		435
CIT <i>v.</i> Mysore Spun Concrete Pipe P. Ltd. [1992] 194 ITR 159 (Karn)		130
CIT (Pr.) <i>v.</i> NRA Iron and Steel Pvt. Ltd. [2019] 412 ITR 161 (SC) <i>dis-</i> <i>tinguished</i>		219

2020]	TABLE OF CASES CITED	ix
		PAGE
	CIT <i>v.</i> Needle Industries (India) Ltd. [2000] 245 ITR 556 (Mad)	130
	CIT <i>v.</i> Nelliappan (S.) [1967] 66 ITR 722 (SC)	410
	CIT <i>v.</i> Nikunj Eximp Enterprises Pvt. Ltd. [2015] 372 ITR 619 (Bom)	338
	CIT <i>v.</i> Nima Specific Family Trust [2001] 248 ITR 29 (Bom)	410, 498
	CIT <i>v.</i> Nirma Chemicals Works P. Ltd. [2009] 309 ITR 67 (Guj)	232
	CIT <i>v.</i> Ouseph Chacko [2004] 271 ITR 29 (Ker) <i>relied on</i>	462
	CIT <i>v.</i> Ovira Logistics P. Ltd. [2015] 377 ITR 129 (Bom)	85
	CIT <i>v.</i> P. P. Engineering Work [2014] 369 ITR 433 (Delhi)	167
	CIT (Pr.) <i>v.</i> Poonjar Service Co-op. Bank Ltd. [2019] 414 ITR 67 (Ker) [FB] <i>followed</i>	283
	CIT <i>v.</i> Premier Mills Ltd. [2008] 296 ITR 157 (Mad)	410
	CIT <i>v.</i> Pruthvi Brokers and Shareholders P. Ltd. [2012] 349 ITR 336 (Bom)	236
	CIT <i>v.</i> R. P. G. Telecoms Ltd. [2007] 292 ITR 355 (Karn)	498
	CIT <i>v.</i> Rajappa Chettiar (J. K. A.) [1985] 153 ITR 215 (Mad)	470
	CIT (Deputy) (Asstt.) <i>v.</i> Rajasthan State Electricity Board [2008] 299 ITR 253 (Raj) <i>reversed</i>	704
	CIT <i>v.</i> Rambal (P.) Ltd. [1988] 169 ITR 50 (Mad)	498
	CIT <i>v.</i> Rathnam Nadar (K.) [1969] 71 ITR 433 (Mad)	376
	CIT <i>v.</i> Rathnaswamy (C. J.) [1997] 223 ITR 5 (Mad)	470
	CIT <i>v.</i> Ravindranathan Nair (K.) [2007] 295 ITR 228 (SC)	410
	CIT <i>v.</i> Reliance Industries Ltd. [2011] 339 ITR 632 (Bom)	236
	CIT (Deputy) <i>v.</i> Reliance Industries Ltd. [2005] 273 ITR (AT) 16 (Mum) [SB]	236
	CIT <i>v.</i> Reliance Petroproducts Pvt. Ltd. [2010] 322 ITR 158 (SC)	98, 369
	CIT (Joint) <i>v.</i> Rolta India Ltd. [2011] 330 ITR 470 (SC)	227
	CIT, LTU <i>v.</i> Royal Sundaram Alliance Insurance Co. Ltd. [2020] 423 ITR 122 (Mad) <i>followed</i>	272
	CIT <i>v.</i> Royal Western India Turf Club Ltd. [1953] 24 ITR 551 (SC) <i>relied on</i>	630
	CIT <i>v.</i> S. Khader Khan Son [2008] 300 ITR 157 (Mad) <i>affirmed</i> in CIT <i>v.</i> S. Khader Khan Son [2013] 352 ITR 480 (SC) <i>followed</i>	195
	CIT <i>v.</i> Sambandam Udaykumar [2012] 345 ITR 389 (Karn)	462
	CIT <i>v.</i> Sankaran (S.) [2000] 241 ITR 825 (Mad)	470
	CIT <i>v.</i> SAS Pharmaceuticals [2011] 335 ITR 259 (Delhi)	369
	CIT <i>v.</i> Satellite Engineering Ltd. [1978] 113 ITR 208 (Guj)	167
	CIT <i>v.</i> Sati Oil Udyog Ltd. [2015] 372 ITR 746 (SC) <i>applied</i>	704

x	INCOME TAX REPORTS	[VOL. 424
		PAGE
CIT v. Seeyan Plywoods [1991] 190 ITR 564 (Ker)		167
CIT v. Senniappan (G. K.) [2006] 284 ITR 220 (Mad)		195
CIT v. Service Station Equipment Pvt. Ltd. [1981] 132 ITR 130 (Bom)		236
CIT v. Seshasayee Paper and Board Ltd. [1994] 207 ITR 80 (Mad)		410
CIT v. Shri Subhulaxmi Mills Ltd. [2001] 249 ITR 795 (SC)		498
CIT v. Shyama Devi Dalmia (Smt.) [1992] 194 ITR 114 (Cal) <i>relied on</i>		462
CIT v. Sitaldas Tirathdas [1961] 41 ITR 367 (SC)		630
CIT (Pr.) v. Softbrands India Pvt. Ltd. [2018] 406 ITR 513 (Karn)		563
CIT v. Southern Publications Ltd. [1995] 211 ITR 397 (Mad)		130
CIT v. Strawboard Mfg. Co. Ltd. [1989] 177 ITR 431 (SC)		462
CIT v. Suessin Textile Bearing Ltd. [1982] 135 ITR 443 (Guj)		167
CIT v. Sunbeam Auto Ltd. [2018] 89 taxmann.com 191 (Delhi) <i>followed</i>		130
CIT v. Sundaravel Match Industries (P.) Ltd. [2000] 245 ITR 605 (Mad)		498
CIT v. Sushil Kumar Gupta (C. A. No. 6437 of 2012, dated 12-9-2012) <i>overruled</i>		316
CIT v. Synopsis International Old Limited [2012] 28 taxmann.com 162 (Karn) ; [2013] 212 Taxman 454 (Karn)		521
CIT v. T. T. K. Pharma Ltd. (TCA No. 298 of 2004, dated 23-12-2009)		410
CIT v. Tata Engg. and Locomotive Co. Pvt. Ltd. [1980] 123 ITR 538 (Bom)		236
CIT (Pr.) v. Temasek Holdings Advisors India Pvt. Ltd. (Income Tax Appeal No. 304 of 2017, dated 16-4-2019)		563
CIT v. Thakurlal [1981] 132 ITR 398 (MP)		376
CIT (Pr.) v. Tops Security Ltd. [2019] 415 ITR 212 (Bom)		85
CIT v. Travancore Sugars and Chemicals Ltd. [1973] 88 ITR 1 (SC)		630
CIT v. Tube Investments of India Ltd. [2012] 341 ITR 199 (Mad)		202
CIT v. Vinbros and Co. [2012] 349 ITR 697 (SC)		387
CIT (Pr.) v. WSP Consultants India Pvt. Ltd. [2018] 253 Taxman 58 (Delhi) ; [2017] 87 taxmann.com 266 (Delhi)		563
CIT, International Taxation v. ZTE Corporation [2017] 392 ITR 80 (Delhi)		521
CIT (Deputy) v. Zuari Estate Development and Investment Co. Ltd. [2015] 373 ITR 661 (SC)		664
CST (Deputy) v. Pio Food Packers [1980] 46 STC 63 (SC)		387
CWT v. Kripashankar Dayashankar Worah [1971] 81 ITR 763 (SC)		521
CWT v. Officer-in-Charge (Court of Wards), Paigah [1976] 105 ITR 133 (SC)		376

2020]	TABLE OF CASES CITED	xi
		PAGE
Commissioner and Secretary to Government, Commercial Taxes and Religious Endowments Department <i>v.</i> Sree Murugan Financing Corporation [1992] 74 Comp Cas 650 (SC)		143
Consolidated Photo and Finvest Ltd. <i>v.</i> Asst. CIT [2006] 281 ITR 394 (Delhi)		435
Covanta Samalpatti Operating Private Limited <i>v.</i> Asst. CIT [2018] 11 ITR-OL 604 (Mad)		105
Dahod Sahakari Kharid Vechan Sangh Ltd. <i>v.</i> CIT [2006] 282 ITR 321 (Guj)		410
Dalmia Cement Ltd. <i>v.</i> CIT [1999] 237 ITR 617 (SC)		630
Dalmia Jain Airways Ltd. <i>v.</i> Sukumar Mukherjee [1951] AIR 1951 Cal 193 [SB]		30
Deep Chand Kothari <i>v.</i> CIT [1988] 171 ITR 381 (Raj)		410
Dena Bank <i>v.</i> Bhikhabhai Prabhudas Parekh and Co. [2001] 247 ITR 165 (SC)		18
Desh Bandhu Gupta and Co. <i>v.</i> Delhi Stock Exchange Association Ltd. [1979] 4 SCC 565 ; [1979] AIR 1979 SC 1049		498
Dharmnath Shares and Services (P.) Ltd. <i>v.</i> Asst. CIT [2019] 410 ITR 431 (Guj) <i>applied</i>		288
Dhirajlal Girdharilal <i>v.</i> CIT [1954] 26 ITR 736 (SC)		470
Dhunjibhoy Stud and Agricultural Farm <i>v.</i> Deputy CIT [2002] 82 ITD 18 (Pune)		470
DIT <i>v.</i> All India Oriental Bank of Commerce Welfare Society [2003] 130 Taxman 575 (Delhi)		325
DIT <i>v.</i> Ericsson A.B. [2012] 343 ITR 470 (Delhi)		521
DIT <i>v.</i> India Habitat Centre (I.T.A. No. 226 of 2015, dated 12-10-2011)		325
DIT <i>v.</i> Intrasoft Ltd. [2014] 220 Taxman 273 (Delhi)		521
DIT <i>v.</i> Jindal Drilling and Industries Ltd. [2010] 320 ITR 104 (Delhi)		521
DIT <i>v.</i> OHM Ltd. [2013] 352 ITR 406 (Delhi)		521
Dishman Pharmaceuticals and Chemicals Ltd. <i>v.</i> Deputy CIT [2012] 346 ITR 245 (Guj) <i>distinguished</i>		435
Dundlod Shikshan Sansthan <i>v.</i> Union of India [2015] 63 taxmann.com 243 (Raj)		143
English and Scottish Joint Co-operative Wholesale Society Ltd. <i>v.</i> Commr. of Agrl. I. T. [1948] 16 ITR 270 (PC) <i>relied on</i>		630
Ess Ess Kay Engineering Co. P. Ltd. <i>v.</i> CIT [2001] 247 ITR 818 (SC) <i>applied</i>		607

xii	INCOME TAX REPORTS	[VOL. 424
		PAGE
Firm Ganga Ram Kishore Chand <i>v.</i> Firm Jai Ram Bhagat Ram [1957] AIR 1957 Punjab 293		462
G. Atherton and Co. <i>v.</i> CIT [1987] 165 ITR 527 (Cal)		498
Ganapathi Subraya Bhat <i>v.</i> Land Tribunal [2002] 4 KCCR 2328		212
Gandhi (H. B.), Excise and Taxation Officer-cum-Assessing Authority <i>v.</i> Gopi Nath and Sons [1992] Supp (2) SCC 312		253
Gaurav Triyugi Singh <i>v.</i> ITO [2020] 423 ITR 531 (Bom)		219
General Atlantic Pvt. Ltd. <i>v.</i> Asst. CIT [2013] 25 ITR (Trib) 389 (Mum- bai)		563
Geofizyka Torun sp. Z.O.O, <i>In re</i> [2010] 320 ITR 268 (AAR)		521
GKN Driveshafts (India) Ltd. <i>v.</i> ITO [2003] 259 ITR 19 (SC)	30,	253
GKN Sinter Metals Ltd. <i>v.</i> Ms. Ramapriya Raghavan, Asst. CIT [2015] 371 ITR 225 (Bom)		232
Globe Theatres Ltd. <i>v.</i> Khan Saheb Abdul Gani [1956] AIR 1956 Mysore 57		462
Gobind Glass and Industries Ltd. <i>v.</i> Deputy CIT (Tax Appeal No. 12 of 2002, dated 21-11-2014)		130
Goldman Sachs India Securities Pvt. Ltd. <i>v.</i> CIT [2016] 69 tax- mann.com 19 (Bom)		563
Gouri Prasad Bagaria <i>v.</i> CIT [1961] 42 ITR 112 (SC) <i>distinguished</i>		470
Government of Andhra Pradesh <i>v.</i> Smt. P. Laxmi Devi [2008] 4 SCC 720		143
Govind <i>v.</i> State (Govt. of NCT of Delhi) [2003] 68 DRJ 446 (Delhi) (DB)		30
Group M. Media India (P.) Ltd. <i>v.</i> Union of India [2016] 388 ITR 594 (Bom)		664
Gujarat Poly-AVX Electronics Ltd. <i>v.</i> Deputy CIT (Asstt.) [1996] 222 ITR 140 (Guj)		664
Gujarat Power Corporation Ltd. <i>v.</i> Asst. CIT [2013] 350 ITR 266 (Guj)		167
Hanuman Motor Service <i>v.</i> CIT [1967] 66 ITR 88 (Mysore)		130
Harbanslal Sahnia <i>v.</i> Indian Oil Corporation Ltd. [2003] 2 SCC 107		253
HCL Technologies <i>v.</i> Asst. CIT [2015] 377 ITR 483 (Delhi)		167
Hindustan Lever Ltd. <i>v.</i> R. B. Wadkar, Asst. CIT (No. 1) [2004] 268 ITR 332 (Bom) <i>relied on</i>		715
Hindustan Unilever Ltd. <i>v.</i> Addl. CIT [2013] 22 ITR (Trib) 737 (Mum- bai)		212



2020]	TABLE OF CASES CITED	xiii
		PAGE
Homi Jehangir Gheesta <i>v.</i> CIT [1961] 41 ITR 135 (SC) <i>distinguished</i>		470
Honda Siel Power Products Limited <i>v.</i> Deputy CIT [2012] 340 ITR 53 (Delhi)		607
do <i>v.</i> do. <i>distinguished</i>		435
Honda Siel Power Products Ltd. <i>v.</i> Deputy CIT [2016] 7 ITR-OL 22 (Delhi)		162
Howrah Tax Payers' Association <i>v.</i> Government of West Bengal [2011] 5 CHN 430		143
Hukumchand Mills Ltd. <i>v.</i> CIT [1967] 63 ITR 232 (SC)		253
ITO <i>v.</i> Arihant Tiles and Marbles P. Ltd. [2010] 320 ITR 79 (SC)		387
ITO <i>v.</i> Murlidhar Bhagwan Das [1964] 52 ITR 335 (SC)		167
ITO <i>v.</i> Rastogi (D. C.) [1991] 39 ITD 490 (Delhi)		115
ITO <i>v.</i> Rohini Reddy (Smt.) [2010] 122 ITD 1 (Hyderabad)		462
Intec Corporation <i>v.</i> Pr. CIT [2019] 13 ITR-OL 279 (Delhi)		167
IPCA Laboratory Ltd. <i>v.</i> Deputy CIT [2004] 266 ITR 521 (SC)		410, 498
J. K. Cotton Spinning and Weaving Mills Co. Ltd. <i>v.</i> State of Uttar Pradesh [1961] AIR 1961 SC 1170		521
J. K. Synthetics Ltd. <i>v.</i> Asst. CIT [2001] 251 ITR 200 (SC)		704
Jayappan (P.) <i>v.</i> S. K. Perumal, First ITO [1984] 149 ITR 696 (SC)		30
Jindal Stainless Steel <i>v.</i> State of Haryana [2006] 145 STC 544 (SC)		143
JSW Steel Ltd. <i>v.</i> Asst. CIT [2010] 5 ITR (Trib) 31 (Bang) <i>affirmed</i>		227
K. S. Rashid and Son <i>v.</i> Income-tax Investigation Commission [1954] 25 ITR 167 (SC)		253
K. S. Venkataraman and Co. (P.) Ltd. <i>v.</i> State of Madras [1966] AIR 1966 SC 1089		253
Kalyan Ala Barot <i>v.</i> M. H. Rathod [2010] 328 ITR 521 (Guj)		167
Kamlesh Kumar <i>v.</i> State of Jharkhand [2013] 15 SCC 460		30
Kaveri Rice Mills <i>v.</i> CIT [2006] 157 Taxman 376 (All)		338
Kedarnath Singh <i>v.</i> State of Bihar [1962] AIR 1962 SC 955		143
Kerala State Electricity Board <i>v.</i> Kurien E. Kalathil [2000] 6 SCC 293		253
Kesava Rao (C. H.) <i>v.</i> CIT [1985] 156 ITR 369 (Mad)		462
Khurana Engineering Ltd. <i>v.</i> Deputy CIT [2014] 364 ITR 600 (Guj) <i>applied</i>		288
Kiran Singh <i>v.</i> Chaman Paswan [1954] AIR 1954 SC 340		410

xiv	INCOME TAX REPORTS	[VOL. 424
		PAGE
Krishi Discs (P.) Ltd. v. CIT [2013] 32 taxmann.com 136 (All)		276
L. G. Electronics India P. Ltd. v. Asst. CIT [2013] 22 ITR (Trib) 1 (Delhi) [SB]		162
Lakshminirman Bangalore P. Ltd. v. Deputy CIT [2015] 5 ITR-OL 279 (Karn)		143
Le Passage to India Tour and Travels P. Ltd. v. Deputy CIT [2017] 391 ITR 207 (Delhi)		162
Liberty India v. CIT [2009] 317 ITR 218 (SC)		410
Lurcott v. Wakely and Wheeler [1911] 1 KB 905 (CA)		130
Maddi Sudarsanam Oil Mills Co. v. CIT [1959] 37 ITR 369 (AP)		1
Mafatlal Industries Ltd. v. Union of India [1997] 5 SCC 536		253
Mahaveer Enterprises v. Union of India [2000] 244 ITR 789 (Raj)		376
Manickam and Co. v. The State of Tamil Nadu [1977] 39 STC 12 (SC)		498
Manohar Lal v. CIT [2001] 249 ITR 1 (MP) <i>distinguished</i>		296
Marubeni India P. Ltd. v. CIT [2010] 328 ITR 306 (Delhi)		167
Maruti Suzuki India Ltd. v. Addl. CIT [2010] 328 ITR 210 (Delhi)		162
Maruti Suzuki India Ltd. v. CIT [2016] 381 ITR 117 (Delhi)		162
MCorp Global P. Ltd v. CIT [2009] 309 ITR 434 (SC) <i>distinguished</i>		253
Miliangos v. George Frank (Textiles) Ltd. [1976] AC 443		30
Minister of National Revenue v. Anaconda American Brass Ltd. [1956] 30 ITR 84 (PC)		276
Mohammed Meerakhan (P. M.) v. CIT [1969] 73 ITR 735 (SC)		276
Mohd. Ibrahim v. State Transport Appellate Tribunal [1970] 2 SCC 233		664
Mohinder Singh Gill v. Chief Election Commissioner [1978] 2 SCR 272		607
Mother India Educational and Cultural Charitable Trust v. Deputy CIT [2014] KHC 353 <i>relied on</i>		283
Municipal Council, Khurai v. Kamal Kumar [1965] 2 SCR 653		253
Munshi Ram v. Municipal Committee, Chheharta [1979] 118 ITR 488 (SC)		253
Muthusami (S. T.) v. K. Natarajan [1988] 1 SCC 572		253
Nagendra Nath Bora v. Commr. of Hills Division [1958] AIR 1958 SC 398 ; [1958] SCR 1240		30
Nandlal Kanoria v. CIT [1980] 122 ITR 405 (Cal)		435

2020]	TABLE OF CASES CITED	xv
		PAGE
Narinder Kaur (Smt.) v. ITO [1998] 144 Taxation 527 (Punj)		376
Neville v. London Express Newspapers Ltd. [1919] AC 368 (HL)		253
New Delhi Television Ltd. v. Deputy CIT [2018] 405 ITR 132 (Delhi) <i>affirmed on a particular point</i>		607
do. v. do. <i>partly reversed</i>		607
New Shorrock Spinning and Manufacturing Co. Ltd. v. CIT [1956] 30 ITR 338 (Bom)		130
New York Life Insurance Co. v. Styles (Surveyor of Taxes) [1889] 2 TC 460		630
Niko Resources Ltd. v. Asst. DIT [2014] 51 taxmann.com 568 (Guj)		435
Nivedita Sharma v. Cellular Operators Association of India [2011] 14 SCC 337		253
Nokia India Pvt. Ltd. v. Addl. CIT [2018] 402 ITR 517 (Delhi)		347
Oil and Natural Gas Corporation Ltd v. CIT [2015] 376 ITR 306 (SC)		521
Om Prakash Agarwal v. Giri Raj Kishori [1986] 1 SCC 722		143
Omar Salay Mohamed Sait v. CIT [1959] 37 ITR 151 (SC)		470
Orient Paper Mills Ltd. v. CIT [1986] 158 ITR 695 (Cal)		498
Oriental Insurance Co. Ltd. v. Deputy CIT [2018] 407 ITR 658 (Delhi) <i>followed</i>		272
Pandian Chemicals Ltd. v. CIT [2003] 262 ITR 278 (SC)		410
Paradigm Geophysical Pty. Ltd. v. CIT (International Taxation) [2018] 400 ITR 497 (Delhi)		521
Parimisetti Seetharamamma v. CIT [1965] 57 ITR 532 (SC)		115
Parveen Kumari v. CIT [1999] 237 ITR 339 (P&H)		167
Patel Engineering Ltd. v. Deputy CIT [2005] 94 ITD 411 (Mum)		105
Patrick (Inspector of Taxes) v. Broadstone Mills Ltd. [1954] 25 ITR 377 (CA)		276
Paul Mathews and Sons v. CIT [2003] 263 ITR 101 (Ker)		195
Pepsi Foods Ltd. v. Special Judicial Magistrate [1998] 5 SCC 749		30
PGS Exploration (Norway) AS v. Addl. DIT [2016] 383 ITR 178 (Delhi)		521
Phool Chand Bajrang Lal v. ITO [1993] 203 ITR 456 (SC) <i>applied</i>		607
Prasanchand Surana v. Asst. CIT [2001] 76 ITD 423 (Hyd)		470
Pratap Singh v. State of Haryana [2002] 7 SCC 484		253
Pullangode Rubber Produce Co. Ltd. v. State of Kerala [1973] 91 ITR 18 (SC)		195

xvi	INCOME TAX REPORTS	[VOL. 424
		PAGE
Punjab National Bank <i>v.</i> O. C. Krishnan [2001] 6 SCC 569		253
Purnima Das <i>v.</i> Union of India [2010] 329 ITR 278 (Cal) <i>relied on</i>		283
Purshottam Khatri <i>v.</i> CIT [2019] 419 ITR 475 (SC) <i>distinguished</i>		470
R. B. Shreeram and Co. P. Ltd. <i>v.</i> CIT [1968] 67 ITR 428 (AP)		130
R. <i>v.</i> Northumberland Compensation Appeal Tribunal [1952] 1 All ER 122		30
Radhasoami Satsang <i>v.</i> CIT [1992] 193 ITR 321 (SC)		325
Raj Dadarkar and Associates <i>v.</i> Asst. CIT [2017] 394 ITR 592 (SC)		85
Rajan Nair (N.) <i>v.</i> ITO [1987] 165 ITR 650 (Ker) <i>relied on</i>		283
Rajasthan State Electricity Board <i>v.</i> Deputy CIT (Asstt.) [1993] 200 ITR 434 (Raj)		704
Rajasthan State Road Transport Corporation <i>v.</i> Krishna Kant [1995] 5 SCC 75		253
Rajender Nath <i>v.</i> CIT [1979] 120 ITR 14 (SC)		167
Ram and Shyam Co. <i>v.</i> State of Haryana [1985] 3 SCC 267		253
Ramalingam (T. P. K.) <i>v.</i> CIT [1995] 211 ITR 520 (Mad)		470
Ramendra Kishore Biswas <i>v.</i> State of Tripura [1999] 1 SCC 472		253
Ranbir Yadav <i>v.</i> State of Bihar [1995] 4 SCC 392 <i>followed</i>		30
Rasammal Issetheerammal Fernandez, etc. <i>v.</i> Joosa Mariyam Fernandez [2000] 7 SCC 189		664
Rashmikant Kundalia <i>v.</i> Union of India [2015] 373 ITR 268 (Bom)		143
Rasid Lala <i>v.</i> ITO [2018] 11 ITR-OL 212 (Guj)		428
Re United Railways of the Havana and Regla Warehouses [1961] AC 1001		30
Reliance Trading Corporation <i>v.</i> ITO [2015] 376 ITR 53 (Raj) [FB]		410
Research Foundation for Science, Technology and Ecology <i>v.</i> Ministry of Agriculture [1999] 1 SCC 655		143
Rookes <i>v.</i> Barnard [1964] AC 1129		30
Rt. Rev. Msgr. Mark Netto <i>v.</i> State of Kerala [1979] AIR 1979 SC 83		143
Rural Electrification Corporation Ltd. <i>v.</i> CIT (No. 1) [2013] 355 ITR 345 (Delhi)		167
Russell <i>v.</i> Town and County Bank [1888] 13 AC 418 ; 4 TLR 500		276
Rustagi Engineering Udyog (P.) Ltd. <i>v.</i> Deputy CIT [2016] 382 ITR 443 (Delhi)		288
Sangram Singh <i>v.</i> Election Tribunal, Kotah [1955] AIR 1955 SC 425		253

2020]	TABLE OF CASES CITED	xvii
		PAGE
Sanjeev Puri v. Deputy CIT [2016] 180 TTJ (Delhi) 649		462
Sarifabibi Mohmed Ibrahim v. CIT [1993] 204 ITR 631 (SC)		376
Sarojini Devi (T.) v. Sri Krishna (T.) [1944] AIR 1944 Mad 401		376
Sati Oil Udyog Ltd. v. CIT [1998] 232 ITR 502 (Gauhati)		704
Schorsch Meier G.m.b.H v. Henning [1975] 1 QB 416		30
Secretary of State v. Mask and Co. [1940] AIR 1940 PC 105		253
Secretary to Government of Madras v. P. R. Sriramulu [1996] 1 SCC 345		143
Secunderabad Hyderabad Hotel Owners' Association v. Hyderabad Municipal Corporation [1999] 2 SCC 274		143
Securities and Exchange Board of India v. Classic Credit Limited [2018] 13 SCC 1		30
Shahdara (Delhi) Saharanpur Light Railway Company Ltd. v. Upper Doab Sugar Mills Limited [1960] AIR 1960 SC 695		521
Sharma (K. M.) v. ITO [2002] 254 ITR 772 (SC)		167
Sheela Devi v. Jaspal Singh [1999] 1 SCC 209		253
Shivgonda Anna Patil v. State of Maharashtra [1999] 3 SCC 5		253
Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra [2001] 8 SCC 509		253
Shukla (P. N.) v. CIT [2005] 276 ITR 642 (All) <i>relied on</i>		462
Siliguri Municipality v. Amalendu Das [1984] 2 SCC 436		253
Sirsilk Ltd. v. Textiles Committee [1989] Supp 1 SCC 168 ; [1989] SCC (Tax) 219		143
Sivalingam Chettiar (N. Kt.) v. CIT [1967] 66 ITR 586 (SC)		167
Sohanlal v. Amin Chand and Sons [1973] 2 SCC 608		664
Sole Trustee, Loka Shikshana Trust v. CIT [1975] 101 ITR 234 (SC)		521
Sona Chandi Oal Committee v. State of Maharashtra [2005] 2 SCC 345		143
Sony Ericsson Mobile Communications India P. Ltd. v. CIT [2015] 374 ITR 118 (Delhi)		162
South India Corporation (P.) Ltd. v. Secretary, Board of Revenue, Trivandrum [1964] AIR 1964 SC 207		521
Sree Narayana Guru Smaraka Sangam Upper Primary School v. Union of India [2017] 392 ITR 457 (Ker)		143
Sreelekha Banerjee v. CIT [1963] 49 ITR (S.C.) 112		115
Sreenivasa General Traders v. State of A. P. [1983] 4 SCC 353		143
Star India P. Ltd. v. CCE [2006] 280 ITR 321 (SC)		227
State of Haryana v. Bhajan Lal [1992] Supp (1) SCC 335		30

xviii	INCOME TAX REPORTS	[VOL. 424
		PAGE
State of H. P. <i>v.</i> Gujarat Ambuja Cement Ltd. [2005] 6 SCC 499		253
State of U. P. <i>v.</i> Mohd. Nooh [1958] AIR 1958 SC 86		253
Stock Exchange, Bombay <i>v.</i> V. S. Kandalgaonkar [2014] 368 ITR 296 (SC) ; [2014] 187 Comp Cas 143 (SC)		18
Sudhakar Reddy (L. L.) <i>v.</i> State of A.P. [2001] 6 SCC 634		253
Sumati Dayal <i>v.</i> CIT [1995] 214 ITR 801 (SC)		115
Sundaram Pillai (S.) <i>v.</i> V. R. Pattabiraman [1985] 1 SCC 591		167
Suntec Business Solutions (P.) Ltd. <i>v.</i> Union of India [2015] 4 ITR-OL 452 (Ker) <i>relied on</i>		283
Supernova System (P.) Ltd. <i>v.</i> Chief CIT [2018] 99 taxmann.com 300 (Guj) <i>followed</i>		405
Synco Industries Ltd. <i>v.</i> Assessing Officer (Income-tax) [2008] 299 ITR 444 (SC)		498
T. V. Sundaram Iyengar and Sons Ltd. <i>v.</i> CIT [1959] 37 ITR 26 (Mad)		376
Tanmac India <i>v.</i> Deputy CIT [2016] 97 CCH 189 (Mad)		410
Tata Teleservices Ltd. <i>v.</i> CBDT [2016] 386 ITR 30 (Delhi)		664
Thansingh Nathmal <i>v.</i> Superintendent of Taxes [1964] AIR 1964 SC 1419		253
Tin Plate Co. of India Ltd. <i>v.</i> State of Bihar [1998] 8 SCC 272		253
Titaghur Paper Mills Co. Ltd. <i>v.</i> State of Orissa [1983] 2 SCC 433		253
Trilogy E-Business Software India P. Ltd. <i>v.</i> Deputy CIT [2013] 23 ITR (Trib) 464 (Bang)		563
Union of India <i>v.</i> Cimmco Ltd. [2015] 193 Comp Cas 289 (Delhi) <i>dis-</i> <i>tinguished</i>		202
Union of India <i>v.</i> Dharamendra Textile Processors [2008] 306 ITR 277 (SC)		98
Union of India <i>v.</i> G. M. Kokil [1984] Supp. SCC 196		664
Union of India <i>v.</i> Guwahati Carbon Ltd. [2012] 11 SCC 651		253
Union of India <i>v.</i> SICOM Ltd. [2009] 147 Comp Cas 531 (SC)		18
Union of India <i>v.</i> Varma (T. R.) [1957] AIR 1957 SC 882		253
United Bank of India <i>v.</i> Satyawati Tondon [2010] 158 Comp Cas 251 (SC)		397
Upper India Cable Co. <i>v.</i> Bal Kishan [1984] 3 SCC 462		664
Vaishali Abhimanyu Joshi <i>v.</i> Nanasaheb Gopal Joshi [2017] 14 SCC 373 <i>applied</i>		664

2020]	TABLE OF CASES CITED	xix
		PAGE
Valvoline Cummins P. Ltd. v. Deputy CIT [2018] 11 ITR-OL 136 (Delhi) <i>followed</i>		162
Valvoline Cummins P. Ltd. v. Deputy CIT [2019] 14 ITR (Trib)-OL 140 (Delhi) <i>affirmed</i>		162
Vam Organic Chemicals Ltd. v. State of U. P. [1997] 2 SCC 715		143
Varghese (K. P.) v. ITO [1981] 131 ITR 597 (SC)		704
Veerappa Pillai (G.) v. Raman and Raman Ltd. [1952] AIR 1952 SC 192		253
Veluswami Thevar (N. T.) v. G. Raja Nainar [1959] AIR 1959 SC 422		253
Venkataramana Devaru v. State of Mysore [1958] AIR 1958 SC 255		521
Venkatasubbiah Naidu (A.) v. S. Chellappan [2000] 7 SCC 695		253
Viren Sureshchandra Shah v. Asst. CIT [2015] 63 taxmann.com 104 (Gujarat)		435
Vodafone Mobile Services Ltd. v. Asst. CIT [2020] 421 ITR 193 (Delhi) <i>affirmed subject to directions</i>		664
Waryam Singh v. Amarnath [1954] AIR 1954 SC 215 ; [1954] SCR 565		30
Whimster and Co. v. IRC [1925] 12 Tax Cases 813		276
Whirlpool Corporation v. Registrar of Trade Marks [1998] 8 SCC 1		253
Wolverhampton New Waterworks Co. v. Hawkesford, 141 ER 486		253

### INDEX TO JOURNAL SECTION

<b>Articles :</b>	PAGE
Condonability of delayed filing of application u/s. 254(2) : Is a "mistake" to file the application beyond the time of limitation a mistake falling under section 254(2) so as to be condonable in law ?— <i>Ananya Kapoor, Advocate, Delhi High Court</i> ...	24
Curtailling the Tribunal's power to grant stay : Is curtailment of power of the Tribunal to grant stay by an amendment to section 254(2A) of the Income-tax Act, 1961 unconstitutional and/or mandatory ?— <i>Sanjay Bansal, Senior Advocate, High Court of Punjab and Haryana, Chandigarh and Amit Parsad, Advocate, High Court of Punjab and Haryana, Chandigarh</i> ...	8
Is written record of satisfaction under section 271(1) mandatory ? : Is recording of satisfaction in writing under section 271(1) of the Income-tax Act, 1961 a mandatory jurisdictional requirement ? — <i>Sanjay Bansal, Senior Advocate, High Court of Punjab and Haryana, Chandigarh and Amit Parsad, Advocate, High Court of Punjab and Haryana, Chandigarh</i> ...	33
Right to Appeal to Courts— <i>Amit Kumar Gupta, Advocate (Delhi High Court) B. Com (H), LL.M, FCA</i> ...	1

#### ERRATUM IN VOLUME 15 ITR-OL

In the Reports section,—  
 at page 255, in the headnote portion, in line 6,  
 for "D. B. C. S. A. No. 837 of 1993" read "D. B. Civil Writ Petition  
 No. 1503 of 1995".



**THE  
INCOME TAX REPORTS  
VOLUME 424—2020**

**SUBJECT INDEX**

	PAGE
<p><b>Abetment of false return</b>—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—<b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .</p>	30
<p>—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—<b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .</p>	30
<p><b>Additional tax</b>—Assessment—Change of law—Amendment to effect that where loss declared by assessee reduced by reason of prima facie adjustments, additional tax leviable—Only to be invoked where lower amount shown in return by assessee was with intent to evade tax—Assessee by bona fide oversight claiming depreciation at 100 per cent. instead of at 75 per cent.—Return remaining one of loss—No intention to evade tax—Mechanical levy of additional tax uncalled for—<b>RAJASTHAN STATE ELECTRICITY BOARD v. DEPUTY CIT (ASSESSMENT)</b> (SC) . . .</p>	704
<p><b>Advertising, marketing and publicity expenses</b>—International transactions—Arm's length price—Determination—No proof that there existed international transaction between assessee and its associated enterprise with respect to such expenses—Remanded for determination of arm's length price not warranted—<b>PRINCIPAL CIT v. VALVOLINE CUMMINS PVT. LTD.</b> (Delhi) . . .</p>	162
<p><b>Amalgamation of companies</b>—Reassessment—Notice—Validity—Notice issued against transferor-company—Amalgamating entity ceases to have its own existence and not amenable to reassessment proceedings—Notice and subsequent proceedings unsustainable—<b>GAYATRI MICRONS LTD. v. ASST. CIT</b> (Guj) . . .</p>	288

- Appeal**—Company—Tax on distributed profits—Remittances to non-residents pursuant to scheme for buy-back of shares sanctioned by High Court—Communication to assessee calling for payment of tax—Writ petition contending that assessee not put on notice before liability determined—Single judge relegating assessee to appeal and giving interim directions as to deposit of sums by assessee, but on merits holding no such notice necessary—Division Bench holding order under challenge was final one, and question whether principles of natural justice or requisite procedure violated was matter for consideration by appellate authority—Appeal—Supreme Court—Department agreeing to treat communication as show-cause notice—Direction to assessee to file reply thereto and further directions as to continuance of interim orders—**COGNIZANT TECHNOLOGY SOLUTIONS INDIA PVT. LTD. v. DEPUTY CIT (LTU)** (SC) . . . 302
- Delay in filing appeal—Condonation of delay—Abatement of appeal on ground of assessee's death—Delay and laches on part of Department to take up proceedings for setting aside abatement within reasonable time—Delay not explained by Department—Application for condonation of delay rejected—Appeal dismissed as abated—Income-tax Act, 1961, s. 220(2A)—**CIT v. V. M. VARGHESE** (Ker) . . . 561
- Appeal to Appellate Tribunal**—Competency of appeal—Appeal to Commissioner (Appeals) on two issues—Issue not decided by Commissioner (Appeals)—Presumption that issue was decided against appellant—Issue can be raised before Tribunal—Income-tax (Appellate Tribunal) Rules, 1963, r. 27—**CIT v. INDIA CEMENTS LTD.** (Mad) . . . 410
- Contention raised for first time before Tribunal—Not barred as long as material exists on record—Income-tax Act, 1961—**PRINCIPAL CIT v. GRASIM INDUSTRIES LTD.** (Bom) . . . 236
- International transactions—Determination of arm's length price—Tribunal finding that manufacturing and trading segments were connected—Remand to apply combined transaction approach for determination of arm's length price—Justified—**TOYOTA KIRLOSKAR MOTOR (P.) LTD. v. CIT** (Karn) . . . 212
- Appeal to Commissioner (Appeals)**—Appeal to Commissioner (Appeals) on two issues—Appeal to Appellate Tribunal—Competency of appeal—Issue not decided by Commissioner (Appeals)—Presumption that issue was decided against appellant—Issue can be raised before Tribunal—**CIT v. INDIA CEMENTS LTD.** (Mad) . . . 410
- Appeal to High Court**—Duty of Tribunal as fact finding authority—Tribunal bound to give reasons for reversing findings rendered by lower authorities—Order of Tribunal without considering evidence and findings rendered by lower authorities—Unsustainable—Income-tax Act, 1961, s. 254—**CIT v. DR. K. KANNAGI** (Mad) . . . 470
- Income-tax—General principles—Rule of consistency—Taxability of profits of overseas branches of assessee—Department having accepted

2020]	GENERAL INDEX	iii
	<b>Appeal to High Court</b> ( <i>Contd.</i> )—	PAGE
	order of Tribunal for earlier years—Precluded from raising point for later year before court—Income-tax Act, 1961, s. 260A—PRINCIPAL CIT <i>v.</i> GRASIM INDUSTRIES LTD. (Bom) . . .	236
	—International transactions—Determination of arm's length price—Order of Tribunal based on facts—No question of law arose—PRINCIPAL CIT <i>v.</i> EIGHT ROADS INVESTMENT ADVISORS PVT. LTD. (Bom) . . .	563
	<b>Arm's length price</b> —Determination of arm's length price—International transactions—Appeal to Appellate Tribunal—Tribunal finding that manufacturing and trading segments were connected—Remand to apply combined transaction approach for determination of arm's length price—Justified—TOYOTA KIRLOSKAR MOTOR (P.) LTD. <i>v.</i> CIT (Karn) . . .	212
	—Determination of arm's length price—International transactions—Appeal to High Court—Order of Tribunal based on facts—No question of law arose—PRINCIPAL CIT <i>v.</i> EIGHT ROADS INVESTMENT ADVISORS PVT. LTD. (Bom) . . .	563
	—Determination—International transactions—Advertising, marketing and publicity expenses—No proof that there existed international transaction between assessee and its associated enterprise with respect to such expenses—Remanded for determination of arm's length price not warranted—PRINCIPAL CIT <i>v.</i> VALVOLINE CUMMINS PVT. LTD. (Delhi) . . .	162
	<b>Assessment</b> —Additional tax—Change of law—Amendment to effect that where loss declared by assessee reduced by reason of prima facie adjustments, additional tax leviable—Only to be invoked where lower amount shown in return by assessee was with intent to evade tax—Assessee by bona fide oversight claiming depreciation at 100 per cent. instead of at 75 per cent.—Return remaining one of loss—No intention to evade tax—Mechanical levy of additional tax uncalled for—Income-tax Act, 1961, ss. 32(2), 143(1A)—RAJASTHAN STATE ELECTRICITY BOARD <i>v.</i> DEPUTY CIT (ASSESSMENT) (SC) . . .	704
	—Cash credits—Penalty—Credits standing in names of persons claimed to be sums owed to creditors for purchases of marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions treated as bogus and credits treated as income—Assessee in penalty proceedings producing affidavits and statements of unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable—BASIR AHMED SISODIYA <i>v.</i> ITO (SC) . . .	1
	—Non-resident—Income from provision of services in connection with mineral oil, petroleum, etc.—Royalty and fees for technical services—Difference between section 44BB and section 44DA—Income from software and maintenance services in connection with petroleum—No clear	

<b>Assessment</b> ( <i>Contd.</i> )—	PAGE
finding as to nature of income—Matter remanded— <b>PARADIGM GEOPHYSICAL PTY. LTD. v. CIT (INTERNATIONAL TAXATION)</b> (Delhi) . . .	521
—Returns—Processing—Refunds—Return claiming refund—Power to decline processing of—Prima facie adjustments—Assessment pursuant to scrutiny notice—Distinction between—Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before completion of assessment pursuant to scrutiny notice—Where notice issued and proceedings initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Change of law—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of satisfaction by Assessing Officer that refund likely to adversely affect Revenue and previous approval of Principal Commissioner or Commissioner necessary—Income-tax Act, 1961, ss. 143(1), (1D), (2), 241A— <b>VODAFONE IDEA LTD. v. ASST. CIT</b> (SC) . . .	664
<b>Audit</b> —Penalty—Failure to furnish audit report—No penalty if reasonable cause shown for failure—Audit conducted under provisions of Co-operative Societies Act—No report by accountant—Levy of penalty justified— <b>PEROORKKADA SERVICE CO-OPERATIVE BANK LTD. v. ITO</b> (Ker) . . .	422
<b>Availability of alternative remedy</b> —Writ—Not bar to entertaining petition when there is infirmity in order passed by Assessing Officer— <b>ENGINEERING PROFESSIONAL CO. PVT. LTD. v. DEPUTY CIT</b> (Guj) . . .	253
<b>Banks</b> —Recovery of tax—Recovery of dues—Priority of debts—Recovery certificate and attachment order pursuant to order of Debts Recovery Tribunal issued prior to date on which notice issued by Tax Recovery Officer—That sale conducted after issuance of notice and attachment order passed by Tax Recovery Officer not material—Charge over property created much prior to notice by Tax Recovery Officer—Sale of property pursuant to order of Debts Recovery Tribunal—Tax Recovery Officer restrained from enforcing attachment order— <b>CONNECTWELL INDUSTRIES PVT. LTD. v. UNION OF INDIA</b> (SC) . . .	18
<b>Block assessment</b> —Search and seizure—Limitation—Computation of limitation—Exclusion of time taken for special audit—Date of order under section 142(2A) to be taken into account and not date on which order served on assessee— <b>A. P. SHANMUGARAJ v. DEPUTY CIT</b> (Mad) . . .	347
—Search and seizure—Undisclosed income—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessees that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessees and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored— <b>CIT v. DR. K. KANNAGI</b> (Mad) . . .	470

2020]	GENERAL INDEX	v
		PAGE
	<b>Book profits</b> —Company—Computation of book profits—Change in provision with retrospective effect—Not challenged by assessee—Provision to be given effect to and interest can be levied under section 234B—CIT <i>v.</i> JSW STEEL LIMITED (Karn) . . .	227
	<b>Books of account</b> —Rejection of books of account—Income-tax survey—Income from undisclosed sources—Estimation of income—Statement of director recorded two thousand days after survey and not under oath—Not conclusive proof—Statement recorded cannot form basis for assessment—Finding that assessee proved genuineness of transactions—PRINCIPAL CIT <i>v.</i> SUNSHINE IMPORT AND EXPORT PVT. LTD. (Bom) . . .	195
	<b>Burden of proof</b> —Cash credits—Assessee must prove identity of creditors, genuineness of transactions and creditworthiness of lenders—Finding that burden had been discharged—Addition under section 68 not valid—PRINCIPAL CIT <i>v.</i> AMI INDUSTRIES (INDIA) P. LTD. (Bom) . . .	219
	—Charitable purpose—Exemption—“Any other object of general public utility”—Denial of benefits as charitable organisation—Assessing Officer accepting that assessee promoted public interest as provided in proviso to section 2(15)—Merely because assessee charged for certain goods and services, activities not commercial activities—Onus on Department to prove assessee had profit motive in such activities—Principle of consistency—Finding that there was no change in nature of activities of assessee from earlier years—Assessee charitable organisation and entitled to benefit—CIT (EXEMPTIONS) <i>v.</i> INDIA HABITAT CENTRE (Delhi) . . .	325
	<b>Business</b> —Income from house property—Business income or income from house property—Company formed with object of developing commercial complexes—Setting up of commercial complex and rendering of services to occupants—Income earned assessable as business income—Income-tax Act, 1961, ss. 22, 28—PRINCIPAL CIT <i>v.</i> CITY CENTRE MALL NASHIK PVT. LTD. (Bom) . . .	85
	<b>Business expenditure</b> —Capital or revenue expenditure—Expenditure on acquisition of technical know-how—Provision prescribing depreciation on intangible assets—Not to be invoked to decide whether expenditure on capital or revenue account—Income-tax Act, 1961, ss. 32, 37—PRINCIPAL CIT <i>v.</i> GRASIM INDUSTRIES LTD. (Bom) . . .	236
	—Capital or revenue expenditure—Expenditure on replacing machinery destroyed by fire—Expenditure on dies and tools—Revenue expenditure—Income-tax Act, 1961, s. 37—PRECISION WIRES INDIA LTD. <i>v.</i> ASST. CIT (Guj) . . .	130
	—Discount and rate difference—Excessive and unreasonable payments—Deletion of disallowance justified on facts—Income-tax Act, 1961, ss. 37, 40A(2)—PRINCIPAL CIT <i>v.</i> WESTERN AGRI SEEDS LTD. (Guj) . . .	244
	—Legal expenses—Part of legal expenses disallowed on ground that it was incurred to defend its directors and shareholders in individual	

<b>Business expenditure</b> ( <i>Contd.</i> )—	PAGE
capacities in respect of complaints filed by another group of shareholders—Concurrent findings of fact based on material on record—No evidence produced by assessee to controvert findings—Disallowance of part of legal expenses as not incurred for purpose of business—Proper—Income-tax Act, 1961, s. 37— <b>NATIONAL REFINERY PVT. LTD. v. ASST. CIT</b> (Bom) . . .	267
<b>Business income or income from house property</b> —Company formed with object of developing commercial complexes—Setting up of commercial complex and rendering of services to occupants—Income earned assessable as business income— <b>PRINCIPAL CIT v. CITY CENTRE MALL NASHIK PVT. LTD.</b> (Bom) . . .	85
<b>Business loss</b> —Change in rate of exchange of foreign currency—Effect of section 43A—Loss on settlement of forward contracts—Deductible—Income-tax Act, 1961, s. 43A— <b>CIT v. JSW STEEL LIMITED</b> (Karn) . . .	227
—Loss due to fluctuation in rate of foreign exchange—Loss deductible—Income-tax Act, 1961— <b>PRINCIPAL CIT v. V. A. TECH WABAG PVT. LTD.</b> (Mad) . . .	105
<b>Capital gains</b> —Exemption—Long-term capital gains—Investment of consideration in residential units—Usage of property to be considered for determining whether property is residential or commercial property—Two units in same building constituting one residential unit—Assessee entitled to exemption—Income-tax Act, 1961, s. 54F(1)— <b>NAVIN JOLLY v. ITO</b> (Karn) . . .	462
<b>Capital or revenue expenditure</b> —Business expenditure—Expenditure on acquisition of technical know-how—Provision prescribing depreciation on intangible assets—Not to be invoked to decide whether expenditure on capital or revenue account— <b>PRINCIPAL CIT v. GRASIM INDUSTRIES LTD.</b> (Bom) . . .	236
—Business expenditure—Expenditure on replacing machinery destroyed by fire—Expenditure on dies and tools—Revenue expenditure— <b>PRECISION WIRES INDIA LTD. v. ASST. CIT</b> (Guj) . . .	130
—Licence fees—Acquisition of non-transferable sub-licence for effectively increasing business—No asset created—Revenue—Income-tax Act, 1961, s. 37— <b>PRINCIPAL CIT v. WESTERN AGRI SEEDS LTD.</b> (Guj) . . .	244
<b>Carry forward</b> —Loss—Sick industrial company—Rehabilitation scheme—Objection raised by Central Board of Direct Taxes at time of framing rehabilitation scheme for tax concession—Scheme did not contain any mandate to Department to grant tax concession— <b>OLYMPIA INDUSTRIES LTD. v. UNION OF INDIA</b> (Bom) . . .	202
<b>Cash credits</b> —Assessment—Penalty—Credits standing in names of persons claimed to be sums owed to creditors for purchases of marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions treated as bogus and credits treated as income—Assessee in	

2020]	GENERAL INDEX	vii
		PAGE
	<b>Cash credits (Contd.)—</b>	
	penalty proceedings producing affidavits and statements of unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable—Income-tax Act, 1961, ss. 68, 143, 144, 145, 271(1)(c)— <b>BASIR AHMED SISODIYA v. ITO</b> (SC) . . .	1
	—Burden of proof—Assessee must prove identity of creditors, genuineness of transactions and creditworthiness of lenders—Finding that burden had been discharged—Addition under section 68 not valid—Income-tax Act, 1961, s. 68— <b>PRINCIPAL CIT v. AMI INDUSTRIES (INDIA) P. LTD.</b> (Bom) . . .	219
	<b>Change of law—</b> Assessment—Additional tax—Amendment to effect that where loss declared by assessee reduced by reason of prima facie adjustments, additional tax leviable—Only to be invoked where lower amount shown in return by assessee was with intent to evade tax—Assessee by bona fide oversight claiming depreciation at 100 per cent. instead of at 75 per cent.—Return remaining one of loss—No intention to evade tax—Mechanical levy of additional tax uncalled for— <b>RAJASTHAN STATE ELECTRICITY BOARD v. DEPUTY CIT (ASSESSMENT)</b> (SC) . . .	704
	—Assessment—Returns—Processing—Refunds—Return claiming refund—Power to decline processing of—Prima facie adjustments—Assessment pursuant to scrutiny notice—Distinction between—Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before completion of assessment pursuant to scrutiny notice—Where notice issued and proceedings initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of satisfaction by Assessing Officer that refund likely to adversely affect Revenue and previous approval of Principal Commissioner or Commissioner necessary— <b>VODAFONE IDEA LTD. v. ASST. CIT</b> (SC) . . .	664
	—See <b>DEDUCTION OF TAX AT SOURCE</b> . . .	247
	<b>Charitable purpose—</b> Exemption—“Any other object of general public utility”—Denial of benefits as charitable organisation—Burden of proof—Assessing Officer accepting that assessee promoted public interest as provided in proviso to section 2(15)—Merely because assessee charged for certain goods and services, activities not commercial activities—Onus on Department to prove assessee had profit motive in such activities—Principle of consistency—Finding that there was no change in nature of activities of assessee from earlier years—Assessee charitable organisation and	

viii	INCOME TAX REPORTS	[VOL. 424
	<b>Charitable purpose (Contd.)—</b>	PAGE
	entitled to benefit—Income-tax Act, 1961, ss. 2(15), 11, 12, 13—CIT (EXEMPTIONS) <i>v.</i> INDIA HABITAT CENTRE (Delhi) . . .	325
	<b>Company—</b> Book profits—Computation of book profits—Change in provision with retrospective effect—Not challenged by assessee—Provision to be given effect to and interest can be levied under section 234B—Income-tax Act, 1961, ss. 115JB(2)(h), 234B—CIT <i>v.</i> JSW STEEL LIMITED (Karn) . . .	227
	—Director—Writ—Assessment as director of company under section 179—Objection to order—Assessee could file application for revision under section 264—Writ would not issue to quash order—Income-tax Act, 1961, ss. 179, 264—Constitution of India, art. 226— <b>B. MURALIDHAR <i>v.</i> DEPUTY CIT</b> (Mad) . . .	397
	—Minimum alternate tax—Insurance business—Accounts prepared in accordance with Insurance Act, 1938 and regulations of IRDA—Section 115JB not applicable—Income-tax Act, 1961, s. 115JB—CIT (LTU) <i>v.</i> CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. (Mad) . . .	272
	—Tax on distributed profits—Remittances to non-residents pursuant to scheme for buy-back of shares sanctioned by High Court—Communication to assessee calling for payment of tax—Writ petition contending that assessee not put on notice before liability determined—Single judge relegating assessee to appeal and giving interim directions as to deposit of sums by assessee, but on merits holding no such notice necessary—Appeal—Division Bench holding order under challenge was final one, and question whether principles of natural justice or requisite procedure violated was matter for consideration by appellate authority—Appeal—Supreme Court—Department agreeing to treat communication as show-cause notice—Direction to assessee to file reply thereto and further directions as to continuance of interim orders—Income-tax Act, 1961, ss. 2(22)(a), (d), 115-O, 115QA— <b>COGNIZANT TECHNOLOGY SOLUTIONS INDIA PVT. LTD. <i>v.</i> DEPUTY CIT (LTU)</b> (SC) . . .	302
	<b>Competency of appeal</b> —Appeal to Appellate Tribunal—Appeal to Commissioner (Appeals) on two issues—Issue not decided by Commissioner (Appeals)—Presumption that issue was decided against appellant—Issue can be raised before Tribunal—CIT <i>v.</i> INDIA CEMENTS LTD. (Mad) . . .	410
	<b>Compounding of offences</b> —Offences and prosecution—Wilful attempt to evade tax—Computation of compounding fees—To be computed on basis of tax evaded and not income sought to be evaded— <b>MEHTA LABORATORIES <i>v.</i> PRINCIPAL CHIEF CIT</b> (Guj) . . .	405
	<b>Computation of book profits</b> —Company—Change in provision with retrospective effect—Not challenged by assessee—Provision to be given effect to and interest can be levied under section 234B—CIT <i>v.</i> JSW STEEL LIMITED (Karn) . . .	227



2020]	GENERAL INDEX	ix
		PAGE
	<b>Computation of compounding fees</b> —Offences and prosecution—Wilful attempt to evade tax—To be computed on basis of tax evaded and not income sought to be evaded— <i>MEHTA LABORATORIES v. PRINCIPAL CHIEF CIT</i> (Gu) . . .	405
	<b>Computation of deduction</b> —Export—Special deduction—Supporting manufacturer—Different from that for exporter—Supporting manufacturer who receives export incentives in form of duty drawback, duty entitlement pass book, etc., not entitled to deduction at par with direct exporter— <i>CIT v. CARPET INDIA</i> (SC) . . .	316
	<b>Computation of limitation</b> —Search and seizure—Block assessment—Exclusion of time taken for special audit—Date of order under section 142(2A) to be taken into account and not date on which order served on assessee— <i>A. P. SHANMUGARAJ v. DEPUTY CIT</i> (Mad) . . .	347
	<b>Concealment of income</b> —See PENALTY . . .	98, 369
	<b>Constitutional validity of provisions</b> —Deduction of tax at source—Levy of fees for delay in filing statement regarding deduction of tax at source—Section 234E does not violate any provision of the Constitution of India—Compensatory levy for extra burden on Income-tax Department—Section 234E valid— <i>QATALYS SOFTWARE TECHNOLOGIES PRIVATE LIMITED v. UNION OF INDIA</i> (Mad) . . .	143
	<b>Construction business</b> —Presumptive taxation—Assessee filing audit report with return of income under section 44AB—Section 44AD not applicable—Tribunal remanding matter to Assessing officer for considering afresh assessee's claim to lower profit and not at 8 per cent.—Proper— <i>ENGINEERING PROFESSIONAL CO. PVT. LTD. v. DEPUTY CIT</i> (Gu) . . .	253
	<b>Deduction of tax at source</b> —Constitutional validity of provisions—Levy of fees for delay in filing statement regarding deduction of tax at source—Section 234E does not violate any provision of the Constitution of India—Compensatory levy for extra burden on Income-tax Department—Section 234E valid—Income-tax Act, 1961, s. 234E—Constitution of India— <i>QATALYS SOFTWARE TECHNOLOGIES PRIVATE LIMITED v. UNION OF INDIA</i> (Mad) . . .	143
	—Salary—Perquisites—Law applicable—Prior to amendment rule 3(e) applicable for free educational facilities for children of employees—Reimbursement of educational expenses of employees amounting to less than one thousand rupees per child per month—Reimbursement would not amount to perquisite—Tax not deductible on such reimbursement—Income-tax Act, 1961—Income-tax Rules, 1962, r. 3(e)— <i>GUJARAT CO-OPERATIVE MILK MARKETING FEDERATION LTD. v. ITO</i> (Gu) . . .	247
	<b>Deemed dividend</b> —Reassessment—Notice after four years—Condition precedent—Assessee shareholder in company which had advanced sums to concerns in which assessee had substantial interest—No finding	

x	INCOME TAX REPORTS	[VOL. 424
		PAGE
	<b>Deemed dividend</b> ( <i>Contd.</i> )—	
	recorded by Assessing Officer that income had accrued to assessee in form of dividend on account of transactions between two entities wherein assessee was shareholder—No obligation cast upon assessee to disclose when he was not benefitted by such transactions—Notice invalid—JAYESH T. KOTAK <i>v.</i> DEPUTY CIT (Guj) . . .	435
	<b>Delay in filing appeal</b> —Condonation of delay—Abatement of appeal on ground of assessee's death—Delay and laches on part of Department to take up proceedings for setting aside abatement within reasonable time—Delay not explained by Department—Application for condonation of delay rejected—Appeal dismissed as abated—CIT <i>v.</i> V. M. VARGHESE (Ker) . . .	561
	<b>Depreciation</b> —Rate of depreciation—Uninterrupted power supply system is part of computer and entitled to depreciation at 60 per cent.—Income-tax Act, 1961, s. 32—CIT (LTU) <i>v.</i> CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. (Mad) . . .	272
	<b>Difference between section 44BB and section 44DA</b> —See NON-RESIDENT . . .	521
	<b>Director</b> —Company—Writ—Assessment as director of company under section 179—Objection to order—Assessee could file application for revision under section 264—Writ would not issue to quash order—B. MURALIDHAR <i>v.</i> DEPUTY CIT (Mad) . . .	397
	<b>Discount and rate difference</b> —Business expenditure—Excessive and unreasonable payments—Deletion of disallowance justified on facts—PRINCIPAL CIT <i>v.</i> WESTERN AGRI SEEDS LTD. (Guj) . . .	244
	<b>Effect of circulars of CBDT</b> —Recovery of tax—Stay of demand pending appeal—Discretion of income-tax authorities—DALPATSINH UKABHAI VASAVA <i>v.</i> PRINCIPAL CIT (Guj) . . .	354
	<b>Effect of corona virus</b> —Limitation—Difficulties likely to be faced by lawyers and litigants in filing proceedings within period of limitation—Supreme Court—Taking suo motu cognisance of situation—Direction that irrespective of limitation prescribed under general or special laws, and whether condonable or not, period of limitation in all such proceedings to stand extended with effect from March 15, 2020 till further orders—Order of Supreme Court binding on all authorities and courts and tribunals—COGNIZANCE FOR EXTENSION OF LIMITATION, <i>In re</i> (SC) . . .	314
	<b>Estimate of profits</b> —Estimate of profits based on facts—Income from undisclosed sources—Justified—PRINCIPAL CIT <i>v.</i> RISHABHDEV TECHNOLOGICAL LTD. (Bom) . . .	338
	<b>Estimation of income</b> —Income-tax survey—Income from undisclosed sources—Rejection of books of account—Statement of director recorded two thousand days after survey and not under oath—Not conclusive proof—Statement recorded cannot form basis for assessment—	

2020]	GENERAL INDEX	xi
<b>Estimate of income</b> ( <i>Contd.</i> )—		PAGE
Finding that assessee proved genuineness of transactions— <b>PRINCIPAL CIT v. SUNSHINE IMPORT AND EXPORT PVT. LTD.</b> (Bom) . . .		195
<b>Excessive and unreasonable payments</b> —Business expenditure—Discount and rate difference—Deletion of disallowance justified on facts— <b>PRINCIPAL CIT v. WESTERN AGRI SEEDS LTD.</b> (Guj) . . .		244
<b>Exemption</b> —Capital gains—Long-term capital gains—Investment of consideration in residential units—Usage of property to be considered for determining whether property is residential or commercial property—Two units in same building constituting one residential unit—Assessee entitled to exemption— <b>NAVIN JOLLY v. ITO</b> (Karn) . . .		462
—Charitable purpose—“Any other object of general public utility”—Denial of benefits as charitable organisation—Burden of proof—Assessing Officer accepting that assessee promoted public interest as provided in proviso to section 2(15)—Merely because assessee charged for certain goods and services, activities not commercial activities—Onus on Department to prove assessee had profit motive in such activities—Principle of consistency—Finding that there was no change in nature of activities of assessee from earlier years—Assessee charitable organisation and entitled to benefit— <b>CIT (EXEMPTIONS) v. INDIA HABITAT CENTRE</b> (Delhi) . . .		325
<b>Existence of alternative remedy</b> —Writ—Writ will not normally issue— <b>B. MURALIDHAR v. DEPUTY CIT</b> (Mad) . . .		397
<b>Export</b> —Special deduction—Supporting manufacturer—Computation of deduction—Different from that for exporter—Supporting manufacturer who receives export incentives in form of duty drawback, duty entitlement pass book, etc., not entitled to deduction at par with direct exporter—Income-tax Act, 1961, s. 80HHC(1), (1A), (3), (3A), <i>Expln (baa)</i> — <b>CIT v. CARPET INDIA</b> (SC) . . .		316
<b>Failure to furnish audit report</b> —Penalty—No penalty if reasonable cause shown for failure—Audit conducted under provisions of Co-operative Societies Act—No report by accountant—Levy of penalty justified— <b>PEROORKKADA SERVICE CO-OPERATIVE BANK LTD. v. ITO</b> (Ker) . . .		422
<b>False statement in verification</b> —Offences and prosecution—Wilful attempt to evade tax—Prosecution of Members of Parliament and Legislative Assemblies—Transfer of case for trial to designated court—Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .		30
—Wilful attempt to evade tax—Offences and prosecution—Abetment of false return—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .		30

**False statement in verification** (*Contd.*)—

PAGE

—Wilful attempt to evade tax—Offences and prosecution—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—**SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)** (Mad) . . . 30

**Garnishee proceedings**—Recovery of tax—Mode of recovery—Guidelines—Recovery effected on same day when notice issued to garnishee and within two days of amount becoming due—Merely forwarding notice to assessee after effecting recovery not sufficient—Assessing Officer not conducting enquiry into whether assessee entitled on facts to benefit under section 80P(4)—Order of single judge modified—**ANDOORKONAM SERVICE CO-OPERATIVE BANK LTD. v. ITO** (Ker) . . . 283

**General principles**—Income-tax—Appeal to High Court—Rule of consistency—Taxability of profits of overseas branches of assessee—Department having accepted order of Tribunal for earlier years—Precluded from raising point for later year before court—**PRINCIPAL CIT v. GRASIM INDUSTRIES LTD.** (Bom) . . . 236

—Reassessment—Income escaping assessment—Dispute Resolution Panel for succeeding assessment year raising doubts as to corporate structure of assessee and its subsidiaries and tax evasion petitions by shareholders showing evidence of round tripping of assessee's undisclosed income through subsidiaries—Material sufficient to form reason to believe that income had escaped assessment—**NEW DELHI TELEVISION LTD. v. DEPUTY CIT** (SC) . . . 607

**Guidelines**—Recovery of tax—Mode of recovery—Garnishee proceedings—Recovery effected on same day when notice issued to garnishee and within two days of amount becoming due—Merely forwarding notice to assessee after effecting recovery not sufficient—Assessing Officer not conducting enquiry into whether assessee entitled on facts to benefit under section 80P(4)—Order of single judge modified—**ANDOORKONAM SERVICE CO-OPERATIVE BANK LTD. v. ITO** (Ker) . . . 283

**Income**—Principle of mutuality—Tests—Assessee incorporated as fully owned subsidiary of parent company with approval from Secretariat for Industrial Assistance—Approval subject to conditions that it would operate on non-profit basis on principles of mutuality—Assessee entering into tripartite operating agreement with parent company and its franchisees—Assessee receiving fixed contributions of 5 per cent. of gross sales from franchisees for advertising, marketing and promotional activities for mutual benefit of parent company and franchisees—Assessee realising money both from members as well as non-members—Receipt of money from outside entity without affording it right to share in surplus contrary to principles of mutuality—Management of assessee under full and absolute control of parent company—Parent company enjoying

2020]	GENERAL INDEX	xiii
		PAGE
<b>Income (Contd.)—</b>		
overriding discretion to detriment of franchisees both in matters of contribution and management—Franchisees having no “entitlement” or “right” on surplus—Derivation of gains or profits out of inputs supplied by others—No obligation on assessee to spend contributions for benefit of contributors—Assessee not holding amount under any implied trust for franchisees—Purported mutual concern undertook commercial venture wherein contributions were accepted both from members as well as non-members—Conditions of approval violated—Assessee not a mutual concern—No case for exemption—Income-tax Act, 1961, s. 2(24)—YUM! RESTAURANTS (MARKETING) PRIVATE LIMITED <i>v.</i> CIT (SC) . . .		630
<b>Income from house property</b> —Business—Business income or income from house property—Company formed with object of developing commercial complexes—Setting up of commercial complex and rendering of services to occupants—Income earned assessable as business income—PRINCIPAL CIT <i>v.</i> CITY CENTRE MALL NASHIK PVT. LTD. (Bom) . . .		85
<b>Income from undisclosed sources</b> —Estimate of profits based on facts—Justified—Income-tax Act, 1961—PRINCIPAL CIT <i>v.</i> RISHABHDEV TECHNOCABLE LTD. (Bom) . . .		338
—Income-tax survey—Rejection of books of account—Estimation of income—Statement of director recorded two thousand days after survey and not under oath—Not conclusive proof—Statement recorded cannot form basis for assessment—Finding that assessee proved genuineness of transactions—PRINCIPAL CIT <i>v.</i> SUNSHINE IMPORT AND EXPORT PVT. LTD. (Bom) . . .		195
<b>Income-tax</b> —General principles—Appeal to High Court—Rule of consistency—Taxability of profits of overseas branches of assessee—Department having accepted order of Tribunal for earlier years—Precluded from raising point for later year before court—PRINCIPAL CIT <i>v.</i> GRASIM INDUSTRIES LTD. (Bom) . . .		236
<b>Income-tax survey</b> —Income from undisclosed sources—Rejection of books of account—Estimation of income—Statement of director recorded two thousand days after survey and not under oath—Not conclusive proof—Statement recorded cannot form basis for assessment—Finding that assessee proved genuineness of transactions—Income-tax Act, 1961, ss. 133A, 144—PRINCIPAL CIT <i>v.</i> SUNSHINE IMPORT AND EXPORT PVT. LTD. (Bom) . . .		195
—Penalty—Concealment of income—Survey conducted prior to closing date of accounts and date of filing of return—Amount disclosed in regular return of income and returned income accepted without addition, disallowance, discrepancies—Levy of penalty for concealment—Not warranted—PRINCIPAL CIT <i>v.</i> YAMUNAJI CORPORATION (Guj) . . .		369
<b>Industrial undertaking</b> —Special deduction—Condition precedent—Manufacture of article—Meaning of manufacture—Making of poultry feed		

xiv	INCOME TAX REPORTS	[VOL. 424
	<b>Industrial undertaking</b> ( <i>Contd.</i> )—	PAGE
	amounts to manufacture—Assessee entitled to special deduction under section 80-IB—PRINCIPAL CIT <i>v.</i> SONA VETS PVT. LTD. (Cal) . . .	387
	<b>Infrastructure facility</b> —Special deduction—Special deduction under section 80-IA(4)—Development of infrastructure facility—Contract with local bodies for development of infrastructure facility—Assessee entitled to special deduction under section 80-IA(4)—Income-tax Act, 1961, s. 80-IA—PRINCIPAL CIT <i>v.</i> V. A. TECH WABAG PVT. LTD. (Mad) . . .	105
	<b>Insurance business</b> —Company—Minimum alternate tax—Accounts prepared in accordance with Insurance Act, 1938 and regulations of IRDA—Section 115JB not applicable—CIT (LTU) <i>v.</i> CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. (Mad) . . .	272
	<b>Interest on refund</b> —Seizure of cash by Investigation Wing of Income-tax Department—Retention of impounded cash—Delay of more than three years after finalisation of assessment in refunding amount seized—Assessee entitled to interest under section 244A(1)(b) from date of order passed by Assessing Officer till date of payment—Income-tax Act, 1961, ss. 132B, 244A(1)(b)—JIWAN KUMAR <i>v.</i> PRINCIPAL CIT (P&H) . . .	296
	<b>International transactions</b> —Appeal to Appellate Tribunal—Determination of arm's length price—Tribunal finding that manufacturing and trading segments were connected—Remand to apply combined transaction approach for determination of arm's length price—Justified—Income-tax Act, 1961—TOYOTA KIRLOSKAR MOTOR (P.) LTD. <i>v.</i> CIT (Karn) . . .	212
	—Appeal to High Court—Determination of arm's length price—Order of Tribunal based on facts—No question of law arose—Income-ax Act, 1961, ss. 92CA, 260A—PRINCIPAL CIT <i>v.</i> EIGHT ROADS INVESTMENT ADVISORS PVT. LTD. (Bom) . . .	563
	—Arm's length price—Determination—Advertising, marketing and publicity expenses—No proof that there existed international transaction between assessee and its associated enterprise with respect to such expenses—Remanded for determination of arm's length price not warranted—Income-tax Act, 1961, s. 92—PRINCIPAL CIT <i>v.</i> VALVOLINE CUMMINS PVT. LTD. (Delhi) . . .	162
	<b>Interpretation of taxing statutes</b> —Consequences and hardship not relevant—Purpose and object of statute to be seen—RAJASTHAN STATE ELECTRICITY BOARD <i>v.</i> DEPUTY CIT (ASSESSMENT) (SC) . . .	704
	—Strict interpretation—PARADIGM GEOPHYSICAL PTY. LTD. <i>v.</i> CIT (INTERNATIONAL TAXATION) (Delhi) . . .	521
	<b>Legal expenses</b> —Business expenditure—Part of legal expenses disallowed on ground that it was incurred to defend its directors and shareholders in individual capacities in respect of complaints filed by another group of shareholders—Concurrent findings of fact based on material on	

2020]	GENERAL INDEX	xv
		PAGE
<b>Legal expenses</b> ( <i>Contd.</i> )—		
record—No evidence produced by assessee to controvert findings—Disallowance of part of legal expenses as not incurred for purpose of business—Proper—NATIONAL REFINERY PVT. LTD. <i>v.</i> ASST. CIT (Bom) . . .		267
<b>Licence fees</b> —Capital or revenue expenditure—Acquisition of non-transferable sub-licence for effectively increasing business—No asset created—Revenue—PRINCIPAL CIT <i>v.</i> WESTERN AGRI SEEDS LTD. (Gu) . . .		244
<b>Limitation</b> —Effect of corona virus—Difficulties likely to be faced by lawyers and litigants in filing proceedings within period of limitation—Supreme Court—Taking suo motu cognisance of situation—Direction that irrespective of limitation prescribed under general or special laws, and whether condonable or not, period of limitation in all such proceedings to stand extended with effect from March 15, 2020 till further orders—Order of Supreme Court binding on all authorities and courts and tribunals—Constitution of India, arts. 141, 142—COGNIZANCE FOR EXTENSION OF LIMITATION, <i>In re</i> (SC) . . .		314
—Exclusion from limitation—Reassessment—Effect of sections 150 and 153—Reassessment to give effect to finding and direction of appellate authority—Meaning of “finding” and “direction”—Disallowances for non-compliance with provisions for assessment year 2008-09—Reassessment proceedings to disallow deductions for assessment year 2009-10—Section 153 applicable—Notice on October 2011—Not barred by limitation—INTEC CORPORATION <i>v.</i> ASST. CIT (Delhi) . . .		167
—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .		30
—Reassessment—Extended period of 16 years where foreign asset involved—Notice—No mention of foreign assets—Nothing in reasons to indicate intention to apply extended period of 16 years—Notice and reasons given thereafter not conforming to principles of natural justice—NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .		607
—Reassessment—Extended period—Assessing Officer aware of entities which had subscribed to convertible bonds—All relevant facts, i. e., entities who had subscribed to bonds, their addresses and consideration paid by each, within knowledge of Assessing Officer—Full and true disclosure by assessee of all material facts necessary for assessment—NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .		607
—Search and seizure—Block assessment—Computation of limitation—Exclusion of time taken for special audit—Date of order under section 142(2A) to be taken into account and not date on which order served on assessee—A. P. SHANMUGARAJ <i>v.</i> DEPUTY CIT (Mad) . . .		347

	PAGE
<b>Long-term capital gains</b> —Exemption—Investment of consideration in residential units—Usage of property to be considered for determining whether property is residential or commercial property—Two units in same building constituting one residential unit—Assessee entitled to exemption— <i>NAVIN JOLLY v. ITO</i> (Karn) . . .	462
<b>Loss</b> —Carry forward—Sick industrial company—Rehabilitation scheme—Objection raised by Central Board of Direct Taxes at time of framing rehabilitation scheme for tax concession—Scheme did not contain any mandate to Department to grant tax concession—Income-tax Act, 1961—Sick Industrial Companies (Special Provisions) Act, 1985, s. 19— <i>OLYMPIA INDUSTRIES LTD. v. UNION OF INDIA</i> (Bom) . . .	202
<b>Manufacture of article</b> —Special deduction—Industrial undertaking—Condition precedent—Meaning of manufacture—Making of poultry feed amounts to manufacture—Assessee entitled to special deduction under section 80-IB— <i>PRINCIPAL CIT v. SONA VETS PVT. LTD.</i> (Cal) . . .	387
<b>Method of accounting</b> —Valuation of stock—Excise duty payable must be included—Income-tax Act, 1961, s. 145A— <i>CIT v. CHHATA SUGAR COMPANY LTD.</i> (All) . . .	276
<b>Minimum alternate tax</b> —Company—Insurance business—Accounts prepared in accordance with Insurance Act, 1938 and regulations of IRDA—Section 115JB not applicable— <i>CIT (LTU) v. CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD.</i> (Mad) . . .	272
<b>Mode of recovery</b> —Recovery of tax—Garnishee proceedings—Guidelines—Recovery effected on same day when notice issued to garnishee and within two days of amount becoming due—Merely forwarding notice to assessee after effecting recovery not sufficient—Assessing Officer not conducting enquiry into whether assessee entitled on facts to benefit under section 80P(4)—Order of single judge modified— <i>ANDOORKONAM SERVICE CO-OPERATIVE BANK LTD. v. ITO</i> (Ker) . . .	283
<b>Non-resident</b> —Assessment—Income from provision of services in connection with mineral oil, petroleum, etc.—Royalty and fees for technical services—Difference between section 44BB and section 44DA—Income from software and maintenance services in connection with petroleum—No clear finding as to nature of income—Matter remanded—Income-tax Act, 1961, ss. 44BB, 44DA— <i>PARADIGM GEOPHYSICAL PTY. LTD. v. CIT (INTERNATIONAL TAXATION)</i> (Delhi) . . .	521
<b>Notice</b> —See REASSESSMENT 92, 232, 288, 376, 410, 428, 435, 607, 715	
<b>Offences and prosecution</b> —Compounding of offences—Wilful attempt to evade tax—Computation of compounding fees—To be computed on basis of tax evaded and not income sought to be evaded—Income-tax Act, 1961, ss. 271, 276C(1), 278, 278B— <i>MEHTA LABORATORIES v. PRINCIPAL CHIEF CIT</i> (Guj) . . .	405



2020]	GENERAL INDEX	xvii
	<b>Offences and prosecution</b> ( <i>Contd.</i> )—	PAGE
	—Revision against conviction—No legal right but discretionary relief—Standing trial in magistrate court or sessions court—Does not make difference—Code of Criminal Procedure, 1973, s. 397— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	—Transfer of case to sessions court for trial—Committal not necessary for transfer—No prejudice caused to assessees—Cognizance of offence—Transfer does not infract assessees' rights—Income-tax Act, 1961, ss. 276C(1), 277, 278, 292—Code of Criminal Procedure, 1973, s. 200— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—Income-tax Act, 1961, ss. 276C(1), 277, 278—Economic Offences (Inapplicability of Limitation) Act, 1974—Code of Criminal Procedure, 1973, s. 200— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—Income-tax Act, 1961, ss. 276C(1), 277, 278, 280A, 280B—Code of Criminal Procedure, 1973, ss. 6(i), 26, 200— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	—Wilful attempt to evade tax—False statement in verification—Prosecution of Members of Parliament and Legislative Assemblies—Transfer of case for trial to designated court—Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid—Income-tax Act, 1961, ss. 276C(1), 277, 278—Code of Criminal Procedure, 1973, s. 200— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	—Wilful delay in filing returns—Finding that delay was not wilful—Conviction under section 276CC not valid—Income-tax Act, 1961, s. 276CC— <b>ASST. CIT v. V. K. GUPTA</b> (Delhi) . . .	602
	<b>Penalty</b> —Audit—Failure to furnish audit report—No penalty if reasonable cause shown for failure—Audit conducted under provisions of Co-operative Societies Act—No report by accountant—Levy of penalty justified—Income-tax Act, 1961, ss. 44AB, 271B— <b>PEROORKKADA SERVICE CO-OPERATIVE BANK LTD. v. ITO</b> (Ker) . . .	422
	—Cash credits—Assessment—Credits standing in names of persons claimed to be sums owed to creditors for purchases of marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions	

**Penalty** (*Contd.*)—

PAGE

treated as bogus and credits treated as income—Assessee in penalty proceedings producing affidavits and statements of unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable—**BASIR AHMED SISODIYA v. ITO** (SC) . . . 1

—Concealment of income and furnishing of inaccurate particulars of income—Claim for deduction disallowed—No furnishing of inaccurate particulars—Penalty cannot be levied—Income-tax Act, 1961, s. 271(1)(c)—**PRINCIPAL CIT v. CLP POWER INDIA PVT. LTD.** (Guj) . . . 98

—Concealment of income—Income-tax survey—Survey conducted prior to closing date of accounts and date of filing of return—Amount disclosed in regular return of income and returned income accepted without addition, disallowance, discrepancies—Levy of penalty for concealment—Not warranted—Income-tax Act, 1961, ss. 133A, 271(1)(c)—**PRINCIPAL CIT v. YAMUNAJI CORPORATION** (Guj) . . . 369

**Perquisites**—Deduction of tax at source—Salary—Law applicable—Prior to amendment rule 3(e) applicable for free educational facilities for children of employees—Reimbursement of educational expenses of employees amounting to less than one thousand rupees per child per month—Reimbursement would not amount to perquisite—Tax not deductible on such reimbursement—**GUJARAT CO-OPERATIVE MILK MARKETING FEDERATION LTD. v. ITO** (Guj) . . . 247

**Presumptive taxation**—Construction business—Assessee filing audit report with return of income under section 44AB—Section 44AD not applicable—Tribunal remanding matter to Assessing officer for considering afresh assessee's claim to lower profit and not at 8 per cent.—Proper—Income-tax Act, 1961, ss. 44AB, 44AD, 144—**ENGINEERING PROFESSIONAL CO. PVT. LTD. v. DEPUTY CIT** (Guj) . . . 253

**Principle of mutuality**—Income—Tests—Assessee incorporated as fully owned subsidiary of parent company with approval from Secretariat for Industrial Assistance—Approval subject to conditions that it would operate on non-profit basis on principles of mutuality—Assessee entering into tripartite operating agreement with parent company and its franchisees—Assessee receiving fixed contributions of 5 per cent. of gross sales from franchisees for advertising, marketing and promotional activities for mutual benefit of parent company and franchisees—Assessee realising money both from members as well as non-members—Receipt of money from outside entity without affording it right to share in surplus contrary to principles of mutuality—Management of assessee under full and absolute control of parent company—Parent company enjoying overriding discretion to detriment of franchisees both in matters of contribution and management—Franchisees having no "entitlement" or "right"

2020]	GENERAL INDEX	xix
	<b>Principle of mutuality</b> ( <i>Contd.</i> )—	PAGE
	on surplus—Derivation of gains or profits out of inputs supplied by others—No obligation on assessee to spend contributions for benefit of contributors—Assessee not holding amount under any implied trust for franchisees—Purported mutual concern undertook commercial venture wherein contributions were accepted both from members as well as non-members—Conditions of approval violated—Assessee not a mutual concern—No case for exemption—YUM! RESTAURANTS (MARKETING) PRIVATE LIMITED <i>v.</i> CIT (SC) . . .	630
	<b>Rate of depreciation</b> —Uninterrupted power supply system is part of computer and entitled to depreciation at 60 per cent.—CIT (LTU) <i>v.</i> CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. (Mad) . . .	272
	<b>Reassessment</b> —Income escaping assessment—General principles—Dispute Resolution Panel for succeeding assessment year raising doubts as to corporate structure of assessee and its subsidiaries and tax evasion petitions by shareholders showing evidence of round tripping of assessee's undisclosed income through subsidiaries—Material sufficient to form reason to believe that income had escaped assessment—Income-tax Act, 1961, ss. 147, 148—NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .	607
	—Limitation—Exclusion from limitation—Effect of sections 150 and 153—Reassessment to give effect to finding and direction of appellate authority—Meaning of “finding” and “direction”—Disallowances for non-compliance with provisions for assessment year 2008-09—Reassessment proceedings to disallow deductions for assessment year 2009-10—Section 153 applicable—Notice on October 2011—Not barred by limitation—Income-tax Act, 1961, ss. 150, 153—INTEC CORPORATION <i>v.</i> ASST. CIT (Delhi) . . .	167
	—Limitation—Extended period of 16 years where foreign asset involved—Notice—No mention of foreign assets—Nothing in reasons to indicate intention to apply extended period of 16 years—Notice and reasons given thereafter not conforming to principles of natural justice—Income-tax Act, 1961, s. 147, <i>second prov.</i> —NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .	607
	—Limitation—Extended period—Assessing Officer aware of entities which had subscribed to convertible bonds—All relevant facts, i. e., entities who had subscribed to bonds, their addresses and consideration paid by each, within knowledge of Assessing Officer—Full and true disclosure by assessee of all material facts necessary for assessment—Income-tax Act, 1961, ss. 147, 148—NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .	607
	—Notice—Validity—Amalgamation of companies—Notice issued against transferor-company—Amalgamating entity ceases to have its own existence and not amenable to reassessment proceedings—Notice and subsequent proceedings unsustainable—Income-tax Act, 1961, ss. 147, 148—GAYATRI MICRONS LTD. <i>v.</i> ASST. CIT (Guj) . . .	288

**Reassessment (Contd.)—**

PAGE

- Notice—Validity—Benefit received from bank due to one time settlement with bank on account of overdraft facility—Treated as capital and revenue receipts—Assessing Officer raising queries and accepting explanation of assessee in scrutiny assessment—Notice based on audit report—No new tangible material available—Reassessment based on change of opinion—Impermissible—Income-tax Act, 1961, ss. 147, 148—**PRINCIPAL CIT v. EVERLON SYNTHETICS PVT. LTD.** (Bom) . . . 232
- Notice—Validity—Notice issued in name of dead person—Objection to notice by legal heir and representative—Department intimated about death of assessee in reply to summons issued under section 131(1A)—Legal heir not submitting to jurisdiction of Assessing Officer in response to notice of reassessment under section 148—Provisions of section 292A not attracted—Notice and proceedings invalid—Income-tax Act, 1961, ss. 131(1A), 147, 148, 292A—**DURLABHAI KANUBHAI RAJPARA v. ITO** (Guj) . . . 428
- Notice—Validity—Reasons to believe income had escaped assessment must be recorded—Reasons not recorded and two successive notices of reassessment issued—Notices not valid—Income-tax Act, 1961, ss. 147, 148—**DEPUTY CIT v. GAY TRAVELS P. LTD.** (Mad) . . . 376
- Notice after four years—Assessee purchasing non-performing asset from bank and receiving payment from entity alleged to have had dubious dealings with bogus entry provider—No live link between information and belief that income had escaped assessment—Reasons not supported by affidavit or oral submission—Notice of reassessment invalid—Income-tax Act, 1961, ss. 147, 148—**ASSET RECONSTRUCTION COMPANY INDIA PVT. LTD. v. DEPUTY CIT** (Bom) . . . 715
- Notice after four years—Condition precedent—Deemed dividend—Assessee shareholder in company which had advanced sums to concerns in which assessee had substantial interest—No finding recorded by Assessing Officer that income had accrued to assessee in form of dividend on account of transactions between two entities wherein assessee was shareholder—No obligation cast upon assessee to disclose when he was not benefitted by such transactions—Notice invalid—Income-tax Act, 1961, ss. 2(22)(e), 147, 148—**JAYESH T. KOTAK v. DEPUTY CIT** (Guj) . . . 435
- Notice after four years—Validity—Failure to disclose material facts necessary for assessment—Finding that there was no such failure—Mere change of opinion—Notice not valid—Income-tax Act, 1961, ss. 147, 148—**R. KANTILAL AND CO. v. ITO** (Guj) . . . 92
- Notice after four years—Validity—Failure to disclose material facts necessary for assessment—No evidence of such failure—Notice not valid—Income-tax Act, 1961, ss. 147, 148—**CIT v. INDIA CEMENTS LTD.** (Mad) . . . 410

2020]	GENERAL INDEX	xxi
		PAGE
<b>Recovery of dues</b> —Recovery of tax—Banks—Priority of debts—Recovery certificate and attachment order pursuant to order of Debts Recovery Tribunal issued prior to date on which notice issued by Tax Recovery Officer—That sale conducted after issuance of notice and attachment order passed by Tax Recovery Officer not material—Charge over property created much prior to notice by Tax Recovery Officer—Sale of property pursuant to order of Debts Recovery Tribunal—Tax Recovery Officer restrained from enforcing attachment order—CONNECTWELL INDUSTRIES PVT. LTD. <i>v.</i> UNION OF INDIA (SC) . . .		18
<b>Recovery of tax</b> —Banks—Recovery of dues—Priority of debts—Recovery certificate and attachment order pursuant to order of Debts Recovery Tribunal issued prior to date on which notice issued by Tax Recovery Officer—That sale conducted after issuance of notice and attachment order passed by Tax Recovery Officer not material—Charge over property created much prior to notice by Tax Recovery Officer—Sale of property pursuant to order of Debts Recovery Tribunal—Tax Recovery Officer restrained from enforcing attachment order—Income-tax Act, 1961, Sch. II, rr. 2, 48—CONNECTWELL INDUSTRIES PVT. LTD. <i>v.</i> UNION OF INDIA (SC) . . .		18
—Mode of recovery—Garnishee proceedings—Guidelines—Recovery effected on same day when notice issued to garnishee and within two days of amount becoming due—Merely forwarding notice to assessee after effecting recovery not sufficient—Assessing Officer not conducting enquiry into whether assessee entitled on facts to benefit under section 80P(4)—Order of single judge modified—Income-tax Act, 1961, ss. 80P(4), 226(3)(iii)—ANDOORKONAM SERVICE CO-OPERATIVE BANK LTD. <i>v.</i> ITO (Ker) . . .		283
—Stay of demand pending appeal—Discretion of income-tax authorities—Effect of circulars of CBDT—Constitution of India, art. 226—Income-tax Act, 1961—CBDT Instruction No. 1914—DALPATSINH UKABHAI VASAVA <i>v.</i> PRINCIPAL CIT (Guj) . . .		354
<b>Refund</b> —Interest on refund—Seizure of cash by Investigation Wing of Income-tax Department—Retention of impounded cash—Delay of more than three years after finalisation of assessment in refunding amount seized—Assessee entitled to interest under section 244A(1)(b) from date of order passed by Assessing Officer till date of payment—Income-tax Act, 1961, ss. 132B, 244A(1)(b)—JIWAN KUMAR <i>v.</i> PRINCIPAL CIT (P&H) . . .		296
—Assessment—Returns—Processing—Return claiming refund—Power to decline processing of—Prima facie adjustments—Assessment pursuant to scrutiny notice—Distinction between—Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before completion of assessment pursuant to scrutiny notice—Where notice issued and proceedings		

**Refund (Contd.)—**

PAGE

initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Change of law—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of satisfaction by Assessing Officer that refund likely to adversely affect Revenue and previous approval of Principal Commissioner or Commissioner necessary—**VODAFONE IDEA LTD. v. ASST. CIT** (SC) . . . 664

**Rehabilitation scheme**—Loss—Carry forward—Sick industrial company—Objection raised by Central Board of Direct Taxes at time of framing rehabilitation scheme for tax concession—Scheme did not contain any mandate to Department to grant tax concession—**OLYMPIA INDUSTRIES LTD. v. UNION OF INDIA** (Bom) . . . 202

**Returns**—Assessment—Processing—Refunds—Return claiming refund—Power to decline processing of—Prima facie adjustments—Assessment pursuant to scrutiny notice—Distinction between—Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before completion of assessment pursuant to scrutiny notice—Where notice issued and proceedings initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Change of law—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of satisfaction by Assessing Officer that refund likely to adversely affect Revenue and previous approval of Principal Commissioner or Commissioner necessary—**VODAFONE IDEA LTD. v. ASST. CIT** (SC) . . . 664

**Revision against conviction**—Offences and prosecution—No legal right but discretionary relief—Standing trial in magistrate court or sessions court—Does not make difference—**SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)** (Mad) . . . 30

**Right to property**—Seizure of cash by Income-tax Department—Assessment finalised—Retention of impounded cash without any authority of law—Violation of article 300A of Constitution—Income-tax Act, 1961—Constitution of India, art. 300A—**JIWAN KUMAR v. PRINCIPAL CIT** (P&H) . . . 296

**Royalty and fees for technical services**—Non-resident—Assessment—Income from provision of services in connection with mineral oil, petroleum, etc.—Difference between section 44BB and section 44DA—Income from software and maintenance services in connection with petroleum—No clear finding as to nature of income—Matter remanded—**PARADIGM GEOPHYSICAL PTY. LTD. v. CIT (INTERNATIONAL TAXATION)** (Delhi) . . . 521

2020]	GENERAL INDEX	xxiii
		PAGE
	<b>Rule of consistency</b> —Appeal to High Court—Income-tax—General principles—Taxability of profits of overseas branches of assessee—Department having accepted order of Tribunal for earlier years—Precluded from raising point for later year before court— <i>PRINCIPAL CIT v. GRASIM INDUSTRIES LTD.</i> (Bom) . . .	236
	<b>Salary</b> —Deduction of tax at source—Perquisites—Law applicable—Prior to amendment rule 3(e) applicable for free educational facilities for children of employees—Reimbursement of educational expenses of employees amounting to less than one thousand rupees per child per month—Reimbursement would not amount to perquisite—Tax not deductible on such reimbursement— <i>GUJARAT CO-OPERATIVE MILK MARKETING FEDERATION LTD. v. ITO</i> (Gu) . . .	247
	<b>Search and seizure</b> —Block assessment—Limitation—Computation of limitation—Exclusion of time taken for special audit—Date of order under section 142(2A) to be taken into account and not date on which order served on assessee—Income-tax Act, 1961, ss. 142(2A), 158BE— <i>A. P. SHANMUGARAJ v. DEPUTY CIT</i> (Mad) . . .	347
	—Block assessment—Undisclosed income—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessee that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessee and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored—Income-tax Act, 1961, ss. 69A, 132, 132(4), 158BA, 158BC— <i>CIT v. DR. K. KANNAGI</i> (Mad) . . .	470
	<b>Sick industrial company</b> —Loss—Carry forward—Rehabilitation scheme—Objection raised by Central Board of Direct Taxes at time of framing rehabilitation scheme for tax concession—Scheme did not contain any mandate to Department to grant tax concession— <i>OLYMPIA INDUSTRIES LTD. v. UNION OF INDIA</i> (Bom) . . .	202
	<b>Special deduction</b> —Export—Supporting manufacturer—Computation of deduction—Different from that for exporter—Supporting manufacturer who receives export incentives in form of duty drawback, duty entitlement pass book, etc., not entitled to deduction at par with direct exporter— <i>CIT v. CARPET INDIA</i> (SC) . . .	316
	—Industrial undertaking—Condition precedent—Manufacture of article—Meaning of manufacture—Making of poultry feed amounts to manufacture—Assessee entitled to special deduction under section 80-IB—Income-tax Act, 1961, s. 80-IB— <i>PRINCIPAL CIT v. SONA VETS PVT. LTD.</i> (Cal) . . .	387
	—Special deduction under section 80-IA(4)—Infrastructure facility—Development of infrastructure facility—Contract with local bodies for development of infrastructure facility—Assessee entitled to special deduction under section 80-IA(4)— <i>PRINCIPAL CIT v. V. A. TECH WABAG PVT. LTD.</i> (Mad) . . .	105

**Special deduction** (*Contd.*)—

PAGE

—Telecommunications services—Computation of profits under section 80-IA(1)—Change in shareholding of company—Effect of section 79—Losses which have lapsed cannot be taken into account for purposes of section 80-IA—Income-tax Act, 1961, ss. 79, 80-IA—**VODAFONE ESSAR GUJARAT LTD. v. ASST. CIT** (Guj) . . . 498

**Supporting manufacturer**—Export—Special deduction—Computation of deduction—Different from that for exporter—Supporting manufacturer who receives export incentives in form of duty drawback, duty entitlement pass book, etc., not entitled to deduction at par with direct exporter—**CIT v. CARPET INDIA** (SC) . . . 316

**Supreme Court**—Company—Tax on distributed profits—Remittances to non-residents pursuant to scheme for buy-back of shares sanctioned by High Court—Communication to assessee calling for payment of tax—Writ petition contending that assessee not put on notice before liability determined—Single judge relegating assessee to appeal and giving interim directions as to deposit of sums by assessee, but on merits holding no such notice necessary—Appeal—Division Bench holding order under challenge was final one, and question whether principles of natural justice or requisite procedure violated was matter for consideration by appellate authority—Appeal—Supreme Court—Department agreeing to treat communication as show-cause notice—Direction to assessee to file reply thereto and further directions as to continuance of interim orders—**COGNIZANT TECHNOLOGY SOLUTIONS INDIA PVT. LTD. v. DEPUTY CIT (LTU)** (SC) . . . 302

—Limitation—Effect of corona virus—Difficulties likely to be faced by lawyers and litigants in filing proceedings within period of limitation—Taking suo motu cognisance of situation—Direction that irrespective of limitation prescribed under general or special laws, and whether condonable or not, period of limitation in all such proceedings to stand extended with effect from March 15, 2020 till further orders—Order of Supreme Court binding on all authorities and courts and tribunals—**COGNIZANCE FOR EXTENSION OF LIMITATION, In re** (SC) . . . 314

**Tax on distributed profits**—Company—Remittances to non-residents pursuant to scheme for buy-back of shares sanctioned by High Court—Communication to assessee calling for payment of tax—Writ petition contending that assessee not put on notice before liability determined—Single judge relegating assessee to appeal and giving interim directions as to deposit of sums by assessee, but on merits holding no such notice necessary—Appeal—Division Bench holding order under challenge was final one, and question whether principles of natural justice or requisite procedure violated was matter for consideration by appellate authority—Appeal—Supreme Court—Department agreeing to treat communication as show-cause notice—Direction to assessee to file reply thereto and further directions as to continuance of interim orders—**COGNIZANT TECHNOLOGY SOLUTIONS INDIA PVT. LTD. v. DEPUTY CIT (LTU)** (SC) . . . 302



2020]	GENERAL INDEX	xxv
		PAGE
	<b>Telecommunications services</b> —Special deduction—Computation of profits under section 80-IA(1)—Change in shareholding of company—Effect of section 79—Losses which have lapsed cannot be taken into account for purposes of section 80-IA— <b>VODAFONE ESSAR GUJARAT LTD. v. ASST. CIT</b> (Guj) . . .	498
	<b>Transfer of case</b> —Transfer of case for trial to designated court—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Prosecution of Members of Parliament and Legislative Assemblies—Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Sessions court within meaning of section 6(i) of Code, 1973— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	—Transfer of case to sessions court for trial—Offences and prosecution—Committal not necessary for transfer—No prejudice caused to assessee—Cognizance of offence—Transfer does not infract assessee's rights—Income-tax Act, 1961, ss. 276C(1), 277, 278, 292—Code of Criminal Procedure, 1973, s. 200— <b>SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)</b> (Mad) . . .	30
	<b>Undisclosed income</b> —Search and seizure—Block assessment—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessee that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessee and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored— <b>CIT v. DR. K. KANNAGI</b> (Mad) . . .	470
	<b>Unexplained money</b> —Condition precedent for application of section 69A—Evidence that assessee was the owner of the money—Assessee acting as financial broker—Material on record showing amounts passing through his hands—No evidence that amounts belonged to him—Amounts not assessable in his hands under section 69A—Income-tax Act, 1961, s. 69A— <b>CIT v. ANOOP JAIN</b> (Delhi) . . .	115
	<b>Valuation of stock</b> —Method of accounting—Excise duty payable must be included— <b>CIT v. CHHATA SUGAR COMPANY LTD.</b> (All) . . .	276
	<b>Wilful attempt to evade tax</b> —Offences and prosecution—Compounding of offences—Computation of compounding fees—To be computed on basis of tax evaded and not income sought to be evaded— <b>MEHTA LABORATORIES v. PRINCIPAL CHIEF CIT</b> (Guj) . . .	405

	PAGE
<b>Wilful attempt to evade tax (Contd.)—</b>	
—Offences and prosecution—False statement in verification—Abetment of false return—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
—Offences and prosecution—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
—Offences and prosecution—False statement in verification—Prosecution of Members of Parliament and Legislative Assemblies—Transfer of case for trial to designated court—Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
<b>Wilful delay in filing returns</b> —Offences and prosecution—Finding that delay was not wilful—Conviction under section 276CC not valid—ASST. CIT <i>v.</i> V. K. GUPTA (Delhi) . . .	602
<b>Words and phrases</b>	
direction . . .	167
finding . . .	167
manufacture . . .	387
particulars . . .	98
residence . . .	462
residential house . . .	462
<b>Writ</b> —Availability of alternative remedy—Not bar to entertaining petition when there is infirmity in order passed by Assessing Officer—Constitution of India, art. 226—ENGINEERING PROFESSIONAL CO. PVT. LTD. <i>v.</i> DEPUTY CIT (Guj) . . .	253
—Company—Director—Assessment as director of company under section 179—Objection to order—Assessee could file application for revision under section 264—Writ would not issue to quash order—B. MURALIDHAR <i>v.</i> DEPUTY CIT (Mad) . . .	397
—Existence of alternative remedy—Writ will not normally issue—Constitution of India, art. 226—B. MURALIDHAR <i>v.</i> DEPUTY CIT (Mad) . . .	397

---

**End of Volume 424**

**THE  
INCOME TAX REPORTS  
VOLUME 424—2020**

**SECTIONWISE INDEX**

**ACTS :**

**Code of Criminal Procedure, 1973 :**

- S. 6(i)**—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—*SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)* (Mad) . . . 30
- S. 26**—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—*SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)* (Mad) . . . 30
- S. 200**—Offences and prosecution—Transfer of case to sessions court for trial—Committal not necessary for transfer—No prejudice caused to assessee—Cognizance of offence—Transfer does not infract assessee's rights—*SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)* (Mad) . . . 30
- Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—*SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)* (Mad) . . . 30
- Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—*SRINIDHI KARTI CHIDAMBARAM v. DEPUTY DIT (INVESTIGATION)* (Mad) . . . 30
- Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Prosecution of Members of Parliament and Legislative Assemblies—Transfer of case for trial to designated court—

	PAGE
Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
<b>S. 397</b> —Offences and prosecution—Revision against conviction—No legal right but discretionary relief—Standing trial in magistrate court or sessions court—Does not make difference—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
<b>Constitution of India :</b>	
<b>Art. 141</b> —Limitation—Effect of corona virus—Difficulties likely to be faced by lawyers and litigants in filing proceedings within period of limitation—Supreme Court—Taking suo motu cognisance of situation—Direction that irrespective of limitation prescribed under general or special laws, and whether condonable or not, period of limitation in all such proceedings to stand extended with effect from March 15, 2020 till further orders—Order of Supreme Court binding on all authorities and courts and tribunals—COGNIZANCE FOR EXTENSION OF LIMITATION, <i>In re</i> (SC) . . .	314
<b>Art. 142</b> —Limitation—Effect of corona virus—Difficulties likely to be faced by lawyers and litigants in filing proceedings within period of limitation—Supreme Court—Taking suo motu cognisance of situation—Direction that irrespective of limitation prescribed under general or special laws, and whether condonable or not, period of limitation in all such proceedings to stand extended with effect from March 15, 2020 till further orders—Order of Supreme Court binding on all authorities and courts and tribunals—COGNIZANCE FOR EXTENSION OF LIMITATION, <i>In re</i> (SC) . . .	314
<b>Art. 226</b> —Company—Director—Writ—Assessment as director of company under section 179—Objection to order—Assessee could file application for revision under section 264—Writ would not issue to quash order—B. MURALIDHAR <i>v.</i> DEPUTY CIT (Mad) . . .	397
—Recovery of tax—Stay of demand pending appeal—Discretion of income-tax authorities—Effect of circulars of CBDT—DALPATSINH UKABHAI VASAVA <i>v.</i> PRINCIPAL CIT (Guj) . . .	354
—Writ—Availability of alternative remedy—Not bar to entertaining petition when there is infirmity in order passed by Assessing Officer—ENGINEERING PROFESSIONAL CO. PVT. LTD. <i>v.</i> DEPUTY CIT (Guj) . . .	253
—Writ—Existence of alternative remedy—Writ will not normally issue—B. MURALIDHAR <i>v.</i> DEPUTY CIT (Mad) . . .	397
<b>Art. 300A</b> —Right to property—Seizure of cash by Income-tax Department—Assessment finalised—Retention of impounded cash without any	

2020]	GENERAL INDEX	xxix
		PAGE
authority of law—Violation of article 300A of Constitution—JIWAN KUMAR <i>v.</i> PRINCIPAL CIT (P&H) . . .		296
<b>Income-tax Act, 1961 :</b>		
<b>S. 2(15)</b> —Charitable purpose—Exemption—“Any other object of general public utility”—Denial of benefits as charitable organisation—Burden of proof—Assessing Officer accepting that assessee promoted public interest as provided in proviso to section 2(15)—Merely because assessee charged for certain goods and services, activities not commercial activities—Onus on Department to prove assessee had profit motive in such activities—Principle of consistency—Finding that there was no change in nature of activities of assessee from earlier years—Assessee charitable organisation and entitled to benefit—CIT (EXEMPTIONS) <i>v.</i> INDIA HABITAT CENTRE (Delhi) . . .		325
<b>S. 2(22)(a), (d)</b> —Company—Tax on distributed profits—Remittances to non-residents pursuant to scheme for buy-back of shares sanctioned by High Court—Communication to assessee calling for payment of tax—Writ petition contending that assessee not put on notice before liability determined—Single judge relegating assessee to appeal and giving interim directions as to deposit of sums by assessee, but on merits holding no such notice necessary—Appeal—Division Bench holding order under challenge was final one, and question whether principles of natural justice or requisite procedure violated was matter for consideration by appellate authority—Appeal—Supreme Court—Department agreeing to treat communication as show-cause notice—Direction to assessee to file reply thereto and further directions as to continuance of interim orders—COGNIZANT TECHNOLOGY SOLUTIONS INDIA PVT. LTD. <i>v.</i> DEPUTY CIT (LTU) (SC) . . .		302
<b>S. 2(22)(e)</b> —Reassessment—Notice after four years—Condition precedent—Deemed dividend—Assessee shareholder in company which had advanced sums to concerns in which assessee had substantial interest—No finding recorded by Assessing Officer that income had accrued to assessee in form of dividend on account of transactions between two entities wherein assessee was shareholder—No obligation cast upon assessee to disclose when he was not benefitted by such transactions—Notice invalid —JAYESH T. KOTAK <i>v.</i> DEPUTY CIT (Guj) . . .		435
<b>S. 2(24)</b> —Income—Principle of mutuality—Tests—Assessee incorporated as fully owned subsidiary of parent company with approval from Secretariat for Industrial Assistance—Approval subject to conditions that it would operate on non-profit basis on principles of mutuality—Assessee entering into tripartite operating agreement with parent company and its franchisees—Assessee receiving fixed contributions of 5 per cent. of gross sales from franchisees for advertising, marketing and promotional		

xxx

## INCOME TAX REPORTS

[VOL. 424

PAGE

activities for mutual benefit of parent company and franchisees—Assessee realising money both from members as well as non-members—Receipt of money from outside entity without affording it right to share in surplus contrary to principles of mutuality—Management of assessee under full and absolute control of parent company—Parent company enjoying overriding discretion to detriment of franchisees both in matters of contribution and management—Franchisees having no “entitlement” or “right” on surplus—Derivation of gains or profits out of inputs supplied by others—No obligation on assessee to spend contributions for benefit of contributors—Assessee not holding amount under any implied trust for franchisees—Purported mutual concern undertook commercial venture wherein contributions were accepted both from members as well as non-members—Conditions of approval violated—Assessee not a mutual concern—No case for exemption—YUM! RESTAURANTS (MARKETING) PRIVATE LIMITED *v.* CIT (SC) . . . 630

**S. 11**—Charitable purpose—Exemption—“Any other object of general public utility”—Denial of benefits as charitable organisation—Burden of proof—Assessing Officer accepting that assessee promoted public interest as provided in proviso to section 2(15)—Merely because assessee charged for certain goods and services, activities not commercial activities—Onus on Department to prove assessee had profit motive in such activities—Principle of consistency—Finding that there was no change in nature of activities of assessee from earlier years—Assessee charitable organisation and entitled to benefit—CIT (EXEMPTIONS) *v.* INDIA HABITAT CENTRE (Delhi) . . . 325

**S. 12**—Charitable purpose—Exemption—“Any other object of general public utility”—Denial of benefits as charitable organisation—Burden of proof—Assessing Officer accepting that assessee promoted public interest as provided in proviso to section 2(15)—Merely because assessee charged for certain goods and services, activities not commercial activities—Onus on Department to prove assessee had profit motive in such activities—Principle of consistency—Finding that there was no change in nature of activities of assessee from earlier years—Assessee charitable organisation and entitled to benefit—CIT (EXEMPTIONS) *v.* INDIA HABITAT CENTRE (Delhi) . . . 325

**S. 13**—Charitable purpose—Exemption—“Any other object of general public utility”—Denial of benefits as charitable organisation—Burden of proof—Assessing Officer accepting that assessee promoted public interest as provided in proviso to section 2(15)—Merely because assessee charged for certain goods and services, activities not commercial activities—Onus on Department to prove assessee had profit motive in such activities—Principle of consistency—Finding that there was no change in nature of activities of assessee from earlier years—Assessee charitable organisation

2020]	GENERAL INDEX	xxxi
		PAGE
	and entitled to benefit—CIT (EXEMPTIONS) <i>v.</i> INDIA HABITAT CENTRE (Delhi) . . .	325
	<b>S. 22</b> —Business—Income from house property—Business income or income from house property—Company formed with object of developing commercial complexes—Setting up of commercial complex and rendering of services to occupants—Income earned assessable as business income— PRINCIPAL CIT <i>v.</i> CITY CENTRE MALL NASHIK PVT. LTD. (Bom) . . .	85
	<b>S. 28</b> —Business—Income from house property—Business income or income from house property—Company formed with object of developing commercial complexes—Setting up of commercial complex and rendering of services to occupants—Income earned assessable as business income— PRINCIPAL CIT <i>v.</i> CITY CENTRE MALL NASHIK PVT. LTD. (Bom) . . .	85
	<b>S. 32</b> —Business expenditure—Capital or revenue expenditure— Expenditure on acquisition of technical know-how—Provision prescribing depreciation on intangible assets—Not to be invoked to decide whether expenditure on capital or revenue account—PRINCIPAL CIT <i>v.</i> GRASIM INDUSTRIES LTD. (Bom) . . .	236
	—Depreciation—Rate of depreciation—Uninterrupted power supply system is part of computer and entitled to depreciation at 60 per cent.— CIT (LTU) <i>v.</i> CHOLAMANDALAM MS GENERAL INSURANCE Co. LTD. (Mad) . . .	272
	<b>S. 32(2)</b> —Assessment—Additional tax—Change of law—Amendment to effect that where loss declared by assessee reduced by reason of prima facie adjustments, additional tax leviable—Only to be invoked where lower amount shown in return by assessee was with intent to evade tax— Assessee by bona fide oversight claiming depreciation at 100 per cent. instead of at 75 per cent.—Return remaining one of loss—No intention to evade tax—Mechanical levy of additional tax uncalled for—RAJASTHAN STATE ELECTRICITY BOARD <i>v.</i> DEPUTY CIT (ASSESSMENT) (SC) . . .	704
	<b>S. 37</b> —Business expenditure—Capital or revenue expenditure— Expenditure on replacing machinery destroyed by fire —Expenditure on dies and tools—Revenue expenditure—PRECISION WIRES INDIA LTD. <i>v.</i> ASST. CIT (Guj) . . .	130
	—Business expenditure—Capital or revenue expenditure—Expen- diture on acquisition of technical know-how—Provision prescribing depreciation on intangible assets—Not to be invoked to decide whether expenditure on capital or revenue account—PRINCIPAL CIT <i>v.</i> GRASIM INDUSTRIES LTD. (Bom) . . .	236
	—Business expenditure—Discount and rate difference—Excessive and unreasonable payments—Deletion of disallowance justified on facts—PRINCIPAL CIT <i>v.</i> WESTERN AGRI SEEDS LTD. (Guj) . . .	244

	PAGE
—Business expenditure—Legal expenses—Part of legal expenses disallowed on ground that it was incurred to defend its directors and shareholders in individual capacities in respect of complaints filed by another group of shareholders—Concurrent findings of fact based on material on record—No evidence produced by assessee to controvert findings—Disallowance of part of legal expenses as not incurred for purpose of business—Proper— <b>NATIONAL REFINERY PVT. LTD. v. ASST. CIT</b> (Bom) . . .	267
—Capital or revenue expenditure—Licence fees—Acquisition of non-transferable sub-licence for effectively increasing business—No asset created—Revenue— <b>PRINCIPAL CIT v. WESTERN AGRI SEEDS LTD.</b> (Guj) . . .	244
<b>S. 40A(2)</b> —Business expenditure—Discount and rate difference—Excessive and unreasonable payments—Deletion of disallowance justified on facts— <b>PRINCIPAL CIT v. WESTERN AGRI SEEDS LTD.</b> (Guj) . . .	244
<b>S. 43A</b> —Business loss—Change in rate of exchange of foreign currency—Effect of section 43A—Loss on settlement of forward contracts—Deductible— <b>CIT v. JSW STEEL LIMITED</b> (Karn) . . .	227
<b>S. 44AB</b> —Penalty—Audit—Failure to furnish audit report—No penalty if reasonable cause shown for failure—Audit conducted under provisions of Co-operative Societies Act—No report by accountant—Levy of penalty justified— <b>PEROORKKADA SERVICE CO-OPERATIVE BANK LTD. v. ITO</b> (Ker) . . .	422
—Presumptive taxation—Construction business—Assessee filing audit report with return of income under section 44AB—Section 44AD not applicable—Tribunal remanding matter to Assessing officer for considering afresh assessee's claim to lower profit and not at 8 per cent.—Proper— <b>ENGINEERING PROFESSIONAL CO. PVT. LTD. v. DEPUTY CIT</b> (Guj) . . .	253
<b>S. 44AD</b> —Presumptive taxation—Construction business—Assessee filing audit report with return of income under section 44AB—Section 44AD not applicable—Tribunal remanding matter to Assessing officer for considering afresh assessee's claim to lower profit and not at 8 per cent.—Proper— <b>ENGINEERING PROFESSIONAL CO. PVT. LTD. v. DEPUTY CIT</b> (Guj) . . .	253
<b>S. 44BB</b> —Non-resident—Assessment—Income from provision of services in connection with mineral oil, petroleum, etc.—Royalty and fees for technical services—Difference between section 44BB and section 44DA—Income from software and maintenance services in connection with petroleum—No clear finding as to nature of income—Matter remanded— <b>PARADIGM GEOPHYSICAL PTY. LTD. v. CIT (INTERNATIONAL TAXATION)</b> (Delhi) . . .	521



2020]	GENERAL INDEX	xxxiii
		PAGE
	<b>S. 44DA</b> —Non-resident—Assessment—Income from provision of services in connection with mineral oil, petroleum, etc.—Royalty and fees for technical services—Difference between section 44BB and section 44DA—Income from software and maintenance services in connection with petroleum—No clear finding as to nature of income—Matter remanded— <b>PARADIGM GEOPHYSICAL PTY. LTD. v. CIT (INTERNATIONAL TAXATION)</b> (Delhi) . . .	521
	<b>S. 54F(1)</b> —Capital gains—Exemption—Long-term capital gains—Investment of consideration in residential units—Usage of property to be considered for determining whether property is residential or commercial property—Two units in same building constituting one residential unit—Assessee entitled to exemption— <b>NAVIN JOLLY v. ITO</b> (Karn) . . .	462
	<b>S. 68</b> —Cash credits—Assessment—Penalty—Credits standing in names of persons claimed to be sums owed to creditors for purchases of marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions treated as bogus and credits treated as income—Assessee in penalty proceedings producing affidavits and statements of unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable— <b>BASIR AHMED SISODIYA v. ITO</b> (SC) . . .	1
	—Cash credits—Burden of proof—Assessee must prove identity of creditors, genuineness of transactions and creditworthiness of lenders—Finding that burden had been discharged—Addition under section 68 not valid— <b>PRINCIPAL CIT v. AMI INDUSTRIES (INDIA) P. LTD.</b> (Bom) . . .	219
	<b>S. 69A</b> —Search and seizure—Block assessment—Undisclosed income—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessees that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessees and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored— <b>CIT v. DR. K. KANNAGI</b> (Mad) . . .	470
	—Unexplained money—Condition precedent for application of section 69A—Evidence that assessee was the owner of the money—Assessee acting as financial broker—Material on record showing amounts passing through his hands—No evidence that amounts belonged to him—Amounts not assessable in his hands under section 69A— <b>CIT v. ANOOP JAIN</b> (Delhi) . . .	115
	<b>S. 79</b> —Special deduction—Telecommunications services—Computation of profits under section 80-IA(1)—Change in shareholding of company—Effect of section 79—Losses which have lapsed cannot be taken	

	PAGE
into account for purposes of section 80-IA—VODAFONE ESSAR GUJARAT LTD. <i>v.</i> ASST. CIT (Guj) . . .	498
<b>S. 80HHC(1), (1A), (3), (3A), Expln (baa)</b> —Export—Special deduction—Supporting manufacturer—Computation of deduction—Different from that for exporter—Supporting manufacturer who receives export incentives in form of duty drawback, duty entitlement pass book, etc., not entitled to deduction at par with direct exporter—CIT <i>v.</i> CARPET INDIA (SC) . . .	316
<b>S. 80-IA</b> —Infrastructure facility—Special deduction—Special deduction under section 80-IA(4)—Development of infrastructure facility—Contract with local bodies for development of infrastructure facility—Assessee entitled to special deduction under section 80-IA(4)—PRINCIPAL CIT <i>v.</i> V. A. TECH WABAG PVT. LTD. (Mad) . . .	105
—Special deduction—Telecommunications services—Computation of profits under section 80-IA(1)—Change in shareholding of company—Effect of section 79—Losses which have lapsed cannot be taken into account for purposes of section 80-IA—VODAFONE ESSAR GUJARAT LTD. <i>v.</i> ASST. CIT (Guj) . . .	498
<b>S. 80-IB</b> —Special deduction—Industrial undertaking—Condition precedent—Manufacture of article—Meaning of manufacture—Making of poultry feed amounts to manufacture—Assessee entitled to special deduction under section 80-IB—PRINCIPAL CIT <i>v.</i> SONA VETS PVT. LTD. (Cal) . . .	387
<b>S. 80P(4)</b> —Recovery of tax—Mode of recovery—Garnishee proceedings—Guidelines—Recovery effected on same day when notice issued to garnishee and within two days of amount becoming due—Merely forwarding notice to assessee after effecting recovery not sufficient—Assessing Officer not conducting enquiry into whether assessee entitled on facts to benefit under section 80P(4)—Order of single judge modified—ANDOOKONAM SERVICE CO-OPERATIVE BANK LTD. <i>v.</i> ITO (Ker) . . .	283
<b>S. 92</b> —International transactions—Arm's length price—Determination—Advertising, marketing and publicity expenses—No proof that there existed international transaction between assessee and its associated enterprise with respect to such expenses—Remanded for determination of arm's length price not warranted—PRINCIPAL CIT <i>v.</i> VALVOLINE CUMMINS PVT. LTD. (Delhi) . . .	162
<b>S. 92CA</b> —International transactions—Appeal to High Court—Determination of arm's length price—Order of Tribunal based on facts—No question of law arose—PRINCIPAL CIT <i>v.</i> EIGHT ROADS INVESTMENT ADVISORS PVT. LTD. (Bom) . . .	563
<b>S. 115JB</b> —Company—Minimum alternate tax—Insurance business—Accounts prepared in accordance with Insurance Act, 1938 and	

2020]	GENERAL INDEX	xxxv
		PAGE
	regulations of IRDA—Section 115JB not applicable—CIT (LTU) <i>v.</i> CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. (Mad) . . .	272
	<b>S. 115JB(2)(h)</b> —Company—Book profits—Computation of book profits—Change in provision with retrospective effect—Not challenged by assessee—Provision to be given effect to and interest can be levied under section 234B—CIT <i>v.</i> JSW STEEL LIMITED (Karn) . . .	227
	<b>S. 115-O</b> —Company—Tax on distributed profits—Remittances to non-residents pursuant to scheme for buy-back of shares sanctioned by High Court—Communication to assessee calling for payment of tax—Writ petition contending that assessee not put on notice before liability determined—Single judge relegating assessee to appeal and giving interim directions as to deposit of sums by assessee, but on merits holding no such notice necessary—Appeal—Division Bench holding order under challenge was final one, and question whether principles of natural justice or requisite procedure violated was matter for consideration by appellate authority—Appeal—Supreme Court—Department agreeing to treat communication as show-cause notice—Direction to assessee to file reply thereto and further directions as to continuance of interim orders—COGNIZANT TECHNOLOGY SOLUTIONS INDIA PVT. LTD. <i>v.</i> DEPUTY CIT (LTU) (SC) . . .	302
	<b>S. 115QA</b> —Company—Tax on distributed profits—Remittances to non-residents pursuant to scheme for buy-back of shares sanctioned by High Court—Communication to assessee calling for payment of tax—Writ petition contending that assessee not put on notice before liability determined—Single judge relegating assessee to appeal and giving interim directions as to deposit of sums by assessee, but on merits holding no such notice necessary—Appeal—Division Bench holding order under challenge was final one, and question whether principles of natural justice or requisite procedure violated was matter for consideration by appellate authority—Appeal—Supreme Court—Department agreeing to treat communication as show-cause notice—Direction to assessee to file reply thereto and further directions as to continuance of interim orders—COGNIZANT TECHNOLOGY SOLUTIONS INDIA PVT. LTD. <i>v.</i> DEPUTY CIT (LTU) (SC) . . .	302
	<b>S. 131(1A)</b> —Reassessment—Notice—Validity—Notice issued in name of dead person—Objection to notice by legal heir and representative—Department intimated about death of assessee in reply to summons issued under section 131(1A)—Legal heir not submitting to jurisdiction of Assessing Officer in response to notice of reassessment under section 148—Provisions of section 292A not attracted—Notice and proceedings invalid—DURLABHAI KANUBHAI RAJPARA <i>v.</i> ITO (Guj) . . .	428

	PAGE
<b>S. 132</b> —Search and seizure—Block assessment—Undisclosed income—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessees that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessees and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored—CIT <i>v.</i> DR. K. KANNAGI (Mad) . . .	470
<b>S. 132(4)</b> —Search and seizure—Block assessment—Undisclosed income—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessees that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessees and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored—CIT <i>v.</i> DR. K. KANNAGI (Mad) . . .	470
<b>S. 132B</b> —Refund—Interest on refund—Seizure of cash by Investigation Wing of Income-tax Department—Retention of impounded cash—Delay of more than three years after finalisation of assessment in refunding amount seized—Assessee entitled to interest under section 244A(1)(b) from date of order passed by Assessing Officer till date of payment—JIWAN KUMAR <i>v.</i> PRINCIPAL CIT (P&H) . . .	296
<b>S. 133A</b> —Income-tax survey—Income from undisclosed sources—Rejection of books of account—Estimation of income—Statement of director recorded two thousand days after survey and not under oath—Not conclusive proof—Statement recorded cannot form basis for assessment—Finding that assessee proved genuineness of transactions—PRINCIPAL CIT <i>v.</i> SUNSHINE IMPORT AND EXPORT PVT. LTD. (Bom) . . .	195
—Penalty—Concealment of income—Income-tax survey—Survey conducted prior to closing date of accounts and date of filing of return—Amount disclosed in regular return of income and returned income accepted without addition, disallowance, discrepancies—Levy of penalty for concealment—Not warranted—PRINCIPAL CIT <i>v.</i> YAMUNAJI CORPORATION (Guj) . . .	369
<b>S. 142(2A)</b> —Search and seizure—Block assessment—Limitation—Computation of limitation—Exclusion of time taken for special audit—Date of order under section 142(2A) to be taken into account and not date on which order served on assessee—A. P. SHANMUGARAJ <i>v.</i> DEPUTY CIT (Mad) . . .	347
<b>S. 143</b> —Cash credits—Assessment—Penalty—Credits standing in names of persons claimed to be sums owed to creditors for purchases of marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions treated as bogus and credits treated as income—Assessee in penalty proceedings producing affidavits and statements of	

2020]	GENERAL INDEX	xxxvii
		PAGE
	unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable— <b>BASIR AHMED SISODIYA v. ITO</b> (SC) . . .	1
	<b>S. 143(1)</b> —Assessment—Returns—Processing—Refunds—Return claiming refund—Power to decline processing of—Prima facie adjustments—Assessment pursuant to scrutiny notice—Distinction between—Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before completion of assessment pursuant to scrutiny notice—Where notice issued and proceedings initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Change of law—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of satisfaction by Assessing Officer that refund likely to adversely affect Revenue and previous approval of Principal Commissioner or Commissioner necessary— <b>VODAFONE IDEA LTD. v. ASST. CIT</b> (SC) . . .	664
	<b>S. 143(1A)</b> —Assessment—Additional tax—Change of law—Amendment to effect that where loss declared by assessee reduced by reason of prima facie adjustments, additional tax leviable—Only to be invoked where lower amount shown in return by assessee was with intent to evade tax—Assessee by bona fide oversight claiming depreciation at 100 per cent. instead of at 75 per cent.—Return remaining one of loss—No intention to evade tax—Mechanical levy of additional tax uncalled for— <b>RAJASTHAN STATE ELECTRICITY BOARD v. DEPUTY CIT (ASSESSMENT)</b> (SC) . . .	704
	<b>S. 143(1D)</b> —Assessment—Returns—Processing—Refunds—Return claiming refund—Power to decline processing of—Prima facie adjustments—Assessment pursuant to scrutiny notice—Distinction between—Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before completion of assessment pursuant to scrutiny notice—Where notice issued and proceedings initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Change of law—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of satisfaction by Assessing Officer that refund likely to adversely affect Reve-	

xxxviii

## INCOME TAX REPORTS

[VOL. 424

	PAGE
nue and previous approval of Principal Commissioner or Commissioner necessary— <i>VODAFONE IDEA LTD. v. ASST. CIT</i> (SC) . . .	664
<b>S. 143(2)</b> —Assessment—Returns—Processing—Refunds—Return claiming refund—Power to decline processing of—Prima facie adjustments—Assessment pursuant to scrutiny notice—Distinction between—Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before completion of assessment pursuant to scrutiny notice—Where notice issued and proceedings initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Change of law—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of satisfaction by Assessing Officer that refund likely to adversely affect Revenue and previous approval of Principal Commissioner or Commissioner necessary— <i>VODAFONE IDEA LTD. v. ASST. CIT</i> (SC) . . .	664
<b>S. 144</b> —Cash credits—Assessment—Penalty—Credits standing in names of persons claimed to be sums owed to creditors for purchases of marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions treated as bogus and credits treated as income—Assessee in penalty proceedings producing affidavits and statements of unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable— <i>BASIR AHMED SISODIYA v. ITO</i> (SC) . . .	1
—Income-tax survey—Income from undisclosed sources—Rejection of books of account—Estimation of income—Statement of director recorded two thousand days after survey and not under oath—Not conclusive proof—Statement recorded cannot form basis for assessment—Finding that assessee proved genuineness of transactions— <i>PRINCIPAL CIT v. SUNSHINE IMPORT AND EXPORT PVT. LTD.</i> (Bom) . . .	195
—Presumptive taxation—Construction business—Assessee filing audit report with return of income under section 44AB—Section 44AD not applicable—Tribunal remanding matter to Assessing officer for considering afresh assessee’s claim to lower profit and not at 8 per cent.—Proper— <i>ENGINEERING PROFESSIONAL CO. PVT. LTD. v. DEPUTY CIT</i> (Guj) . . .	253
<b>S. 145</b> —Cash credits—Assessment—Penalty—Credits standing in names of persons claimed to be sums owed to creditors for purchases of	

2020]	GENERAL INDEX	xxxix
		PAGE
	marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions treated as bogus and credits treated as income—Assessee in penalty proceedings producing affidavits and statements of unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable— <b>BASIR AHMED SISODIYA v. ITO</b> (SC) . . .	1
	<b>S. 145A</b> —Method of accounting—Valuation of stock—Excise duty payable must be included— <b>CIT v. CHHATA SUGAR COMPANY LTD.</b> (All) . . .	276
	<b>S. 147</b> —Reassessment—Income escaping assessment—General principles—Dispute Resolution Panel for succeeding assessment year raising doubts as to corporate structure of assessee and its subsidiaries and tax evasion petitions by shareholders showing evidence of round tripping of assessee's undisclosed income through subsidiaries—Material sufficient to form reason to believe that income had escaped assessment— <b>NEW DELHI TELEVISION LTD. v. DEPUTY CIT</b> (SC) . . .	607
	—Reassessment—Limitation—Extended period—Assessing Officer aware of entities which had subscribed to convertible bonds—All relevant facts, i. e., entities who had subscribed to bonds, their addresses and consideration paid by each, within knowledge of Assessing Officer—Full and true disclosure by assessee of all material facts necessary for assessment— <b>NEW DELHI TELEVISION LTD. v. DEPUTY CIT</b> (SC) . . .	607
	—Reassessment—Notice—Validity—Amalgamation of companies—Notice issued against transferor-company—Amalgamating entity ceases to have its own existence and not amenable to reassessment proceedings—Notice and subsequent proceedings unsustainable— <b>GAYATRI MICRONS LTD. v. ASST. CIT</b> (Guj) . . .	288
	—Reassessment—Notice—Validity—Benefit received from bank due to one time settlement with bank on account of overdraft facility—Treated as capital and revenue receipts—Assessing Officer raising queries and accepting explanation of assessee in scrutiny assessment—Notice based on audit report—No new tangible material available—Reassessment based on change of opinion—Impermissible— <b>PRINCIPAL CIT v. EVERLON SYNTHETICS PVT. LTD.</b> (Bom) . . .	232
	—Reassessment—Notice—Validity—Notice issued in name of dead person—Objection to notice by legal heir and representative—Department intimated about death of assessee in reply to summons issued under section 131(1A)—Legal heir not submitting to jurisdiction of Assessing Officer in response to notice of reassessment under section 148—Provi-	

xl	INCOME TAX REPORTS	[VOL. 424
		PAGE
sions of section 292A not attracted—Notice and proceedings invalid— DURLABHAI KANUBHAI RAJPARA <i>v.</i> ITO (Guj) . . .		428
—Reassessment—Notice—Validity—Reasons to believe income had escaped assessment must be recorded—Reasons not recorded and two successive notices of reassessment issued—Notices not valid—DEPUTY CIT <i>v.</i> GAY TRAVELS P. LTD. (Mad) . . .		376
—Reassessment—Notice after four years—Assessee purchasing non-performing asset from bank and receiving payment from entity alleged to have had dubious dealings with bogus entry provider—No live link between information and belief that income had escaped assess- ment—Reasons not supported by affidavit or oral submission—Notice of reassessment invalid—ASSET RECONSTRUCTION COMPANY INDIA PVT. LTD. <i>v.</i> DEPUTY CIT (Bom) . . .		715
—Reassessment—Notice after four years—Condition precedent— Deemed dividend—Assessee shareholder in company which had advanced sums to concerns in which assessee had substantial interest— No finding recorded by Assessing Officer that income had accrued to assessee in form of dividend on account of transactions between two enti- ties wherein assessee was shareholder—No obligation cast upon assessee to disclose when he was not benefitted by such transactions—Notice invalid—JAYESH T. KOTAK <i>v.</i> DEPUTY CIT (Guj) . . .		435
—Reassessment—Notice after four years—Validity—Failure to dis- close material facts necessary for assessment—No evidence of such fail- ure—Notice not valid—CIT <i>v.</i> INDIA CEMENTS LTD. (Mad) . . .		410
—Reassessment—Notice after four years—Validity—Failure to dis- close material facts necessary for assessment—Finding that there was no such failure—Mere change of opinion—Notice not valid—R. KANTILAL AND Co. <i>v.</i> ITO (Guj) . . .		92
<b>S. 147, second prov.</b> —Reassessment—Limitation—Extended period of 16 years where foreign asset involved—Notice—No mention of foreign assets—Nothing in reasons to indicate intention to apply extended period of 16 years—Notice and reasons given thereafter not conforming to prin- ciples of natural justice—NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .		607
<b>S. 148</b> —Reassessment—Income escaping assessment—General prin- ciples—Dispute Resolution Panel for succeeding assessment year raising doubts as to corporate structure of assessee and its subsidiaries and tax evasion petitions by shareholders showing evidence of round tripping of assessee's undisclosed income through subsidiaries—Material sufficient to form reason to believe that income had escaped assessment—NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .		607



2020]	GENERAL INDEX	xli
		PAGE
	—Reassessment—Limitation—Extended period—Assessing Officer aware of entities which had subscribed to convertible bonds—All relevant facts, i. e., entities who had subscribed to bonds, their addresses and consideration paid by each, within knowledge of Assessing Officer—Full and true disclosure by assessee of all material facts necessary for assessment—NEW DELHI TELEVISION LTD. <i>v.</i> DEPUTY CIT (SC) . . .	607
	—Reassessment—Notice—Validity—Amalgamation of companies—Notice issued against transferor-company—Amalgamating entity ceases to have its own existence and not amenable to reassessment proceedings—Notice and subsequent proceedings unsustainable—GAYATRI MICRONS LTD. <i>v.</i> ASST. CIT (Guj) . . .	288
	—Reassessment—Notice—Validity—Benefit received from bank due to one time settlement with bank on account of overdraft facility—Treated as capital and revenue receipts—Assessing Officer raising queries and accepting explanation of assessee in scrutiny assessment—Notice based on audit report—No new tangible material available—Reassessment based on change of opinion—Impermissible—PRINCIPAL CIT <i>v.</i> EVERLON SYNTHETICS PVT. LTD. (Bom) . . .	232
	—Reassessment—Notice—Validity—Notice issued in name of dead person—Objection to notice by legal heir and representative—Department intimated about death of assessee in reply to summons issued under section 131(1A)—Legal heir not submitting to jurisdiction of Assessing Officer in response to notice of reassessment under section 148—Provisions of section 292A not attracted—Notice and proceedings invalid—DURLABHAI KANUBHAI RAJPARA <i>v.</i> ITO (Guj) . . .	428
	—Reassessment—Notice—Validity—Reasons to believe income had escaped assessment must be recorded—Reasons not recorded and two successive notices of reassessment issued—Notices not valid—DEPUTY CIT <i>v.</i> GAY TRAVELS P. LTD. (Mad) . . .	376
	—Reassessment—Notice after four years—Assessee purchasing non-performing asset from bank and receiving payment from entity alleged to have had dubious dealings with bogus entry provider—No live link between information and belief that income had escaped assessment—Reasons not supported by affidavit or oral submission—Notice of reassessment invalid—ASSET RECONSTRUCTION COMPANY INDIA PVT. LTD. <i>v.</i> DEPUTY CIT (Bom) . . .	715
	—Reassessment—Notice after four years—Condition precedent—Deemed dividend—Assessee shareholder in company which had advanced sums to concerns in which assessee had substantial interest—No finding recorded by Assessing Officer that income had accrued to assessee in form of dividend on account of transactions between two entities wherein assessee was shareholder—No obligation cast upon assessee	

xlii	INCOME TAX REPORTS	[VOL. 424
		PAGE
to disclose when he was not benefitted by such transactions—Notice invalid—JAYESH T. KOTAK <i>v.</i> DEPUTY CIT (Guj) . . .		435
—Reassessment—Notice after four years—Validity—Failure to disclose material facts necessary for assessment—No evidence of such failure—Notice not valid—CIT <i>v.</i> INDIA CEMENTS LTD. (Mad) . . .		410
—Reassessment—Notice after four years—Validity—Failure to disclose material facts necessary for assessment—Finding that there was no such failure—Mere change of opinion—Notice not valid—R. KANTILAL AND Co. <i>v.</i> ITO (Guj) . . .		92
<b>S. 150</b> —Reassessment—Limitation—Exclusion from limitation—Effect of sections 150 and 153—Reassessment to give effect to finding and direction of appellate authority—Meaning of “finding” and “direction”—Disallowances for non-compliance with provisions for assessment year 2008-09—Reassessment proceedings to disallow deductions for assessment year 2009-10—Section 153 applicable—Notice on October 2011—Not barred by limitation—INTEC CORPORATION <i>v.</i> ASST. CIT (Delhi) . . .		167
<b>S. 153</b> —Reassessment—Limitation—Exclusion from limitation—Effect of sections 150 and 153—Reassessment to give effect to finding and direction of appellate authority—Meaning of “finding” and “direction”—Disallowances for non-compliance with provisions for assessment year 2008-09—Reassessment proceedings to disallow deductions for assessment year 2009-10—Section 153 applicable—Notice on October 2011—Not barred by limitation—INTEC CORPORATION <i>v.</i> ASST. CIT (Delhi) . . .		167
<b>S. 158BA</b> —Search and seizure—Block assessment—Undisclosed income—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessees that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessees and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored—CIT <i>v.</i> DR. K. KANNAGI (Mad) . . .		470
<b>S. 158BC</b> —Search and seizure—Block assessment—Undisclosed income—Additions made by Assessing Officer and Commissioner (Appeals) based on seized materials and statements of assessees that cash represented their undisclosed income—Findings of Tribunal contrary to admissions of assessees and their statements and to returns filed in pursuance of notice for block assessment—Order of Assessing Officer and Commissioner (Appeals) restored—CIT <i>v.</i> DR. K. KANNAGI (Mad) . . .		470
<b>S. 158BE</b> —Search and seizure—Block assessment—Limitation—Computation of limitation—Exclusion of time taken for special audit—Date of order under section 142(2A) to be taken into account and not date		

2020]	GENERAL INDEX	xliii
		PAGE
	on which order served on assessee—A. P. SHANMUGARAJ <i>v.</i> DEPUTY CIT (Mad) . . .	347
	<b>S. 179</b> —Company—Director—Writ—Assessment as director of company under section 179—Objection to order—Assessee could file application for revision under section 264—Writ would not issue to quash order—B. MURALIDHAR <i>v.</i> DEPUTY CIT (Mad) . . .	397
	<b>S. 220(2A)</b> —Appeal—Delay in filing appeal—Condonation of delay— Abatement of appeal on ground of assessee's death—Delay and laches on part of Department to take up proceedings for setting aside abatement within reasonable time—Delay not explained by Department—Applica- tion for condonation of delay rejected—Appeal dismissed as abated—CIT <i>v.</i> V. M. VARGHESE (Ker) . . .	561
	<b>S. 226(3)(iii)</b> —Recovery of tax—Mode of recovery—Garnishee pro- ceedings—Guidelines—Recovery effected on same day when notice issued to garnishee and within two days of amount becoming due— Merely forwarding notice to assessee after effecting recovery not suffi- cient—Assessing Officer not conducting enquiry into whether assessee entitled on facts to benefit under section 80P(4)—Order of single judge modified—ANDOORKONAM SERVICE CO-OPERATIVE BANK LTD. <i>v.</i> ITO (Ker) . . .	283
	<b>S. 234B</b> —Company—Book profits—Computation of book profits— Change in provision with retrospective effect—Not challenged by asses- see—Provision to be given effect to and interest can be levied under sec- tion 234B—CIT <i>v.</i> JSW STEEL LIMITED (Karn) . . .	227
	<b>S. 234E</b> —Deduction of tax at source—Constitutional validity of pro- visions—Levy of fees for delay in filing statement regarding deduction of tax at source—Section 234E does not violate any provision of the Con- stitution of India—Compensatory levy for extra burden on Income-tax Department—Section 234E valid—QATALYS SOFTWARE TECHNOLOGIES PRIVATE LIMITED <i>v.</i> UNION OF INDIA (Mad) . . .	143
	<b>S. 241A</b> —Assessment—Returns—Processing—Refunds—Return claiming refund—Power to decline processing of—Prima facie adjust- ments—Assessment pursuant to scrutiny notice—Distinction between— Processing of return whether permissible after scrutiny notice—Assessee cannot insist that processing be completed and refund made before com- pletion of assessment pursuant to scrutiny notice—Where notice issued and proceedings initiated, processing of return “shall not be necessary” for assessment years ending on March 31, 2017 or before—Issuance of notice itself sufficient—No separate intimation that refund withheld pending scrutiny assessment contemplated—Change of law—Assessment years commencing on or after April 1, 2017—Conditions to be satisfied before refusing refund under section 143(1D)—Separate recording of	

xliv

## INCOME TAX REPORTS

[VOL. 424

	PAGE
satisfaction by Assessing Officer that refund likely to adversely affect Revenue and previous approval of Principal Commissioner or Commissioner necessary— <i>VODAFONE IDEA LTD. v. ASST. CIT</i> (SC) . . .	664
<b>S. 244A(1)(b)</b> —Refund—Interest on refund—Seizure of cash by Investigation Wing of Income-tax Department—Retention of impounded cash—Delay of more than three years after finalisation of assessment in refunding amount seized—Assessee entitled to interest under section 244A(1)(b) from date of order passed by Assessing Officer till date of payment— <i>JIWAN KUMAR v. PRINCIPAL CIT</i> (P&H) . . .	296
<b>S. 254</b> —Appeal to High Court—Duty of Tribunal as fact finding authority—Tribunal bound to give reasons for reversing findings rendered by lower authorities—Order of Tribunal without considering evidence and findings rendered by lower authorities—Unsustainable— <i>CIT v. DR. K. KANNAGI</i> (Mad) . . .	470
<b>S. 260A</b> —Appeal to High Court—Income-tax—General principles—Rule of consistency—Taxability of profits of overseas branches of assessee—Department having accepted order of Tribunal for earlier years—Precluded from raising point for later year before court— <i>PRINCIPAL CIT v. GRASIM INDUSTRIES LTD.</i> (Bom) . . .	236
<b>S. 264</b> —Company—Director—Writ—Assessment as director of company under section 179—Objection to order—Assessee could file application for revision under section 264—Writ would not issue to quash order— <i>B. MURALIDHAR v. DEPUTY CIT</i> (Mad) . . .	397
<b>S. 260A</b> —International transactions—Appeal to High Court—Determination of arm's length price—Order of Tribunal based on facts—No question of law arose— <i>PRINCIPAL CIT v. EIGHT ROADS INVESTMENT ADVISORS PVT. LTD.</i> (Bom) . . .	563
<b>S. 271</b> —Offences and prosecution—Compounding of offences—Wilful attempt to evade tax—Computation of compounding fees—To be computed on basis of tax evaded and not income sought to be evaded— <i>MEHTA LABORATORIES v. PRINCIPAL CHIEF CIT</i> (Guj) . . .	405
<b>S. 271(1)(c)</b> —Cash credits—Assessment—Penalty—Credits standing in names of persons claimed to be sums owed to creditors for purchases of marble slabs—Failure by assessee in assessment proceedings to prove claim—Transactions treated as bogus and credits treated as income—Assessee in penalty proceedings producing affidavits and statements of unregistered dealers and establishing their credentials—Explanation accepted by Commissioner (Appeals) and penalty set aside on finding that there was no concealment—Penalty proceedings were outcome of assessment order—Factual basis on which addition made no longer surviving—Addition not sustainable— <i>BASIR AHMED SISODIYA v. ITO</i> (SC) . . .	1

2020]	GENERAL INDEX	xliv
		PAGE
	—Penalty—Concealment of income—Income-tax survey—Survey conducted prior to closing date of accounts and date of filing of return—Amount disclosed in regular return of income and returned income accepted without addition, disallowance, discrepancies—Levy of penalty for concealment—Not warranted—PRINCIPAL CIT <i>v.</i> YAMUNAJI CORPORATION (Guj) . . .	369
	—Penalty—Concealment of income and furnishing of inaccurate particulars of income—Claim for deduction disallowed—No furnishing of inaccurate particulars—Penalty cannot be levied—PRINCIPAL CIT <i>v.</i> CLP POWER INDIA PVT. LTD. (Guj) . . .	98
	<b>S. 271B</b> —Penalty—Audit—Failure to furnish audit report—No penalty if reasonable cause shown for failure—Audit conducted under provisions of Co-operative Societies Act—No report by accountant—Levy of penalty justified—PEROORKKADA SERVICE CO-OPERATIVE BANK LTD. <i>v.</i> ITO (Ker) . . .	422
	<b>S. 276C(1)</b> —Offences and prosecution—Compounding of offences—Wilful attempt to evade tax—Computation of compounding fees—To be computed on basis of tax evaded and not income sought to be evaded—MEHTA LABORATORIES <i>v.</i> PRINCIPAL CHIEF CIT (Guj) . . .	405
	—Offences and prosecution—Transfer of case to sessions court for trial—Committal not necessary for transfer—No prejudice caused to assessee—Cognizance of offence—Transfer does not infract assessee's rights—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Prosecution of Members of Parliament and Legislative Assemblies—Transfer of case for trial to designated court—Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30

	PAGE
<b>S. 276CC</b> —Offences and prosecution—Wilful delay in filing returns—Finding that delay was not wilful—Conviction under section 276CC not valid—Asst. CIT <i>v.</i> V. K. GUPTA (Delhi) . . .	602
<b>S. 277</b> —Offences and prosecution—Transfer of case to sessions court for trial—Committal not necessary for transfer—No prejudice caused to assesseees—Cognizance of offence—Transfer does not infract assesseees' rights—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Prosecution of Members of Parliament and Legislative Assemblies—Transfer of case for trial to designated court—Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
<b>S. 278</b> —Offences and prosecution—Compounding of offences—Wilful attempt to evade tax—Computation of compounding fees—To be computed on basis of tax evaded and not income sought to be evaded—MEHTA LABORATORIES <i>v.</i> PRINCIPAL CHIEF CIT (Guj) . . .	405
—Offences and prosecution—Transfer of case to sessions court for trial—Committal not necessary for transfer—No prejudice caused to assesseees—Cognizance of offence—Transfer does not infract assesseees' rights—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Limitation—Prosecution instituted otherwise than on police report—Law making limitation inapplicable to prosecution for certain economic offences—Prosecution not barred by limitation—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30

2020]	GENERAL INDEX	xlvii
		PAGE
	—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	—Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Prosecution of Members of Parliament and Legislative Assemblies—Transfer of case for trial to designated court—Prosecution based on materials recovered in search and not launched based only on statements of third parties—Prosecution valid—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	<b>S. 278B</b> —Offences and prosecution—Compounding of offences—Wilful attempt to evade tax—Computation of compounding fees—To be computed on basis of tax evaded and not income sought to be evaded—MEHTA LABORATORIES <i>v.</i> PRINCIPAL CHIEF CIT (Guj) . . .	405
	<b>S. 280A</b> —Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	<b>S. 280B</b> —Offences and prosecution—Wilful attempt to evade tax—False statement in verification—Abetment of false return—Transfer of case to designated sessions court for trial of offences by Members of Parliament or Legislative Assemblies—Sessions court within meaning of section 6(i) of Code, 1973—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	<b>S. 292</b> —Offences and prosecution—Transfer of case to sessions court for trial—Committal not necessary for transfer—No prejudice caused to assessee—Cognizance of offence—Transfer does not infract assessee's rights—SRINIDHI KARTI CHIDAMBARAM <i>v.</i> DEPUTY DIT (INVESTIGATION) (Mad) . . .	30
	<b>S. 292A</b> —Reassessment—Notice—Validity—Notice issued in name of dead person—Objection to notice by legal heir and representative—Department intimated about death of assessee in reply to summons issued under section 131(1A)—Legal heir not submitting to jurisdiction of Assessing Officer in response to notice of reassessment under section 148—Provisions of section 292A not attracted—Notice and proceedings invalid—DURLABHAI KANUBHAI RAJPARA <i>v.</i> ITO (Guj) . . .	428
	<b>Sch. II, rr. 2, 48</b> —Recovery of tax—Banks—Recovery of dues—Priority of debts—Recovery certificate and attachment order pursuant to	

order of Debts Recovery Tribunal issued prior to date on which notice issued by Tax Recovery Officer—That sale conducted after issuance of notice and attachment order passed by Tax Recovery Officer not material—Charge over property created much prior to notice by Tax Recovery Officer—Sale of property pursuant to order of Debts Recovery Tribunal—Tax Recovery Officer restrained from enforcing attachment order—CONNECTWELL INDUSTRIES PVT. LTD. <i>v.</i> UNION OF INDIA (SC) . . .	18
---	----

**Sick Industrial Companies (Special Provisions) Act, 1985 :**

<b>S. 19</b> —Loss—Carry forward—Sick industrial company—Rehabilitation scheme—Objection raised by Central Board of Direct Taxes at time of framing rehabilitation scheme for tax concession—Scheme did not contain any mandate to Department to grant tax concession—OLYMPIA INDUSTRIES LTD. <i>v.</i> UNION OF INDIA (Bom) . . .	202
--	-----

**Income-tax Rules, 1962 :**

<b>R. 3(e)</b> —Deduction of tax at source—Salary—Perquisites—Law applicable—Prior to amendment rule 3(e) applicable for free educational facilities for children of employees—Reimbursement of educational expenses of employees amounting to less than one thousand rupees per child per month—Reimbursement would not amount to perquisite—Tax not deductible on such reimbursement—GUJARAT CO-OPERATIVE MILK MARKETING FEDERATION LTD. <i>v.</i> ITO (Guj) . . .	247
--	-----

**Income-tax (Appellate Tribunal) Rules, 1963 :**

<b>R. 27</b> —Appeal to Appellate Tribunal—Competency of appeal—Appeal to Commissioner (Appeals) on two issues—Issue not decided by Commissioner (Appeals)—Presumption that issue was decided against appellant—Issue can be raised before Tribunal—CIT <i>v.</i> INDIA CEMENTS LTD. (Mad) . . .	410
--	-----

---

**End of Volume 424**