Contents

	PAGE
About the Authors	1-5
Preface	1-7
Acknowledgements	<i>I-13</i>
Chapter-Heads	I-15
Abbreviations	I-53

CHAPTER 1

INTRODUCTION

•	Key concepts	1
٠	Transaction not regarded as transfer and buy back of shares	3
٠	Computational machinery	5
٠	Cost of acquisition	5
٠	Valuation	9
٠	Rates of taxes	10
٠	Exemptions	12
٠	Specific cases of capital gains	16
	CHAPTER 2	
	EXEMPTED CAPITAL GAINS - SECTION 10	
٠	Some general cases of exemption	19
٠	Exemption to funds, Institutions and Authorities	20
٠	Exemption to Specific Tribes and Residents	28
٠	Exemption to certain commercial boards	30
٠	Exemption to other schemes or entities	31

CHAPTER 3

CAPITAL ASSET- SECTION 2(14)

•	Expressions 'property', 'property of any kind', 'asset', 'capital asset', 'held by an assessee', 'personal effects'	41
٠	Assets not forming capital asset	49
٠	Personal effects	54
٠	Point of time to decide character of asset	56
٠	Agricultural land as capital asset	56
٠	Intangible assets as capital assets	56
٠	Goodwill as capital Asset	59
٠	Industrial license as capital asset	61
٠	Route permit as capital asset	61
٠	Bonds as capital asset	62
٠	Right to an annuity as capital asset	63
٠	Leasehold right as capital asset	64
٠	Assignment/transfer of leasehold rights	65
٠	Mining lease rights as capital asset	67
٠	Tenancy rights as asset	68
٠	Management right of a business as capital asset	69
•	'Right to manufacture, produce or process any article or thing' as capital asset	70
٠	A Contractual Right under a Contract of Sale as Capital Asset	70
٠	Reversionary rights as capital asset	71
٠	Acquisition of rights under a mortgage as capital asset	72
٠	Floor space rights as capital asset	72
٠	Life interest as capital asset	73
٠	Rights granted under a decree as capital asset	73
٠	Intellectual property rights and technology as capital asset	74
٠	Right to specific performance as capital asset	75
٠	Right of Possession of Property as Capital Asset	77
٠	Easement rights as capital asset	77
٠	Right of allotment of a flat in a society as capital asset	78
٠	Share warrants as capital asset	78
٠	Auction rights as capital asset	78

		PAGE
٠	ESOP rights as capital asset	78
SUI	MMARY AND CHECK POINTS FOR TAX PLANNING	80

I-23

CHAPTER 4 CAPITAL GAINS AND AGRICULTURAL LAND -SECTION 2(14)(iii)

•	Parliament is competent to enact law on capital gains on agricultural land	83
•	Charge of Capital gains on transfer of agricultural land	87
٠	Capital gains on subsequent use of agricultural land	91
SUMMARY AND CHECK POINTS FOR TAX PLANNING		91

CHAPTER 5

SHORT-TERM AND LONG-TERM CAPITAL GAINS -SECTION 2(42A), 2(42B), 2(29AA), 2(29B) & RULE 8AA

٠	Holding period of a capital asset	103
٠	Redemption of gold bonds	103
٠	Date of acquisition of asset received by the partner from the firm	104
٠	Holding period of previous owner	105
•	Holding period in case of stock-in-trade converted into capital asset and vice versa.	106
٠	Holding period of immovable property	107
٠	Holding period of unlisted shares	108
٠	Holding period of intangible assets	108
٠	Holding period of BSE shares	109
٠	Holding period in case of allotment of flat	109
٠	Holding period of right to acquire property	110
٠	Holding period in case of gift/settlement/inheritance	111
٠	Date of acquisition of shares	112
٠	Holding period of right to purchase additional shares	113
٠	Holding period when shares converted into debentures	113
٠	Holding period in some other cases	114
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	117

CHAPTER 6 TRANSFER - SECTION 2(47)

•	Transfer	128
٠	Possession and Transfer of Property Act	130
٠	Transfer of capital asset and registration	133
•	Cases which are not transfer	134
•	Transactions which are not transfer	138
٠	Transactions which are transfer	141
SUN	IMARY AND CHECK POINTS FOR TAX PLANNING	145

CHAPTER 7

WHETHER BUSINESS INCOME OR CAPITAL GAINS

•	Business income v. Capital gains (sale of shares)	148
٠	Business income v. Capital gains (sale of land)	154
٠	Business income v. Capital gains (sale of other capital asset)	159
•	Business income v. Capital gains (sale of listed/unlisted securities)	162
SUN	IMARY AND CHECK POINTS FOR TAX PLANNING	164

CHAPTER 8 CAPITAL GAINS - SECTION 45

٠	Income under the head capital gains	175
٠	Constitutional validity of section 45	175
٠	Essential conditions for invoking section 45	175
•	Capital gains on transfer of shares of Indian company by holding com- pany to subsidiary company	177
٠	Capital gains exempt u/s 10	177
٠	Capital gains when not chargeable	178
٠	Sections 45 & 48 an integrated code	178
٠	Exemptions from capital gains	179
٠	Cancellation of flat and liquidated damages	180
٠	Date/year of chargeability of capital gains	180
٠	Chargeability of capital gains in different cases	182

	CONTENTS	I-25
		PAGE
٠	Overriding titles and chargeability of capital gains	189
٠	Essential conditions u/s 45(1A)	190
٠	Damage in fire, restoration and capital gains	192
٠	Remittance abroad and capital gains	193
٠	Stock-in-trade v. Capital asset	194
٠	Agricultural land, division in plots and capital gains	200
٠	Development rights and capital gains u/s 45(2)	201
٠	Capital gains and section 80CCB	201
٠	Loss on unrealized deposits and set off against capital gains	202
٠	Transfer of land through several conveyance deeds	202
٠	Forfeiture of money and capital gains	203
٠	GPA holder and liability to capital gains	204
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	204

T 25

CHAPTER 9

CAPITAL GAINS AND ENTRY OF NEW PARTNER/ MEMBER IN THE FIRM/AOP/BOI - SECTION 45(3)

٠	Capital gains on incoming partner bringing cash/asset/unquoted shares	208
٠	Capital gains and revaluation of current/fixed assets	212
٠	Section 45(3) v. Section 40A(2)	212
٠	Section 45(3) v. Section 56(2)(x)	213
٠	Section 45(3) v. Section 50C	213
٠	Expression 'otherwise' and section 45(3)	214
٠	Capital gains, incoming partner and change in profit sharing ratio	214
٠	Section 45(3) and transfer of shares by non-resident company	216
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	216

CHAPTER 10

CAPITAL GAINS ON DISTRIBUTION OF ASSETS ON DISSOLUTION OF THE FIRM - SECTION 45(4)

٠	Partner's share as an asset/capital asset	220
٠	Incidence of taxation u/s 45(4)	221
٠	Meaning of the expression 'dissolution'	221
٠	Circumstances where section 45(4) can be invoked	223

		PAGE
٠	Section 45(4) and revaluation of asset	226
٠	Payment to retiring partner by remaining partners	226
٠	Payment to retiring partner by incoming partner	227
٠	Payment to retiring partner by the firm	227
٠	Section 45(4) and succession of firm by company	230
٠	Section 45(4) and distribution of asset before dissolution of the firm	231
٠	Section 45(4), revaluation of the asset and conversion into company	231
٠	Section 45(4) and reduction in share capital	232
٠	COA of the asset received by retiring partner	233
٠	Section 45(4) and transfer of stock-in-trade to partner	233
٠	Whether a case of dissolution or retirement	233
٠	Section 45(4) and scope of the term 'otherwise'	234
٠	Section 45(4) and section 50C	236
٠	Section 45(4) and transfer of unquoted shares to retiring partner	236
٠	Section 45(4) and dispute before a Court	237
٠	Revaluation of asset by the firm and section 28(<i>iv</i>)	237
٠	Withdrawal of his property from the firm by the retiring partner	238
٠	Section 45(4), retirement of a partner and goodwill	238
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	239

CHAPTER 11

CAPITAL GAINS ON RECONSTITUTION OF FIRM/ SPECIFIED ENTITY - SECTIONS 45(4) AND 9B

٠	Conditions for invoking section 9B	257
٠	Conditions for invoking section 45(4)	259
٠	Constitutional validity of section 9B	260
٠	Retrospective effect of section 9B	260
٠	Section 9B and section 50C/43CA/56(2)(x)(b)	260
٠	Section 9B v. Section 48	260
٠	Section 9B and transfer of stock-in-trade	261
٠	Interplay of section 9B and section 45(4)	261
٠	Mechanism of operation of section 9B and Section 48(iii)	262
٠	Conditions for attributing capital gains	264

I-26

CHAPTER 12

CAPITAL GAINS ON COMPULSORY ACQUISITION OF CAPITAL ASSET - SECTION 45(5)

◆ Capita	l gains and compulsory acquisition of capital asset	277
 Capita 	l gains and RFCTLARR Act	277
 Taxati 	on of interest on enhanced/delayed compensation	282
 Year o 	f taxability of compensation/enhanced compensation	284
 Exemption 	otion of compensation/additional compensation/solatium	286
SUMMARY	AND CHECK POINTS FOR TAX PLANNING	286

CHAPTER 13

CAPITAL GAINS AND JOINT DEVELOPMENT AGREEMENT - SECTION 45(5A)

٠	Characteristics of JDA	293
٠	Taxation on the landowner under JDA	295
٠	Land as business asset	298
٠	Transfer of land under JDA	299
٠	Year of liability of capital gains under JDA	301
٠	Permissive possession does not amount to transfer	304
٠	Not a transfer if conditions under JDA not fulfilled	305
٠	Consequences of registered JDA	305
٠	Section 2(47)(v) and Indian Registration Act	306
٠	Capital gains under failed JDA	307
٠	Section 50C and JDA	308
٠	Receipt in kind by landowner and FVC	308
٠	Capital gains under JDA on issuance of completion certificate	309
٠	Capital gains and permissive possession under JDA	309
٠	Capital gains under tripartite agreement with developer and customer	310
•	Capital gains on landowner on sale of constructed area received from developer	310
٠	Applicability of proviso to section 45(5A)	311
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	313

CHAPTER 14

CAPITAL GAINS ON DISTRIBUTION OF ASSETS BY COMPANIES IN LIQUIDATION - SECTION 46

٠	Salient features of section 46	317
٠	Liquidation/winding up of a company and its different modes	319
•	Capital gains on money received by shareholder on liquidation of a company	320
٠	Assets/capital assets to be included u/s 46	324
٠	Capital gains u/s 46(2) and exemption u/s 54F/54E	325
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	325

CHAPTER 15

BUYBACK OF SHARES - SECTION 46A

٠	Scope and effect of section 46A	331
٠	Section 46A v. Section 47(v)	332
٠	Section 46A v. Section 47(iv)	333
٠	Section 46A v. Section 115-O	333
٠	Section 46A and deemed dividend	334
٠	Buyback of shares or colourable device	334
٠	Section 46A v. Section 115QA	334
٠	Section 46A v. Section 10(34A)	337
٠	Interplay of sections 46A, 10(34A), 115QA and 115-O	338
SUN	AMARY AND CHECK POINTS FOR TAX PLANNING	339

CHAPTER 16

TRANSFERS TO WHICH SECTION 45 IS NOT APPLICABLE - SECTION 47

٠	Capital gains on transfer of property received in partition	378
٠	Capital gains on transfer of property before partition	379
٠	Capital gains on property received in family arrangement	379
٠	Capital gains on equity shares received by company in gift	379
٠	Section 47(<i>iii</i>) applies to actual gift	381

	PAGE
 Exemption u/s 54 and gift of new asset 	382
 Conditions for applicability of section 47(<i>iv</i>) 	383
 The law as on the date of execution of the agreement to apply 	383
 Transfer of warrants/shares and section 47(<i>iv</i>) 	384
 Definition of holding company for section 47(<i>iv</i>) 	385
 Transfer of shares between holding and subsidiary company 	385
 Section 47(v) not to apply to transfer of stock-in-trade 	393
 Benefit u/s 47(vii) not available on part transfer of shares 	394
 Section 47(viii) and transfer of agricultural land 	394
 Capital gains on conversion of bonds/debentures into shares 	395
 Membership of a Stock Exchange 	396
 Section 47(<i>xiii</i>) and sale of shares to company 	397
 Capital gains under the conditions of section 47(xiii) 	397
 Delayed allotment of shares by company succeeding a firm 	398
 Capital gains and violation of conditions u/s 47(xiii) 	399
 Depreciation on revalued intangible assets received by a private com- pany succeeding a firm 	399
 Conditions laid down u/s 47(xiii) are mandatory 	401
 Revaluation of assets in credit into partner's account 	402
 Section 47(<i>xiiib</i>) not to apply on grant of loan 	403
 Ingredients of section 47(xiiib) 	403
• Capital gains on succession of proprietary concern by a company	404
Reverse mortgage	407
SUMMARY AND CHECK POINTS FOR TAX PLANNING	408

I-29

CHAPTER 17

WITHDRAWAL OF EXEMPTION OF CAPITAL GAINS IN CERTAIN CASES - SECTION 47A

٠	Section 47A(3) v. Section 47(xiii)	414
٠	Recording of finding before invoking section 47A	414
٠	Time of allotment of shares in case of succession by a company	415
٠	Section 47A(3) and grant of loan to partners by a successor firm/LLP	416
٠	Charge of capital gains on violation of conditions $u/s 47(iv)/47(v)/47(xiii)$	417
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	418

CHAPTER 18 MODE OF COMPUTATION OF CAPITAL GAINS -SECTION 48

•	Full value of consideration	432
•	Receipt by seller/payments by purchaser not part of FVC	441
•	Full value of consideration and section 50C	442
•	Year when sale consideration is to be used for computing capital gains	443
•	Cost of acquisition	443
•	Expenses not to form part of COA	451
•	Legal fees as part of COA	454
٠	Capital gains on transfer of TDRs	454
٠	Concept of wholly and exclusively	455
•	Expenditure to be included in computation of capital gains	457
•	Expenditure not be considered for computation of capital gains	463
٠	Cost of improvement	467
•	Expenditure to fall or not to fall as part of COI	468
•	Miscellaneous	473
SUN	MMARY AND CHECK POINTS FOR TAX PLANNING	474

CHAPTER 19

INDEXATION - SECOND PROVISO TO SECTION 48

٠	Indexation and transfer in the modes specified u/s 49(1)	479
	Indexation in case of conversion of capital asset into stock-in-trade	480
	Indexation in the case of computation of book profit u/s 115JB	480
٠	Indexation in the case of transfer of preference shares	481
٠	Indexation in the case of conversion of units of UTI into bonds	482
٠	Benefit of indexation from the date of agreement	482
٠	Indexation on cumulative sale of original/bonus shares	483
٠	Indexation to asset in remand proceedings	483
٠	Indexation from date of payments/allotment	484
٠	Benefit of indexation from the date of purchase	485
٠	Indexation on sale of shares allotted by BSE	485
٠	Benefit of indexation in case of compulsory acquisition	486

	PAGE
• Cases where benefit of indexation is not available	486
 Indexation in the case of JDAs 	488
Reverse indexation	489
 Calculation of period of indexation 	489
SUMMARY AND CHECK POINTS FOR TAX PLANNING	490

I-31

CHAPTER 20

COST WITH REFERENCE TO CERTAIN MODES OF ACQUISITION - SECTION 49

٠	COA to the previous owner to be the COA to the assessee	512
٠	Determination of COA in the cases of different transferees	514
٠	Amendment in section 49(1)(<i>iii</i>) is not retrospective	526
٠	Capital gains on sale of right to purchase additional shares	527
٠	Capital gains on sale of properties earmarked for the directors	527
٠	Benefit u/s 49(1) not available in case of converted asset	528
٠	No benefit of section 49(1) on throwing of property into HUF	529
٠	Determination of period of holding of an asset	530
SUI	MMARY AND CHECK POINTS FOR TAX PLANNING	535

CHAPTER 21

CAPITAL GAINS AND FAMILY SETTLEMENT -SECTION 49(1)(*i*)

٠	Family settlement as partition	541
	Distribution in family settlement is not a transfer	541
	Liability to capital gains in family settlement	542
٠	Stock-in-trade received in family settlement is not capital asset	545
٠	Transfer of shares by a company in family arrangement	545
٠	No capital gains on provision of owelty	546
٠	Benefit of indexation, previous owner and family settlement	546
٠	Benefit of expenditure in the property received in family settlement	546
٠	Family settlement not to be a colourable device for benefit $u/s 49(1)(i)$	547
•	Section $47(i)$ is not applicable on money received after revaluation from the firm	547
٠	Benefit of section 49(<i>i</i>) is not available to Muslims	548

	PAGE
 Family settlement and section 56(2)(v) 	548
 Family settlement and section 56(2)(vii) 	548
 Family settlement and section 2(22)(e)/56(2)(vi) 	549
 Family settlement and section 2(47)(v) 	549
 Family arrangement and section 54F 	550
 Family settlement, difference in book value and FMV, whether unac- counted transaction 	550
 Family settlement, buy back of shares and expenditure 	551
SUMMARY AND CHECK POINTS FOR TAX PLANNING	551

CHAPTER 22

CAPITAL GAINS ON DEPRECIABLE ASSETS -SECTIONS 50 AND 50A

٠	Capital gains on depreciable assets before insertion of section 50	561
٠	Essential conditions u/s 50	562
٠	For invoking section 50 claim and allowing of depreciation	563
٠	Difference between section 50(1) and 50(2)	564
٠	Interrelationship between sections 50, 48, 49 & 55(2)	565
٠	Estimated income and section 50	565
٠	Section 50 and use of the asset in business	566
٠	Section 50 and block of asset	566
٠	Goodwill, section 50 and Rule 8AC	569
٠	Section 50 and distribution of depreciable assets among partners	570
٠	Section 50 and sale of undertaking	571
٠	Section 50 and sale of both tangible and intangible assets	573
٠	Section 50 and claim of exemptions u/s 54E/54F/54EC	573
٠	Section 50 and set off of brought forward losses	574
٠	Substitution of FMV u/s 50	574
٠	Section 50 and taxability of compensation	576
٠	Section 50 and section 50C	577
٠	Section 50 and section 10B	578
٠	Section 50 and leasehold rights	578
٠	Section 50 and BSE Membership card	578
٠	Conditions for applicability of section 50A	578

		PAGE
•	Section 50A and section 48	579
•	Section 50 and composite nature of asset	579
•	Section 50 and sale of right shares	580
SUI	MMARY AND CHECK POINTS FOR TAX PLANNING	580

I-33

CHAPTER 23

CAPITAL GAINS IN CASE OF MARKET LINKED DEBENTURE - SECTION 50AA

582
583
592
594
594
596
598
600
601
601
602
602
604

CHAPTER 25

SPECIAL PROVISION FOR FULL VALUE OF CONSIDERATION IN CERTAIN CASES -SECTION 50C

٠	Section 50C, its nature and scope and constitutional validity	612
٠	Retrospectivity of section 50C	617
•	Stamp duty value, Fair market value and determination of fair market value	618
٠	Section 50C and full value of consideration	623

		PAGE
٠	Section 50C and cost of acquisition	624
٠	Scope of the word 'assessable'	625
٠	Objections to stamp duty value	627
٠	Reference to DVO and opportunity by DVO	629
٠	Adoption of stamp duty valuation as full value of consideration	634
٠	DVO's report and challenge to it	641
٠	Tolerance limit	643
٠	Section 50C and joint development agreement	646
٠	Section 50C and development rights	650
٠	Section 50C and rural agricultural land	651
٠	Section 50C and transfer by way of gift/will/merger	653
٠	Section 50C and exemption u/s 54/54F/54EC	653
٠	Section 50C and transfer of shares	656
•	Section 50C and leasehold rights, Kashtkari Rights and other rights in immovable property	657
٠	Section 50C and section 56(2)(<i>vii</i>)/56(2)(<i>x</i>)	660
٠	Interplay of sections 50, 50C and 43(6)	663
٠	Section 50C and depreciable assets	663
٠	Section 50C and year of chargeability	667
٠	Section 50C and section 263	668
٠	Section 50C and real income	669
٠	Section 50C and Writ	670
٠	Section 50C and section 69B	670
٠	Section 50C and stock-in-trade	671
٠	Section 50C and section 45(3)	673
٠	Section 50C and section 45(4)/49	674
٠	Section 50C and mediatory	675
٠	Section 50C and reopening of assessment	675
٠	Section 50C and penalty for concealment	676
٠	Section 50C and auction sale	676
٠	Section 50C and unregistered sale	676
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	677

I-34

CHAPTER 26

FULL VALUE OF CONSIDERATION FOR TRANSFER OF UNQUOTED SHARES - SECTION 50CA

٠	Section 50CA and date of its applicability	683
٠	Retiring partner given unquoted equity shares and Section 50CA	683
٠	Incoming partner bringing unquoted equity shares and section 50CA	684
٠	Section 50CA and Rule 11UAA	684
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	687

CHAPTER 27

FMV DEEMED AS FVC - SECTION 50D

٠	The concept of fair market value	690
٠	Conditions for applicability of section 50D	690
٠	Cases where section 50D can be invoked	691
٠	Section 50D and section 56(2)(x)	692
SUN	IMARY AND CHECK POINTS FOR TAX PLANNING	693

CHAPTER 28

TREATMENT OF ADVANCE MONEY RECEIVED - SECTION 51

 Forfeiture and reduction in cost of acquisition 	697
 Taxation of earnest money forfeited 	697
 Non-genuine nature of advance money 	697
 Nature of earnest money/advance received 	698
SUMMARY AND CHECK POINTS FOR TAX PLANNING	

CHAPTER 29

EXEMPTION ON INVESTMENT IN RESIDENTIAL HOUSE - SECTION 54 (BASIC CONDITIONS)

٠	Conditions for exemption u/s 54	707
٠	Demolition of original asset and exemption u/s 54	710

		PAGE
٠	Conversion of new house into commercial asset	710
٠	Determination of holding period of original asset	710
٠	Date of acquisition of property	712
٠	Investment of sale consideration of two or more houses	713
٠	Exchange of old house with new house	714
٠	Circumstances where exemption u/s 54 is available/not available	715
•	Exemption u/s 54 for transactions covered under development agree- ment	726
٠	Forfeiture of exemption u/s 54	727
٠	Reckoning the date of acquisition for indexation	727
٠	SDV of old house is not the FVC for investment in new house	727
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	728

CHAPTER 30

EXEMPTION ON INVESTMENT IN AGRICULTURAL LAND - SECTION 54B

٠	Entities to whom Section 54B is applicable	735
٠	Section 54B and Short term/long term capital asset	738
٠	Section 54B and agricultural land/income	738
٠	Section 54B and deposit in CGAS account	738
٠	Section 54B and investment in new agricultural land	739
٠	Section 54B and penalty for concealment	745
٠	Section 54B and power of Tribunal to estimate COI	746
٠	Consequence to failure to invest in new asset	746
٠	Section 54B and reckoning the period of two years	746
٠	Section 54B and investment in non-agricultural land	746
٠	Availability of exemption u/s 54B as well as u/s 54F	747
٠	Section 54B and section 263	747
٠	Section 54B and partition of ancestral agricultural land	748
٠	Exemption u/s 54B to a builder	748
٠	Exemption u/s 54B on filing return of income	748
٠	Section 54B and legal heir	749
٠	Section 54B and purchase of new asset prior to sale of old asset	749
٠	Section 54B, investment in new asset and DLC rates	750
SUN	MMARY AND CHECK POINTS FOR TAX PLANNING	750

CHAPTER 31

COMPULSORY ACQUISITION AND EXEMPTION FOR INVESTING IN NEW INDUSTRIAL UNDERTAKING - SECTION 54D

 Meaning of 'industrial undertaking' for exemption u/s 54D 	756
 Change of nature of asset on subsequent development 	758
 Claim of exemption and mentioning wrong section 	758
SUMMARY AND CHECK POINTS FOR TAX PLANNING	

CHAPTER 32

EXEMPTION ON INVESTMENT IN SPECIFIED ASSET - SECTION 54E

٠	Exemption allowed even on transfer of depreciable asset	765
٠	Constitutional validity of Section 54E(1C)	766
٠	Transfer of property to take effect on date of registration	766
٠	Source of funds used for investment not material	767
٠	FVC to include amount of discharged mortgage	767
٠	No exemption if impugned transaction not regarded as transfer	768
٠	Manner of reckoning period of 6 months	768
٠	Exemption u/s 54E on enhanced compensation	769
٠	Reopening not valid if no claim made by assessee	770
٠	Discounted value of interest on bonds chargeable in the year of receipt	770
٠	Exemption available even if investment made in names of partners	770
٠	Exemption only on sale of lot of shares yielding capital gains	771
٠	Exemption on fulfilment of all essential conditions	771
٠	Relief u/s 54E can be claimed first time in appeal	772
٠	Exemption only after allowing deduction u/s 48(2) from LTCG	772
SU	MMARY	773

CHAPTER 33

EXEMPTION ON INVESTMENT IN SPECIFIED ASSET - SECTION 54EA

• Exemption u/s 54EA and Joint Development Agreement (JDA)

		PAGE
٠	Exemption u/s 54EA and sale of business along with goodwill	777
٠	Exemption u/s 54EA on enhanced compensation for land	777
•	Section 54EA and specified securities bought in resale	778
•	Exemption u/s 54EA on sale of shares held under stock options	778
•	Exemption u/s 54EA on surrender of tenancy rights	779
SUMMARY		779

CHAPTER 34

EXEMPTION ON INVESTMENT IN SPECIFIED ASSET - SECTION 54EB

٠	Manner of reckoning of period for making investment	782
٠	Exemption u/s 54EB when consideration received in instalments	783
SUMMARY		783

CHAPTER 35

EXEMPTION ON INVESTMENT IN CERTAIN BONDS - SECTION 54EC

٠	Section 54EC and sale of TDRs	791
٠	Reckoning of period of six months for investment	79 <i>2</i>
٠	Section 54EC and Period of holding of capital asset	795
٠	Retrospective amendment fixing limit of investment	796
٠	Reasonable cause for delay in making investment	796
٠	Maximum limit of investment	797
٠	Investment made jointly with assessee permissible	798
٠	Investment in FDs not eligible for exemption	799
٠	Exemption permissible under both sections 54EC and 54/54F	799
٠	Exemption on investment in specified assets till AY 2018-19	799
٠	Firm to get exemption even if investment made in names of partners	800
٠	No exemption if investment made before transfer of original asset	800
٠	Exemption to be claimed before set off of capital loss	801
٠	Separation exemption for land and building sold together	801
٠	Section 54EC and section 115JB	802
٠	Section 54EC and penalty for concealment	802

		PAGE
٠	Section 54EC and section 64	803
٠	Exemption in respect of sale of land held as capital asset	803
٠	Restriction of exemption upto amount of investment	803
٠	Exemption on sale of client relationships and goodwill of business	804
٠	Section 54EC and section 45(4)	804
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	805

I-39

CHAPTER 36

CAPITAL GAIN ON TRANSFER OF CERTAIN LISTED SECURITIES/UNITS - SECTION 54ED

٠	Capital gain on transfer of certain listed securities/units- Section 54ED	807
SU	MMARY	809

CHAPTER 37

EXEMPTION ON INVESTMENT IN UNITS OF A SPECIFIED FUND - SECTION 54EE

٠	Section 54EE deserves liberal construction	813
٠	Scope of applicability of section 54EE	813
٠	Investment in new asset can be from other sources/borrowings	814
٠	Maximum amount of exemption u/s 54EE	815
٠	Manner of reckoning the eligibility period of 6 months	815
•	No denial of exemption if specified authority delays issue of units	815
٠	No denial of exemption if investment made jointly	816
•	Circumstances entailing withdrawal of exemption u/s 54EE	816
SUN	IMARY AND CHECK POINTS FOR TAX PLANNING	817

CHAPTER 38

EXEMPTION FOR INVESTMENT IN NEW RESIDENTIAL HOUSE - SECTION 54F

٠	Various conditions for claiming exemptions u/s 54F	826
•	Various long-term capital assets on whose transfer exemption u/s 54F can be claimed	827
٠	Stock options	827

		PAGE
٠	Sale of rights in a flat	828
٠	Sale of commercial property	828
٠	Sale of vacant land	829
٠	Sale of factory shed	830
٠	Sale of Tenancy rights	830
٠	Sale of allotment letter	830
٠	Sale of Trademark	831
٠	Sale of Agricultural Land	831
٠	Interplay of section 54F and section 50C	831
٠	Transfer of several long-term capital assets	833
٠	Kind of asset purchased, or extent of construction carried out	833
٠	Claim of exemption by a minor	834
٠	Charge of capital gains on failure to purchase new asset	835
٠	Section 54F and section 64	836
٠	Section 54F and owning of more than one residential house	837
٠	Section 54F and investment in house owned by father	840
٠	Section 54F and cancellation of agreement to sell	841
٠	Withdrawal of exemption u/s 54F(3)	841
٠	Adjustment of long-term capital gains against long-term capital loss	843
٠	Claim of exemption by a trust	843
٠	Section 54F and cost of new asset	844
٠	Invalidity of denial of exemption in specific cases	845
٠	Denial of exemption in specific cases	848
SUN	MMARY AND CHECK POINTS FOR TAX PLANNING	852

CHAPTER 39

EXEMPTION ON INVESTMENT IN NEW RESIDENTIAL HOUSE - SECTIONS 54 AND 54F

٠	Concept of residential house	855
٠	Meaning and scope of expressions 'purchase or construction'	857
٠	Acquiring a house under a builder-buyer agreement is a purchase	860
٠	Acquiring a house from DDA/Housing societies	861
٠	'A residential house' whether singular or plural	863
٠	New residential house should be habitable	864

	PAGE
New residential house outside India	866
 Subsequent use of the property purchased is not material 	868
 Purchase of semi-finished apartment, addition, alteration, extension, reconstruction, modification 	869
 Purchase of property with furniture and fixtures 	872
 Section 54F and land appurtenant to the building 	874
 Possession v. Execution of instrument of transfer of new asset for exemption u/s 54F 	875
 Residential house on commercial land 	877
 Investment of net consideration/capital gains in single units or multiple units 	878
 Claim of Exemption at different stages of assessment and appeal 	884
 Purchase/construction of house in the name of close relatives or inserting their names 	886
 Exemption even if wrong section or no section is mentioned 	89 <i>2</i>
• Exemption if agreement with builder failed and money refunded	893
 Exemption if investment in new asset is staggered 	894
 Reckoning date of purchase or allotment 	895
 Source and Period of investment made in new asset 	897
 Making investment in new asset in prescribed time 	900
Withdrawal of Exemption	904
 Purchase of new asset from close relatives/joint ventures 	905
Allowing Exemption in specific cases	907
Miscellaneous issues	909
SUMMARY AND CHECK POINTS FOR TAX PLANNING	912

I-41

CHAPTER 40

EXEMPTION FROM CAPITAL GAINS TAX AND CAPITAL GAINS ACCOUNTS SCHEME

٠	Requirement of deposit in CGAS account	919
٠	Making deposit of capital gains/net consideration in saving account	921
٠	Making deposit out of borrowed funds	922
٠	Purchase/construction within prescribed time	922
٠	Deposit within the time allowed u/s 139(4)	925
٠	Failure to file return or failure to offer capital gains tax	930

		PAGE
٠	Reasonable cause in delay in making deposit	930
٠	Miscellaneous	931
SUI	MARY AND CHECK POINTS FOR TAX PLANNING	932

CHAPTER 41

EXEMPTION ON SHIFTING OF INDUSTRIAL UNDERTAKING FROM URBAN AREA-SECTION 54G

٠	Relevant evidence to prove shifting of industrial undertaking	939
٠	Manner and scope of investment of capital gains in new asset u/s. 54G	939
٠	No denial of exemption due to subsequent notification of urban areas	940
•	Deposit in CGAS account made within time limit available u/s. 139(4)/ 139(5)	940
٠	Tax treatment of unutilized CGAS deposit in the hands of legal heirs	941
٠	Section 54G and purchase of land/building for business at new place	941
٠	Formal notification as 'urban area' not mandatory	942
٠	Essential conditions for availing exemption u/s. 54G	942
SUI	MMARY AND CHECK POINTS FOR TAX PLANNING	943

CHAPTER 42

EXEMPTION ON SHIFTING OF INDUSTRIAL UNDERTAKING TO SEZ - SECTION 54GA

٠	Essential conditions for claiming exemption u/s. 54GA	948
٠	Preference for adjustment of exemption u/s. 54GA against capital gains	949
٠	Circumstances leading to withdrawal of exemption u/s. 54GA	950
•	Tax treatment of unutilised CGAS deposit in the hands of legal heirs	950
•	Common principles/propositions applicable to section 54GA	951
٠	Filing of return mandatory to claim exemption	953
SUN	IMARY AND CHECK POINTS FOR TAX PLANNING	954

CHAPTER 43

EXEMPTION FOR INVESTMENT IN START-UP-SECTION 54GB

• Time limit for investing capital gains in eligible company

	PAGE
 Time limit for eligible company to invest in the new asset 	965
 How to determine cost of the new asset 	966
 Grounds for withdrawal of exemption u/s. 54GB 	966
 Illustration to explain how section 54GB works 	967
 Common principles/propositions for exemption applicable to section 54GB 	969
SUMMARY AND CHECK POINTS FOR TAX PLANNING	972

I-43

CHAPTER 44

EXTENSION OF TIME FOR INVESTMENT IN CASES OF COMPULSORY ACQUISITION - SECTION 54H

SUMMARY AND CHECK POINTS FOR TAX PLANNING		978
٠	Remedial action available u/s. 155(11) if capital gains charged	977
٠	Liability to Capital Gains when compensation received in instalments	977
٠	Scope of benefit of section 54H	976

CHAPTER 45

COST OF ACQUISITION IN CERTAIN CASES-SECTION 55

٠	Financial assets covered u/s. 55(2)(aa)	989
٠	Determination of cost of acquisition of financial assets u/s. 55(2)(aa)	990
٠	Determination of cost of acquisition u/s. 55(2)(ac)	990
٠	Determination of cost of acquisition u/s. 55(2)(b)(iii)	991
٠	Determination of cost of acquisition u/s . 55(2)(b)(v)	991
٠	Determination of cost of acquisition of any other capital asset	<i>992</i>
٠	Cost of acquisition of bonus/right shares/detachable warrants	<i>992</i>
٠	Determination of cost of acquisition of units of business trust	995
٠	Determination of cost of acquisition on conversion of securities	996
٠	Determination of cost of acquisition on amalgamation	996
٠	Determination of cost of acquisition in case of demerger	997
٠	Cost of acquisition of transactions between holding and subsidiary	998
	companies	
٠	Cost of acquisition on conversion of company to LLP	998
٠	Treatment of advance money forfeited	998

		PAGE
٠	Cost of acquisition of immovable property covered u/s. 56(2)	999
٠	Cost of acquisition as cost to previous owner	999
٠	Meaning of 'Previous owner'	1000
٠	Cost of acquisition in the case of a joint development agreement	1001
٠	Cost of acquisition in case of enhanced compensation	1001
٠	Cost of acquisition on conversion of stock-in-trade into capital asset	1001
٠	Cost of acquisition in case of transfer of a depreciable asset	1002
٠	Determination of cost of acquisition in case of slump sale	1002
٠	Cost of acquisition of goodwill, trademark or brand name	1002
٠	Cost of acquisition in case of transfer/surrender of tenancy rights	1004
٠	Determination of cost of acquisition of know-how	1005
٠	Determination of cost of acquisition of patent	1005
٠	Determination of cost of acquisition of IPRs	1006
٠	Cost of acquisition of licences etc. for setting up a plant	1006
٠	Cost of acquisition in case of payment of non-compete fees	1007
٠	Cost of acquisition in case of transfer of 'jagirs'	1007
٠	Cost of acquisition of gold received on redemption of Gold Bonds	1008
٠	Relevant factors in determination of cost of acquisition u/s. 55(2)(a)	1008
٠	Cost of acquisition of shares issued against surrender of BSE card	1009
٠	Relevance of value of asset declared in wealth tax records	1010
٠	Concept of Fair Market Value (FMV) in section 55	1011
٠	Relevance of report of registered valuer/Departmental valuer	1011
٠	Ground for invoking section 55(3)	1012
٠	Salient features of exercising option u/s. 55(2)(b)	1012
٠	Cost of acquisition on conversion to non-agricultural land	1014
٠	Relevant factors while determining cost of acquisition	1015
٠	Salient features of cost of improvement u/s. 55(1)(b)	1017
SUI	MMARY AND CHECK POINTS FOR TAX PLANNING	1019

CHAPTER 46

REFERENCE TO VALUATION OFFICER-SECTION 55A

٠	Scope of reference to DVO u/s 55A and section 142A	1025
•	Procedure to be followed by DVO and his powers u/s. 55A	1028

I-44

	CONTENTS	1-45
		PAGE
٠	Reference to DVO u/s. 55A by Investigation Wing	1029
•	Reference to DVO by the AO u/s. 55A	1029
•	Validity of reference to DVO if report received after assessment	1030
•	No rectification of assessment u/s. 155(15) based on DVO's report	1030
•	Addition u/s. 153A on the basis of DVOs report	1031
•	FMV determined by DVO cannot be substituted for FVC u/s. 48	1031
٠	DVO's report as basis for action u/s. 148	1032
٠	Reference to DVO and rejection of books of account by AO	1032
٠	Difference between reference to DVO u/ss 142A and 55A	1033
٠	Reference to DVO valid even if declared value is more than FMV	1035
•	Amendment made in section 55A(a) is prospective	1036
•	Reference to DVO permissible for purpose of section 45(4)	1036
•	Validity of reference to DVO for purpose of section 50C	1037
•	Prior hearing to assessee not required for reference to DVO	1037
•	DVO's report open to challenge by the assessee	1037
•	No reference to DVO before assessee has filed return	1038
•	Second reference possible if first reference to DVO was not valid	1038
٠	AO can estimate FMV if DVO fails to furnish report in time	1038
•	Reference to DVO only after due application of mind by AO	1039
•	No reference to DVO u/s. 55A after completion of assessment	1039
•	Power to remand case on objections to DVO's report raised in appeal	1039
•	Reference u/s. 55A does not extend limitation	1040
รเ	IMMARY AND CHECK POINTS FOR TAX PLANNING	1040

I-45

CHAPTER 47

SET OFF OF CAPITAL GAINS/LOSS-SECTIONS 70,71,74 AND 80

٠	Set off of loss from exempt source/head of income	1051
٠	Intra-head set off of loss	1052
٠	Inter-head set off of loss	1053
٠	Set off of long-term capital loss	1054
٠	Set off of non-genuine capital loss	1055
•	Set off of long-term capital loss against STCG on transfer of a depre- ciable asset	1056
SUMMARY AND CHECK POINTS FOR TAX PLANNING		1056

CHAPTER 48

TAXATION OF SHORT-TERM/LONG-TERM CAPITAL GAINS - SECTIONS 111A, 112 AND 112A

٠	Meaning and scope of 'equity-oriented fund'	1085
٠	Section 111A does not apply to STCG	1086
	(<i>i</i>) On transfer of preference shares	1086
	(<i>ii</i>) On units of debt-oriented MF	1086
	(iii) On transfer of unlisted shares	1086
٠	Applicability and scope of section 111A	1087
٠	Deductions allowed from STCG	1088
٠	Deductions not allowed u/s. 111A	1088
٠	No denial of benefit u/s. 111A to assessee if STT not paid by broker	1089
٠	No credit of STT available to assessee	1089
٠	No capital gains on disgorgement of sale proceeds	1089
٠	Section 111A applies not on trading but on investment in shares	1090
٠	Section 111A does not apply where DTAA is attracted	1091
٠	No denial of benefit u/s. 111A merely for omission in IT return	1091
٠	AO cannot raise new issue of denying benefit u/s. 111A in remand	1092
٠	Meaning of 'zero coupon bond'	1092
٠	Application of concessional rate of tax u/s. 112 to non-residents	1092
٠	Effect of proviso to section 112(1)	1096
٠	Tax rates u/s. 112 apply to private discretionary trust	1097
٠	Non-resident entitled to the benefit u/s . 55(2)(b)(i)	1097
٠	Tax rate on LTCG arising on transfer of shares allotted in public issue	1098
٠	Benefit of concessional tax rate u/s. 112 available to an individual/HUF	1098
٠	Section 112(1) attracted even if depreciable assets are sold	1098
٠	Section 112(1) and deductions under Chapter VI-A	1099
٠	Tax includes surcharge	1099
٠	Interplay of sections 48 and 70 before invoking section 112	1100
٠	No benefit of section 112 to a trust on violation of section $13(1)(c)$	1101
٠	Relief under first proviso to section 112(1) can be availed u/s. 154	1101
٠	No benefit of section 112(1) on LTCG arising on Deep Discount Bonds	1102
٠	No denial of benefit u/s. 112 if details of LTCG not given in IT return	1102

		PAGE
٠	No benefit u/s. 112 on conversion of investment into stock-in-trade	1102
SUI	MMARY AND CHECK POINTS FOR TAX PLANNING	1103

I-47

CHAPTER 49

CAPITAL GAINS TAX ON OFFSHORE FUNDS/NON-RESIDENT PERSON/FIIs IN RESPECT OF UNITS/ GDRs/SECURITIES - SECTIONS 115AB, 115AC, 115ACA, 115AD

٠	Applicability of aforesaid provisions	1128
٠	Meaning and scope of 'dividend' and taxation thereof	1128
٠	Taxation of dividend in case of non-resident shareholders	1129
٠	Taxation of dividend from Mutual Funds in case of non-residents	1129
٠	Taxation of dividend from GDRs in case of non-residents	1130
٠	Taxation of dividend from REITs/InVITs in case of non-residents	1130
٠	Liability to deduct withholding tax from payment of dividend	1130
٠	Meaning and scope of GDRs	1131
٠	Types of securities purchased by non-residents in foreign currency	1132
٠	Difference between FCCBs and FCEBs	1132
٠	FCCB/FCEB schemes notified for purpose of section 115AC	1133
٠	Taxation of capital gains u/s. 115AC	1133
٠	Distinction between units and securities	1133
٠	Scope of applicability of section 115AD	1134
٠	Nature of Income of Specified Funds exempt u/s. 10(4D)	1135
٠	Tax rates for LTCG on sale of shares u/ss. 112 and 112A	1136
٠	FIIs assessable on LTCG on transfer of securities only u/s. 115AD	1136
٠	Adjustment of short-term capital loss against STCG of FII	1136
٠	FIIs not barred from trading in derivatives	1137
٠	Income of FIIs from dealing in derivatives taxable as Capital Gains	1138
٠	Benefit u/s. 115AC available to non-residents but not to RNOR	1138
٠	Tax rate applicable to interest income of an FII	1139
٠	Taxability of interest income of foreign company on FCCBs	1139
٠	Chargeability of capital gains on conversion of debentures/bonds	1139
٠	Section 115AD and income of FIIs from sale of portfolio investments	1140
٠	Section 115AD and Interest earned by FII on NCDs	1141

	PAGE
 Set off of short-term capital loss of an FII against STCG 	1141
 Section 48 and section 111A/115AD 	1142
 Exemption of interest income of FII u/s. 10 	1142
SUMMARY AND CHECK POINTS FOR TAX PLANNING	1143

CHAPTER 50

ALTERNATIVE TAX REGIME IN THE CASE OF NON-RESIDENT INDIANS - SECTIONS 115C, 115D, 115E, 115F, 115G, 115H AND 115-I

٠	Section 115D v. section 88	1159
٠	Section 115D and non-foreign exchange asset	1160
٠	Section 115E and section 115H	1160
٠	Section 115E and transfer of FE asset from one bank to another	1161
٠	Section 115E and section 88	1161
٠	Section 115E and declaration in the return	1162
٠	Section 115E and short term capital gains	1162
٠	Section 115E and interest income from NRO account	1163
•	Section 115E and LTCG on sale of house by non-resident	1164
•	Nature of bonus share is same as that of original share	1164
٠	Section 10 and interest income of non-resident	1165
٠	Transactions not regarded as transfer in the case of NRI also	1165
•	Benefit continue to available to NRI when he becomes RI	1166
٠	Benefit u/s 115H not available to interest on interest	1166
٠	Section 115C/115H and nationalised bank deemed to be an Indian	1167
	company	
•	Option u/s 115-I	1167
SUMMARY AND CHECK POINTS FOR TAX PLANNING		1167

CHAPTER 51

CAPITAL GAINS AND BUSINESS TRUST

٠	Concept of Business Trust	1170
٠	Taxability of Income in hands of Business Trust	1173
•	Taxability of Income in hands of Shareholder	1175

CONTENTS	I-49
	PAGE
• Taxability of Capital Gains in hands of sponsors of business trust	1176
SUMMARY AND CHECK POINTS FOR TAX PLANNING	1177
CHAPTER 52	
CAPITAL GAINS AND INTERNATIONAL FINANCIAL SERVICES CENTRE (IFSC)	
 Persons permitted to deal in securities listed in IFSC 	1184
 Kind of securities traded through the RSEs in IFSC 	1184
 Transactions in IFSC not treated as 'transfer' u/s. 47 	1187
 Income of units in IFSC as well as investors exempt u/s. 10 	1189
• Capital Gains tax on transactions in IFSC charged at concessional rates	1192
SUMMARY AND CHECK POINTS FOR TAX PLANNING	1193

CHAPTER 53

CAPITAL GAINS UNDER INTERNATIONAL TAXATION

•	Scope of Article 13 of DTAA relating to capital gains	1204
٠	Capital gains under Article 13 not always charged in Source country	1205
٠	Tax treatment of transfer of shares of Indian Company by non-resident	1206
٠	Taxability of units of Mutual funds under DTAA	1208
٠	Taxation of capital gains arising to Indian resident in a foreign country	1208
٠	Taxability of capital gains arising to non-resident on certain transfers	1208
٠	Factors affecting computation of capital gains in case of non-residents	1209
٠	Cost of acquisition of shares received on redemption of GDRs/FCCBs	1209
٠	Tax rates for charging capital gains in India	1210
٠	Preference for more beneficial tax rates under DTAA v. Income Tax Act	1211
٠	Adjustment of short-term capital loss against STCG of FII	1212
٠	Scope of the expression 'movable property' used in Article 13(2)	1213
٠	Applicability of DTAA in specific cases	1213
٠	Condition for availing benefit of DTAA by a non-resident	1214
٠	Taxation under I.T. Act in absence of DTAA	1215
٠	Parameters for place of effective management to locate PE	1215
٠	Transfers exempt under Income Tax Act for a non-resident	1216
٠	Taxable capital gains arising to a non-resident	1217
٠	Liability to deduct TDS from non-resident only if capital gains taxable	1217

		PAGE
٠	Tax treatment of capital gains on transfer of immovable property	1218
٠	Nature of income of FIIs from dealings in securities	1218
٠	Transaction in shares/securities as business income of non-resident	1219
٠	No capital gains on notional or hypothetical basis	1220
٠	Carry forward of capital losses allowable to a Mauritian company	1220
٠	Applicability of domestic capital gains provisions to non-residents	1220
٠	Types of income covered by section 9 of Income Tax Act	1221
٠	Tax treatment of certain specific transactions	1223
٠	Taxability of compensation received by a foreign national	1223
٠	Capital gains arising to PE in India to be taxable in India	1223
٠	Relevance of situs of capital asset for tax treatment of capital gains	1224
٠	Capital gains arising to resident of Mauritius on transfer of CCDs	1224
٠	NRI can claim benefits under DTAA as well as under the I.T. Act	1224
٠	No liability for non-deduction if recipient paid taxes on capital gains	1225
٠	Liability to deduct TDS on payment made to non-resident u/s. 195	1225
٠	Capital gain to Indian resident on shares of foreign company taxable	1225
٠	Amendment in sections $40(a)(i)$ and $201(1)$ by FA, 2019 retrospective	1225
SU	MMARY AND CHECK POINTS FOR TAX PLANNING	1226

CHAPTER 54

OTHER APPLICABLE PROVISIONS RELATING TO CAPITAL GAINS

٠	Taxability in the hands of recipient being individual/HUF	1228
٠	Taxability in the hands of recipient being firm or private limited company	1235
٠	Taxability in the hands of recipient being unlisted company	1238
٠	Taxability of money received in advance	1242
٠	General provision for taxability in the hands of recipient	1243
٠	Other provisions	1250
	CHAPTER 55	
	MISCELLANEOUS COMMON QUERIES	
٠	Claim of exemption	1254
	(i) Claim of exemption u/s 54/54F	1254
	(<i>ii</i>) During Appellate proceedings	1255

1255

(*iii*) On enhanced compensation

I-50

CONTENTS PAGE (*iv*) When finishing of the new house was done subsequently 1256 (v) Only on sale of land attached with the house 1256 (vi) If new house is subsequently used for commercial purposes 1256 (vii) On sale of several houses and investment into one 1256 (viii) On purchase or construction of new house before sale of old 1256 house (ix) On exchange of new house for old house 1257 (x) On non-completion of construction within three years 1257 (*xi*) On purchase of a house with tenancy 1257 (xii) On sale of industrial plot having office cum residence 1257 (xiii) On making a claim under wrong section 1258 (xiv) On sale of land and building constructed thereon 1258 (xv) On getting the house from the builder beyond stipulated period 1258 (xvi) On purchasing new residential house in joint name with wife 1258 (xvii) On purchase of the new house for the purposes of hostel 1259 (xviii) Purchase of farmland after sale of old farmland through plotting 1259 (xix) On purchase of new house outside India 1259 1259 (xx) On sale of tenancy rights

- (xxi) On sale of house property received in gift (xxii) On sale of freehold house which was earlier on lease (xxiii) On sale of house in the joint name but capital gains declared
- by husband (xxiv) On sale of house built on leasehold land 1260 1260 (xxv) Claim by a minor (xxvi) On extension of existing house 1261 (xxvii) On investment in two units forming one residential house 1261 1261 (xxviii) On cancellation agreement (xxix) On making payment for new asset in instalment 1261 (xxx) Delay in registration
- 1261 1262 Deposit in CGAS account 1262 Claim of deduction/expenditure (i) For compensation paid to earlier buyer 1262 1263 (ii) For interest expenditure Calculation of capital gains 1263 Liability to capital gains 1264

1260

1260

1260

	PAGE
 Exemption and application of section 50C 	1268
Forfeiture of the exemption	1268
Benefit of indexation	1269
 Sale of shares of non-resident company 	1269
 Who will be charged, assessee or POA holder 	1270
Valuation	1270
 Actual purchase price cannot be disturbed 	1271
Holding period	1272
Agricultural land	1272
Cost of acquisition	1272
 Adjustment of brought forward losses 	1273
Examples	1273
Others	1280
 Amendments made by Finance Act, 2023 	1282