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- *Share capital* - Where assessee had filed all evidences proving identity and creditworthiness of share subscribers, mere non-compliance to summons issued under section 131 to director of assessee could not be a ground for making addition under section 68 - *ACIT v. Gold Rush Sales and Service Ltd. (Kol.)* 421

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■ Exemption of income from property held under

- *Revision* - Where assessee gave contribution to NGOs, since said donations were given out of accumulated funds of assessee, same could not be allowed as application of income for charitable or religious purposes and would be deemed as income of assessee - *Sahachari Foundation v. ITO, Exemption (Delhi)* 429

■ Procedure for fresh registration

- *Trust registered under section 12A* - Where Commissioner (Exemption) rejected registration application of assessee-society on ground that assessee favoured some students through fee concession etc. which was held as against stated objects of society, since subsequently assessee was granted registration under section 12AA, issue for registration under section 12AB, was to be restored to Commissioner (Exemption) for deciding afresh - *Sri Gurutegh Bahadur Education Society v. CIT (Exemption) (Jabalpur)* 448

■ Registration procedure

- *Cancellation of registration* - Where assessee-society had entered into collusive arrangement with SRMAMET (a trust formed by same management committee as that of assessee-society) whereby school of assessee was transferred to SRMAMET with aim to frustrate lawful recovery of tax dues of assessee and also funds of assessee were channelized directly/indirectly for members of management committee, assessee-

society clearly stood in direct violation of section 13(1)(c) and therefore, Commissioner (Exemptions) had rightly cancelled registration granted to assessee under section 12AA - *Shri Ram Murti Anchal Memorial Educational Society v. CIT (Exemptions)* (Luck.) 465

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■ Contractors/sub-contractors, payments to

- *Additional evidences* - Where Assessing Officer levied penalty under section 272A(2)(k) for non-deduction of TDS on payment made by assessee, since assessee had submitted certain additional evidences under rule 29, read with rule 18(4) which were not available before Assessing Officer/Commissioner (Appeals) for their perusal, matter was to be remanded for verification as well as examination of evidences furnished by assessee - *Block Resources Co-ordinator Rajiv Gandhi Siksha Mission v. ITO (TDS)* (Raipur) 408

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■ Additional depreciation

- *Revision* - Where Commissioner revised assessment order on ground that as proviso to section 32(1)(ii) was applicable only from assessment year 2016-17, claim for additional depreciation made by assessee was required to be withdrawn, since similar depreciation for assessment year 2011-12 was allowed by High Court in other case, assessment order could not be termed as erroneous and prejudicial to interest of revenue - *Trimex Sands (P.) Ltd. v. Pr. CIT (Chennai)* 435

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- *Applicability* - Where assessee had not earned any exempt income during year, no disallowance could be made under section 14A - *ACIT v. Gold Rush Sales and Service Ltd.* (Kol.) 421
- *Revision* - Where assessee had not earned any exempt income during year, no disallowance under section 14A was called for - *Trimex Sands (P.) Ltd. v. Pr. CIT (Chennai)* 435

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■ Deemed to accrue or arise in India

- *Royalties/fees for technical services - Licence fees* - Where AO initiated reassessment on ground that assessee, a foreign company had not filed its return in India but had entered into transactions which had resulted in generation of income in India and treated licence fee received by assessee as royalty, however, it was found that, in year under consideration, neither assessee had made remittances to anyone outside India or in India nor deducted any tax at source, reopening of assessment under section 147 was wholly without jurisdiction - *Cricket Australia v. ACIT (IT)* (Delhi) 399
- *Permanent Establishment - Service PE* - Consideration received by assessee, a tax resident of Thailand, as regards offshore supply of goods and equipments to an Indian company from outside India could not be brought to tax in India in absence of PE - *Alstom (Thailand) Ltd. v. ACIT (IT)* (Delhi) 455

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- *Revision* - Where extraction of minerals from beach sand involved change in non-living physical object/article into a new and distinct object/article having different name and use, activities carried out by assessee amounted to manufacture and thus, claim of assessee for deduction under section 32AC was in order - *Trimex Sands (P.) Ltd. v. Pr. CIT* (Chennai) 435

TRANSFER PRICING

■ International transaction, meaning of

- *AMP expenses* - Where apart from being a distributor of products manufactured by its AE, assessee manufactured its own products in India under license from AE, AMP expenditure incurred by assessee in India to promote brand would not constitute international transaction requiring any TP adjustment - *Kellogg India (P.) Ltd. v. ACIT* (Mum.) 441