



ALL GUJARAT FEDERATION OF TAX CONSULTANTS

Office No: 114, Income Tax Office, 1st Floor, Narayan Chambers, Nr.Nehru Bridge, Ashram Road, Ahmedabad-380 009.

Phone: 26575612 • Email: president@agftc.co.in

President - SAMIR S. JANI

701 & 702, Sakar-V, B/h-Natraj Cinema,
Ashram Road, Ahmedabad-14.
(O) 079-26585231 (M) 9825037365
(email) samirjani@yahoo.co.in

Secretary - DHRUVEN V.SHAH

402, Abhishek Plaza, B/h-Nav Gujarat College,
Ashram Road, Ahmdabad-14.
(O) 079-27544899 (M) 9824028247
(email) dhruven1978@gmail.com

JUDICIAL UPDATES FOR THE FORTNIGHT

S.2 (1A)- Where all three authorities found that assessee's claim of income having been generated from agricultural operations was not believable and treated such income as assessee's undisclosed income, no question of law arise

[2014] 45 taxmann.com 418 (Gujarat)
Kalpataru Agro Farms v. Income-tax Officer, Ward -1

S.2(22)(e)-Where shareholding of each partners of assessee-firm as well as of assessee-firm in closely held company is less than 10 per cent, even though their cumulative shareholding is more than 10 per cent, section 2(22)(e) cannot be resorted to for treating amount advanced by company as deemed dividend

[2014] 45 taxmann.com 370 (Punjab & Haryana)
Commissioner of Income-tax-I, Ludhiana v. Octave Apparels

Sec. 14A - Where in appellate proceedings before Tribunal, assessee raised a new plea that even suo motu disallowance in terms of section 14A made in return was not justified, in view of fact that entire material necessary to examine nature of disallowance to be made under section 14A was already on record, Tribunal was to be directed to give its conclusive opinion on issue in dispute on merits

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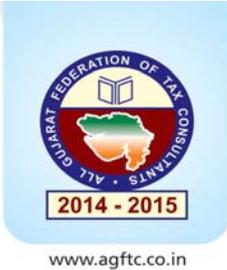
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[2014] 45 taxmann.com 368 (Gujarat)
Commissioner of Income-tax-I v. UTI Bank Ltd.

S.14A - Where assessee had sufficient profit and interest free funds to be invested in mutual fund from where exempted income was generated and nothing had been charged by bank except STT, disallowance under section 14A was to be restricted to amount of STT

[2014] 45 taxmann.com 427 (Gujarat)
Commissioner of Income-tax-I v. Amod Stamping (P.) Ltd.

S.37 - Where payment had been made through banking channels and tax was deducted at source and party was also not found to be related to assessee, Assessing Officer could not treat expense as bogus expense.

[2014] 45 taxmann.com 361 (Gujarat)
Commissioner of Income-tax-I v. Mundra Port and Sez Ltd.

S.45 - Where revaluation of assets of partnership firm and credit of revalued amount to capital account of partners in their respective profit sharing ratio did not entail any transfer as defined under section 2(47), gains on revaluation could not be brought under tax net

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S.68/69 - Where in case of search carried out at premises of a builder, a MOU was seized showing that assessee had to receive certain amount from said builder on transfer of plot, in view of fact that MOU was duly signed by assessee in presence of five witnesses, it could not be regarded as a dumb or irrelevant document, and, therefore, impugned addition made on basis of said document was to be upheld

[2014] 45 taxmann.com 533 (Ahmedabad - Trib.)
Pravinbhai Keshavbhai Patel v. Deputy Commissioner of Income-tax, Central Circle -1(2), Ahmedabad

S.69-Where search unearthed that assessee had offered less sale consideration and buyer had also confirmed said fact, difference be treated as undisclosed income of assessee

[2014] 45 taxmann.com 380 (Kerala)
Dr. A.V. Sreekumar v. Commissioner of Income-tax, Central, Kochi

S.69-No addition could be made on account of unexplained investment if MOU for purchase of land as well as receipt given by seller found during survey were unsigned documents and transaction had not materialized

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[2014] 46 taxmann.com 372 (Delhi)
Commissioner of Income-tax v. Gian Gupta

S.145 - Addition to profit could not be made on account of suppressed job charges that exceeded profit ratio compared to other years.

[2014] 45 taxmann.com 362 (Gujarat)
Commissioner of Income-tax-Iv. Balkrishna Dyeing & Prinating Mills*

S.148- Where return of assessee was just processed under section 143 (1), and where after recording reasons, Assessing Officer had issued notice under section 148, reassessment proceedings were validly initiated

[2014] 45 taxmann.com 359 (Mumbai - Trib.)
Ravinshankar R. Singh v. Income-tax Officer 21(3)(4), Mumbai-2

S.201 - Where payees had included interest income earned from assessee-bank in their total income and paid tax thereon, assessee bank could not be considered as in default in terms of section 201(1) for short deduction of tax on such interest income

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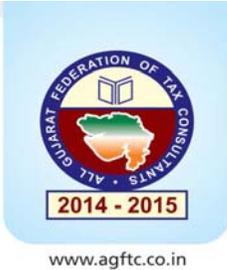
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[2014] 45 taxmann.com 509 (Delhi - Trib.)
Punjab National Bank v. Assistant Commissioner of Income-tax (TDS)

S.220 - Recovery of outstanding tax demand should not be resorted to when limit of 60 days to prefer appeal before Tribunal had not expired

[2014] 45 taxmann.com 559 (Madras)
Dishnet Wireless Ltd. v. Assistant Commissioner of Income-tax, TDS Circle –I

S.269SS/TT - No penalty for cash loans exceeding Rs. 20,000 from agriculturists living in remote areas when transactions were not doubted.

[2014] 45 taxmann.com 566 (Gujarat)
Commissioner of Income-tax, Ahmedabad-IV v. Maa Khodiyar Construction

S.271/276C Where return filed by petitioner is voluntary, filed in good faith and before detection of any concealment, neither penalty would be levied under section 271(1)(c) nor any criminal proceedings under section 276C could be allowed

[2014] 46 taxmann.com 281 (Punjab & Haryana)
Raj Bricks Field

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