

HIGH COURT RULING (INCOME TAX)

[2015-TIOL-2278-HC-ORISSA-IT](#)

Jagdish Prasad Mittal Vs UoI (Dated: September 29, 2015)

Whether the court has no option but to direct the Board to extend the due date for filing the income tax returns under section 139 from 30th September, 2015 to 31st October, 2015, when Board has declined to exercise the discretion vested in it under section 119 to come to the rescue of the assesseees and grant them some relief - YES: HC

[2015-TIOL-2276-HC-MAD-IT](#)

CIT Vs South India Structural Corporation Ltd (Dated: August 18, 2015)

Whether the Revenue cannot challenge only one appeal, which was only consequential to the findings recorded by the Tribunal in another appeal, which was not challenged - YES: HC

[2015-TIOL-2275-HC-RAJ-IT](#)

Principal. CIT Vs M/s Hues India Pvt Ltd (Dated: July 30, 2015)

Whether the trading results of assessee company can be interfered with merely because the G.P. rate, in comparison of previous years, had decreased to a certain extent - NO: HC

Whether addition to assessee's income can be made on the ground the assessing officer was not able to come to further material or controvert the facts narrated by the assessee during the course of assessment proceedings - NO: HC

[2015-TIOL-2273-HC-MUM-IT](#)

Chamber of Tax Consultants Vs UoI (Dated: September 30, 2015)

Whether the court has no option but to direct the Board to extend the due date for filing the income tax returns under section 139 from 30th September, 2015 to 31st October, 2015, when Board has declined to exercise the discretion vested in it under section 119 to come to the rescue of the assesseees and grant them some relief - YES: HC

[2015-TIOL-2272-HC-AHM-IT](#)

All Gujarat Federation Of Tax Consultants Vs CBDT (Dated: September 29, 2015)

Whether it is not permissible for one High court to take a different view, when another High Court has taken a particular view, in relation to an all India statute - NO: HC

Whether the date for filing of returns for an A.Y for certain categories of assesseees whose accounts are required to be audited in terms of Section 44AB can be extended

beyond its due date u/s 119, in case of genuine hardship to such assesseees - YES: HC

Whether the court has no option but to direct the Board to extend the due date for filing the income tax returns under section 139 from 30th September, 2015 to 31st October, 2015, when Board has declined to exercise the discretion vested in it under section 119 to come to the rescue of the assesseees and grant them some relief - YES: HC

[2015-TIOL-2270-HC-DEL-IT](#)

PR CIT Vs Atlanta Capital Pvt Ltd (Dated: September 21, 2015)

Whether an assessee is obliged under the I-T Act to ensure that his changed address is entered in the PAN database, failing which he is precluded from insisting on the notice u/s 148 being issued to him at the known address and being served upon him - NO: HC

Whether mere fact that an assessee has participated in the re -assessment proceedings despite not having been issued or served with the notice u/s 148 in accordance with law, would constitute a waiver of the said jurisdictional requirement - NO: HC

[Also see analysis of the Order](#)

[2015-TIOL-2269-HC-DEL-IT](#)

CIT Vs Princeton Realtors Pvt Ltd (Dated: September 21, 2015)

Whether no addition is justified, when there is no effect on the profitability of the assessee, as there is no loss to the Revenue, because the effect of including the same amount in the purchases as well as in the closing stock nullifies each other's effect - YES: HC

[2015-TIOL-2268-HC-DEL-IT](#)

Ram Piyari Devi Charitable Trust Vs DGIT (Dated: September 24, 2015)

Whether exemption u/s 10(23C)(vi) of Act be allowed to Trust who is running a school and apart from that, no other activity is being carried though mentioned in object clause of Trust Deed - YES: HC

[2015-TIOL-2267-HC-MUM-IT](#)

CIT Vs Ekta Shakti Developers (Dated: September 16, 2015)

Whether when the vendor has actually given credit of the amount paid by the assessee by account payee cheques, the Tribunal has taken a plausible view on the basis of documents and evidence led before it, can it still be assumed that the payment made to the vendor is from undisclosed sources - NO: HC

[2015-TIOL-2266-HC-MUM-IT](#)

CIT Vs Kotak Commodity Services Ltd (Dated: September 16, 2014)

Whether Fringe Benefits cannot arise when the expenditure is incurred on non-employees - YES: HC

Whether expenses which are specifically mentioned in Section 115WB(2) can be reduced from the valuation of fringe benefit if they have not been incurred for employees - YES: HC

[2015-TIOL-2265-HC-MUM-IT](#)

CIT Vs Mrs Khorshed Noshir Bharucha (Dated: September 15, 2014)

Whether exemption u/s 54F of the Act would be available on two flats converted into one single residential unit - YES: HC

[2015-TIOL-2264-HC-P&H-IT](#)

CIT Vs the International Engg Corporation (Dated: August 11, 2015)

Whether when the assessee has not obtained any benefit out of the liability created from unsecured cash credits, which is not ceased to be liability and the assessee has not written back such liability unilaterally in its books of account, such an amount can be a subject matter of section 41(1) - NO: HC

[2015-TIOL-2263-HC-MAD-VAT](#)

Sri Ratna Electricals Vs ACCT (Dated: August 25, 2015)

Whether when the issue raised before AO is on an interpretation of a Circular issued by the Joint Commissioner and also covered by another decision in favour of one of the group companies of assessee, is there any necessity for the assessee to go to the appellate authority and exhaust all statutory remedies - NO: HC

[2015-TIOL-2262-HC-DEL-VAT](#)

Groupe Seb India Pvt Ltd Vs Commercial Taxes Department (Dated: September 21, 2015)

Whether if an assessee has an office at Chennai and is admittedly carrying on business there, it would cause any inconvenience to the assessee to contest the matter at Chennai - NO: HC

[2015-TIOL-2261-HC-MUM-IT](#)

CIT Vs Life Insurance Corporation Of India (Dated: September 15, 2015)

Whether the issue can be said to have been decided, when such ground is covered in favor of the assessee by the decision of the Tribunal in the own case of the assessee for the earlier assessment years - YES: HC

[2015-TIOL-2260-HC-MUM-IT](#)

<p>CIT Vs The Ratnakar Bank Ltd (Dated: September 15, 2015)</p> <p>Whether the case can be remanded so as to decide face value and book value of securities, which in turn would help to decide the issue of allowance of expenses on account of amortization in respect of Govt. Securities held in HTM category - YES: HC</p>
<p>2015-TIOL-2258-HC-KAR-IT</p>
<p>Karnataka State Chartered Accountants Association Vs UoI (Dated : September 28, 2015)</p> <p>Whether a matter comprising of extension of due date of filing e -returns, is the domain of the CBDT and therefore only CBDT is required to consider such an issue - YES: HC</p>
<p>2015-TIOL-2257-HC-P&H-IT</p>
<p>Vishal Garg Vs UoI (Dated: September 29, 2015)</p> <p>Whether the date for filing of returns for an A.Y for certain categories of assesseees whose accounts are required to be audited in terms of Section 44AB can be extended beyond its due date, by the CBDT by passing special orders in case of genuine hardship to such assesseees - YES: HC</p> <p>Whether the date of 30th September can be mandated by the Department for filing e -returns for certain categories of assessee, when the Department itself has failed to release the prescribed forms on the first day of the concerned A.Y - NO: HC</p>
<p>2015-TIOL-2255-HC-DEL-IT</p>
<p>Vodafone South Ltd Vs CIT (Dated: September 21, 2015)</p> <p>Whether if an expenditure has been incurred as a prudent businessman for business purpose, even if it has not been incurred under any legal obligation, yet it is allowable as business expenditure as it was incurred on grounds of commercial expediency - YES: HC</p> <p>Whether in case there was a direct nexus between the earning of inte rest on the loan advanced by the Assessee to its holding concern and payment of interest to HSBC on the loan drawn, income earned on such loan advanced is 'income from other sources' - YES: HC</p> <p>Also see analysis of the Order</p>
<p>2015-TIOL-2254-HC-ALL-IT</p>
<p>CIT Vs Jubilant Organosys Ltd (Dated: September 17, 2015)</p> <p>Whether when the reasons to believe recorded by the AO do not state that the assessee has failed to fully and truly disclose all material facts necessary for the assessment, the reassessment can still be made u/s 147 - NO: HC</p>

2015-TIOL-2251-HC-KOL-IT
M/s Innovestment Impex Ltd Vs CIT (Dated: September 11, 2015)
<p>Whether when there are more than one agreement to the transaction and all are executed during the same time period, they have the same effect and have to be read together as if there was one agreement - YES: HC</p> <p>Whether when the parting of technical knowhow was linked to providing assistance to the transferee in renovation, installation and commissioning of the plant, assessee is to be faulted with for claiming transfer of knowhow as an independent transaction - YES: HC</p>
Also see analysis of the order
2015-TIOL-2250-HC-P&H-IT
Motia Constructions Limited Vs CIT (Dated: September 10, 2015)
<p>Whether if the additional evidence filed in support of claim of development expenses incurred, is in the form of unsigned vouchers, the decision of Tribunal regarding dismissal of such an evidence filed can be considered illegal - NO: HC</p>
2015-TIOL-2249-HC-DEL-IT
Hamdard Laboratories India Vs ADIT (Dated: September 18, 2015)
<p>Whether assessee is accumulating and applying its income towards its objects - YES: HC</p> <p>Whether distinction between corpus and non-corpus donations should be made, when records clearly mandate that the interest income generated from corpus donations are being utilized for charitable purposes - YES: HC</p> <p>Whether reopening of assessment is justified after four years due to mere change of opinion - NO: HC</p>
2015-TIOL-2248-HC-MUM-IT
CIT Vs Aditya Builders (Dated: September 14, 2015)
<p>Whether in case an assessee has chosen a particular method of accounting, has been consistently following it over the years, it is open for the Revenue to reject the same because according to AO another method is preferable - NO: HC</p>
2015-TIOL-2238-HC-DEL-IT
CIT Vs Harsh Dhir (Dated: September 17, 2015)
<p>Whether the AO can simply proceed on the assumption that since there is an opening debit balance in the account, it should be treated as an outstanding loan and that every payment thereafter made by the Assessee should be taken to be in the nature of repayment of the loan - NO: HC</p>

Also see analysis of the order
2015-TIOL-2237-HC-MUM-IT
M/s Monika India Vs ITO (Dated: August 31, 2015)
Whether if the taxation authorities have looked at the surrounding circumstances to find out the reality of the affairs on the test of human probabilities, the High Court, without any cogent basis, can intervene in that decision of the lower authorities - NO: HC
2015-TIOL-2236-HC-KAR-IT
JCIT Vs M/s Dell India Pvt Ltd (Dated: September 2, 2015)
Whether extraordinary jurisdiction of court can be availed to examine the notice issued u/s 148 of the Act, if it is challenged on the ground of jurisdictional error - YES: HC
2015-TIOL-2235-HC-KERALA-IT
CIT Vs M/s Muthappan Enterprises (Dated: June 12, 2015)
Whether in case the High Court has decided a case against the assessee, the favorable appellate order obtained by that assessee in an appeal filed by them, entitling them for assessment treating the firm as a registered one, remains valid till the time the higher authority invalidates the same by specifically mentioning about the same - YES: HC
2015-TIOL-2228-HC-DEL-IT
Avinash Gupta Vs UoI (Dated: September 21, 2015)
Whether if no right is infringed and no prejudice is found to be caused to petitioner, merely because no prejudice would be caused to Respondents by extending the time for filing the ITR, would not be a ground for interfering with the policy decision of the Government and granting such extension - YES: HC
Whether extension of the date of filing return, is a matter of policy and which the Government is best entitled to take and with which the Courts are not to interfere with except when either find the same to be infringing a vested right or causing undue prejudice to the persons effected thereby - YES: HC
2015-TIOL-2226-HC-P&H-IT
Paras Rice Mills Vs UoI (Dated: August 31, 201)
Whether where the assessee has exhausted all the remedies available under the I-T Act, no separate suit is maintainable in a regular second appeal - YES: HC
2015-TIOL-2224-HC-P&H-IT
Manish Bansal Vs ITO (Dated: August 10, 2015)

Whether when no cogent and convincing reasons have been given by the Tribunal for not accepting the additional evidence submitted before it for the first time, the order so passed by the Tribunal has to be remanded to the Tribunal for deciding it afresh in accordance with law - YES: HC

[2015-TIOL-2223-HC-MAD-IT](#)

CIT Vs Tube Investments Of India Ltd (Dated: August 12, 2015)

Whether when the CIT(A) is satisfied on the basis of clear and cogent reasonings given in his order not to levy penalty and when the Tribunal finds such satisfaction to have been correctly arrived at, the said orders do not suffer from any error of law - YES: HC

[2015-TIOL-2222-HC-DEL-IT](#)

CIT Vs Pritam Das Narang (Dated: September 16, 2015)

Whether if section 17(3) pre-supposes the existence of employer-employee relationship, the amount received by the assessee "after cessation of his employment" is a capital receipt and could not be taxed under the head 'profits in lieu of salary' - YES: HC

Whether in case an amount was received by a prospective employee 'as compensation for denial of employment,' such amount received is in the nature of capital receipt that could not be taxed as income under any other head - YES: HC

[Also see analysis of the order](#)

[2015-TIOL-2221-HC-KERALA-IT](#)

Manural Huda Trust Vs CIT (Dated: June 2, 2015)

Whether it is open to the assessee to claim that on account of the impounding of its books by the Department, the assessee was unable to get its books audited - NO: HC

Whether such intentional omission on the part of assessee can be relieved, in case the duty of assessee to get its books audited has already expired long before the survey operation and no application for copies of extracts of the records impounded has been made by the assessee - NO: HC

Whether levy of penalty u/s 271(1)(c) in the aforesaid circumstances can be interfered with, when the contention of furnishing inaccurate particulars are rightly proved by the Department - NO: HC

[2015-TIOL-2219-HC-P&H-IT](#)

CIT Vs M/s Ghunna Ram And Sons (Dated: August 14, 2015)

Whether when the assessee has already paid taxes on the income disclosed under the Amnesty Scheme in the earlier years, is it possible for the Revenue to make an addition again in respect of those amounts - NO: HC

[2015-TIOL-2217-HC-ALL-IT](#)

U P Forest Corporation Vs CIT (Dated: August 26, 2015)

<p>Whether an order passed by the ITAT confirming the invocation of Section 263 by CIT(A) warrants interference, when the CIT(A) has rightly observed prejudice to Revenue upon failure of the AO to discharge his legal obligation - NO: HC</p>
<p>2015-TIOL-2213-HC-P&H-IT</p>
<p>Principal.CIT Vs Avtar Kukreja (Dated: August 26, 2015)</p>
<p>Whether when the lower authorities have properly analyzed the facts of the case to determine a particular question of fact, is it mandatory on the part of High Court to intervene in such cases without any genuine basis - NO: HC</p>
<p>2015-TIOL-2212-HC-DEL-IT</p>
<p>CIT Vs Sergi Transformer Explosion Prevention Pvt Ltd (Dated: September 15, 2015)</p>
<p>Whether when assessee has produced supporting vouchers and bills in order to substantiate his claim of expense before the lower authorities, is it still possible for the High Court to held otherwise in case of no change in circumstances - NO: HC</p>
<p>2015-TIOL-2211-HC-MAD-IT</p>
<p>CIT Vs M/s DXN Herbal Manufacturing Industries Pvt Ltd (Dated: September 7, 2015)</p>
<p>Whether when the assessee has paid excise duty pursuant to an order passed by this Court, then the fact that the assessee has taken up the matter before the Supreme Court, would not make the payment a non-payment - YES: HC</p>
<p>2015-TIOL-2210-HC-P&H-IT</p>
<p>Ajay Pal Singh Vs CIT (Dated: August 31, 2015)</p>
<p>Whether when the onus to prove earning of agricultural income by the assessee, was not substantiated through any substantial evidence on record, it is still possible for the assessee to argue for admission of additional evidence - NO: HC</p>
<p>2015-TIOL-2209-HC-KERALA-IT</p>
<p>CIT Vs M/s Kerala Transport Company (Dated: August 19, 2015)</p>
<p>Whether the Tribunal can be said to have factually mistaken in its order by merely relying on the CIT(A)'s finding and such an order requires reconsideration - YES: HC</p>
<p>2015-TIOL-2208-HC-DEL-IT</p>
<p>Oriental Insurance Company Vs CIT (Dated: September 15, 2015)</p>
<p>Whether assumption of jurisdiction by AO under Section 148 is justified where the reasons which led the AO to form a belief that income of the Assessee had escaped assessment were based on palpably incorrect assumptions - Whether reopening of assessment on the ground that income from sale/redemption of investments had escaped assessment is justified where the exemption claimed by the AO in respect of the profit on sale/redemption of investments was duly disclosed and the AO had also opined on the merits of the taxability of profits on sale/redemption of investments.</p>

[2015-TIOL-2201-HC-P&H-IT](#)

CIT Vs Sh Indra Sen Aggarwal (Dated: August 27, 2015)

Whether it is open to the Tribunal to set aside the order of CIT(A) made u/s 263, by merely passing a non-speaking order and without giving any detailed reasons for the same - NO: HC

[2015-TIOL-2200-HC-MUM-IT](#)

CIT Vs Sudhir S Jhunjhunwala (Dated: September 14, 2015)

Whether additional evidence filed by the assessee should be allowed, when there was sufficient ground to admit the same - YES: HC

Whether question of failure to produce the necessary evidence before the original authority and the reasons for that failure are all questions of appreciation of facts, therefore in the absence of such findings, no question of law arises - YES: HC

[2015-TIOL-2199-HC-MUM-IT](#)

CIT Vs Shri Vinayak Digamber Kharote (Dated: September 9, 2015)

Whether the AO is not empowered to deal with the claim of deduction, which had not found a place either in the return of income or in the revised return of income filed before the Assessing Officer - YES: HC

[2015-TIOL-2198-HC-DEL-IT](#)

CIT Vs Chetan Gupta (Dated: September 15, 2015)

Whether reassessment proceeding initiated against the assessee is valid where the notice issued under section 148 was not served to the assessee at the address provided by him - Whether issue of notice to the Assessee and service of such notice upon the Assessee are jurisdictional requirements that must be mandatorily complied with - Whether participation of Assessee or some other person on his behalf not duly authorised in the reassessment proceedings after coming to know of it, will constitute a waiver of the requirement of effecting proper service of notice on the Assessee under Section 148 of the Act - Whether reassessment proceedings finalised by an AO without effecting proper service of notice on the Assessee under Section 148 (1) of the Act are invalid.

[2015-TIOL-2197-HC-DEL-IT](#)

PCIT Vs Maharaja Appliances Ltd (Dated: September 15, 2015)

Whether when the assessee has produced the necessary details before the CIT(A), on the basis of which it has reduced the disallowance proportionate to the expenditure incurred on behalf of its sister concerns, the Tribunal has also confirmed the same, is it still possible to disallow it further on the basis of factual circumstances - NO: HC

[2015-TIOL-2196-HC-KAR-IT](#)

M/s Embassy Development Corporation Vs ACIT (Dated: September 8, 2015)

Whether loan taken at a higher rate of interest from a sister concern can be allowed even if the residential project for the purpose of which such loan was taken has not been sanctioned by the competent authorities - NO: HC

Whether interest on loan & advances can be claimed for deduction, in case the borrowed amount has neither been invested for the purpose for which it was taken, nor establishes any commercial expediency for the same - NO: HC

[Also see analysis of the order](#)

[2015-TIOL-2195-HC-ALL-IT](#)

M/s District Cooperative Bank Ltd Vs DCIT (Dated: September 8, 2015)

Whether it is open to the AO to issue notice u/s 148 merely because the audit report has opined that certain expenses were not allowable u/s 36(1)(viiia), when the P&L account was duly scrutinized and only thereafter the net loss was determined by the AO - NO: HC

Whether notice issued u/s 148 initiating reassessment proceeding deserves to be quashed, where the foundational requirement for issuance of such notice was lacking and the condition precedent for initiating a valid reassessment was absent - YES: HC

[2015-TIOL-2194-HC-ALL-IT](#)

Shri Badri Nath Agnihotri Vs ITO (Dated: August 24, 2015)

Whether it is not proper for the High Court to interfere with the order of the AO, when the order by the AO under Section 220 (6), is not under challenge, before HC - YES: HC

[2015-TIOL-2186-HC-UKHND-IT](#)

Uttarakhand Van Vikas Nigam Vs ACIT (Dated: August 13, 2015)

Whether excluded income of original assessee, can be assessed as the income of a third party, only if that party was heard by the Authority before making observations or issuing direction regarding the excluded income - YES: HC

[2015-TIOL-2185-HC-P&H-IT](#)

Shahabad Cooperative Sugar Mills Ltd Vs ACIT (Dated: August 25, 2015)

Whether deduction u/s 80P(2)(iii) is to be allowed even if it has not been claimed - NO: HC

Whether amount spent on repair and maintenance of the building by purchase of ACC sheets, dryer and construction of boundary is capital expense - YES: HC

[2015-TIOL-2184-HC-DEL-IT](#)

Stitchwell Qualitex Vs ITO (Dated: September 16, 2015)

Whether depreciation can be allowed when plant and machinery installed in the building is ready for use for the purpose of business of the Assessee - YES: HC

2015-TIOL-2183-HC-DEL-IT
CIT Vs Soni Associates Pvt Ltd (Dated: September 08, 2015)
Whether service of notice u/s 143(2) of act to person other than assessee or its authorised agent, would be valid service of notice - NO: HC
Whether service of notice to a wife of director, who is not an agent empowered to accept service, is bad in law - YES: HC
2015-TIOL-2182-HC-MUM-IT
Mumbai Metropolitan Region Development Authority Vs DIT (Dated: September 09, 2015)
Whether when the same member of judiciary has authored a different High Court decision given in the favour of the assessee, it is correct on his part if he passes an order against the assessee, without considering his earlier decision based on similar issues - NO: HC
Whether the Director of Income Tax (Exemptions) has no jurisdiction to withdraw or cancel registration granted u/s 12AA in exercise of its power u/s 12AA(3) - YES: HC
Whether when during the pendency of an appeal, there is an urgency to decide an issue, the same is decided by an interim order, pending the final disposal of the appeal - YES: HC
2015-TIOL-2181-HC-P&H-IT
Manpreet Kaur Vs CIT (Dated: September 11, 2015)
Whether in order to claim exemption u/s 54, merely reflecting the expenditure incurred on construction in the balance sheet alongwith the income tax return is a sufficient compliance to establish the claim - NO: HC
2015-TIOL-2180-HC-MUM-IT
CIT Vs Jai Roadways (Dated: September 11, 2015)
Whether condonation of delay be allowed when earlier there is a conscious decision taken by Revenue not to file an appeal, but later it is influenced by the fact that an appeal has been filed in respect of another case of the Tribunal - NO: HC
2015-TIOL-2179-HC-MUM-IT
CIT Vs Datta Mahendra Shah (Dated: September 09, 2015)
Whether when the activities carried out by the assessee are classified under the head 'short term capital gains' as claimed by the assessee on application of CBDT Circular, it is possible for the Revenue to contest it later on - NO: HC
2015-TIOL-2177-HC-MUM-IT
CIT Vs Pankaj S Samdhani (Dated: September 9, 2015)
Whether expenditure in the form of interest is allowed when it has been incurred,

even if there is no legal obligation to incur the same - YES: HC

Whether cash expenses be disallowed entirely on the ground that it is supported by self made vouchers - NO : HC

[2015-TIOL-2176-HC-MUM-IT](#)

Ms Nafissa Shaikhally Vs CIT (Dated: September 10, 2015)

Whether the case is to be remanded to be considered afresh on the issue of interest payment on delayed refund of TDS, when CIT(A) has misread the earlier order of the Court as there is no dispute between the parties that the assessee is entitled to refund - YES: HC

[2015-TIOL-2175-HC-P&H-IT](#)

Krishan Kumar Palta Vs CIT (Dated: September 1, 2015)

Whether having a close association between the donor and the donee is must for genuine gifts except made for charity and philanthropic purpose - YES: HC

[2015-TIOL-2171-HC-MAD-IT](#)

CIT Vs M Kannabiran (Dated: August 17, 2015)

Whether when on filing a writ petition, the High Court has set aside notice of demand issued, even if the assessee sought only a limited order of protection till the disposal of a statutory appeal by the CIT(A), Revenue's writ appeal filed is justified in nature - YES: HC

[2015-TIOL-2170-HC-MAD-IT](#)

M/s Lakshmi General Finance Company Vs ACIT (Dated: August 17, 2015)

Whether if the nature of agreement that assessee generally enters into with its customers is not clear and was not borne out by records, in that case the remand order passed for examining this question of fact, can be interfered with - NO: HC

[2015-TIOL-2169-HC-MAD-IT](#)

CIT Vs M/s Chennai Footwear Pvt Ltd (Dated: August 3, 2015)

Whether the conclusion that the expenses incurred were excessive or unreasonable should not have been arrived at, merely because the net profit amounted to only 0.13% of a massive turnover of about Rs.103 crores - YES: HC

[2015-TIOL-2168-HC-ALL-IT](#)

Rave Entertainment Pvt Ltd Vs CIT (Dated: April 16, 2015)

Whether penalty cannot be imposed when there is no element of deliberate default but it is a mere mistake - YES: HC

Whether furnishing of inaccurate particulars by mistake leads to penalty when this is not a deliberate attempt to evade tax - NO: HC

2015-TIOL-2167-HC-MUM-IT
M/s V M Constructions Vs ITO (Dated: September 10, 2015)
Whether in case an appeal is pending before CIT(A), the assessee can move directly before the High Court with a writ petition, even if it was denied opportunity of being heard before the lower authorities - NO: HC
2015-TIOL-2166-HC-KOL-IT
Shyam Burlap Company Ltd Vs CIT (Dated: September 4, 2015)
Whether amount paid by the assessee to its tenants in lieu of vacation of the premises is allowable as revenue expenditure where the compensation was paid to the existing tenants to have their portions vacated to have new tenants with higher rent and thus to have a higher rental income which was a business activity permitted by the Memorandum – Whether authorities are justified in rejecting the contention of the assessee for treating the rental income as income from business when in the preceding years the assessee had shown rental income as income from house property where previously there was no adjudication or decision considering the Memorandum and the object in the Memorandum permitted the assessee to carry on business in letting out properties and major part of the income of the assessee was by way of deriving rent and lease rentals.
2015-TIOL-2165-HC-ALL-IT
CIT Vs Smt Laxmi Mehrotra (Dated: September 14, 2015)
Whether the addition on a/c of income from undisclosed sources for suppressed purchases be made when practice adopted in trading of rubber is that person who intend to buy natural rubber and do not have licence approaches the person who is having the licence and assessee made such purchases on behalf of these unlicensed traders - NO: HC
2015-TIOL-2164-HC-AHM-IT
Principal.CIT Vs Valibhai Khanbhai Mankad (Dated: September 7, 2015)
Whether penalty can be imposed if the assessee had concealed the particulars of income or has furnished inaccurate particulars and if there was no dispute with regard to the fact that the particulars of income were reflected in the return of income, then no penalty can be levied - YES:HC
2015-TIOL-2154-HC-MUM-IT
ACIT Vs Kamlakar Moghe (Dated: September 4, 2015)
Whether the fact that the availability of the REC bonds was only for a limited period of time can prejudice the assessee's right to exercise the same up to last date, in case the bonds were admittedly not available during the said period - NO: HC
Also see analysis of the order
2015-TIOL-2153-HC-AHM-IT
PCIT Vs Anchor Cargolines Pvt Ltd (Dated: September 8, 2015)
Whether when the assessee has made payments to Indian shipping companies in the capacity as principal shipping lines and not as agent of non-resident shipping

company, any payment to these companies requires deduction of TDS u/s 194C - NO: HC

[2015-TIOL-2152-HC-P&H-IT](#)

CIT Vs Rakesh Kumar Khosla (Dated: August 24, 2015)

Whether the Tribunal needs to decide the matter afresh on merits in accordance with law, if it has shown no legally justifiable reasons for recording and arriving at the said conclusion - YES: HC

[2015-TIOL-2151-HC-HP-IT](#)

CIT VS Rakesh Mahajan (Dated: September 9, 2015)

Whether AO is justified in rejecting books of assessee where no separate accounts were maintained in respect of gross hiring receipts, diesel expenses and salaries of the drivers and helpers and the freight and carriage expenses debited in the profit and loss account were far too excessive and AO had found that it was impossible to verify the correctness of the expenses on freight debited in the contract account, and hence impossible to deduce the correct income from the accounts.

[2015-TIOL-2150-HC-AHM-IT](#)

Principal CIT Vs Rishi Kiran Roadlines (Dated: September 8, 2015)

Whether if there was no contract between the assessee and its sister concern for use of certain equipments by the assessee which were lying idle with the sister concern, the transaction of such use of assets in return of a payment being made by the assessee, can be said to be in the nature of contract - NO: HC

[2015-TIOL-2149-HC-KAR-IT](#)

Shri S Jagadeeshwara Reddy Vs DCIT (Dated: September 7, 2015)

Whether a substantial question of law cannot be decided by the HC, when such question of law, raised before the Tribunal, has not been decided as it has been stated in the order of the Tribunal that the additional grounds filed by the assessee were not traceable - YES: HC

[2015-TIOL-2148-HC-MUM-IT](#)

CIT Vs M/s Hindustan Organics Chemicals Ltd (Dated: September 8, 2015)

Whether in case the fact that the valuation of closing stock includes direct expenses incurred on them and are duly supported by the material receipt vouchers, this finding of fact can be denied by the Revenue authorities on the observations made in the audit report - NO: HC

[2015-TIOL-2147-HC-AHM-IT](#)

CIT Vs Rajat Leasing And Finance Ltd (Dated: March 17, 2015)

Whether assessee, a non-Banking Finance Company which entered into Higher Purchase Agreement and gave loans can be said to be a financial company liable to pay interest tax on the component of lease rental.

2015-TIOL-2146-HC-AHM-IT
CIT Vs Premkumar B Rathi (Dated: March 13, 2015)
Whether the order of the Tribunal reducing the disallowance is valid where the Tribunal reduced the disallowance without observing anything as to how the CIT(A) had committed an error in confirming the disallowance of the unexplained purchase and no reasons whatsoever was assigned by the ITAT in restricting the disallowance.
2015-TIOL-2141-HC-DEL-IT
CIT Vs Bhagwan Shree Laxmi Naraindham (Dated: September 7, 2015)
Whether anonymous donations received by a religious trust would come within the scope of Section 115BBC and will be added to its income, if the activity of the trust is 'spiritual' and not 'religious' - NO: HC
Whether the said trust would cease to be a religious institution, in case it organises spiritual lectures alongwith other charitable activities - NO: HC
Also see analysis of the order
2015-TIOL-2140-HC-DEL-IT
CIT Vs Vijay Singh Kadan (Dated: September 14, 2015)
Whether for the purpose of Section 2(14)(iii)(b), the distance has to be measured from the agricultural land in question to the outer limit of the municipality by road and not by the straight line or the aerial route - YES: HC
Whether the distance of agricultural land in question has to be measured from the land in question itself and not from the village in which the land is situated - YES: HC
2015-TIOL-2132-HC-DEL-IT
CIT Vs Kapil Nagpal (Dated: September 11, 2015)
Whether where the actual transfer of share is done in favour of the transferee only at the time of registration of her name in the share register, the period for which those shares were held till such date is required for determining the nature of capital gain accrued on such transfer - YES: HC
Whether it is necessary that there should be a registered sale deed or that the assessee should be the owner of the property, for the purpose of attracting the provisions of Section 54 or Section 54F - YES: HC
Whether deduction u/s 54 r/w/s 54F can be denied to an assessee on ground that he was the owner of another residential house, in absence of any evidence to prove his ownership regarding the same - NO: HC
Also see analysis of the order

2015-TIOL-2131-HC-MUM-IT
CIT Vs M/s Tip Top Typography (Dated: September 2, 2015)
Whether dismissal of review petition would cause adverse to the interests of the Revenue, when the matter has been sent back to the AO to verify the ratable value by following legal principles set out in the main judgment - NO : HC
2015-TIOL-2130-HC-AHM-IT
CIT Vs M/s Aahar Products Pvt Ltd (Dated: September 8, 2015)
Whether addition u/s 68 of the Act, be made in case assessee failed to prove identity, genuineness and creditworthiness of lender of funds - YES : HC
Whether estimated GP rate decided by AO on rejection of books of accounts, be changed when compared company has different turnover - YES : HC
2015-TIOL-2129-HC-UKHND-IT
State Bank of India Vs CIT (Dated: August 31, 2015)
Whether once Tribunal has opined that Section 149A(i) of the Act is not applicable against the Bank then the same legal position would be applicable in the subsequent AYs as well, unless Section 149A(i) is amended or is substituted by any new law - YES : HC
2015-TIOL-2128-HC-MAD-CX
M/s Sri Kaliswari Fireworks Pvt Ltd Vs CESTAT (Dated: August 12, 2015)
Central Excise - Principles of natural justice - Appeal against the order of Tribunal on the ground of violation of principles of natural justice as the impugned order was passed ex parte despite request for adjournment.
Held: The Tribunal has passed the impugned order simply relying upon the decision of the larger Bench in Alembic Ltd. v. CCE, Vadodara 2013-TIOL-1429-CESTAT-AHM-LB . - The question as to whether there is any liability to pay interest for the period of delayed payment of duty, has not been discussed in detail, more particularly, with regard to the facts in issue. Accordingly, there is merit in the present appeals - Impugned order is set aside on the ground of violation of principles of natural justice and the matter is remanded to the Tribunal. (paras 9&10).
2015-TIOL-2116-HC-MUM-IT
CIT Vs V S Dempo And Co Pvt Ltd (Dated: September 8, 2015)
Whether when in case of a non resident assessee, the receipts attributable to electronic data process and professional services would be in the nature of income, provisions of section 195 can be applied if the net is positive income.
2015-TIOL-2115-HC-KAR-IT

CIT Vs Prakash B Nichani (Dated: August 18, 2015)

Whether if the reasons given by the Tribunal for condoning the delay in filing an appeal by an assessee do not find any irregularity as such, an order of remand has to be passed by the High Court on the basis that the matter has been pending for a substantial length of time - YES: HC

[2015-TIOL-2114-HC-ALL-IT](#)

Late Ramesh Chandra Bajpai Vs PR CIT (Dated: September 4, 2015)

Whether if the provisions of Income Tax Act provide to release the balance amount after satisfying the liability, the Revenue officials were justified to retain the same under the executive Instructions - NO: HC

[2015-TIOL-2113-HC-KERALA-IT](#)

K K J Foundations Vs ADIT (Dated: September 8, 2015)

Whether rectification merely means correction of an error which was apparent from record and not decision on a matter over and again on merits, the rectified order does not supersede the original order but continues with the incorporated changes - YES: HC

Whether in case the findings entered by AO was based clearly on facts which was susceptible to an appeal, is it correct on the part of the assessee to file an application u/s 154 to point out an error apparent from the record - NO: HC

[2015-TIOL-2112-HC-P&H-IT](#)

CIT Vs Joneja Bright Steel Pvt Ltd (Dated: September 4, 2015)

Whether in case the Tribunal merely relied on the detailed enquiry made by AO by issuing summons u/s 131 to the vendors and also on the enquiry made from the bank authorities, which establishes that the purchases made were not genuine, the Tribunal's order can be considered as an order passed various aspects of the case - NO: HC

Whether merely because the vendor immediately withdrew the amount paid by assessee, would lead to the conclusion that the transactions between the assessee and the vendors were fictitious - NO: HC

[2015-TIOL-2111-HC-KAR-IT](#)

ACIT Vs Mookambika Associates (Dated: September 4, 2015)

Whether when pursuant to search operations, an assessee has not made payments immediately thereafter but did so only after coercive steps were taken by attaching its Bank accounts and property, his petition for waiver of interest u/s 220(2) has to be entertained - NO: HC

[Also see analysis of the order](#)

2015-TIOL-2110-HC-AHM-IT
DCIT Vs Gujarat State Fertilizer And Chemicals Ltd (Dated: March 31, 2015)
Whether an order of reassessment can be quashed by the Tribunal on the basis that AO has reopened the assessment on the same material which were in the records during the course of the original assessment proceedings, without appreciating the law - YES: HC
2015-TIOL-2109-HC-DEL-IT
PR CIT Vs Groz Engineering Tools Pvt Ltd (Dated: September 4, 2015)
Whether when it is clear that the royalty payable by assessee on per unit basis was clearly linked to sales, there was no concealment on behalf of the assessee to furnish the required a greements, the same can be considered as of capital in nature on estimate basis - NO: HC
2015-TIOL-2108-HC-DEL-IT
CIT Vs Atma Ram Properties Pvt Ltd (Dated: September 4, 2015)
Whether when the assessee himself has accepted the decision of Tribunal for a certain assessment year and had expressed no objection to the Revenue's appeals for the said period, the same questions in further year, if arise, has to be answered in favour of the Revenue - YES: HC

2015-TIOL-2094-HC-MUM-IT
CIT Vs M/s Bfil Finance Ltd (Dated: August 31, 2015)
Whether it is open to the assessee to raise additional grounds before the appellate authority to the effect that a capital gain should not be included in the total income for the purposes of taxation, even if he has offered tax on the same in the subject A.Y - YES: HC
Whether where an issue has been restored by the Tribunal back to the file of AO observing that the AO has not considered the submissions in its entirety, said decision of the Tribunal requires no interference - YES: HC
Also see analysis of the order
2015-TIOL-2093-HC-MAD-IT
M/s Dharmapuri Paper Mills Pvt Ltd Vs JCIT (Dated: August 25, 2015)
Whether the amount withdrawn from the reserves created or provisions made in a previous year relevant to the A.Y commencing on or after 1st April, 1997 can be reduced from the book profit, if the book profit of such year is not increased by those reserves out of which the said amount was withdrawn - NO: HC

2015-TIOL-2092-HC-P&H-IT
Harish Ahuja Vs CIT (Dated: August 24, 2015)
Whether making addition by applying GP rate after rejecting the books of account u/s 145(3) is justified when no stock register is maintained by the assessee - YES: HC
2015-TIOL-2089-HC-MUM-IT
CIT Vs M/s Hindustan Organics Chemicals Ltd (Dated: September 1, 2015)
Whether the Revenue is justified in filing appeals from orders of the Tribunal on issues which are concluded by the decisions of HC or by the decision of Tribunal and no appeals to higher forums have been filed therefrom - NO: HC
Whether in case an appeal is required to be filed by the Revenue against the assessee, the justification for the same must be indicated either in the Memo of Appeal or by filing a separate affidavit before the date of the appeal being listed for admission - YES: HC
2015-TIOL-2088-HC-KERALA-IT
CIT Vs The State Farming Corporation Of Kerala Ltd (Dated: May 28, 2015)
Whether only on the basis that the assessee is following mercantile system of accounting that the Assessing Officer can estimate the interest and brought it to tax - NO : HC
2015-TIOL-2083-HC-DEL-IT
CIT Vs Smt Priyanka Singhania (Dated: September 2, 2015)
Whether assessment proceedings could have been initiated against the assessee u/s 153A, in case the search warrant in terms of Section 132 read with Rule 112 of the Income Tax Rules 1962, was issued in the name of her father and not the assessee - NO: HC
Also see analysis of the order
2015-TIOL-2082-HC-DEL-IT
CIT Vs Sanjay Kumar Garg (Dated: September 2, 2015)
Whether if an assessment is pending either by way of original assessment or by way of reassessment proceedings, the AO has the power to issue a notice u/s 148 - NO: HC
2015-TIOL-2081-HC-DEL-IT
Fast Booking (I) Pvt Ltd Vs DCIT (Dated: September 2, 2015)
Whether it is open to the assessee to seek support of the order of the CIT(A) on the ground which was not urged before the CIT(A), as long as it is not going to be

adverse to the case of the Revenue - YES: HC
2015-TIOL-2080-HC-ALL-IT
CIT Vs M/s J K Synthetics Ltd (Dated: September 3, 2015)
Whether when the original demand was satisfied and the amount was duly paid by the assessee, interest could be recovered from the assessee with effect from the original date of demand, even if order u/s 154 was passed and dues were levied subsequently - NO: HC
2015-TIOL-2079-HC-AHM-IT
Karnataka Jewels Ltd Vs JCIT (Dated: September 1, 2015)
Whether in case the assessee has failed to appear before the Tribunal during the course of hearing of an appeal, the Tribunal could dispose of the appeal on merits without even hearing the assessee as per the provisions of rule 2 - NO: HC
2015-TIOL-2078-HC-P&H-IT
CIT Vs M/s Rashtriya Vikas Party (Dated: August 11, 2015)
Whether when the Tribunal, being a fact finding authority, has not passed a speaking order giving the detailed reasons dismissing the appeal except mentioning the fact that it finds no infirmity in the findings of the CIT (Appeals), the order so passed is legal as per law - NO: HC
2015-TIOL-2077-HC-KERALA-IT
M/s Asianet Satellite Communications Ltd Vs CIT (Dated: August 12, 2015)
Whether where an order passed by the CIT u/s 263 satisfies the requirement of 'prejudice to the revenue', the said order requires no interference - YES: HC
2015-TIOL-2076-HC-KERALA-IT
M/s Nileswar Range Kallu Chethu Vyavasaya Thozhilali Vs CIT (Dated: August 13, 2015)
Whether in order to grant exemption in respect of cooperative society u/s 80P, it is only the collective disposal of a disposable commodity over which the society has to keep a control - YES: HC
Whether if the income of the society has nothing to do with the collective disposal of the labour of its members, but is entirely out of the price realised by it for the sale of a product through the society's own shops, it can be said that the sum referred to in section 80P(1) entitling the society for deduction is generated out of the collective disposal - NO: HC
2015-TIOL-2075-HC-DEL-IT
CIT Vs M/s Abhinandan Investment Ltd (Dated: March 20, 2015)
Whether assessee is entitled for deduction of the loss on sale of DW as a business

<p>loss - YES : HC</p> <p>Whether the type of arrangement made b/w issuer, UTI and subscribers suggest that NCD are not funded at arms' length when UTI on redemption, is entitled to full redemption money and earn annual gain of about 25% on the transaction - NO : HC</p>
<p>2015-TIOL-2074-HC-KAR-IT</p>
<p>Corporation Bank Vs ACIT (Dated: August 25, 2015)</p>
<p>Whether Revenue must refrain from recovering the amount due pursuant to demand raised, until final order is passed in appeal and on interlocutory application for stay - YES : HC</p>
<p>2015-TIOL-2071-HC-DEL-IT</p>
<p>CIT Vs Goel Bricks Industries (Dated: August 25, 2015)</p>
<p>Whether when the assessee and Revenue, both had filed appeals before different Tribunals, and one of the Tribunals had passed an order on merits which had attained finality, then the pending appeal before the other Tribunal is right by not deciding the appeal, assailing the same order of the CIT (A) - YES: HC</p>
<p>2015-TIOL-2070-HC-DEL-IT</p>
<p>Cheminvest Ltd Vs CIT (Dated: September 2, 2015)</p>
<p>Whether there should be an actual receipt of income, which is not includible in the total income during the relevant previous year, for the purpose of disallowing any expenditure u/s 14A incurred in relation to the said income - YES: HC</p>
<p>Also see analysis of the order</p>
<p>2015-TIOL-2069-HC-KAR-IT</p>
<p>CIT Vs M/s Islamic Academy Of Education (Dated: August 21, 2015)</p>
<p>Whether the issue of status of assessee as AOP/ Trust and issue of % holding of shares of one company by assessee, be decided by following the previous decision of High Court in assessee's own case - YES : HC</p> <p>Whether the case can be remanded to Tribunal, to decide afresh on the issue of additions made on account of not filing of audit report and discrepancies found in accounts and seizure of unexplained cash in search conducted u/s.132 - YES: HC</p>
<p>2015-TIOL-2062-HC-DEL-IT</p>
<p>PR.CIT Vs Hari Shankar Khemka (Dated: August 24, 2015)</p>
<p>Whether no addition can be made merely on the statement of a person and also, when no opportunity of cross-examining the persons is given to the assessee, on whose statement the additions were made - YES: HC</p>

2015-TIOL-2052-HC-AHM-IT
CIT Vs Synergy Multibase Ltd (Dated: July 20, 2015)
Whether it is optional for assessee to claim depreciation and to claim it only on certain blocks of asset and if assessee is not desirous of claiming, it cannot be foisted on him - YES: HC
Also see analysis of the order
2015-TIOL-2051-HC-KAR-IT
Tax Recovery Officer Vs Sri Bishma Pithamaha (Dated: August 11, 2015)
Whether it is sustainable for the writ Court under Article 226 of the Constitution to go into the merits of the correctness of some notices issued by Tax Department, which has been challenged by an assessee who was stranger to such notices - NO: HC
2015-TIOL-2050-HC-KAR-IT
CIT Vs M/s Manipal Alumni of Nephrology Trust (Dated: August 25, 2015)
Whether the issue of grant of registration u/s 12A of Act does not involve any substantial question of law in present case - YES: HC
2015-TIOL-2042-HC-MAD-IT
Ramco Cements Ltd Vs JCIT (Dated: August 11, 2015)
Whether the assessee can be denied benefit u/s 80IA, even though the new Kiln set up by him is independent and viable unit and not a mere reconstruction of the existing unit or splitting up of existing unit - NO: HC
Whether except looking at the plain language of section 80 IA (2) read with the Explanation to Section 33B, it is possible to import anything new to find out whether the expression "industrial undertaking" should be a new undertaking or not, the understanding of AO that an expansion would come within the purview of expression "reconstruction" is correct - NO: HC
2015-TIOL-2040-HC-MAD-IT
Late M S Ramasamy Vs ITO (Dated: July 15, 2015)
Whether if the purpose of entering into a new business is for the purpose of securing an enduring benefit of a capital nature, the deposit made in that regard can be treated as an expenditure in the course of carrying on the existing business - NO: HC
2015-TIOL-2039-HC-KERALA-IT
CIT Vs Kerala Kaumudi (p) Ltd (Dated: July 29, 2015)
Whether in case an assessee is consistently following cash system of accounting for the advertisement charges and followed the same system for the AY under consideration, it can be held that the assessee has suddenly changed its system of

accounting with reference to a certain aspect - NO: HC

Whether it is open to the ITO or the CIT(A) to ignore the binding orders of the Tribunal and to complete the assessments on its own for the subsequent years on no basis - NO: HC

Whether the assessee having opted for mercantile system of accounting in respect of its activities, could have adopted cash system in respect of sale of newspaper and advertisement charges -YES: HC

Whether a method of accounting adopted by the trader consistently and regularly can be discarded by the departmental authorities on the view that he should have adopted a different method of accounting, from which the income of trader can be properly deduced - NO:HC

[2015-TIOL-2038-HC-P&H-IT](#)

CIT Vs Itw India Ltd (Dated: July 15, 2015)

Whether merely a change of opinion on account of the subsequent judgment of Apex Court would give the Assessing Officer jurisdiction to reopen and review his earlier decision which has been held not to be permissible - NO: HC

Whether in the absence of allegations that assessee failed to disclose fully and truly all material facts, the assumption of jurisdiction by the Assessing officer is justified - NO: HC

[2015-TIOL-2037-HC-MUM-IT](#)

CIT Vs Estate Enterprises (Dated: August 26, 2015)

Whether when there is a concurrent finding of fact by the CIT(A) and the Tribunal that the claim made by the assessee was bona fide, the penalty for concealment can still be levied - NO: HC

Whether when disallowance is made on account of expenditure being bogus but merely because the requirement of deducting tax at source had not been complied with by the assessee, penalty for concealment can be levied - NO: HC

[2015-TIOL-2036-HC-MUM-IT](#)

CIT Vs Gautam Balasaheb Ladkat (Dated: August 24, 2015)

Whether capacity of the donor of gift has to be examined with reference to the time when the donor subscribed to Bonds and not its capacity at the time of the maturity of the Bonds -YES: HC

Whether identity of the donor of gift can be established by copy of the passport, sworn affidavit executed before the Consulate General of India in Dubai as well as declaration of the gift before the Notary - YES: HC

Whether capacity of the donor to make a gift can be established based on fixed

<p>deposit certificates and bank statements - YES: HC</p> <p>Whether genuineness of the gift can be established by the fact that the Bonds were subscribed to by NRI donor in foreign currency and the transfer of which to the assessee has been recorded with issuing Bank - YES: HC</p>
<p>Also see analysis of the order</p>
<p>2015-TIOL-2035-HC-MUM-IT</p>
<p>CIT Vs Hindustan Ciba-geigy Ltd (Dated: August 26, 2015)</p>
<p>Whether when rectification application is allowed, then the original order of the Tribunal stands modified and parties are entitled to file an Appeal within the period provided under Section 260-A, from the date the Miscellaneous Application was allowed - YES: HC</p>
<p>2015-TIOL-2031-HC-DEL-IT</p>
<p>CIT Vs Kajaria Ceramics Ltd (Dated: August 24, 2015)</p>
<p>Whether payment made to a dealer for foreign travel cannot be characterized as commission, for the purposes of Section 194H, when the relationship of principal and agent is absent - YES: HC</p> <p>Whether no TDS is to be deducted u/s 194C, when no element of income was embedded in the reimbursement - YES: HC</p>
<p>2015-TIOL-2029-HC-MUM-IT</p>
<p>CIT Vs Bramha Bazar Hotels Ltd (Dated: August 26, 2015)</p>
<p>Whether expenditure incurred for buy back of shares is to be treated as Revenue expenditure when there is no increase of share capital but the Company has been forced to pay off one of the warring group of share holders by buying its shares for its own wellbeing and carrying on business - YES : HC</p>
<p>2015-TIOL-2028-HC-MUM-IT</p>
<p>CIT Vs M/s Kharade Patil (Dated: August 17, 2015)</p>
<p>Whether if the AO in the original assessment order u/s 143(3), has not formed any opinion about the completion of the project, has issued the notice u/s 148, such issue is bad in law as the proceedings initiated were merely on the basis of change of opinion without appreciation of facts - YES: HC</p>
<p>2015-TIOL-2027-HC-DEL-IT</p>
<p>CIT Vs M/s Monica Electronics Ltd (Dated: August 21, 2015)</p>
<p>Whether interest income on IDBI deposits, debentures and loans to third parties, is income derived from industrial undertaking and entitled to deduction u/s 80-I of the Act - NO : HC</p>

Whether the interest on Fixed Deposit Receipts (FDRs) representing the money of the applicants who has applied for shares qualifies for deduction u/s 80-I of the Act and is income 'derived from industrial undertaking' - NO : HC

Whether CIT is justified in exercising the power u/s 263 of the Act, when there is no change of opinion but it strongly believes that the computation made by the AO is not correct - YES : HC

[2015-TIOL-2026-HC-DEL-IT](#)

CIT Vs Ansal Land Mark Township Pvt Ltd (Dated: August 26, 2015)

Whether the second proviso to Section 40(a)(ia) of the Act is declaratory and curative in nature and should be given retrospective effect from 1st April 2005 - YES : HC

Whether a person can not be treated as a person in default when the payee/resident files its return of income disclosing the payment received in which the income earned by it is embedded and has also paid tax on such income - YES : HC

[2015-TIOL-2025-HC-DEL-IT](#)

CIT Vs Edward Keventer (Successors) Pvt Ltd (Dated: August 20, 2015)

Whether if a transaction is an adventure in the nature of trade or in the nature of capital is purely a matter of fact, it cannot be so determined solely on the application of an abstract rule, principle or test, and would depend on all the facts and circumstances of the case - YES: HC

[2015-TIOL-2024-HC-DEL-IT](#)

CIT Vs Mayank Traders (P) Ltd (Dated : August 20, 2015)

Whether the mere fact that assessee communicated to the AO, prior to the Assessment order, subsequent notice in its name without disclosing the fact of amalgamation, would cure the fundamental defect of the assessment having been framed against an entity that had ceased to exist in the eye of law - NO: HC

[2015-TIOL-2023-HC-KERALA-IT](#)

CIT Vs M/s Kerala Sponge Iron Ltd (Dated : August 19, 2015)

Whether if the disputed income was assessed by the AO as concealed profits of the business, the assessee is entitled to set off the unexplained income u/s 68 in accordance with the provisions of the Act relating to set off - NO: HC

[2015-TIOL-2022-HC-UKHND-IT](#)

Guru Nanak Education Trust Vs UoI (Dated: August 19, 2015)

Whether in order to grant exemption u/s 10(23C), the prescribed authority has to ascertain whether the educational institution has been applying its profit wholly and exclusively to the objects for which the institution is established, merely because institution has earned profit is not a deciding factor to conclude that educational institute exists solely for profit - YES: HC

2015-TIOL-2019-HC-KAR-IT
CIT Vs Executive Engineer (Dated: August 11, 2015)
Whether if three separate contracts have been entered into by the assessee, but all the separate contracts were integral parts of a composite contract on single sale basis, the invoices raised on the basis of the said composite contract separately mentioning the value of the material supplied can be subjected to TDS u/s 194C - NO: HC
Also see analysis of the order
2015-TIOL-2017-HC-ALL-IT
M/s Ama Medical And Diagnostic Central Vs DCIT (Dated: August 10, 2015)
Whether it is not appropriate for the HC to entertain the appeal, when such appeal had arisen to consider the applicability of Section 194C, however no discussion was made on merit of the case with regard to application under Section 194C - YES: HC
2015-TIOL-2016-HC-MUM-IT
DIT Vs M/s Gem And Jewellery Export Promotion Council (Dated: August 21, 2015)
Whether appeal filed by the Revenue, would lead to unnecessary harassment of the assessee, when such appeal is filed after the Apex Court had dismissed the revenue's appeal from order of this Court, which was followed in order of the Tribunal.
2015-TIOL-2012-HC-AP-IT
CIT Vs State Bank of India (Dated: July 2, 2015)
Whether in income tax, the issues which were settled long back can be reopened, even if it would lead to upsetting the entire financial planning of the individuals who would have accepted orders/judgments as final and arranged their affairs based on the orders/situations prevailing at the relevant point of time - NO: HC
2015-TIOL-2009-HC-P&H-IT
CIT Vs M/s Cosmos Builders And Promoters Ltd (Dated: July 14, 2015)
Whether an assessee can seek entitlement for adjustment of cash seized from his premises u/s 132B, against its advance tax liability - YES: HC
2015-TIOL-2007-HC-ALL-IT
ACIT Vs M/s Greater Noida Industrial Development Authority (Dated: August 4, 2015)
Whether the jurisdiction of the Assessing Officer to make an assessment under

Section 143(3) (ii) is based on the issuance of a notice under Section 143(2)(ii), and the proviso to clause (ii) of sub Section (2) of Section 143 clearly stipulates that a notice must be served on the assessee - YES: HC

Whether in case, AO has failed to issue notice within the specified period u/s 143, it has power to assume jurisdiction under Section 143(2) - NO: HC

Whether the above defect can be cured by taking recourse to the deeming fiction provided under Section 292BB - NO: HC

[Also see analysis of the order](#)

[2015-TIOL-2006-HC-DEL-IT](#)

CIT Vs Kabul Chawla (Dated: August 28, 2015)

Whether addition could be made to the income of the assessee already assessed where on the date of the search, the assessments already stood completed and no incriminating material was unearthed during the search, no additions could have been made to the income already assessed.

[2015-TIOL-2005-HC-MUM-IT](#)

M/s M G Saraf (HUF) Vs JCIT (Dated: August 7, 2015)

Whether application for condonation of delay must contain cogent reasons for explaining the delay with particulars which caused the delay - YES: HC

[2015-TIOL-2004-HC-AHM-IT](#)

CIT Vs Black Diamond Trading Company (Dated: April 15, 2015)

Whether when the evidences of total expenditure or purchase were not available with the revenue and consequently the assessee as well as AO both decided to determine the income by applying a reasonable estimate of profit and that estimation was found very near to the income offered by the assessee, the tribunal has correctly confirmed the order of CIT (A).