

**HIGH COURT RULING (INCOME TAX)**[2016-TIOL-1378-HC-KOL-IT](#)**CIT Vs ITC Ltd (Dated: June 22, 2016)**

Whether when the benefit receivable u/s 80HHC is not regulated by the benefit received or receivable by the assessee u/s 80HHD, the assessee can still be prevented from claiming deductions under both the beneficial Sections simultaneously - NO: HC

[Also see analysis of the order](#)[2016-TIOL-1377-HC-KOL-IT](#)**CIT Vs Bata India Ltd (Dated: July 1, 2016)**

Whether the assessment would be considered time barred if the assessment has been completed beyond the Explanation under sub-section (4) of Section 153 - YES: HC

[2016-TIOL-1371-HC-AHM-IT](#)**CIT Vs Alembic Chemical Works Co Ltd (Dated: June 7, 2016)**

Whether the equipments which are used as integral parts of the plant are also entitled for 100% depreciation to which the primary assets are subject to - YES: HC

[Also see analysis of the order](#)[2016-TIOL-1370-HC-AHM-IT](#)**PR CIT Vs Nirma Ltd (Dated: June 30, 2016)**

Whether while computing quantum of deduction u/s 80I(6), the AO has to treat the profits derived from an industrial unit as the only source of income in order to arrive at a deductions under chapter VI - YES: HC

Whether after calculating the deduction on the basis that the profits from one unit is the only source of income, one has to give effect to the computed deduction in order to arrive at the total income of the company and while giving effect, one has to consider the provisions of section 80IA and 80IB - YES: HC

[2016-TIOL-1369-HC-AHM-IT](#)**Nishith Surendrabhai Soni Vs ACIT (Dated: July 4, 2016)**

Whether when apart from the assessee's placing full material at the disposal of AO, which was also examined by AO, having made partial disallowance considering the facts, it was open for the AO to subsequently issue notice for reopening, without any additional material which would suggest that the assessee had made a false declaration or provided inaccurate particulars - NO: HC

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| <a href="#">2016-TIOL-1368-HC-KAR-IT</a>  |
| <b>PR CIT Vs Sami Labs Ltd (Dated: June 16, 2016)</b>   |
| Whether if the cultivation expenses incurred by the Assessee are in the nature of revenue expenditure in the course of business, the assessee is entitled to claim deduction in respect of the same as business expenditure - YES: HC   |
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| <a href="#">2016-TIOL-1367-HC-KOL-IT</a>  |
| <b>Video Plaza Vs ITO (Dated: June 13, 2016)</b>  |
| Whether bank charges related to a new project being a restaurant cum hotel project is to be taken as capital expenditure - Yes: HC  |
| Whether revenue expenditure is deductible during acquisition of property or period required for acquisition of property - No: HC  |
| Whether during the construction of the hotel it can be said that the acquisition of the hotel was completed - No: HC  |
| Whether the aforesaid position would be changed, if assessee was already in business or had gone in for expansion of the business by diversifying it and the hotel business was a new business undertaken by the assessee - No: HC  |
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| <a href="#">2016-TIOL-1366-HC-KAR-IT</a>  |
| <b>Ganapati Vs CIT (Dated: June 17, 2016)</b>   |
| Whether no TDS is to be deducted on compensation payable on acquisition of the agricultural property - YES : HC   |
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| <a href="#">2016-TIOL-1364-HC-MUM-IT</a>  |
| <b>CIT Vs Harish K Alimchandani (Dated: June 20, 2016)</b>  |
| Whether estimation of gross profit and addition on account of valuation of closing stock of work in progress by rejecting books of accounts is sustainable when finding of the Tribunal indicate that the accounts are correct and complete with quantitative details - NO : HC |
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| <a href="#">2016-TIOL-1363-HC-KOL-IT</a>  |
| <b>Kothari Marketing Pvt Ltd Vs ITO (Dated: June 29, 2016)</b>  |
| Whether addition u/s 68 on loan credits and on receipt of share application money can be made when assessee fails to establish genuineness of the transactions and creditworthiness and identity of the creditors and share applicants - YES : HC                               |
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| <a href="#">2016-TIOL-1356-HC-AHM-IT</a>  |

**Adani Exports Vs ITO (Dated: July 4, 2016)**

Whether where the AO has recorded his own reasons uninfluenced by audit objection, such action would not be bad in law merely because certain issues were brought to his notice by the audit party - YES: HC Whether when the AO does not accept the audit objections, but has issued the notice for reopening based solely on the audit objections, such action would not be valid - YES: HC Whether a partnership firm can be held liable for not disclosing amended partnership deed, where the AO himself has accepted the declaration in the return and has failed to question the firm regarding non-payment of interest & remuneration to the partners even as per previous partnership deed, at the time of making assessment - NO: HC

Whether where the assessee has submitted documents to prove that the gold imported from its sister concern was at the prevailing market price, and the AO has accepted the same after examination at the time of original assessment, it is not open for the AO to reopen the assessment on this ground particularly after four years - YES: HC

[Also see analysis of the order](#)

[2016-TIOL-1355-HC-MAD-IT](#)

**Proten Management Consultancy Pvt Ltd Vs PR CIT (Dated: June 28, 2016)**

Whether when the reason assigned by the Principal CIT for rejection of review petition is not tenable, it is the duty of the Revenue authority to grant an additional opportunity of being heard to such an assessee - YES: HC

[2016-TIOL-1354-HC-MUM-IT](#)

**CIT Vs Rajkumar S Singh (Dated: July 4, 2016)**

Whether penalty can be imposed if the AO has not given any reasons in support of his conclusion that the assessee does not satisfy Section 271AAA(2) of the Act so as to be excluded from the provisions of Section 271AAA(1) - NO: HC

[2016-TIOL-1353-HC-MUM-IT](#)

**Bindiya H Malkani Vs CIT (Dated: June 29, 2016)**

Whether capital gains arising on the transfer of the impugned plot of land is short term capital gains as the time period between the date of sale and the date when assessee gets the ownership of the land, upon the order being passed for specific performance in favour of assessee upon filing of the Consent Terms in Court, is less than one year - YES: HC

[2016-TIOL-1348-HC-AHM-IT](#)

**Gujarat Narmada Valley Fertilizers Co Ltd Vs ACIT (Dated: June 20, 2016)**

Whether in case there is an inordinate delay on the part of Revenue in refunding certain amount which included the statutory interest, in such case Revenue can be directed to pay compensation, not an interest on interest - YES: HC

[Also see analysis of the order](#)

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| <a href="#">2016-TIOL-1347-HC-MUM-IT</a>   |
| <b>Jolly Maker Vs IT (Dated: June 22, 2016)</b>  |
| Whether when there has been no occasion to consider the taxability of interest income and income from the house property on merits in the hands of the assessee Trust, is it possible for the assessee to contest against the same through writ even if it has the opportunity to go for adjudication proceedings - NO: HC             |
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| <a href="#">2016-TIOL-1346-HC-AHM-IT</a>   |
| <b>Laxmi Trading Co Vs ITO (Dated: June 9, 2016)</b>   |
| Whether when there was no material evidence at all before the Tribunal on the basis of which it could come to the finding that an amount was remitted by the assessee, even then can the same be considered as concealed income of the assessee - NO: HC   |
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| <a href="#">2016-TIOL-1345-HC-AHM-IT</a>   |
| <b>Pr CIT Vs Pathik Developments (Dated: June 9, 2016)</b>   |
| Whether when in the original judgment, Tribunal had referred to the contention of the assessee of being denied opportunity to cross-examine the witness, the assessee was justified in seeking rectification at the hands of the Tribunal since there was a clear error apparent on record - YES: HC                                   |
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| <a href="#">2016-TIOL-1344-HC-AHM-IT</a>   |
| <b>Prithvi Associates Vs ACIT (Dated: June 14, 2016)</b>   |
| Whether the disallowance of Rs.12,28,560/- towards stamp duty expenses actually incurred by the Assessee for executing contract with Maharashtra State Road Transport Corporation is justified when the payment of stamp duty was not for business expediency but it is in the nature of a compulsory levy under the Bombay Stamp Act. |
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| <a href="#">2016-TIOL-1343-HC-KOL-IT</a>   |
| <b>CIT Vs RDB Industries Ltd (Dated: June 15, 2016)</b>  |
| Whether provisions of Section 43B shall be applicable, when assessee makes payment towards luxury tax & such payment also includes penalty amount and the liability for the same has been incurred in the period prior to the commencement of the current previous year - Yes: HC  |
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| <a href="#">2016-TIOL-1342-HC-KOL-IT</a>   |
| <b>Tanmoy Chatterjee Vs CIT (Dated: June 16, 2016)</b>   |
| Whether addition in respect of a deposit in an undisclosed bank account is liable to be  |

added u/s 69 and not u/s 69C - Yes: HC

Whether in respect of undisclosed deposit as aforesaid, the assessee can be held liable for such part of the deposit for which an explanation has not been provided by assessee - Yes: HC

When assessee's demand for remand of the matter is sustainable, when no further enquiry on facts is required to be made and all the facts for adjudication are before the adjudicating authority - No: HC

[2016-TIOL-1335-HC-AHM-IT](#)

**State Bank Of India Vs CIT (Dated: April 25, 2016)**

Whether assessee-cooperative society is entitled to deduction u/s 80P(2)(a)(i) on interest earned from investments made in any bank, not being a co-operative society - NO: HC

[2016-TIOL-1334-HC-KAR-IT](#)

**CIT Vs Shri Siddeshwar Co-Operative Bank Ltd (Dated: June 22, 2016)**

Whether a cooperative bank was required to deduct tax from the payment of interest on time deposits of its members paid or credited before 1st June 2015 Whether the gratuity payable to its employees is available for deduction

Whether the income from non-performing asset should be recognised only when it is actually received

[2016-TIOL-1333-HC-AHM-IT](#)

**Transpek Industry Ltd Vs ACIT (Dated: June 9, 2016)**

Whether when the period of limitation was over on 31.3.2008 while notice u/s 147/148 was given on 12.10.2009, the Section 150 (2) will come into operation

[2016-TIOL-1332-HC-AHM-IT](#)

**PR CIT Vs Sun Pharmaceutical Industries Ltd (Dated: April 1, 2016)**

Whether the successor Assessing Officer can reopen the assessment on the ground that details provided by the assessee are very confusing and complicated the matter where the Assessing Officer, at the relevant time while framing the assessment under section 143 of the Act, has been satisfied with the details provided by the assessee and did not find the same to be confusing - No: HC Whether it is permissible for the Assessing Officer to reopen the assessment in respect of those items which had already been examined by the Assessing Officer while framing the assessment under section 143(3) of the Act - No: HC

Whether assessment can be reopened on the ground that claim of deduction was not examined from a particular angle where claim of deduction was processed at length by the Assessing Officer while framing original assessment order - No: HC

[2016-TIOL-1331-HC-AHM-IT](#)

**Manoj Chhaganlal Rathod Vs DCIT (Dated: June 28, 2016)**

Whether notices issued to re -open assessment were justified when it cannot be stated that the reasons do not indicate the manner in which the income chargeable to tax had escaped assessment - YES: HC

[2016-TIOL-1330-HC-AHM-IT](#)

**Pushpak Bullion Pvt Ltd Vs DCIT (Dated: June 27, 2016)**

Whether reopening of assessment is justified where notice for re -opening having been issued in the case of assessment which was not framed after scrutiny and Assessing Officer had tangible material to form a belief that income chargeable to tax had escaped assessment - No: HC

[2016-TIOL-1329-HC-KAR-IT](#)

**CIT Vs Bangalore Baptist Hospital Society (Dated: June 16, 2016)**

Whether a charitable trust is entitled to depreciation under Section 11 of the Act on assets put into use during the accounting year relevant to the assessment year, even though the entire cost of these assets have been claimed by the assessee as an application of income for charitable activities - Yes: HC

[2016-TIOL-1328-HC-AHM-IT](#)

**F Studio Fashion Pvt Ltd Vs ITO (Dated: April 19, 2016)**

Whether it is permissible for Assessing Officer to reopen assessment where Assessing Officer has examined the claim and not made any additions during original assessment proceedings and has not discussed anything therein - NO: HC

Whether Assessing Officer can sustain the order of reopening of assessment on the basis of grounds stated in the order rejecting the objections where the Assessing Officer had gone into this very issue at the time of framing assessment under section 143(3) - NO: HC

[2016-TIOL-1327-HC-AHM-IT](#)

**Hindusthan M-I Swaco Ltd Vs PR. CIT (Dated: June 28, 2016)**

Whether transfer of case of the assessee in exercise of powers under section 127 to the jurisdiction of Assessing Officer in whose jurisdiction the searched party was located is justified where the entire approach of the Principal Commissioner proceeded on an incorrect premise that the search was carried out in case of the searched person and also in case of the Assessee where infact the Assessee was never subjected to search and there was no further reliable material justifying consolidation of cases - NO: HC

[2016-TIOL-1326-HC-MAD-IT](#)

**Ess Emm Textiles Vs CTO (Dated: June 20, 2016)**

Whether it is open to the assessing authority to pass an order merely confirming the proposal of the Enforcement Wing, in carrying out adhoc estimation of the turnover vis-a-vis sales of the registered dealer, without assigning any proper reasons or affording opportunity of hearing to the assessee - NO: HC

[2016-TIOL-1325-HC-KOL-IT](#)

**Contai Cooperative Bank Ltd And Anr Vs ACIT (Dated: June 21, 2016)**

Whether where the income of the assessee is deductible u/s 80P, then whether the income has been reduced by the amortization or not becomes only a question of academic interest which does not involve any effect on the Revenue - YES: HC

Whether the amortization of securities can be permitted to an assessee so long as the deduction is available to the assessee u/s 80P - YES: HC

[2016-TIOL-1317-HC-MUM-IT](#)

**H R Mehta Vs ACIT (Dated : June 30, 2016)**

Whether the assessee is bound to be provided with the material used against him for initiating reassessment, apart from being permitted to cross examine the deponents, and denial of such opportunity would render the reassessment vulnerable - YES: HC

[2016-TIOL-1316-HC-KOL-IT](#)

**CIT Vs Every Industries India Ltd (Dated : June 15, 2016)**

Whether gain on account of foreign exchange fluctuation is a revenue receipt - YES: HC

Whether in the absence of an appeal preferred against the order passed by the Tribunal for previous A.Ys, is it open to the Revenue to take a separate stand in the subsequent A.Ys on a similar issue - NO: HC

[2016-TIOL-1315-HC-DEL-IT](#)

**PR CIT Vs Bhagirath Aggarwal (Dated : May 24, 2016)**

Whether 'penalty' invoked solely on the basis of the confirmation of demand in the quantum proceedings and not on the basis of any independent reasoning, deserves to be sustained - NO: HC

[2016-TIOL-1314-HC-KAR-IT](#)

**CIT Vs Bangalore City Employees (Dated : May 31, 2016)**

Whether adverse judgments relating to the issues should be contested on merits when the tax effect entailed is less than the specified monetary limits, where the Constitutional validity of the provisions of an Act or Rule are not under challenge - NO: HC

[2016-TIOL-1312-HC-KOL-IT](#)

**Kalyani Medical Stores Vs CIT (Dated: June 15, 2016)**

Whether where the assessee chooses to withhold the best evidence and relies on the secondary evidence assuming that any secondary piece of evidence was adduced, then the presumption in law shall be against the assessee - YES: HC

Whether when the assessee has reduced its profit by showing artificial or bogus purchases, the same is liable to be added to its total income, if the assessee is unable to show genuineness of those purchases - YES: HC

[Also see analysis of the order](#)

[2016-TIOL-1311-HC-MAD-IT](#)

**CIT Vs P Venkatesan (Dated: June 21, 2016)**

Whether when the assessee does not appear in person or through an authorised representative, the Tribunal is empowered to dispose of the appeal on merits, after hearing the other party - YES: HC

Whether mere recalling an earlier order, in exercise of the powers conferred on the tribunal under the proviso to Rule 25 of Income-Tax (Appellate Tribunal) Rules, 1963, would amount to review of its original order - NO: HC

[2016-TIOL-1310-HC-KOL-IT](#)

**Akzo Nobel India Ltd Vs CIT (Dated: June 14, 2016)**

Whether payment made towards contribution to employees provident fund after the due date but before the filing of return u/s 139(1) shall be eligible for deduction u/s 36(1)(va), particularly when the Supreme Court has in related matter allowed such deduction - Yes: HC

Whether matter should be remitted to the file of AO, when CIT(A) deleted the disallowance of transaction cost based on evidence which was ignored by AO and Revenue contends the same to be new evidence in respect of which rebuttal opportunity was not provided to them - Yes: HC

[2016-TIOL-1309-HC-MAD-IT](#)

**Arun Mammen Vs UoI (Dated: June 21, 2016)**

Whether if a resident's total undisclosed foreign income and asset will be dealt under the provisions of the New Act and not under the existing Income Tax Act, the New Act imposes an implied repeal of the provisions of the Income Tax Act conferring such rights to such assesseees to approach the Income Tax Settlement Commission - YES: HC

[2016-TIOL-1308-HC-KOL-IT](#)



**CIT Vs Elite Commercial Pvt Ltd (Dated: June 15, 2016)**

Whether income from sale of property is to be taken as business income, when the property is shown in the books as a capital asset and has never been converted into stock in trade - NO: HC

Whether the provisions of Section 45(2) are to be applied, when the property in shown in the books as capital assets and has never been converted into stock in trade - NO: HC

Whether the income as aforesaid shall be treated as profit from sale of property and be chargeable to tax as capital gain - YES: HC

Whether Revenue's contention to treat the aforesaid income as business income can be accepted, when no reason is presented by them to prove the same to the contrary - NO: HC

[2016-TIOL-1307-HC-MUM-IT](#)

**CIT Vs Instant Holdings Ltd (Dated: June 28, 2016)**

Whether the question regarding penalty levied u/s. 271(1)(c) on the ground that the addition made in the quantum order have been deleted by the ITAT without appreciating the fact that the decision of the ITAT in deleting the quantum addition has not been accepted by the Department and appeal u/s. 260A is preferred, can still sustain when the HC has passed its order - NO: HC

[2016-TIOL-1306-HC-MUM-IT](#)

**M G Saraf (Huf) Vs JCIT (Dated: June 24, 2016)**

Whether when at no time did the assessee has make a request that the Notices of Motion be heard along with the appeals nor did they seek time to file a further affidavit, can his appeal for condonation of delay can be accepted - NO: HC

[2016-TIOL-1305-HC-MUM-IT](#)

**CIT Vs Manisha M Shah (Dated: June 27, 2016)**

Whether random bank credits could be treated as income under Section 68, unmindful of the fact that these credits are detected during the course of a search - NO: HC

Whether if the contents of documents have been found on facts by two authorities to reflect only an estimate for purchase of jewellery and not evidence of purchase of jewellery, that presumption would not enable the Revenue to convert the documents indicating estimate into the documents of purchase - YES: HC

[2016-TIOL-1304-HC-AHM-IT](#)

**Rakshak Chemicals Pvt Ltd Vs JCIT (Dated: June 8, 2016)**

Whether for the purpose of calculating gains on issue of bonus shares, cost of bonus shares is to be taken at nil even if the bonus shares are issued prior to the amendment to S 55(2)(aa) of the Act - NO: HC

[2016-TIOL-1303-HC-MUM-IT](#)

**Safari Mercantile Pvt Ltd Vs ITAT (Dated: June 23, 2016)**

Whether rejection on merits of the contentions of the parties by the Tribunal on a substantial question of law is subject to the statutory right of appeal u/s 260A, which cannot be by-passed by dealing with the merits in an Miscellaneous Application for rectification - YES: HC

[2016-TIOL-1300-HC-MAD-IT](#)

**B J Samson Vs ACIT (Dated: June 7, 2016)**

Whether delay in filing appeal before ITAT can be condoned where the reasons given by assessee are too vague and too general and moreover the discretion to condone the delay has been exercised by the first appellate authority - No: HC

[2016-TIOL-1298-HC-AHM-IT](#)

**PR CIT Vs B A Research India Ltd (Dated: June 16, 2016)**

Whether once the prescribed authority has granted approval for scientific research, it is no longer open to the AO to question the satisfaction of conditions under Rule 18DA - YES: HC

[Also see analysis of the order](#)

[2016-TIOL-1297-HC-MUM-IT](#)

**Ramswaroop Vs CIT (Dated: May 6, 2016)**

Whether initiation of proceedings under Section 127 by issue of show cause under the signature of Deputy Commissioner of Income Tax-II (Headquarters) is valid in law - No: HC

Whether orders issued under Section 127 are valid where there are no specific reasons mentioned in the impugned orders for effecting transfer of cases nor there appears to be any material fact mentioned even in show cause notices requiring transfer - No: HC

[2016-TIOL-1296-HC-MUM-IT](#)

**CIT Vs Nirav Modi (Dated: June 16, 2016)**

Whether CIT is justified in exercising his revisional powers u/s 263 where Assessing Officer was satisfied, consequent to making an enquiry and examining the evidence produced by the Assessee establishing the identity and creditworthiness of the donor as also the genuineness of the gift - NO: HC

[2016-TIOL-1290-HC-MAD-IT](#)

**CIT Vs A L Logistics Pvt Ltd (Dated: June 21, 2016)**

Whether when a petition is filed before the SC seeking leave to appeal and the same having been converted into an appeal by SC, the HC should not entertain a review petition in relation to that and the High Court cannot also reverse or modify the order

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| impugned before the Supreme Court - YES: HC   |
| <a href="#">Also see analysis of the order</a>  |
| <a href="#">2016-TIOL-1289-HC-KOL-IT</a>  |
| <b>Hightension Switchgears Pvt Ltd Vs CIT (Dated: June 24, 2016)</b>  |
| Whether if the suppliers have supplied the goods to the assessee, which were transported by acting as an agent on behalf of assessee, who has reimbursed the freight charges to the suppliers, who in turn have paid to the concerned transporters, there can be any implication of TDS on the buyer assessee - NO: HC              |
| <a href="#">2016-TIOL-1288-HC-MAD-IT</a>  |
| <b>Deepika Housing &amp; Enterprises Vs JCIT (Dated: June 13, 2016)</b>   |
| Whether if an assessee is ready and is willing to appear before the AO and cooperate in the assessment proceedings, that would be in the interest of Revenue and also sufficient compliance of the statutory provisions - YES: HC   |
| <a href="#">2016-TIOL-1287-HC-MUM-IT</a>  |
| <b>CIT Vs Advance Construction Co Pvt Ltd (Dated: June 28, 2016)</b>  |
| Whether when there has been a full and true disclosure of all material facts during the regular assessment proceedings by the assessee, the condition precedent for issuing a notice beyond a period of four years from the end of the relevant AY is not satisfied, can the reassessment notice still be considered valid - NO: HC |
| <a href="#">2016-TIOL-1286-HC-MUM-IT</a>  |
| <b>Rajendra Kumar &amp; Co Vs ADDL CIT (Dated: June 21, 2016)</b>   |
| Whether when a show cause notice was issued specifically with regard to rejection of books of accounts u/s 145(3), the assessee has not responded to the same by furnishing necessary evidence in support of the entries made in the books of accounts, is it still open for the assessee to challenge the rejection - NO: HC       |
| Whether even after rejection of books of Account u/s 145(3), the income has to be estimated on the basis of the facts on record, it does not permit AO to adopt any arbitrary figure as income of the assessee whose books have been rejected - YES: HC   |
| <a href="#">2016-TIOL-1285-HC-MAD-IT</a>  |
| <b>Interational Institute Of Bio Technology &amp; Toxicology Vs DCIT (Dated: June 14, 2016)</b>   |
| Whether when when the High Court entertained the writ petition and passed a speaking order granting an order of interim stay, taking that into consideration the recovery proceedings shall remain stayed till the appeals are heard and disposed of by the adjudicating authority - YES: HC  |
| <a href="#">2016-TIOL-1278-HC-MUM-IT</a>  |
| <b>CIT Vs Shree Parleshwar Coop Housing Society Ltd (Dated: June 8, 2016)</b>   |
| Whether the collection made by a co-operative housing society as interest free loan, from incoming members as a binding precondition for becoming a member, are   |

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| <p>revenue receipts - NO: HC</p> <p>Whether the contribution received by a housing society from its new members, in respect of right to occupy a tenement allotted by the society, can be treated as income in the society chargeable to tax, in case new members were members of the Society prior to the allotment of tenements to them and also before making their contribution - NO: HC</p> <p><a href="#">Also see analysis of the order</a></p>  |
| <p><a href="#">2016-TIOL-1277-HC-AHM-IT</a></p> <p><b>Kalapur Commercial Cooperative Bank Ltd Vs ACIT (Dated: June 7, 2016)</b></p> <p>Whether it is open to the AO to reopen an assessment on the ground that, the brought forward unabsorbed loss was claimed &amp; allowed twice, when such claims were examined by the AO during original assessment and the AO himself had made no disallowance, thus accepting the explanation of assessee - NO: HC</p>                                 |
| <p><a href="#">2016-TIOL-1276-HC-MAD-IT</a></p> <p><b>CIT Vs Prem Textile International (Dated: June 1, 2016)</b></p> <p>Whether pendency of an SLP before the Apex Court against the judgment of jurisdictional High Court, would not amount to reversal or cessation of the dictum laid down by the High Court - YES: HC</p>  |
| <p><a href="#">2016-TIOL-1275-HC-MUM-IT</a></p> <p><b>Veena S Kalra Vs ACIT (Dated: June 7, 2016)</b></p> <p>Whether the principle of res judicata does not apply in tax matters for the reason that each assessment year gives rise to a separate cause of action - YES: HC</p> <p>Whether the order passed at the stage of admission of a tax appeal, can be treated as precedent - NO: HC</p>  |
| <p><a href="#">2016-TIOL-1274-HC-MUM-WT</a></p> <p><b>CWT Vs Vinodkumar Mohota (Dated: June 10, 2016)</b></p> <p>Whether the Reference filed by the Revenue Department before the High Court, deserves to be returned unanswered, in case they fail to appear in support of their References on the date of final hearing and seems uninterested in pursuing the question of law raised at their instance for the opinion of the High Court - YES: HC</p>                                     |
| <p><a href="#">2016-TIOL-1273-HC-AHM-IT</a></p> <p><b>Pr CIT Vs Waves Food Pvt Ltd (Dated: June 21, 2016)</b></p> <p>Whether where the AO during scrutiny assessment, notices a claim of exemption or deduction made by assessee and having prima facie doubt raises queries with respect to such a claim and thereafter, does not make any addition in the final order, it is not open to the AO to initiate reassessment even within four years on basis of change of opinion - YES: HC</p> |
| <p><a href="#">2016-TIOL-1272-HC-AHM-IT</a></p> <p><b>Fidelity Shares And Securities Ltd Vs DCIT (Dated: June 13, 2016)</b></p>   |

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| <p>Whether the ITAT has power under the Income Tax Act to enhance the assessment made by the Department, in appeal - NO: HC</p>  |
| <p><a href="#">2016-TIOL-1263-HC-MAD-IT</a></p>  |
| <p><b>Rane Madras Ltd Vs ITO (Dated: June 10, 2016)</b></p>  |
| <p>Whether when the assessee which had taken up to the cause of adjudicating the correctness of the order in appeal, has not been diligent in pursuing the appeal, condonation of delay can be granted to such assessee - NO: HC</p>   |
| <p><a href="#">2016-TIOL-1261-HC-MUM-IT</a></p>  |
| <p><b>Sodexo Svc India Pvt Ltd Vs DCIT (Dated: June 17, 2016)</b></p>  |
| <p>Whether an assessee's appeal against the order passed by AO u/s 201(1) &amp; 201(1A), deserves consideration even if it was time barred, in case the Revenue itself had stated that they would not adopt any coercive proceedings till the appeals of the assessee from the impugned orders are decided by the CIT(A) - YES: HC</p> |
| <p><a href="#">2016-TIOL-1260-HC-MUM-IT</a></p>  |
| <p><b>CIT Vs Samudra Mahal Premises Co-Operative Housing Society Ltd (Dated: June 15, 2016)</b></p>  |
| <p>Whether the contribution received by a housing society from its members towards Common Amenity Fund, are not chargeable to tax, on the basis of principle of mutuality - YES: HC</p>  |
| <p><a href="#">2016-TIOL-1259-HC-KOL-IT</a></p>  |
| <p><b>Jiauddin Mollah Vs CIT (Dated: June 13, 2016)</b></p>  |
| <p>Whether a court of appeal interferes not when the judgment under attack is not right, but only when it is shown to be wrong by the appellant - YES: HC</p>  |
| <p>Whether Section 194C can be applied to a case, in absence of any fact that persons expressly or impliedly authorised by the assessee to act on behalf of the assessee, are sub-contractors - NO: HC</p>   |
| <p><a href="#">2016-TIOL-1258-HC-MAD-IT</a></p>  |
| <p><b>Keesara Plastics Pvt Ltd Vs ACIT (Dated: June 16, 2016)</b></p>  |
| <p>Whether when an issue regarding the assessee's eligibility for exemption u/s 80IC is not only pending before Tribunal, but also before the High Court, the assessee has paid the tax for all the earlier years, one more notice of hearing should be issued to the assessee, before passing a final order - YES: HC</p>             |
| <p>Whether a mere making of the claim by assessee, which is not sustainable in law, by itself, will not amount to furnishing inaccurate particulars regarding the income of the assessee - YES: HC</p>   |
| <p><a href="#">2016-TIOL-1256-HC-MUM-IT</a></p>  |
| <p><b>CIT Vs Taurian Iron And Steel Co Pvt Ltd (Dated: June 7, 2016)</b></p>   |

Whether interest free loans & advances given by assessee company to its directors and sister concerns for non business purpose can be claimed as deduction u/s 36(1)(iii), when the same were allowed as deduction in the previous year in respect of the same assessee company - Yes: HC

[2016-TIOL-1255-HC-MUM-IT](#)

**CIT Vs Sanjay Manohar Vazirani (Dated: June 7, 2016)**

Whether revised computation submitted by the assessee has to be accepted when assessee had made a fresh claim without submitting revised return, particularly when Revenue is unable to prove otherwise by following a related judgement - YES: HC

Whether assessee can, during assessment, classify his income from share transactions as business income, without filing a revised return, when at the time of filing of return the same was disclosed as short term capital gain - YES: HC

Whether when aforesaid income is classified as business income, then the interest paid by assessee on borrowed funds utilized for business purposes, would be allowed as deduction - YES: HC

[2016-TIOL-1254-HC-MUM-IT](#)

**CIT Vs Loreal India Pvt Ltd (Dated: June 7, 2016)**

Whether advertisement expenditure incurred by the assessee is revenue expenditure, when a part of it is incurred for brand building which produces benefit of enduring nature - YES: HC

Whether advertisement expenditure can be allowed as revenue expenditure based on a similar allowance granted for the previous year - Yes: HC

[2016-TIOL-1253-HC-AHM-IT](#)

**Pr.CIT Vs Torrent Pvt Ltd (Dated: June 9, 2016)**

Whether when the exact frequency of purchase and sale of shares was not brought on record, no borrowed funds were utilized for acquiring shares, can it be said that the sale of shares effected by the assessee is in the nature of business income - NO: HC

[2016-TIOL-1252-HC-KAR-IT](#)

**ACIT Vs Symphony Services Corp India Pvt Ltd (Dated: June 10, 2016)**

Whether in the absence of specific provision in Section 10A warranting exclusion of the expenses from the total turnover, the order passed by ITAT is legally correct in directing the AO to exclude the expenses from the total turnover - YES: HC

[2016-TIOL-1251-HC-KOL-IT](#)

**CIT Vs R D Fan Ltd (Dated: June 9, 2016)**

Whether even when the money lending was a substantial part of the business of lender company, the money borrowed from this company did not fall within the mischief of section 2(22)(e) of the Income Tax Act - YES: HC

[2016-TIOL-1250-HC-KOL-IT](#)

**CIT Vs Umbika Agencies (Dated: June 9, 2016)**

Whether when the final fact finding authority has given a verdict which has not been challenged further, is it possible for the CIT to argue it subsequently before the High Court on no basis - NO: HC