

JUST 5 MINUTES

TAXCON™ INDIA PRIVATE LIMITED

INCOME TAX

1. *Faceless Appeal Scheme 2021*

The CBDT has notified the Faceless Appeal Scheme 2021 applicable w.e.f. 28-12-2021. The Scheme is notified in supersession of the Faceless Appeal Scheme, 2020. The new Scheme has mandated the Commissioner (Appeals) to allow personal hearings requested by the taxpayers.

2. *Relaxation for submitting ITR-V for the AY 2020-21*

The CBDT has provided one-time relaxation for submitting ITR-V/e-Verification ITR filed for Assessment Year 2020-21. In respect of all ITRs for Assessment Year 2020-21 uploaded electronically by the taxpayers and which have remained incomplete due to non submission of ITR-V Form/pending e-Verification, the taxpayer can complete such verification process by 28.02.2022.

GST

1. *Extension of due date for Annual Return*

The due Date of furnishing GSTR 9 and GSTR 9C for the FY 2020-21 has been extended from Dec 31, 2021 to February 28, 2022

COMPANIES/ LLP ACT

1. *Extension of date for filing AOC 4/ MGT 7*

The Ministry of Corporate Affairs has provided extension to file e-forms AOC-4, AOC-4 (CFS), AOC-4 XBRL/Non- XBRL for FY 20-21 upto Feb 15, 2022 & MGT-7/ MGT-7A upto Feb 28, 2022, without additional filing fee.

CASE LAWS - INCOME TAX

1. *Smt. Sangeeta Verma v. CIT*

It has been held that where Assessing Officer made disallowance under section 40A(3) in respect of cash payment for purchasing agricultural land, since affidavits filed by assessee during assessment proceeding contained clear recital that sellers insisted for cash payment, their identity was not in doubt, and sale deeds were also admitted to be registered document, no disallowance under section 40A(3) was called for.

2. *Principal CIT v. Gopal Heritage (P.) Ltd.*

It has been held that where assessee had taken unsecured loans from some persons and Assessing Officer made addition under section 68 on ground that assessee had not been able to prove immediate source of cash-in-hands of party, since all ingredients contemplated under section 68 had been duly satisfied on aspect of identity of creditors, genuineness of transactions and their creditworthiness, said addition was to be deleted.

CASE LAWS - INCOME TAX

3. *Maria Fernandes Cheryl vs. ITO*

It has been held that the 3rd Proviso to section 50C, inserted by the Finance Act 2018, provides that section will not apply if the difference between the stamp duty valuation and the actual consideration does not exceed 5%. This tolerance band was increased to 10% by the Finance Act 2020. Though the amendments are stated to be prospective, they are curative in nature and must be held to relate back to the date when Section 50C was inserted, i.e. 1st April 2003. Accordingly, if the valuation of a property, for the purpose of stamp duty valuation, is 10% more than the stated sale consideration, the stated sale consideration will be accepted at the face value and the anti-avoidance provisions under section 50C will not be invoked.

4. *DCIT Vs Planman HR (P) Ltd.*

It has been held that there can be no disallowance under section 37, of interest paid on late payment of service tax as the same is compensatory in nature.

CASE LAWS - INCOME TAX

5. *Beereddy Dasaratharami Reddy V. Manjunath & Another (Supreme Court)*

Whether Karta of a HUF has the power to sell immovable property belonging to the family without consent of all the coparceners of the family. The Supreme Court while dealing with the law on the subject held that Right of the Karta to execute agreement to sell or sale deed of a joint Hindu family property is settled and is beyond cavil vide several judgments of this Court including Sri Narayan Bal and Others v. Sridhar Sutar and Others(1996) 8 SCC 54(SC) wherein it has been held that a joint Hindu family is capable of acting through its Karta or adult member of the family in management of the joint Hindu family property.

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Specific advice/clarification should be obtained in case there is any doubt relating to the aforesaid