

Just 5 Minutes

TAXCON<sup>TM</sup> INDIA PRIVATE LIMITED

# INCOME TAX ACT

## *1. Date extended for filing Form 10AB & 10A till June 30, 2024*

The Central Board of Direct Taxes (CBDT) has extended the due date of filing Form 10AB and Form 10A till June 30, 2024. Such an extension shall also be available with respect to applications that are pending or rejected by CIT on account of the fact that the same was furnished after the due date.

## *2. Relaxation for deduction of higher tax*

To address grievances faced by deductors/collectors, the CBDT has specified that for the transactions entered into up to March 31, 2024 and in cases where the PAN becomes operative (as a result of linkage with Aadhaar) on or before May 31, 2024, there shall be no liability on the deductor/collector to deduct/collect the tax at higher rates specified under section 206AA/206CC.

# GST

## 1. *Enhancement in the GST Portal*

GSTN has issued instruction for enhanced version of the GST portal. The effort is to improve user experience and ensure that the information needed is accessible and easy to navigate. Key enhancements include:

- i. *News and Updates Section:* Introduced dedicated tab for all news and updates. This section now includes a beta search functionality, module wise drop downs and access to archived advisories dating back to 2017.
- ii. *User Interface Improvements:* Minor tweaks have been made to the homepage to enhance usability and aesthetics especially to make it convenient to use.
- iii. *Updated Website Policy:* Details regarding web managers have been included.

These changes are scheduled to go live at midnight on May 3, 2024.

## CASE LAWS - INCOME TAX

1. *Punjab & Haryana High Court in the case of Munjal BCU Centre of Innovation and Entrepreneurship vs. CIT (Exemptions), Chandigarh.*

It has been held that application u/s 12A(1)(ac)(iii) cannot be rejected due to non-compliances of the notices merely hosted on the e'portal, without service upon the applicant. It was further held that merely hosing electronic notice of communication on e-portal does not amount to service in terms of the provisions of section 282(1)(c) and Rule 127 and moreover an assessee cannot be expected to keep the e-portal of the Department open all the time to have knowledge of the notice posted.

2. *Pr CIT v. Shivaani Industries Ltd*

It has been held that where assessee did not deduct tax at source on payment made and payee had reflected said amount in its tax liability in its return, disallowance made under section 40(a)(ia) to be deleted

## CASE LAWS - INCOME TAX

### 3. *Simran Bagga v. ACIT (Delhi)*

It has been held that where assessee, a non-resident individual, sold a property in India and reinvested sale proceeds in purchase of a new residential property in the name of her spouse, since sale proceeds were duly invested in acquisition of new property within the time allowed, assessee was eligible for claim of deduction under section 54.

### 4. - *Ayesa Ingenieria Y Arquitectura S.A. v. ACIT (Intl Taxation)*

It has been held that where assessee, a branch office of a foreign company, made payment to its head office towards reimbursement of salary expenses of expatriate employees, since assessee had deducted TDS on entire salary paid to expatriates, impugned payment could not be disallowed under section 40(a)(i) of the Act.

## CASE LAWS - INCOME TAX

### 5. *ITAT Prabha Anil Gandhi vs ACIT*

The Mumbai bench of the Income Tax Appellate Tribunal (ITAT) has held that the Centralized Processing Centre (CPC) cannot make an addition under Section 50C of the Income Tax Act, 1961 without giving a proper opportunity to the assessee. The Two-member bench further held that the proposed addition under Section 50C of the Income Tax Act was beyond the mandate under Section 143(1) and the same can be processed only under Section 143(3) of the Income Tax Act.

# CASE LAWS - INDIRECT TAX

1. *Sri Krishan Traders v. Pr. Commissioner of GST*

It has been held that where assessee closed its business and applied for cancellation of GST registration, but Competent Authority while rejecting the said application suspended registration and later on cancelled registration on ground that assessee had failed to furnish GST returns, Competent Authority was to be directed to cancel GST registration with effect from date on which assessee had made application for cancellation of registration.

2. *Indeutech Industries P. Ltd. v State of UP*

It has been held that where revenue has failed to establish any bad intention since discrepancy in e-way bill was merely a typographical error and there was no other evidence to establish tax evasion, the penalty levied on the petitioner would be against the principles of natural justice and is liable to be quashed and set aside.

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