

# Just 5 Minutes

---

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

# INCOME TAX

---

## 1. *Regarding Correction Statement Submission for Financial Years 2007-08 to 2018-19*

Effective April 1, 2025, taxpayers must submit any correction statements in TDS/ TCS returns within six years from the end of the financial year in which the original statement was due. Accordingly, correction statements pertaining to Financial Year 2007-08 to 2018-19 shall be accepted only up to March 31, 2025.

## 2. *Circular issued for clarifications on TDS on salary*

The CBDT has issued a new circular incorporating amendments from the Finance (No.2) Act 2024, Finance (No.1) Act 2024, and Finance Act 2023 in respect to the deduction of TDS on salaries. The board also clarified that Circular No. 24/2022 remains applicable for FY 2024-25, where no changes were made regarding other salaries-related provisions.

# INCOME TAX

---

## 3. *Date extended for filing Form 56F*

The Central Board of Direct Taxes (CBDT) has extended the due date for filing of Form No. 56F for the Assessment Year 2024-25. This form is required to be filed by the assessee to claim exemption under section 10A/10AA. The extended due date is March 31, 2025.

# GST

---

1. *Advisory on Introduction of Form ENR-03 for Enrolment of Unregistered Dealers/Persons in e-Way Bill Portal for generating e-way Bill.*

A new feature has been introduced in the E-Way Bill (EWB) system to facilitate the enrolment of unregistered dealers supplying goods, with effect from Feb 11, 2025. In accordance with Notification No. 12/2024 dated 10th July 2024, Form ENR-03 has been introduced for the enrolment of unregistered dealers.

Accordingly, unregistered dealers engaged in the movement or transportation of goods can now generate e-Way Bills by enrolling themselves on the EWB portal and obtaining a unique Enrolment ID. This ID will serve as an alternative to the Supplier GSTIN or Recipient GSTIN for generating e-Way Bills.

# CASE LAWS - INCOME TAX

---

## 1. *CIT (Intl Taxation) v. Nokia Network OY*

The Delhi High Court has held while addressing the issue of whether a subsidiary company constitutes a Permanent Establishment (PE) of its parent company under the Double Taxation Avoidance Agreement (DTAA) between India and Finland, merely being a subsidiary or being substantially controlled by a parent company does not automatically make the subsidiary a PE of the parent company. The determination of a PE requires a thorough evaluation based on specific criteria outlined in Article 5 of the DTAA, including factors such as the fixed place of business, the nature of services rendered, and the authority to conclude contracts on behalf of the parent company.

# CASE LAWS - INCOME TAX

---

## 2. *Shri Panchmurti Education Society v. ITO*

It has been held that where assessee-trust was granted registration under section 12AA with retrospective effect and it filed its return of income without furnishing audit report in Form 10B along with return of income, since assessee filed Form 10B later on before Commissioner (Appeals), claim of assessee for exemption under section 11 was to be allowed.

## 3. *- Assistant Commissioner of Income-tax v. Pavani Structural (P.) Ltd.*

It has been held that where assessee sold commercial space through registered sale deed for a total consideration of Rs. 5.71 crores, sale price taken by Assessing Officer at Rs. 6.30 crores merely on the basis of some statements without bringing any concrete material in support of his claim was not correct.

# CASE LAWS - INCOME TAX

---

## 4. *TDK India (P.) Ltd. v. DCIT*

It has been held that where assessee-company had availed intra group services from its AE for effective network development and high productivity service standards and had adduced documentary evidence supporting need, rendition of services and benefits derived therefrom, TPO's conclusion that services were in nature of stewardship activity and no charges ought to have been paid by assessee was without any basis and TP adjustment made by TPO was to be deleted.

# CASE LAWS - INDIRECT TAX

---

1. *Dharmesh Gandhi v. ACIT (Anti-Evasion), CGST & Central Excise, Belapur Commissionerate & Ors. ( Bombay High Court)*

It has been held in the matter of attachment of nine bank account held in the name of appellant, his proprietorship firm and family members in pursuance of Section 83 of CGST Act, the court noted that the property including the bank account liable to or which has been provisionally attached must belong to the taxable person as defined in section 2(107) of the CGST Act. It was further held that the joint account with the minor son and wife cannot attached as there was no allegation in the petition that the said joint account has been funded with the money belonging to the appellant or his proprietorship firm. On these facts the court held the attachment of these family and joint accounts to be invalid upholding the other attachments.



# CASE LAWS - INDIRECT TAX

---

## 2. *Bharti Airtel Ltd. v. Commissioner, CGST (Appeals)*

It has been held that telecommunication towers does not qualify test of permanency as they are not attached to earth, they can be dismantled and moved and are never erected with an intent of conferring permanency and their placement on concrete bases wan only to enable those towers to overcome vagaries of nature, they can be considered as movable property eligible for ITC.

---

**Fortnightly Update No : 434<sup>th</sup>**

Disclaimer: This is for private circulation only. Every effort has been made to provide the correct information for the facility of our clients.  
Specific advice/clarification should be obtained in case there is any doubt relating to the aforesaid

