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SUBJECT INDEX

BUSINESS EXPENDITURE

■ Allowability of

- *Brand building expenditure* - Where assessee was selling goods to retailers at a price less than their cost price in view of fact that transaction was a *bona fide* one, taxing authority could not take into account market price of those goods, ignoring real price fetched to ascertain profit from said transaction - *Flipkart India (P.) Ltd. v. Asstt. CIT (Bang.)* 751

BUSINESS LOSS/DEDUCTIONS

■ Allowable as

- *Forfeiture of security* - Where assessee, engaged in business of constructing bus shelters, entered into an agreement with Delhi Transport Corporation for setting up bus queue shelters under BOT basis, since assessee failed to construct bus shelters within time prescribed in agreement, and as a result it lost bank/performance guarantee, loss so incurred being in normal course of business, deserved to be allowed under section 28(i) - *Green Delhi BQS Ltd. v. Asstt. CIT (Delhi)* 738

CAPITAL GAINS

■ Special provision for full value of consideration in certain cases

- *Applicability of* - Where Assessing Officer having invoked provisions of section 50C, made certain addition to assessee's income, in view of fact that even after applying provisions of section 50C, difference in capital gain declared by assessee and figure adopted by Assessing Officer did not even exceed 10 per cent of stamp duty valuation, impugned addition deserved to be set aside - *Surendra S. Gupta v. Addl. CIT (Mum.)* 732

DEDUCTION OF TAX AT SOURCE

■ Credit for tax deducted

- *Year in which allowable* - Credit for tax deducted at source has to be given in assessment year in which income has actually been assessed/offered to tax and not in year of deduction itself - *Surendra S. Gupta v. Addl. CIT (Mum.)* 732

*To facilitate easy reference, page numbers carrying Special Bench/Third Member Orders, have been printed in bold.

INCOME-TAX ACT, 1961

- Section 28(i) 739
- Section 37(1) 751
- Section 50C 732
- Section 79 745
- Section 115JB 1
- Section 199 732

LOSSES

■ Carry forward and set off of, in case of certain companies

- *Applicability of* - Where holding company of assessee transferred its entire shareholding in assessee company to another subsidiary company, in view of fact that in such a case beneficial ownership of assessee-company continued to vest in its ultimate holding company, provisions of section 79 placing restrictions in respect of carry forward and set off of losses incurred in previous years against profits of subsequent years would not apply to assessee's case - *CLP Power India (P.) Ltd. v. Dy. CIT (Ahd.)* 744

MINIMUM ALTERNATE TAX

- *Provision for bad debts* - Clause (c) of *Explanation 1* to section 115JB merely speaks of making additions to book profit, only in event where provision made for meeting liabilities is not an ascertained liability - *Southern Power Distribution Company of AP Ltd. v. Dy. CIT (Hyd.) (TM)* 1