# CBCS SCHEME

USN

**18MBAFM303** 

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### Third Semester MBA Degree Examination, Jan./Feb. 2021 **Direct Taxation**

Time: 3 hrs.

Max. Marks:100

Note: 1. Answer any FOUR full questions from Q.No.1 to 7. 2. Q.No. 8 is compulsory.

Define the term "assessee" as per the Income Tax Act 1961.

- Ms. Bindu, a non-resident, residing in New York since 1991, came back to India on 19-02-2018 for permanent settlement in India. Explain the residential status of Ms. Bindu for A.Y. 2020-21.
- From the below particulars of Mr. Anirudh for year ended 31.03.2020, compute the total income for Assessment Year (A.Y) 2020-21, if he is
  - (i) Resident and Ordinary Resident
  - (ii) Resident and not ordinarily resident

(iii) Non Resident.

()		
Par	rticulars	Amount
a.	Profit on sale of shares in Indian company received in Germany	15,000
	Dividend from a Japanese company in Japan	10,000
c.	Rent from property in London deposited in London, later remitt	ted
	to India	75,000
d.	Dividend from RP Ltd, an Indian Company	6,000
e.	Agricultural income from lands in Gujarat	25,000
		(10 Marks)

What is gross total income?

(03 Marks)

- Mr. Shah, an Accounts Manager, has retired for JK Ltd. on 15.01.2020 after rendering services for 30 years 7 months. His salary is Rs.25,000 p.m. upto 30.09.2019 and Rs.27,000 thereafter. He also gets Rs. 2000/- p.m as Dearness Allowance (55% of it is a part of salary for computing retirement benefits). He is not covered by the Payments of Gratuity Act 1972. He has received Rs. 8 lacs as gratuity from the employer. (07 Marks)
- What are various heads of income and discuss its importance? (10 Marks)
- What is indexed cost of Acquisition?

(03 Marks)

Briefly explain different types of assessee.

(07 Marks)

Discuss Set-off and carry forward of losses.

(10 Marks)

What is block of assets? a.

- (03 Marks)
- Mr. Bee purchased a residential house on July, 20, 2017 for Rs. 10,00,000 (10 lac) and made some additions to the house incurring Rs. 2,00,000 in August 2017. He sold the house property in April 2019 for Rs. 20,00,000. Out of the sale proceeds, he spent Rs.5,00,000 to purchase another house property in September 2019. What is the amount of capital gains taxable in the hands Mr. Bee for A.Y. 2020-21? (07 Marks)
- Discuss deductions U/S 80C to 80U.

(10 Marks)

5 What is a slump sale? (03 Marks)

Write a short note on Other Incomes.

(07 Marks)

c. Mr. Kumar is the owner of a residential house which was purchased in September, 2003 for Rs. 700000. He sold the said house on 5<sup>th</sup> Aug 2019 for Rs. 30,00,000. Valuation as per stamp valuation authority of the said plot of land was Rs. 44,00,000. He invested Rs. 8,00,000 in NHAI Bonds on 12<sup>th</sup> January 2020. He purchased a residential house on 8<sup>th</sup> September, 2019 for Rs. 12,00,000. He gives other particulars as follows:

Interest on bank deposit Rs. 32000 Investment on PPF Rs. 12000

You are requested to calculate the taxable income for the A.Y. 2020-21.

CII for F.Y. 2003-04 and 2019-20 are 109 and 289 respectively.

(10 Marks)

6 a. What is MAT?

(03 Marks)

 Briefly discuss provisions of Sec 54, Sec 54EC and Sec 54F under heads of Income from Capital Gain.
 (07 Marks)

c. Following is the profit and loss A/c of Mr. Q for the year ended 31-03-2020.

Particulars	Rs.	Particulars	Rs.
To Repairs on Building	1,81,000	By Gross Profit	6,01,000
To amount paid to IIT, Mumbai for an	1,00,000	By I. T. refund	8,100
approved Scientific research program			
To Interest	1,10,000	By Interest on	6,400
4 4	CA	Company deposits	
To Travelling	1,30,550		
To Net Profit	93,950		
	6,15,500	0	6,15,500

Following additional information are furnished:

1. Repairs on building includes Rs. 100000 being cost of laying on Toilet roof.

2. Interest payments include Rs. 50,000 on which TDS has not been deducted and penalty for contravention of Central Sales Tax Act of Rs. 24000.

Compute the income chargeable under the head "Profit and Gains of business and profession" of Mr. Q for the year ended 31-03-2020 ignoring depreciation. (10 Marks)

7 a. State any three incomes exempt from tax under Sec 10.

(03 Marks)

- b. Write a short note on: (i) Tax planning (ii) Tax avoidance (iii) Tax evasion (07 Marks)
- c. Mr. Nambiar, a salaried employee, furnishes the following details for the financial year 2019-20:

Particulars	Rs.
Basic Salary	6,00,000
Dearness Allowance	3,20,000
Commission	50,000
Entertainment allowance	7,500
Medical expenses reimbursed by the employer	21,000
Profession Tax (of this 50% paid by employer)	7,000
Health Insurance Premium paid by employer	9,000
Gift voucher given by employer on his Birthday	12,000
Life insurance premium of Nambiar paid by employer	34,000
Laptop provided for use at home Actual cost to employer [Children of assessee	30,000
also use the laptop]	
Employer company owns a Tata Nano car, which was provided to assessee,	
both for official and personal use. No driver was provided. Engine cubic	
capacity less than 1.6 ltrs.	
Annual credit card fees paid by employer (credit card not exclusively used for	2,000
official purpose, details of usage not available).	

You are required to compute the income chargeable under head "Salaries" for A.Y. 2020-21.
(10 Marks)

### 8 Case Study (Compulsory):

Mr. Rahul an assessee aged 61 years gives the following information for previous year

	2020.	mig miorinali
a.	Loss from profession	
b.	Capital loss on sale of property short term	1,05,000
c.	Capital gains on sale of property short term	55,000
d.	Capital gains on sale of shares (long term)	2,05,000
e.	Loss in respect of self occupied property	15,000
f	Loss in respect of let out property Share of loss from firm	30,000
or .	Income from C. 16	1,60,000
g. h.	Income from Card Games	55,000
	Winning from Lotteries	1,00,000

i. Loss from horse races in Mumbai 40,000
j. Investment in Infrastructure bonds 21,000
k. Medical Insurance premium paid by cheque 18,000

Compute the total income of Mr. Rahul for the assessment year 2020-21. Provide sufficient information on exemptions and treatment. (20 Marks)

## SCHEME & SOLUTION DIRECT TAXATION-18MBAFM303-Jan/Feb 2021

	DIRECT TAXATION-18MBAFM30	<b>)3</b> -Jan/Feb 20.	21			
1 a	ASSESSEE 2(7)					3
	• The persons specified in section 2(31)					
	A person in respect of whom any proceeding					
	assessment of his/her income /loss/income of an	ny other pers	on in respec	t of whom h	ne/she is	
	assessable.			E - D		
	<ul> <li>Deemed Assessee: Every person who is de- assessee. Legal representative of a deceased, gua</li> </ul>				sentative	
	<ul> <li>Assesse in default under the Act. E.g. A person</li> </ul>				deemed	
	assessee.	who does no	or acauci tax	at source is	decined	
b	<b>RS:</b> NOR: 1 <sup>st</sup> basic condition is satisfied [365 days during	ng the FY 20	19-20]			7
	None of the additional conditions is satisfied					
c	Computation of Taxable Inco	me for A.Y.	2020-21			10
	Incomes	OR	NOR	NR		
	Profit on sale of shares in Indian company	15,000	15,000	15,000		
	Dividend from Japanese company	10,000	-	-		
	Rent from property in London	75,000		_		
	Dividend from Indian company	Exempted	Exempted	Exempted		
	Agricultural income in India	Exempted	Exempted	Exempted		
	Total	1,00,000	15,000	15,000		
2 a	GROSS TOTAL INCOME U/S 14: The aggregate of the	e income und	der the follow	wing heads is	s termed	3
	as Gross Total Income (GTI): Income From Salary, Ir				& Gains	
	from Business/Profession, Income From Capital Gain &			ces.		
b	Least of the followings is exer	npted u/s 10(		0.000		7
	a Amount of Gratuity received		Rs.8,0			
	b Ceiling limit		Rs.20,0			
	c ½ month's average salary for each c	ompleted year	ars <b>Rs.4,0</b>	2,000		
	of service					
	[½ x (25700 + 1100) x 30]					
	Rs.4,02,000 being least is exempted and excess amoun					10
С	Income from salary, income from house property, income capital gain and income from other sources. [Fact head			on, income fr	om	10
3 a	capital gain and income from other sources. [Each head <b>Indexed Cost of Acquisition (ICA):</b> It is the amount we			acquisition t	he same	3
Ja	proportion as CII of the year in which the asset is transfer			-		<i>3</i>
	asset was held by the assessee or for the year beginning			-	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
	[(Cost of Acquisition + Exp. on purch		7			
	on $1/4/2001$ weh] – Advance mone ICA =	y forfeited	у сп	of C.P.Y.		
	ICA –		A CII (	л С.1 . 1 .		
	CII of Year of Acquisition or	: 100				
b	Types of assesses: Normal assesse, deemed assessee, ass	essee in defe	111f			7
U	1 ypes of assesses. Inormal assesse, deemed assessee, ass	essee III uela	uit			/

#### SET OFF AND CARRY FORWARD OF LOSSES

#### Intra-head set-off u/s 70

The loss from one source can be set off against the income from any other source under the same head of income for the same A.Y.

#### **Exceptions:**

- 1. Loss from speculation business is set off only against income from another speculation business but not against the income of non-speculation business. However, Loss from non speculation business can be set off against income from any business (i.e. either speculation or non speculation business)
- 2. Long term capital loss is set off only against long term capital gain but not against the short term capital gain. However, short term capital loss can be set off against any capital gains (i.e. either STCG or LTCG)
- 3. Loss from the business of owning & maintaining race horses is set off only against the income from such business.
- 4. No Loss can be set off against the winnings from lotteries, crossword puzzles, races including horse races, card games, gambling or betting etc.
- 5. Loss from purchase and sale of securities cannot be set-off against any other source.

#### Inter-Head Set Off u/s 71

The net loss under one head (after inter-source set off) can be set off against the income under another head in the same A.Y.

#### **Exceptions**

- 1. Loss in a speculation business
- 2. Loss from the activity of owning and maintaining race horses
- 3. Loss from purchase and sale of securities
- 4. Business loss cannot be set off against the income from salary
- 5. Loss under capital gain head

Note: No order of priority is given in the Act. Set off those losses which cannot be carried forward to the next year.

#### Carry forward of losses u/s 72

The unset off losses in one head / different heads may be carried forward and set off against the income of the subsequent year.

1. Unset off portion of loss from business or profession can be carried forward and set off against business income (not against any other heads) u/s 72.

**Conditions:** Period: **8** A.Y. Continuity of business is not necessary; Return of loss should be filed. Carry forward is available only for the assessee who has actually incurred the loss

#### **Exceptions:**

- 1. Amalgamation of companies u/s 72A
- 2. Amalgamation of banking company with banking institution u/s 72AA
- 3. Demerger of companies
- 4. Conversion of a proprietary concern / firm into company
- 5. Loss of business acquired by inheritance u/s 78
- 2. Loss from speculation business can be carried forward and set off only against income from any speculation business u/s 73.

Conditions: Period: 4 Years. Continuity of business not necessary & Return of loss should be filed.

3. Carry forward and set-off of capital losses u/s 74

Conditions: Period: 8 years; LTCL is set-off only against LTCG and STCL can be set-off against

						1
		ne STCG/LTC				
		•	l set off of loss from activity of owning and ma	-		
			imals can be set-off against normal business pr	ofit) u/s 74A(	3)	
			4 Years & Return of loss should be filed			
	5. Carı	ry forward and	set off of loss incurred from house property u/	s 71B		
	Condi	tions: Period:	8 Years & Applicable only for the loss incurre	d in the A.Y. 1	.999-00 onwards	
	6. Cari	ry forward and	set off of loss in the case of change in the cons	stitution of fire	n due to retirement	
		th of partner u	<del>-</del>			
	The fir	m shall not be	entitled to carry forward of so much of the los	s as is attributa	able to such partner	
			ement /death of partner)		1	
			or unabsorbed depreciation (i.e. it can be carried	d forwarded ar	nd set off)	
			set-off of losses in the cases of closely held co		*	
4 a		-	oup of assets falling within a class of assets of	_		3
			, plant & machinery and <b>intangible assets</b> bei	1		
		•	, franchises or any other business or comm	•	1 0	
			same percentage of depreciation is prescribed.	ciciai riginis (	or similar nature, in	
b	respec	t or which the	Computation of Capital Gain for the A	7 2020-21		7
			Particulars	Amount	]	,
			Sales Consideration	20,00,000		
			Less: Cost of acquisition	-10,00,000		
			•			
			Cost of improvement	<u>-2,00,000</u>		
			Taxable STCG	8,00,000		
c	1.		th respect to the following savings u/s 80C [Co	eiling Rs.1,50,	000 for 80C, 80CCC	10
		& 80CCD]				
			respect of Pension Fund U/S 80CCC			
			respect of Contribution to National Pension Sc			
	4.	Deduction in	respect of Investment in any Equity Saving Sc	heme u/s 80C	CG (w.e.f. A.y.2013-	
		14)				
	5.	Deduction in	respect of Medical Insurance Premia/health	check-up exp	. U/S 80D [Ceiling:	
		Self & famil	y Rs.25,000 + 25,000 for parents (Rs.50,00	o instead of I	Rs.25,000 in case of	
		senior citizei	assessee or parents)]. For super senior cit	izens (80 yea	rs and above where	
		mediclaim is	not given), deduction is allowed for medical	expenses upto	<b>30,000</b> . Premium to	
		be paid other	than in cash. Applicable for dependent childre	n only and her	nce premium paid for	
		earning child	ren is excluded.			
	6.	Deduction in	respect of maintenance including medical	reatment of a	dependent being a	
		Person with	disability U/S 80DD (Fixed deduction of I	<b>Rs.75,000</b> for	40% and above &	
		Rs.1,25,000	For severe i.e. 80% & above)			
	7.	Deduction in	n respect of medical treatment of specific	ed diseases I	U/S80DDB (Ceiling	
			<b>s.1,00,000</b> for senior citizens)		, 5	
	8.		respect of interest paid on Loan taken for H	igher Studies	U/S 80E (Applicable	
			hildren, for 8 A.Y.)	-	\ <b>11</b>	
	9.		pto Rs.50,000 on interest payments for fi	rst time hon	ne buyer u/s 80EE	
			Jpto AY 2018-19 only)		•	
	10	· • •	r interest payment for first time home buyer u/s	80EEA upto	Rs.1,50,000	
			itions: This is additional deduction over and a	-		
·	i				, , , , , , ,	1

individual, assessee should not own any other house on the date of sanctioning the loan, loan to be taken from financial institution or any housing finance company, stamp duty value of the house property should be **Rs 45 lakhs** or less, The taxpayer should be a first-time home buyer, loan is taken between 1/4/2019 -31/3/2020. Extended upto 31/3/2022

- 11. Deduction in respect of Donation to Certain Funds, charitable institutions etc. U/S 80G
- 12. Deduction in respect of Rent Paid U/S 80GG (least of the following deductible)
  - i. Rs.5,000 p.m.
  - ii. 25% of adjusted total income
  - iii.Rent paid 10% of adjusted total income

Adjusted TI = GTI – [LTCG, STCG u/s 111A, deductions u/s 80C-80 (Except 80GG), income u/s 115A]

- 13. Deduction in respect of certain Donations for Scientific Research or Rural Development U/S 80GGA (Condition : Assessee does not have IFBP)
- 14. Deduction in respect of Contributions given by Indian companies to Political Parties U/S 80GGB
- 15. Deduction in respect of Contributions given by any person to Political Parties U/S 80GGC (Not local authority, artificial judicial person)
- 16. Deduction in respect of Profits and Gains from Industrial Undertaking or Enterprises engaged in Infrastructure Development etc. U/S 80-IA(100% of profit available for 10 years)
- 17. Deduction in respect of Profits and Gains by an Undertaking or enterprise engaged in Development of SEZ U/S 80-IAB (100% of profit available for 10 years out of 15 years)
- 18. Deduction in respect of Profits and Gains from Certain industrial undertakings other than infrastructure Development undertakings U/S 80-IB
- 19. Deduction in respect of Profits and Gains of certain undertaking in certain special category of States U/S 80-IC
- 20. Deduction in respect of Profits and Gains from the Business of Collecting and processing of Bio-Degradable waste U/S 980JJA (100% of profit deductible for 5 years)
- 21. Deduction in respect of Employment of New Workmen U/S 80JJAA
- 22. Deduction in respect of certain Income of Offshore Banking Units and International Financial Services Centre U/S 80LA (1/5 deductible for 5 years)
- 23. Deduction in respect of Income of a Co-Operative Society U/S 80P
- 24. Deduction in respect of Royalty Income of Authors U/S 80QQB (Ceiling Rs.3,00,000)
- 25. Deduction in respect of Royalty on Patents U/S 80RRB (Ceiling Rs.3,00,000)
- 26. Deduction for interest on FD is allowed upto **Rs.50,000** for senior citizens u/s 80TTB w.e.f. PY 2018-19 [It was upto Rs.10,000 u/s 80TTA]
- 27. Deduction in respect of Person with Disability U/S 80U {(Fixed deduction of **Rs.50,000** (if disability is less than 80%) & **Rs.1,00,000** (if disability is 80% or more) Condition: Resident individual

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- 5 a **Slump sale** for income tax purposes would be one where an undertaking is sold without considering the individual values of the assets or liabilities contained within the undertaking
  - b IFOS: Income from sub-letting, interest on bank deposits and loans, income from royalty (if it is not income from business or profession), director's fee, agricultural income received from outside India, director's commission for standing as a guarantor to bankers, director's commission for underwriting shares of new company, remuneration received by a person from a person other than his employer e.g. examination remuneration received by a teacher, rent of a plot of land

С	Computation of Taxable incom	e for the AY 20	20-21	_	10
	Particulars	Amount			
	Income from capital gain		5,44,037		
	Sales Consideration or stamp duty va	lue 44,00,00	0		
	w.h.h		_		
	Less:	Ni			
	1.Expenses on transfer	-18,55,963	3		
	2.ICA: 7,00,000 x 289/109	25 44 02	7		
	Taxable LT	<b>CG</b> 25,44,03°	<u>/                                    </u>		
	Less: Exemption Purchase of NHAI bonds	8 00 00			
		8,00,000 12,00,000			
	Purchase of residential house  Income from other sources	12,00,00	)	-	
	(interest on bank deposits)		32,000		
	* '	TI	5,76,037	-	
	Less: Deductions u/s 80C (PPF)		-12,000	1	
	Taxable inco	me	5,64,037	-	
6 a	MAT (MINIMUM ALTERNATE TAX) U/S 115JB		3,01,037		3
o a	♣ Applicable for both Indian and foreign companie	s			
	■ 115JB inserted from the A.Y. 2001-02.	,			
	It provides that in case the tax liability of a complete tax liability of a complet	any is less than	<b>19.24%</b> (18.59	% + HEC 4%)	
	or <b>20.5868%</b> (18.5% + SC 7% + HEC 4%) or	•	The state of the s		
	the Book Profit, such book profit shall be deem	*			
	the rate of <b>19.24% or 20.5868% or 21.5488%</b>		_		
	company has to pay every year)			·	
	MAT is not applicable for the companies in Spec	ial Economic Zo	ne from 1-4-20	05.	
	Tax credit can be carried forward for the next	assessment year	(upto 10 A.Y.)	to be set-off	
	against normal tax liability. It can be set-off aga				
	the amount of difference between MAT and nor	mal tax liability	or tax credit av	ailable which	
	ever is less.				
b	Exemptions from Capital Gains u/s 54				7
	1. Capital gains from transfer of residential ho	ise if used for	purchase or co	onstruction of	
	residential house U/s 54		da af NIII A I /DT	EC II/a FAEC	
	2. Capital gain on transfer of any LTCA used in the				
	3. Capital gains on transfer of any LTCA purchase/construction of one residential house U		nai nouse) ii	used in the	
c	Computation of Income from busi		7 2020 21		10
	Particulars	iless for the A. I		ount	10
	NP/NL as per P & L A/c		93,950		
	Repairs on building		1,00,000		
	IT refund		-8,100		
			-6,400		
	Interest on company deposit		*	2 450	
	Penalty for contravention of CST		24,000   2,03	3,450	
7 a	EXEMPTED INCOMES U/S 10				3
	1. Agricultural income U/S 10(1)				

- 2. Receipts by a member from a HUF U/S 10(2)
- 3. Share of Profit from Partnership Firm U/s 10(2A)
- **Tax Planning:** Minimising tax liability by taking complete legitimate benefit of all deductions, exemptions, allowance is tax planning. Tax laws are fully complied and there is no intention to deceit the legal spirit behind the tax law. Transaction does not take the form of colourable devices. For instance, purchase of ELSS and NSC to claim deduction u/s 80C is tax planning.

**Tax Evasion**: Avoiding tax by illegal means is tax evasion. An assessee guilty of tax evasion will be punished under the relevant laws.

**Tax Avoidance**: Any planning of tax which though done strictly according to legal requirement but defeats the basic intention of the legislature behind the statute. Earlier tax avoidance was considered completely legitimate, at present it is considered as illegitimate. The line of demarcation between tax planning and tax avoidance is very thin and blurred.

For instance, misuse of section 80DD: claiming deduction in respect of maintenance including medical treatment of a dependent being a person with disability U/S 80DD (Fixed deduction of **Rs.75,000** for 40% and above & **Rs.1,25,000** for severe i.e. 80% & above) though the person is not dependent of the assessee.

Computation of Tayable salary Income for the  $\Delta$  V 2020-1

10

C	Computation of Taxable salary income for the	A.Y.2020-1	10
	Particulars	Amount	
	Basic salary	6,00,000	
	DA	3,20,000	
	Commission	50,000	
	Entertainment allowance	7,500	
	Medical reimbursement	21,000	
	PT paid by employer [50% of Rs.7,000]	3,500	
	Health insurance premium	Exempted	
	Gift voucher (12,000 -5,000 exempted)	7,000	
	LIP paid by employer	34,000	
	Use of laptop	Exempted	
	Car perquisite (1,800 x 12m)	12,600	
	Credit card fee	2,000	
	Gross Salary	10,66,000	
	Less: Standard deduction u/s 16 (i)	-50,000	
	Deduction for professional tax u/s 16(iii)	-7,000	
	Income From Salary	10,09,600	
8	Computation of Taxable Income for the A.Y	. 2020-21	20

5	Computation of Taxable Income for	me A. Y. 202	2U-21
	Sources of Incomes		Amount
	IFS		-
	<b>IFHP</b> : [15,000 + 30,000]		-45,000
	IFBP:		
	Loss from profession	-1,05,000	-
	Share of loss from firm (c/f)	-1,60,000	1,05,000
	IFCG: LTCG	2,05,000	

Less: STCL	-55,000	1,50,000
IFOS		
Income from card games	55,000	
Income from lottery	1,00,000	
Loss from horse race (40,000 c/f)	-	1,55,000
GT	T I	1,55,000
Less: <b>Deductions U/S 80C – 80U</b>		Nil
Net Taxable Incom	e	1,55,000