

A.Y. 2021-22

DIRECT TAX

Volume-I

CONTENT

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- ★ Tax Rates
- ★ Agriculture Income
- ★ Tax Planning
- ★ Residential Status
- ★ House Property
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- ★ Gift
- ★ Dividend
- ★ Undisclosed Income
- ★ Capital Gains
- ★ Deduction under Chapter VI-A



CA SURAJ AGRAWAL

CA Rank Holder, CPA (USA), B.COM (H)

Education is a Journey



25 Rank Holder from Tax Batch of
CA Suraj Agrawal Sir
YouTube CA SURAJ AGRAWAL-SATC

Congratulation



AIR-3

Parveen Dutt Sharma



AIR-7

Mohit Garg



AIR-11

Firoz Khan



AIR-13

Megha Singhal



AIR-17

Om Prakash Jha



AIR-22

Arun Shekher



AIR-22

Sachin Arora



AIR-23

Neeraj



AIR-24

Pradeep



AIR-25

Anurag Pant



AIR-26

Mohit Garg



AIR-27

Vivek Sharma



AIR-30

Varun Khattar



AIR-31

Sonu Singh



AIR-33

Rhythm Jain



AIR-35

Chetan Aggarwal



AIR-35

Sumit Saini



AIR-36

Vineet Kumar



AIR-38

Sonu Singh



AIR-42

Paras Jain



AIR-42

Anee Duivedi



AIR-43

Neha Vashisht



AIR-45

Bharat Bhusan



AIR-47

Arun Shekher



AIR-48

Tushar Sethi



Tax-84 Marks

Kamna Gupta

SURAJ AGRAWAL TAX CLASSES

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MRP: 600/-



**THIS BOOK HAS BEEN A REALITY
ONLY BECAUSE OF MY FAMILY &
STUDENTS.**

CA SURAJ AGRAWAL

Updated as on 15.02.2021 (18th Edition) for **CMA INTER JUN/DEC 2021 Exam – 2nd Print**
Assessment Year 2021-22 (updated with Finance Act 2020 & TOLA, 2020)

PREFACE

Taxation is a dynamic subject, which is not only a vast subject but also difficult to comprehend in view of frequent amendments. Yet it is the scoring subject of your syllabus. In addition, practice in the field of Taxation is also highly remunerative.

My association with the students has helped me to bring this book in its present form – simplified, comprehensive and easy to understand.

The present edition of this book is designed to bridge the gap between theory & applications and incorporates the following:

- ❖ **Updated with Finance Act 2020 (AY 2021-22)**
<https://youtu.be/msmS8Zc5TQE>
- ❖ **Updated with The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 [TOLA, 2020] to the extent it is applicable**
<https://youtu.be/2QTeK8S3BDE>
- ❖ **Covers entire syllabus** with theoretical concepts, examples etc
- ❖ Contains more than 1000 practical problems with solutions
- ❖ Chapter-wise short notes (separate volume) for revision purpose.

Hope this book serves the purpose of the students. I shall be thankful to the readers for their suggestions, criticism and feedback if any.

Email: suraj.agrawal@hotmail.com

Contact: 8527230445 (11am to 6pm)

ACKNOWLEDGEMENT

This book is a result of sincere efforts of our family members, colleagues, associates, well-wishers and students, whose contribution cannot go unacknowledged.

Master Reyaan, my wife **CA Monika Agrawal** and my mother deserve special mention for the time (on which they had the first right) they allowed me for this book.

I dedicate this book to my beloved late grandparents & Papa.

CA Suraj Agrawal

Updated as on 15.02.2021 (18th Edition) for CMA INTER Exam – 2nd Print Assessment Year 2021-22 (Updated with Finance Act 2020 & TOLA, 2020)

“One more step towards success”

PROFILE – CA SURAJ AGRAWAL

CA Suraj Agrawal is a Commerce Graduate [B.Com (H)] from Kolkata University and has qualified CA in November 2005 in **First Attempt** from Kolkata. He has also secured All India **27th Rank in CA-Foundation** – 1st level (First Attempt – 70% marks).

Besides CA, he has completed **Certification Course of International Taxation** of the ICAI in 2009. He has also qualified **CPA (Certified Public Accountant) examination from AICPA (USA)** in 2009 with more than 90 Marks in each of four papers in First Attempt [**Presently, he is inspired to complete CIMA, London as well as LLM in International Taxation (UK) by Year 2024**]

He has started his career by joining Direct Tax Department of **Reliance Industries Limited, Mumbai** and worked for near 2 years in core tax team. He has also worked in Taxation Division of **Chaturvedi & Shah (Chartered Accountants), Delhi** followed by Tax Division of **Ernst & Young, Gurgaon, India** (A Leading Big 4 Firm having International Presence). During the working tenure of more than 4 years, he is exposed to in-depth theoretical and practical knowledge of Direct Taxation & has a consultancy exposure in various industries including Energy - Oil & Gas, Airlines, Retail, Infrastructure and Shipping Industries.

With the above academic and practical knowledge, he is in teaching profession from more than 11 years to serve professional students (taught 16,000 CA/CMA's Students till date). **His in-depth coverage of legal provisions in Tax with practical approach is very well recognized among the students.** He is also an associate member of ICAI and is also providing services as Tax Consultant to various organisations.

He was also a member in WTO, FEMA & International Tax Study Group of the NIRC of the ICAI for the year 2011-12 and was member of **International Taxation & FEMA Research Study Group of NIRC of the ICAI** for the year 2010-11. He is regularly contributing tax articles and various opinions on subjects of Direct Taxation including International Taxation in various leading magazines [Taxmann] and professional forums.

CA Suraj Agrawal

“CA Rank Holder, Qualified CPA (USA), B.Com (H)”

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Subjects: CA / CMA - DT & IDT (INTER & FINAL)

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<https://www.youtube.com/c/CASURAJAGRAWALSATC/videos>

<https://www.facebook.com/Surajagrawaltaxationclasses.satc>

“Thanks to all of you for making us proud”

Congratulations to all of you

CMA FINAL DT & IDT RESULT – DEC 2019 EXAM

SATC – 01147542530 / 8527230445

(NO FACE TO FACE CLASS IN CMA FINAL)

S. No.	Name	IDT Marks	DT Marks	Status	Remarks
1	Varun Khattar (BOTH)	66	40	now CMA	A.I.R. - 30
2	Deepesh Hoiyani	80	-	now CMA	IDT Highest in 4 Paper
3	Satish Jangra	72	-	now CMA	IDT 2nd Highest in 4 Paper
4	Pranshu Singhal	72	-	now CMA	IDT Highest in 4 Paper
5	Poonam Khemka	68	-	now CMA	IDT Highest in 4 Paper
6	Garima	68	-	now CMA	IDT Highest in 4 Paper
7	Tushar Khattar (BOTH)	63	43	now CMA	IDT Highest in all 8 Paper
8	Rahul Kumar Ojha	62	-	Now in Group 3	-
9	Amita Negi	60	-	Now in Group 3	IDT Highest in 4 Paper
10	Rohit Saini (BOTH)	60	58	now CMA	IDT Highest in all 8 Paper
11	Pooja Negi	-	59	now CMA	DT Highest in 4 Paper
12	Brijesh Kumar	54	-	Now in Group 3	-
13	Rinku Kumar Bind	-	54	Now in Group 4	DT Highest in 4 Paper
14	Apoorv Jaiswal	-	54	now CMA	-
15	Vikas Kumar Jha	53	-	now CMA	-
16	Shivcharan Singh S.	53	-	Now in Group 3	-
17	Prateek Kumar Masih	49	-	Now in Group 3	-
18	Shivam Garg (BOTH)	49	52	now CMA	-
19	Sachin Sharma (BOTH)	48	-	now CMA	-
20	Ashmeet	47	-	Now in Group 3	-

NOTICE: ALL ABOVE STUDENTS ARE REGISTERED STUDENTS OF SATC IN REGULAR CMA FINAL DT/IDT/BOTH PENDRIVE/VIDEO CLASS & NOT ONLY A YOUTUBE OR TELEGRAM CHANNEL SUBSCRIBER OR MERELY REFERRED OUR BOOKS.

CONGRATULATIONS

CMA FINAL INDIRECT TAX/GST RESULT FROM SATC

S. NO.	NAME OF STUDENTS	REGISTRATION NUMBER	MARKS IN IDT	EXAM
1	PARAS JAIN (AIR 42)	`04141009584	84	Jun-19
2	DEEPESH HOIYANI	`01171005959	80	Dec-19
3	AMARDEEP	`04151002203	79	Dec-18
4	SHREY GUPTA	`04151004191	77	Dec-18
5	VASUDEVAN KALASHASTHY	`04161004499	75	Jun-19
6	ASHISH SINGH	`04142005774	74	Dec-18
7	SATISH JANGRA	`04142010658	72	Dec-19
8	PRANSHU SINGHAL	`01171007386	72	Dec-19
9	PANKAJ TRIVEDI	14092006037	68	Jun-19
10	POONAM KHEMKA	`04161003969	68	Dec-19
11	GARIMA	`14101014557	68	Dec-19
12	VARUN KHATTAR (AIR 30)	`04141003976	66	Dec-19
13	RAVI GUPTA	`04132003787	65	Dec-18
14	SHUBHAM GUPTA	`04151001994	64	Dec-18
15	KETAN JAIN	`04112022182	64	Dec-17
16	JAVED AKHTAR	`04122012930	63	Dec-18
17	KAPIL SHARMA	`04152003027	63	Jun-19
18	MD. SAIF	`04142003895	63	Dec-17
19	TUSHAR KHATTAR	`04131000398	63	Dec-19
20	RAHUL KUMAR OJHA	`03122001946	62	Dec-19
21	MOHD. ADIL	`04142010375	61	Jun-18
22	MANISHA BHATIA	`04162001141	61	Jun-19
23	RAHUL YADAV	`04151003566	60	Jun-19
24	SYED SHABAD ALAM	`03151001485	60	Jun-19
25	AMITA NEGI	`04142011566	60	Dec-19

S. NO.	NAME OF STUDENTS	REGISTRATION NUMBER	MARKS IN IDT	EXAM
26	ROHIT SAINI	`04171006308	60	Dec-19
27	SHIVEK MADAAN	`04152000047	59	Jun-19
28	ANKITA NAGPURKAR	`04151008311	58	Jun-18
29	NIKHIL	`04152006069	58	Jun-19
30	VISHAL CHAUHAN	`04122005659	57	Dec-18
31	NAVEEN GOSWAMI	`0414100550	56	Jun-19
32	ANURAG PANT	`04132012214	56	Dec-17
33	NISHTHA AGRAWAL	`04121009440	55	Jun-18
34	HIMANSHU TYAGI	`04132000652	55	Jun-18
35	APOORV JAISWAL	`04142003143	55	Jun-19
36	SHILPA AGGARWAL	`04151003054	54	Jun-18
37	HIMANSHU JAIN	`04142010175	54	Jun-18
38	BRIJESH KUMAR	`04132003196	54	19-Dec
39	ANUP	`04121013398	53	Dec-18
40	MD. SHAHNAWAZ HUSSAIN	`04132009413	53	Dec-17
41	VIKAS KUMAR JHA	`04152004183	53	Dec-19
42	SHIVCHARAN SINGH S.	`12112040190	53	Dec-19
43	AMIT KR KASHYAP	`04142005646	52	Dec-18
44	SUMIT	`04131008313	49	Jun-19
45	PRATEEK KUMAR MASIH	`04141010163	49	Dec-19
46	SHIVAM GARG	`04162002400	49	Dec-19
47	SACHIN SHARMA	`04141002900	48	Dec-19
48	ASHMEET	-	47	Dec-19
49	AMIT YADAV	`04121000259	44	Jun-19

SURAJ AGRAWAL TAX CLASSES

LAXMINAGAR | 8527230445 , 01147542530

SURAJ AGRAWAL TAX CLASS

CONGRATULATIONS

CMA FINAL DT RESULT AT SATC

S. No.	Name	DT Marks at SATC	IDT Marks at SATC	Status
1	PARVEEN DUTT SHARMA (AIR 3)	67	-	NOW CMA
2	MOHIT GARG (AIR 7)	51	-	NOW CMA
3	ARUN SHEKHAR (AIR 22)	57	-	NOW CMA
4	SACHIN ARORA (AIR 22)	42	-	NOW CMA
5	ANURAG PANT (AIR 25)	61	56	NOW CMA
6	VARUN KHATTAR (AIR 30)	40	66	NOW CMA
7	SONU KUMAR (AIR 38)	51	-	NOW CMA
8	PARAS JAIN (AIR 42)	40	84	NOW CMA
9	BHARAT BHUSAN (AIR 45)	54	-	NOW CMA
10	RAHUL YADAV	-	60	NOW CMA
11	DIVYA KHANDELWAL	74	-	NOW CMA
12	RUCHI GOEL	72	-	NOW CMA
13	SANJAY	66	-	NOW CMA
14	JAVED AKHTAR	65	63	NOW CMA
15	HIMANSHU JAIN	65	54	NOW CMA
16	AVISH BAJAJ	65	-	NOW CMA
17	BHARTI BHATIA	65	-	NOW CMA
18	LAVI KUMBUJ	65	-	NOW CMA
19	MOHD. ADIL	65	61	NOW CMA
20	SANDEEP KUMAR	65	-	NOW CMA
21	SANDEEP MOHOR	65	-	NOW CMA
22	SIMAN SARKAR	65	-	NOW CMA
23	SUDHANSHU MITTAL	65	-	NOW CMA
24	NITU	64	-	NOW CMA
25	AQIB NAZAR	63	-	NOW CMA
26	HIMANSHU SHARMA	62	-	NOW CMA
27	LALIT SINGH JEENA	62	-	NOW CMA
28	RAHUL GARG	61	-	NOW CMA
29	SURAJ NATHANI	61	-	NOW CMA
30	ANIL SHARMA	60	-	NOW CMA
31	RICHA AGARAWAL	60	-	NOW CMA
32	RITU BHATT	60	-	NOW CMA
33	Pooja Negi	59	49	NOW CMA
34	ANITA SHARMA	59	-	NOW CMA
35	DIVYA SAINI	59	-	NOW CMA
36	SANKET GUPTA	59	-	NOW CMA
37	Rohit Saini	58	60	NOW CMA
38	SHREY GUPTA	57	77	NOW CMA
39	ANJALI RANA	57	-	NOW CMA

SURAJ AGRAWAL TAX CLASS

CONGRATULATIONS

CMA FINAL DT RESULT AT SATC

40	AMARDEEP	57	79	NOW CMA
41	ANKITA NAGPURKAR	56	58	NOW CMA
42	MEGHA SHARMA	56	-	NOW CMA
43	SHUBHAM GUPTA	56	-	NOW CMA
44	SHWETA KUMARI	56	-	NOW CMA
45	SUMEET KUMAR	56	-	NOW CMA
46	KETAN JAIN	55	64	NOW CMA
47	EKTA BATRA	55	-	NOW IN GROUP 4
48	GAURAV JINDAL	55	-	NOW CMA
49	KAPIL DHINGRA	55	-	NOW CMA
50	PRABHAKAR JOSHI	55	-	NOW CMA
51	SHALINI KAMBOJ	55	-	NOW CMA
52	SHEKAR KUMAR	55	-	NOW CMA
53	SURBHI PATHANIA	55	-	NOW CMA
54	Rinku Kumar Bind	54	-	NOW IN GROUP 4
55	Apoorv Jaiswal	54	55	NOW CMA
56	GAYATRI VAISHYA	54	-	NOW CMA
57	INDU SHARMA	54	-	NOW CMA
58	PRANSHU SINGHAL	53	72	NOW CMA
59	AJAY KAUSHIK	53	-	NOW CMA
60	MOHD. SHAHNAWAZ HUSSAIN	53	-	NOW CMA
61	Shivam Garg	52	49	NOW CMA
62	ABHISHEK GUPTA	52	-	NOW CMA
63	ABHISHEK KUMAR SINGH	52	-	NOW CMA
64	ABHISHEK VERMA	51	-	NOW CMA
65	UJJWAL JAIN	51	-	NOW CMA
66	VARUN GERA	51	-	NOW CMA
67	SYED SHABAD ALAM	50	60	NOW CMA
68	ANSHIKA TYAGI	50	-	NOW CMA
69	JYOTI GUPTA	50	-	NOW CMA
70	KAPIL	50	-	NOW CMA
71	KHUSHBOO MISHRA	50	-	NOW CMA
72	ROHAN KR SHARMA	50	-	NOW CMA
73	SUBHASH BAJAJ	50	-	NOW CMA
74	VISHAL CHAUHAN	49	57	NOW CMA
75	GARIMA	49	68	NOW CMA
76	AFROZ ALAM	49	-	NOW CMA
77	MUKUL BANSAL	49	-	NOW CMA
78	RAHUL KUMAR	49	-	NOW IN GR-4
79	SHUBHAM GUPTA	48	64	NOW CMA
80	NISHTHA AGRAWAL	48	55	NOW CMA

SURAJ AGRAWAL TAX CLASS

CONGRATULATIONS

CMA FINAL DT RESULT AT SATC

81	ABHISHEK YADAV	48	-	NOW CMA
82	SADAN KUMAR	48	-	NOW CMA
83	SHIVAM KESHARI	48	-	NOW CMA
84	VIKAS KUMAR JHA	47	53	NOW CMA
85	POONAM KHEMKA	47	68	NOW CMA
86	SHIVAM KAUSHAL	47	-	NOW CMA
87	MOHD. SAIF	46	63	NOW CMA
88	MANISHA BHATIA	46	61	NOW CMA
89	SAVITA	46	-	NOW CMA
90	VASUDEVAN	45	75	NOW CMA
91	AMIT KUMAR KASHYAP	45	52	NOW CMA
92	AKANSHA TYAGI	45	-	NOW CMA
93	ARCHANA SHAH	45	-	NOW CMA
94	BABITA	45	-	NOW CMA
95	LALIT SHARMA	45	-	NOW CMA
96	SONAM VERMA	45	-	NOW CMA
97	SUNIL	45	-	NOW CMA
98	NIKHIL	44	58	NOW CMA
99	ANUBHAV	44	-	NOW CMA
100	KUNJIT JAIN	44	-	NOW CMA
101	VINOD ARORA	44	-	NOW CMA
102	TUSHAR KHATTAR	43	63	NOW CMA
103	KAPIL SHARMA	43	63	NOW CMA
104	ANANT	43	-	NOW CMA
105	CHINU ARORA	43	-	NOW CMA
106	DEEPAK KR CHAUBEY	43	-	NOW CMA
107	PUSKAR SINGH	43	-	NOW CMA
108	V VARSHA	42	-	NOW CMA
109	SANJEEV	41	-	NOW CMA
110	HIMANSHU TYAGI	41	55	NOW CMA
111	SURAJ KANOJIA	41	-	NOW CMA
112	AVINASH RAJBHAR	41	-	NOW CMA
113	ROHAN KUMAR VAISHY	41	-	NOW CMA
114	PANKAJ KR TRIVEDI	40	68	NOW CMA
115	SHILPA AGGARWAL	40	54	NOW CMA
116	SALONI GOEL	40	-	NOW CMA
117	SHILPA SINGHAL	40	-	NOW CMA
118	VIKAS AHLAWAT	40	-	NOW CMA

YOUTUBE CHANNEL NAME - "CA SURAJ AGRAWAL - SATC"

CONGRATULATIONS

CMA INTER DT RESULT AT SATC

JUNE 2018 to DEC 2019 EXAM (LAST 4 EXAMs)

40+ Students have scored exemptions in DT Subjects (60+ marks)

S.NO	NAME	REG. NO	DT MATKS
1	MOHAMMAD ZOHAIB	`04181033459	77
2	VAISHALI CHAUHAN	`04171009980	72
3	SONALI	`04151008330	67
4	SIMRAN SINHA	`04171006940	67
5	RIDHI SINGH	`01452001869	67
6	DEEPAK KR PANDEY	`04131001662	67
7	DEEPAK KUMAR PANDEY	`04131001662	67
8	GURPREET SINGH	`01142000864	65
9	AYUSH DHOUNDIYAL	`04172018516	65
10	MOHD. SHAHBAZ	`04161000406	65
11	VIDYA P	-	65
12	VIKALP KUMAR	`04161000373	65
13	MOHAMMAD MOMIN	`04142002305	65
14	EKTA SINGH	`04171006108	65
15	RISHABH GOYAL	`04182641048	65
16	VARSHA	`04141006563	65
17	NISHITHA JAIN	`04181030186	65
18	ADARSH KUMAR UPADHYAY	`04152003297	65
19	ROHIT KUMAR	`04191050156	65
20	SIMPI GARG	`04151004924	64
21	RAHUL	`04151000891	64
22	SHIVAM SINGH	`04171006774	64
23	BHARTI	`04171014248	64
24	NEELABH SRIVASTAVA	`04151002871	64
25	MD. ZAYAUL HAQUE	`03151008179	64
26	MD. ZEYAU HAQUE	`03151008179	64
27	SUNNY	`04191055669	64
28	MIHIR KUMAR	`04172020200	63
29	DEEPANJALI	`04181035932	62
30	NEHA RANA	`0418131694	62
31	PUNEET TIWARI	`04162005106	62
32	GAGAN CHAUHAN	`04112021154	62
33	SURAJ BISHT	`04181025181	62
34	RAM SHARMA	`04151007483	62

35	SHEENA	`03152003100	61
36	PRAPTI BANSAL	`04151004685	61
37	MOHIT ARYA	`04172018239	61
38	PUNIT KUMAR	`14092007508	61
39	SHASHIKANT	-	61
40	DEEPAK KATHAYAT	`04152002482	61
41	KAVITA RAWAT	`04171006492	60
42	PURUSHOTAM KUMAR	`03152004176	60
43	MOHIT BATRA	`04182040268	60
44	AMIT GUPTA	`04152005292	59
45	KIRAN	`041562006169	59
46	VISHAL KESARWANI	`04171014398	59
47	ANKIT SHARMA	`04152003376	59
48	HIMANSHU SINGH BASNAL	`04181023904	59
49	NANCY JAIN	`04171012943	59
50	SAMARJEET SINGH	`04181027869	58
51	SHALENDER SEMWAL	`04142005213	58
52	ABHISHEK PARASHAR	`04171008310	58
53	ANURAG	`04171013969	58
54	OMKAR SINGH	`04112018993	57
55	ANURADHA MISHRA	`03162004159	57
56	NEHA SHARMA	`04162003239	57
57	PANKAJ	`04162002704	57
58	DEEPAK KR KAMAT	`04142006457	57
59	RAHUL NEGI	`04142001226	57
60	AMANDEEP	`04191056094	57
61	RAVINDRA KUMAR SHAKYA	`04191048134	57
62	VISHAL AGRAWAL	`04171010078	56
63	KARAN PANESHAR	`04171013462	56
64	OMKAR SINGH	`04151007144	56
65	RAHUL MAITHANI	`04151000047	56
66	RAHUL MAITHANI	`04151000047	56
67	NISHI RAWAT	`04191050973	56
68	AVINASH KUMAR	`04132003466	55
69	GARGI LATWAL	`04171012717	55
70	LAVKUSH MAURYA	`04191052370	55
71	KANCHAN JHA	`04191057402	55
72	ANURADHA MISHRA	`03162004159	54
73	KARAN PANESHAR	`04171013462	54
74	MANISH KR. MISHRA	`04182039272	54
75	TAUSIF ANSARI	`04152003211	53
76	KAVITA	`04151000769	53
77	NEHA KASHYAP	`04161002757	53
78	SAMPANN SALUJA	`04181025328	53

79	SHIVAM BHADALA	`04152005828	53
80	SUNAINA	`04171008399	53
81	VARUN MOR	`01172016485	52
82	VARUN MOR	`01172016485	52
83	SHIVAM CHAUHAN	`04181033342	52
84	DEEPANSHU SAINI	`04182041338	52
85	ANANT TYAGI	`04181023907	52
86	DEEPAK KUMAR RAWAT	`04142006457	51
87	PRIYA RAHI	`04162003080	51
88	BUNTI/VINAY	`04171007024	51
89	AKASH BHARDWAJ	`04181030641	51
90	SAURABH JAIN	`04151006110	50
91	ANKIT PARASHAR	`04152000664	50
92	AKSHAY VERMA	`04152000529	51
93	VINAY SHARMA	`04162000208	50
94	ISHIKA KHANDELWAL	`04181033400	50
95	DHARMESH SHARMA	`04152004215	50
96	MADHURI KUMARI	`04162000460	50
97	RAMAN KUMAR	`04182040490	50
98	SHUBHAM CHAUHAN	`04182045127	50
99	KISHAN KASHYAP	`04181023519	50
100	VIVEK GUPTA	`04151005101	49
101	AMRITA VIDWAN	`04161001976	49
102	VINAY PATHNEJA	`04191052148	49
103	ANKIT SINGH	`04131000362	48
104	GUNDEEP SINGH GILL	`04161006711	48
105	VARSHA	`04141006563	48
106	VIPUL KR. TIWARI	`04162003793	48
107	LOKESH KUMAR	`04161001512	48
108	KAJAL NEGI	`04161002549	47
109	PANKAJ RAWAT	`04162002704	45
110	PRIYA AGRAWAL	`04152002867	45
111	ARVIND KR. MAURYA	`04181023520	45
112	RAJIV KUMAR	`04151008445	44
113	BHARTI	`04171014248	42
114	MAYANK BATRA	`04171010401	42
115	KRISHNA HARI	`04152006557	41
116	SHIVANI RAWAT	`04161000302	40
117	SHUBHAM	`04182037106	40
118	SAMARTH SOOD	`04172019235	40
119	KOMAL PAL	`04151007518	40

YOUTUBE CHANNEL NAME - "CA SURAJ AGRAWAL - SATC"

CONGRATULATIONS

CMA INTER IDT RESULT AT SATC

JUNE 2018 to DEC 2019 EXAM (LAST 4 EXAMS)

85+ Students have scored exemptions in GST/IDT Subjects (60+ marks)

S.NO	NAME	REG. NO	IDT MATKS
1	PREETI RAWAT	`04171007477	79
2	ASHISH SHIYANI	`04151005102	76
3	CHANDA	`04161002144	75
4	RAJNESH GUPTA	`04151004925	74
5	NEHA VASHISHT (AIR 43)	`04191056393	74
6	GAURANG RAJPAL	`04152005198	73
7	MAYANK BATRA	`04171010401	73
8	ATUL JAYANT	`04132002741	71
9	MD.SHAHBAZ IDDRISI	`04161000406	71
10	AMIT SHARMA	`04161001090	70
11	ROHAN HEERA	`04152006198	70
12	PRADEEP SINGH KANDARI	`04171006214	69
13	ABHINAV PANNU	`04152006249	69
14	SOUVAGYA GERU	`04162003079	69
15	DEEPANJALI	`04181035932	69
16	GAURAV SINGH	`04161002697	69
17	VARUN GIRI	`04151000294	69
18	RAHUL	`04142005518	69
19	YASHODA RAWAT	`04181025326	69
20	MAHIMA THREJA	`04171007005	68
21	HITESHEE SHARMA	`04162000658	68
22	VIABHAV SRIVASTAVA	`04152003904	68
23	RAHUL KR. SONI	`04171006939	68
24	KARAN KHANDELWAL	`04171008770	68
25	PRIYA AGRAWAL	`04152002867	67
26	ANKUSH GUPTA	`04162003134	67
27	SHUBHAM	`04131000312	67
28	MINAKSHI SINGH	`04181031103	67
29	SNEHA	`04152003288	66
30	NEELABH SRIVASTAVA	`04151002871	66
31	RAJESH SHAH	`04171015785	66
32	SUMMI	`04121013160	66
33	YATIN BISHT	`04181023861	66
34	MOHIT UPADHYAY	`04171011775	65
35	NANCY JAIN	`04171012943	65
36	SANJOLI JAIN	`04151004777	65
37	MOHIT UPADHYAY	-	65
38	DHARMESH SHARMA	`04152004215	65
39	MD. ZEYAUH HAQUE	`03151008179	65
40	NANCY JAIN	`04171012943	65
41	NIKHIL SOLANKI	`04152004440	65

42	VAISHALI CHAUHAN	`04171009980	65
43	RAHUL RANJAN SINGH	`04162004494	65
44	RAHUL NEGI	`04142001226	64
45	AVINASH KUMAR	`04132003466	64
46	KARTIK BHATT	`04162003301	64
47	HIMANI AGGARWAL	`04171009548	64
48	SHIVAM SINGH	`04171006774	64
49	SWADHA CHITRANSH	`04162000395	64
50	KARAN PANESHAR	`04171013462	64
51	ANAMIKA DIXIT	`04171006352	64
52	AMRITA VIDWAN	`04161001976	63
53	ANKIT SINGH	`04131000362	63
54	PANKAJ RAWAT	`04162002704	63
55	AMAN GUPTA	`04171011461	63
56	ANURAG	`04171013969	63
57	SALONI MITTAL	`04171007814	63
58	ANKIT SINGH	`04131000362	63
59	PANKAJ	`04162002704	63
60	ABHISHEK PARASHAR	`04171008310	63
61	DEEPIKA KIROULA	-	63
62	NEHA SHARMA	`04162003239	62
63	KULDEEP RAWAT	`04152004253	62
64	ROHIT SATI	`04141004707	62
65	SHOBHIT KR. YADAV	`04162002512	62
66	DINESH SINGH	`04152004116	62
67	SAURABH JAIN	`04151006110	62
68	IRSHAD	`04161002726	62
69	RAVINDRA KUMAR SHAKYA	`04191048134	62
70	MOHD. IRASHAD	`04161002726	62
71	VAISHALI	`04181036455	62
72	FAHREEN NAAZ	`04171015009	61
73	OMKAR SINGH	`04112018993	61
74	NANDINI ANAND	`04171015462	61
75	FARHEEN NAAZ	`04171015009	61
76	KRATIKA KIRAR	`01142009362	61
77	RAM SHARMA	`04151007483	61
78	DIVYANSH VERMA	`04172017078	61
79	NEHA SINGH	`04151007353	61
80	KOMAL PAL	`04151007518	61
81	VINAY SHARMA	`04162000208	60
82	PARVEJ ALAM	`04162000312	60
83	VIVEK UPADHYAY	`04171006249	60
84	BHARTI	`04171014248	60
85	ANAND VALLABH OLI	`04161004350	60
86	DEEPAK KUMAR PANDEY	`04131001662	60
87	LOKESH KUMAR	`04161001512	60
88	NEHA SURATIYA	`04142001231	59
89	VIKALP KUMAR	`04161000373	59
90	PRINCE GOYAL	`04152006085	59
91	TAUSIF ANSARI	`04152003211	59

92	SHWETA RANI	`04181035559	59
93	ANURADHA MISHRA	`03162004159	58
94	NISHA KUMARI	`04142001150	58
95	KISHAN KASHYAP	`04181023519	58
96	KAMINI	`04161000149	57
97	ROHIT	`04181024640	57
98	APOORV GHILDIYAL	`04151004798	56
99	KRISHNA HARI	`04152006557	56
100	MOHAMMAD MOMIN	`04142002305	56
101	DEEPAK KR KAMAT	`04142006457	55
102	SIMRAN SINHA	`04171006940	54
103	VIVEK PRASAD	`04171009533	54
104	MOHINI AGRAWAL	`04152005687	53
105	SONALI	`04151008330	53
106	SAMPANN SALUJA	`04181025328	53
107	REETU	`04181028730	53
108	MOHIT ARYA	`04172018239	52
109	BUNTI/VINAY	`04171007024	52
110	VIKRANT JHA	`04162002126	52
111	KAVITA RAWAT	`04171006492	52
112	VIPUL KR. TIWARI	`04162003793	52
113	PUNEET TIWARI	`04162005106	51
114	SAURAV KUMAR	`04161001645	51
115	KAVITA	`04151000769	51
116	VISHAL KESARWANI	`04171014398	51
117	GARGI LATWAL	`04171012717	51
118	VARUN MOR	`01172016485	50
119	SHALENDER SEMWAL	`04142005213	49
120	ROHIT	`04181024640	49
121	PRIYA RAHI	`04162003080	48
122	NEHA KASHYAP	`04161002757	48
123	YOGESH	`04172018166	48
124	UJWAL CHAND RAMOLA	`04171007621	48
125	JAYED SAIFI	`04171011777	47
126	GUNDEEP SINGH GILL	`04161006711	46
127	RAHUL	`04151000891	45
128	RAMAN KUMAR	`04182040490	44
129	ANKIT KUMAR RAJPUT	`04182039949	43
130	NISHTHA JAIN	`04181030186	42
131	SHIVANGI BISHT	`04171008407	41
132	ARVIND KR. MAURYA	`04181023520	40

THANKS ALL FOR SUCH WONDERFUL PERFORMANCE

SURAJ AGRAWAL TAX CLASS

WHATSAPP/CALL - 8527230445

SURAJ AGRAWAL TAX CLASSES

ADMISSION/INQUIRY - 8527230445

CA/CMA - NOV/DEC 2019 EXAM RESULT (ONE EXAM RESULT)

EXEMPTION HI EXEMPTION (FROM REGISTERED STUDENTS BATCH)

S.NO	NAME	REGISTRATION NO	MARKS	SUBJECT	COURSE
1	KUNAL AGGARWAL	623158	81	TAX	CA INTER
2	DEEPESH HOIYANI	`01171005959	80	IDT	CMA FINAL
3	YATIN BISHT	`04181023861	76	OM & SM	CMA INTER
4	NEHA VASHISHT (AIR 43)	`04191056393	74	IDT	CMA INTER
5	SATISH JANGRA	`04142010658	72	IDT	CMA FINAL
6	PRANSHU SINGAL	`01171007386	72	IDT	CMA FINAL
7	JAI PRAKASH GUPTA	523034	70	TAX	CA INTER
8	RAHUL	`04142005518	69	IDT	CMA INTER
9	YASHODA RAWAT	`04181025326	69	IDT	CMA INTER
10	KISHAN KASHYAP	`04181023519	69	OM & SM	CMA INTER
11	RAMAN KUMAR	`04182040490	68	OM & SM	CMA INTER
12	REETU	`04181028730	68	OM & SM	CMA INTER
13	POONAM KHEMKA	`04161003969	68	IDT	CMA FINAL
14	GARIMA	`14101014557	68	IDT	CMA FINAL
15	MINAKSHI SINGH	`04181031103	67	IDT	CMA INTER
16	ATUL VISHVAKARMA	522810	67	TAX	CA INTER
17	YATIN BISHT	`04181023861	66	IDT	CMA INTER
18	VARUN KHATTAR (AIR 30)	`04141003976	66	IDT	CMA FINAL
19	ADARSH KUMAR UPADHYAY	`04152003297	65	DT	CMA INTER
20	NISHITHA JAIN	`04181030186	65	DT	CMA INTER

21	ROHIT KUMAR	`04191050156	65	DT	CMA INTER
22	RAHUL RANJAN SINGH	`04162004494	65	IDT	CMA INTER
23	MINAKSHI SINGH	`04181031103	65	OM & SM	CMA INTER
24	NEHA VASHISHT	`04191056393	65	OM & SM	CMA INTER
25	ANAMIKA DIXIT	`04171006352	65	OM & SM	CMA INTER
26	SUNNY	`04191055669	64	DT	CMA INTER
27	ANAMIKA DIXIT	`04171006352	64	IDT	CMA INTER
28	TUSHAR KHATTAR	`04131000398	63	IDT	CMA FINAL
29	RITIKA		63	TAX	CA INTER
30	RAVINDRA KUMAR SHAKYA	`04191048134	62	IDT	CMA INTER
31	VAISHALI	`04181036455	62	IDT	CMA INTER
32	MOHD. IRSHAD	`04161002726	62	IDT	CMA INTER
33	RAHUL KUMAR OJHA	`03122001946	62	IDT	CMA FINAL
34	RAJAN KUMAR PANDEY	624360	62	TAX	CA INTER
35	MEENAKSHI JAIN	624144	62	TAX	CA INTER
36	KISHAN SHARMA	626257	62	TAX	CA INTER
37	DEEPAK KATHAYAT	`04152002482	61	DT	CMA INTER
38	KOMAL PAL	`04151007518	61	IDT	CMA INTER
39	LOKESH KUMAR	`04161001512	61	OM & SM	CMA INTER
40	KHUSHBOO BANSAL	620832	61	TAX	CA INTER
41	MOHIT BATRA	`04182040268	60	DT	CMA INTER
42	LOKESH KUMAR	`04161001512	60	IDT	CMA INTER
43	AMITA NEGI	`04142011566	60	IDT	CMA FINAL
44	ROHIT SAINI	`04171006308	60	IDT	CMA FINAL

YOUTUBE CHANNEL NAME - "CA SURAJ AGRAWAL - SATC"

CONGRATULATIONS

CA INTERMEDIATE/IPCC RESULT AT SATC

Students Successfully Completed Group 1 or Both Group (RESULT FROM MAY 2018)

S.NO	NAME	ROLL NUMBER	MARKS IN TAX
1	KUNAL AGGARWAL (NOV 2019 EXAM)	623158	81
2	MEGHA KUMARI SINGHAL (All India Rank - 13th)	341001	77
3	VAIBHAV SAINI	817284	70
4	OSIM AKHTAR	328098	70
5	JAI PRAKASH GUPTA	523034	70
6	RAGHAV MANGLA	651375	69
7	PUNEET	325987	67
8	ATUL VISHVAKARMA	522810	67
9	SUJIT KUMAR SHAH	508842	65
10	SURYANSH RASTOGI	804115	65
11	SAMIKSHA PANDEY	637869	65
12	RAJNISH PANDEY	345099	64
13	FATIMA	635666	64
14	SUNIL KUMAR	635526	64
15	VARUN MUNJAL	729537	64
16	MUSKAN MOURYA	336951	63
17	MUDASSIR	815904	63
18	NAVENDU SHARMA	815548	63
19	RITIKA		63
20	SHUBHAM GUPTA	343489	62
21	AKASH KUMAR	815849	62
22	DEVENDER	635594	62
23	ABHISHEK PANT	328056	62
24	KISHAN	520305	62
25	PRATEEK GUPTA	399180	62

26	MEENAKSHI JAIN	624144	62
27	RAJAN KUMAR PANDEY	624360	62
28	PRINCE TYAGI	344697	61
29	POOLKIT	815940	61
30	NIRAJ KR SINGH	636316	61
31	RAHUL SINGH	635669	61
32	KHUSHBOO BANSAL	620832	61
33	SALMAN AHMED	326069	60
34	NURUL HUDA	626749	59
35	PARAS KHURANA	813333	58
36	SANJAY KHADKA	520344	58
37	ROHIT KUMAR	621051	58
38	NIDHI UTREJA	352431	57
39	PRABIN GUPTA	344472	57
40	VIKASH KUMAR	336504	57
41	MUNNA KUMAR KAPOOR	343467	57
42	AJAY KUMAR	639946	57
43	FAISAL SAHID	639261	57
44	SONALI	623685	57
45	ANJAN KUMAR BHARTIA	344271	56
46	RADHIKA MODI	510990	56
47	VINEET KUMAR (All India Rank 36)	337925	56
48	DEEPANSHU GUPTA	346496	56
49	RAJAT GOYAL	814758	55
50	SUPRIYA CHAUHAN	330769	55
51	SEJAL	624571	55
52	PRAMOD KUMAR	431053	54
53	DIKSHA AGRAWAL	635923	54
54	FAIZ	328101	54
55	ASHUTOSH DIXIT	344503	53
56	ABHISHEK AWASTHI	339998	53
57	LALIT MOHAN JOSHI	816589	53

58	AMBIKA GARG	816052	53
59	AGAMLEEN KAUR	509284	52
60	SIDDHARTH JOSHI	344311	52
61	NIRAJAN KUMAR SHAH	346548	52
62	VIVEK KUMAR	346220	51
63	LAV KUMAR PATHAK	345956	51
64	VANSHIKA JAIN	623880	50
65	KUNAL GARG	343966	49
66	PRAKHAR GARG	346213	49
67	RIYA BHALLA	424268	49
68	KAMLESH MEHRA	636192	49
69	ADITYA KR JHA	643454	49
70	KRITI AWASTHI	341017	48
71	DEEPAK TIWARI	346638	48
72	RAJNISH DUBEY	330946	47
73	AMIT	522505	47
74	AMAN BANSAL	501643	46
75	RAVI KUMAR	525661	46
76	NISHITA JALAN	623633	46
77	KAMAL PRAJAPATI	360459	44
78	MANISH JAIN	624395	44
79	JAI KUMAR	816631	43
80	ATUL YADAV	674136	43

THANKS TO ALL OF YOU

SURAJ AGRAWAL TAX CLASSES

8527230445, 01147542530

VOLUME I – INDEX

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

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6.	Income under the head “Salaries” Practical Questions - SET A Solutions (SET A) Practical Questions with Solution - SET B	6.1 – 6.72 6A.1 – 6A.18 6B.1 – 6B.26 6C.1 – 6C.16
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8.	Capital Gains Practical Questions - SET A Solutions (SET A) Practical Questions with Solution - SET B	8.01 – 8.72 8A.01 – 8A.10 8B.01 – 8B.20 8C.01 – 8C.16
9.	Deduction [Section 80C to Section 80U] Practical Questions - SET A Solutions (SET A) Practical Questions with Solution - SET B	9.01 – 9.46 9A.01 – 9A.06 9B.01 – 9B.08 9C.01 – 9C.12

INTRODUCTION & OVERVIEW

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

Taxes are levied by the Governments to meet the common welfare expenditure of the society.

There are two types of taxes - direct taxes and indirect taxes.

Direct Taxes: If tax is levied directly on the income or wealth of a person, then, it is a direct tax. **The person who pays the tax to the Government cannot recover it from somebody else** i.e. the burden of a direct tax cannot be shifted. e.g. Income-tax.

Indirect Taxes: If tax is levied on the price of a good or service, then, it is an indirect tax e.g. Goods and Services Tax (GST) or Custom Duty. **In the case of indirect taxes, the person paying the tax passes on the incidence to another person.**

Why are taxes Levied?

The reason for levy of taxes is that **they constitute the basic source of revenue to the Government.** Revenue so raised is utilized for meeting the expenses of Government like defence, provision of education, health-care, infrastructure facilities like roads, dams etc.

Power to levy taxes

The Constitution of India, in Article 265 lays down that “No tax shall be levied or collected except by authority of law.” Accordingly for levy of any tax, a law needs to be framed by the government.

Constitution of India gives the power to levy and collect taxes, whether direct or indirect, to the Central and State Government. **The Parliament and State Legislatures are empowered to make laws on the matters enumerated in the Seventh Schedule by virtue of Article 246 of the Constitution of India.**

Seventh Schedule to Article 246 contains **three lists** which enumerate the matters under which the Parliament and the State Legislatures have the authority to make laws for the purpose of levy of taxes.

The following are the lists:

- (i) Union List:** Parliament has the exclusive power to make laws on the matters contained in Union List.
- (ii) State List:** The Legislatures of any State has the exclusive power to make laws on the matters contained in the State List.
- (iii) Concurrent List:** Both Parliament and State Legislatures have the power to make laws on the matters contained in the Concurrent list.

Income-tax is the most significant direct tax. **Entry 82 of the Union List i.e., List I in the Seventh Schedule to Article 246 of the Constitution of India has given the power to the Parliament to make laws on taxes on income other than agricultural income.**

COMPONENTS OF INCOME TAX**INCOME TAX ACT' 1961**

- The levy of income-tax in India is governed **by the Income-tax Act, 1961** ('Act').
- It extends to the whole of India.
- This Act came into force on 1st April, 1962.
- The Act contains **XXIII Chapters divided into 298 Sections and XIV Schedules**.
- Each Section is **further divided into sub-section, clauses and sub-clauses** which further clarify the provisions contained in section with explanations and Proviso.

- When each part of the section is independent of each other and one is not related with other, such parts are called a "Clause".
- "Sub section", on the other hand refers to such parts of a section where each part is related with other and all sub sections taken together completes the concept propounded in that section.

- **The Proviso(s)** to a section/sub-section/clause spells out the exception(s)/condition(s) to the provision contained in the respective section/sub-section/clause, i.e., the proviso spells out the cases where the provision contained in the respective section/sub-section/clause would not apply or where the provision would apply with certain modification.
- **The Explanation** to a section/sub-section/clause gives a clarification relating to the provision contained in the respective section/sub-section/clause.

The Income-tax Act, 1961 undergoes change every year with additions and changes brought in by the Annual Finance Act passed by Parliament. Sometimes, legislative amendments are made for amending the provisions of the Income-tax Act, 1961 through legislations **like The Taxation Laws (Amendment) Act, 2019; The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 (TOLA, 2020)**.

The Finance Act [or, Finance Act 2020]

Every year, the Finance Minister of the Government of India introduces the Finance Bill in the Parliament's Budget Session. **When the Finance Bill is passed by both the houses of the Parliament and gets the assent of the President**, it becomes the Finance Act. Amendments are made every year to the Income-tax Act, 1961 and other tax laws by the Finance Act.

Income-tax Rules, 1962

The administration of direct taxes is looked after by the Central Board of Direct Taxes (CBDT).

- *The **CBDT is empowered to make rules** for carrying out the purposes of the Act.*
- *For the proper administration of the Income-tax Act, 1961, the CBDT frames rules from time to time. These rules are collectively called **Income-tax Rules, 1962**.*
- *Rules also have sub-rules, provisos and Explanations.*

Circulars

- ***Circulars are issued by the CBDT** from time to time to deal with certain specific problems and to clarify doubts regarding the scope and meaning of certain provisions of the Act.*
- *Circulars are issued **for the guidance** of the officers and/or assesseees.*
- ***The department is bound by the circulars.** While such circulars are not binding on the assesseees, they can take advantage of beneficial circulars.*

Notifications

- *Notifications are **issued by the Central Government** to give effect to the provisions of the Act.*
- *The **CBDT is also empowered** to make and amend rules for the purposes of the Act by issue of notifications which are binding on both department and assesseees.*

Case Laws

Case Laws refer to decision given by courts. The study of case laws is an important and unavoidable part of the study of Income-tax law. It is not possible for Parliament to conceive and provide for all possible issues that may arise in the implementation of any Act. Hence the judiciary will hear the disputes between the assesseees and the department and give decisions on various issues.

The Supreme Court is the Apex Court of the Country and the law laid down by the Supreme Court is the law of the land. The decisions given by various High Courts will apply in the respective states in which such High Courts have jurisdiction.

BASIS OF CHARGE - Charge of income-tax (Section 4)

1. Where any **Central Act enacts** that income-tax shall be charged for **any assessment year** at any **rate or rates**, income-tax at that rate or those rates **shall be charged for that year** in accordance with, and subject to the provisions (including provisions for the levy of additional income-tax) of, this Act in respect of the **total income of the previous year of every person** :
Provided that where by virtue of any provision of this Act income-tax is to be charged in respect of the income of a period other than the previous year, **income-tax shall be charged accordingly.**
2. In respect of income chargeable under sub-section (1), income-tax shall be deducted at the source or paid in advance, **where it is so deductible or payable under any provision of this Act.**

Note:

Section 4 of the Income-tax Act, 1961 is the charging section which provides that:

- i. Tax shall be charged at the rates prescribed for the year by the Annual Finance Act or the Income-tax Act, 1961 or both.
- ii. The charge is on every person specified under section 2(31);
- iii. Tax is chargeable on the total income earned during the previous year and not the assessment year. (There are certain exceptions);
- iv. Tax shall be levied in accordance with and subject to the various provisions contained in the Act.

This section is the back bone of the law of income-tax in so far as it serves as the most operative provision of the Act. The tax liability of a person springs from this section.

TOTAL INCOME

Total income has to be computed as per the provisions contained in the Income-tax Act, 1961.

The following steps has to be followed for computing the total income of an assessee:

- Step 1:** Determination of residential status
- Step 2:** Classification of income under different heads
- Step 3:** Computation of income under each head **after providing for permissible deductions / exemptions**
- Step 4:** Clubbing of income of spouse, minor child etc.
- Step 5:** Set-off or carry forward and set-off of losses
- Step 6:** Computation of Gross Total Income
- Step 7:** Deductions from Gross Total Income
- Step 8:** Computation of Total income

TAX LIABILITY

Tax has to be computed by applying the rates of tax mentioned in the Annual Finance Act and the rate specified under the Income-tax Act, 1961, as the case may be.

Rates of Tax

Income-tax is to be charged at the rates fixed for the year by the Annual Finance Act.

Section 2 of the Finance Act, 2020 read with Part I of the First Schedule to the Finance Act, 2020, seeks to specify the rates at which income-tax is to be levied on income chargeable to tax for the assessment year 2020-2021.

Part II lays down the rate at which tax is to be deducted at source during the financial year 2020-21 from income subject to such deduction under the Income-tax Act, 1961;

Part III lays down the rates for charging income-tax in certain cases, rates for deducting income-tax from income chargeable under the head "salaries" and the rates for computing advance tax for the financial year 2020-21.

Part III of the First Schedule to the Finance Act, 2020 will become Part I of the First Schedule to the Finance Act, 2021 and so on.

HEADS OF INCOME [SEC. 14]

According to Sec.14 of the Act, all income of a person shall be classified under the following five heads:

1. **Salaries;**
2. **Income from house property;**
3. **Profits and gains of business or profession;**
4. **Capital gains;**
5. **Income from other sources.**

[For computation of income, all taxable income should fall under any of the five heads of income as mentioned above. **If any type of income does not become part of any one of the above mentioned first four heads, it should be part of the fifth head, i.e. Income from other sources, which may be termed as the residual head.**]

Discuss the significance of Heads of Income**1. Significance of Heads of income:**

- (a) Income chargeable under a particular head cannot be charged under any other head.
- (b) The Act has self contained provisions in respect of each head of income.
- (c) If any income is charged under a wrong head of income, the assessee will lose the benefit of deduction available to him under that head.

2. Relevance of method of accounting for heads of income:

Heads of Income	Relevance of Method of Accounting
Chapter IV-A <u>Salaries</u> [Section 15 -17]	(a) Taxable on due basis or on receipt basis, whichever is earlier. (b) The Method of accounting is not relevant.
Chapter IV-C <u>House Property</u> [Section 22 - 27]	(a) Income from house property is taxable only on accrual basis. (b) The Method of accounting is not relevant.
Chapter IV-D <u>Business Income</u> [Section 28 - 44DB]	The assessee may follow either Cash or Mercantile system of accounting
Chapter IV-E <u>Capital Gains</u> [Section 45 - 55A]	a. Income from Capital Gains shall be taxable during the previous year in which the Capital Asset is transferred. b. The method of accounting is not relevant.
Chapter IV-F <u>Other Sources</u> [Section 56 - 59]	The assessee may follow either Cash or Mercantile system of accounting

MEANING OF ASSESSMENT YEAR AND PREVIOUS YEAR

Assessment year [Section 2(9)]

“This means a period of 12 months commencing on 1st April every year”.

SATC NOTE: The year in which tax is paid is called the assessment year while the year in respect of the income of which the tax is levied is called the previous year. **For example, for the AY 2021-22, the relevant PY is 2020-21 (1.4.2020 to 31.3.2021).**

Assessment year always starts from 1st April and it is always a period of 12 months

Previous year [Section 3]

For the purposes of this Act, "previous year" means the financial year immediately preceding the assessment year.

[2 marks] - Provided that, in the case of a **business or profession newly set up**, or **a source of income newly coming into existence**, in the said financial year, the previous year shall be the period beginning **with the date of setting up of the business or profession** or, as the case may be, the **date on which the source of income newly comes into existence** and ending with the said financial year.

CERTAIN CASES WHEN INCOME OF A PREVIOUS YEAR WILL BE ASSESSED IN THE PREVIOUS YEAR ITSELF [EXCEPTION TO SECTION 4] – 5 Marks

The income of an assessee for a previous year is charged to income-tax in the assessment year following the previous year. However, in a few cases, this rule does not apply and the income is taxed in the previous year in which it is earned. **The exceptions are as follows:**

Shipping business of non-resident [Section 172]

Where a ship, belonging to or **chartered by a non-resident**, carries passengers, livestock, mail or goods shipped **at a port in India**, the ship is allowed to leave the port only when the tax has been paid or satisfactory arrangement has been made for payment thereof. **7.5% of the freight paid or payable** to the owner or the charterer or to any person on his behalf, whether in India or outside India on account of such carriage is **deemed to be his income** which is charged to tax in the same year in which it is earned.

Persons leaving India [Section 174]

Where it appears to the Assessing Officer that any individual may leave India during the current assessment year or shortly after its expiry and he has no present intention of returning to India, the total income of such individual for the period from the expiry of the respective previous year up to the probable date of his departure from India is chargeable to tax in that assessment year.

Example

Suppose Mr. X is leaving India for USA on 10.6.2020 and it appears to the Assessing Officer that he has no intention to return. Before leaving India, Mr. X may be asked to pay income-tax on the income earned during the P.Y. 2019-20 as well as on the total income earned during the period 1.4.2020 to 10.06.2020.

AOP/BOI/Artificial Juridical Person formed for a particular event or purpose [Section 174A]

If an AOP/BOI etc. is formed or established for a particular event or purpose and the Assessing Officer apprehends that the AOP/BOI is likely to be dissolved in the same year or in the next year, he can make assessment of the income up to the date of dissolution as income of the relevant assessment year.

Persons likely to transfer property to avoid tax [Section 175]

During the current assessment year, if it appears to the Assessing Officer that a person is likely to charge, sell, transfer, dispose of or otherwise part with any of his assets to avoid payment of any liability under this Act, the total income of such person for the period from the expiry of the previous year to the date, when the Assessing Officer commences proceedings under this section is chargeable to tax in that assessment year.

Discontinued business [Section 176]

Where any business or profession is discontinued in any assessment year, the income of the period from the expiry of the previous year up to the date of such discontinuance **may, at the discretion of the Assessing Officer**, be charged to tax in that assessment year.

PERSON [Section 2(31)] – 4 Marks

Section 2(31) - The definition is inclusive i.e. a person includes,

- (A) An Individual
- (B) A Hindu Undivided family [HUF]
- (C) A Company
- (D) A Firm (including LLP)
- (E) An AOP or a BOI, whether incorporated or not
- (F) A local authority
- (G) Every artificial juridical person, not covered above, but which are separate entities in the eye of law

DOMESTIC COMPANY [Section 2(22A)]

Domestic Company means an Indian company or any other company which, in respect of its income liable to income-tax, has **made the prescribed arrangements** for the declaration and payment of dividends (including dividends on preference shares) within India, payable out of such income.

As per Rule 27, the prescribed arrangements are:

- (a) The share register of the company for all its shareholders must be kept and maintained at its principle place of business in India.
- (b) The general meeting for passing of the accounts for the PY and declarations of dividends shall be held at any place within India
- (c) Dividends declared in India shall be payable within India.

INDIAN COMPANY [Section 2(26)]:

Two conditions should be satisfied so that a company can be regarded as an Indian company:

- (a) the company should have been formed and registered under any law relating to companies which was or is in force in any part of India, **and**
- (b) the registered office or the principal office of the company should be in India.

FOREIGN COMPANY [SECTION 2(23A)]:

Foreign company means a company which is not a domestic company.

Definition of “Assessee” – 4 Marks

As per **Section 2(7)**, “**assessee**” means a person by whom any tax or any other sum of money is payable under the Income-tax Act, 1961. In addition, the term includes –

- Every person in respect of whom any proceeding under the Income-tax Act, 1961 has been taken for the assessment of –
 - ✓ his income; or
 - ✓ the income of any other person in respect of which he is assessable; or
 - ✓ the loss sustained by him or by such other person; or
 - ✓ the amount of refund due to him or to such other person.
- Every person who **is deemed to be an assessee** under any provision of the Income-tax Act, 1961;
- Every person who **is deemed to be an assessee-in-default** under any provision of the Income-tax Act, 1961.

Income [Section 2(24)] - FOR READING ONLY

According to the definition given by Section 2(24), Income includes-

- a) profits and gains of business or profession ;
- b) dividend ;
- c) voluntary **contributions received by a Charitable Trust/Religious Trust or University/Educational Institution or Hospital**
- d) the value of any perquisite or profit in lieu of salary taxable u/s 17 and any special allowance or benefit, specifically granted either to meet personal expenses or for performance of duties of an office or an employment of profit.
- e) the value of any benefit or perquisite, whether convertible into money or not, received by a director or any of his relatives including the sums paid by the company which otherwise would have been payable by those persons;
- f) the value of any benefit or perquisite, whether convertible into money or not, obtained by a representative assessee or by any person on whose behalf or for whose benefit any income is received by the representative assessee, including any sum paid by the representative assessee, which would otherwise have been payable by the beneficiary;
- g) any sum chargeable to tax under sub-clauses (ii),(iii),(iiia),(iiib),(iiic),(iv),(v),(va) of Sec 28, Sec, 41 or Sec. 59;
- h) **the fair market value of inventory referred to in clause (via) of section 28**
- i) any **capital gains** chargeable under Section 45;
- j) the profits and gains of business of insurance carried on **by a mutual insurance company or by a co-operative society**, computed in accordance with Section 44;
- k) The profits and gains of any business of banking (including providing credit facilities) carried on **by a co-operative society with its members**;
- l) any winnings from lotteries, crossword puzzles, races including horse races, card games and other games of any sort or from gambling or betting of any form or nature whatsoever ;
- m) any sum **received by the assessee from his employees** towards welfare fund contributions such as Provident Fund, Superannuation Fund etc.
- n) any **sum received under a Keyman insurance policy** including the sum allocated by way of bonus.
- o) any sum referred to in Section 56(2)(vii)/(viiia)/(viiib)/(x).
- p) any sum of money referred to in clause (ix) of sub-section (2) of section 56.
- q) **any compensation or other payment referred to in clause (xi) of sub-section (2) of section 56**
- r) **assistance in the form of a subsidy or grant or cash incentive or duty drawback or waiver or concession or reimbursement (by whatever name called)** by the Central Government or a State Government or any authority or body or agency in cash or kind to the assessee **other than**
 - (i) *the subsidy or grant or reimbursement which is taken into account for determination of the actual cost of the asset in accordance with the provisions of Explanation 10 to Section 43(1) or*
 - (ii) **FAT6: the subsidy or grant by the CG for the purpose of the corpus of a trust or institute established by the CG or a SG, as the case may be.**

It may be noted that the above mentioned definition merely describes certain receipts as being income. This does not define the term income itself. **Judicial pronouncements, however, have held that the term income is of widest connotation. Therefore, any other receipts that fall within the natural meaning of the term may also be included for this purpose.**

Concept of Income under the Income-tax Act, 1961

Regular receipt vis-a-vis casual receipt: Income, in general, means a periodic monetary return which accrues or is expected to accrue regularly from definite sources. However, under the Income-tax Act, 1961, even certain casual receipts which do not arise regularly are treated as income for tax purposes e.g. Winnings from lotteries, crossword puzzles.

Revenue receipt vis-a-vis Capital receipt: Income normally refers to revenue receipts. Capital receipts are generally not included within the scope of income in general parlance. However, the Income-tax Act, 1961 has specifically included certain capital receipts within the definition of income e.g., Capital gains i.e., gains on sale of a capital assets like land.

Net receipt vis-a-vis Gross receipt: Income means net receipts and not gross receipts. Net receipts are arrived at after deducting the expenditure incurred in connection with earning such receipts. The expenditure which can be deducted while computing income under each head is prescribed under the Income-tax Act, 1961. Income from certain eligible businesses/ professions is also determined on presumptive basis i.e., as a certain percentage of gross receipts.

Due basis vis-a-vis receipt basis: Income is taxable either on due basis or receipt basis. For computing income under the heads "Profits and gains of business or profession" and "Income from other sources", the method of accounting regularly employed by the assessee should be considered, which can be either cash system or mercantile system. Some receipts are taxable only on receipt basis, like, income by way of interest received on compensation or enhanced compensation.

DIVERSION & APPLICATION OF INCOME

There is a **very thin line** of difference between Diversion of income & Application of income.

Diversion of income:

Where **by virtue of an obligation, income is diverted before it reaches** to the assessee, it is known as diversion of income & it is not taxable (i.e. even if the assessee were to collect the income he does so on behalf of the person to whom it is payable).

Example: A, B and C are co-authors of a book. The publisher of the book gave the whole royalty of ₹ 6,00,000 to A. A paid ₹ 2,00,000 to B and C each. **Such payment is not application of income but diversion of income.**

Application of income:

Whereas, application of income means to discharge an obligation (which is gratuitous or self-imposed) **after such income reaches** the assessee & hence it is taxable.

TAX PLANNING, TAX AVOIDANCE AND TAX EVASION

- ✓ There are three methods which are commonly used by the taxpayers to reduce their tax liabilities:
 - Tax Planning;
 - Tax Avoidance; and
 - Tax Evasion
- ✓ The issue involving the distinction among tax planning, tax avoidance and tax evasion **is a debatable one that has resulted into diverse legal judgments in the past.**
- ✓ **The income-tax law provides for a tax-payer to plan his taxes so that his tax liability is minimal.** Thus, when a person arranges his financial affairs within the scope of the law in a manner that would give him the maximum benefit of the various exemptions, deductions, rebates and reliefs to reduce his tax liability, **it would be called tax planning.**
- ✓ Nevertheless, the distinction between tax planning and tax avoidance is **extremely thin and can be made only with respect to the intention of the tax-payer.**

Any device that twists the law or purports to defeat the spirit of the law, may be called tax avoidance. **Tax avoidance is illegal.**
- ✓ **Tax evasion**, on the other hand is taking resort to various means such as suppression of facts and figures, furnishing false details, etc., **with a clear intention to deceive. It is a crime against society** and is punishable under the law.

DISTINGUISH BETWEEN TAX PLANNING, TAX AVOIDANCE, TAX EVASION & TAX MANAGEMENT

Points of distinction	Tax planning	Tax Avoidance	Tax Evasion	Tax Management
Definition	It is a way to reduce tax liability by taking full advantages provided by the Act through various exemptions, deductions, rebates & relief.	It is an exercise by which the assessee legally takes advantage of the loopholes in the Act.	It is the illegal way to reduce tax liability by deliberately suppressing income or sale or by increasing expenses, etc., which results in reduction of total income of the assessee	It is a procedure to comply with the provisions of the law.
Feature	Tax planning is a practice to follow the provisions of law within the moral framework.	Tax avoidance is a practice of bending the law without breaking it	Tax evasion is illegal, both in script & moral	It is implementation or execution part of taxation department of an organisation
Object	To reduce tax liability by applying script & moral of law.	To reduce the tax liability to the minimum by applying script of law only	To reduce tax liability by applying unfair means	To comply with the provisions of laws.
Approach	It is futuristic and positive in nature. The planning is made today to avail benefits in future.	It is futuristic but short term in nature, as loophole of the law will be corrected in future by amendments of the law.	It is concerned with past and applied after the liability of tax has arisen. It is done with negative approach to avail benefits by killing the moral of law.	It is a continuous approach, which is concerned with past (rectification, revisions etc.), present (filing of return, etc.) & future (corrective action).
Benefit	Generally, arises in long run.	Generally, arises in short run.	Generally, benefits do not arise but it causes penalty and prosecution.	Penalty, interest & prosecution can be avoided.
Treatment of Law	It uses benefits of the law.	It uses loopholes in the law.	It overrules the law.	It implements the law
Practice	It is tax saving.	It is tax hedging	It is tax concealment	It is tax administration.
Need	It is desirable	It is avoidable	It is objectionable	It is essential
Morality	It is moral in nature	It is immoral in nature	It is illegal.	It is duty

DISTINCTION BETWEEN CAPITAL EXPENDITURES AND REVENUE EXPENDITURES

As with capital receipts and revenue receipts, the distinction between capital expenditure and revenue expenditure is of utmost importance, because the Income-tax Act normally allows revenue expenditure, while capital expenditures are by and large disallowed.

For example, lump sum and periodic payment or the magnitude of payment or treatment in the books of account is not the material consideration for distinguishing between capital and revenue expenditures. Further, in distinguishing between capital and revenue expenditures, it does not matter whether the amount is paid voluntarily or involuntarily.

A few distinguishing tests for capital and revenue expenditures are discussed below:

- a. **Acquiring asset or advantage of enduring nature:** When a expenditure is made for the purpose of bringing into existence an asset or an advantages of enduring nature, such expenditure is to be regarded as capital expenditure.
- b. **Capital assets belonging to third parties:** Even though a expenditure results in the creation of a capital asset, if the capital asset belongs to a third party, such expenses will be treated as revenue expenditure.
- c. **Expenditure which facilitates assessee's business:** If a expenditure facilitates the assessee's trading operations or helps the assessee to carry out business more efficiently, then irrespective of the consideration that the benefit may be of enduring nature, it will be treated as revenue expenditure.
- d. **Expenditure related to fixed capital and circulating capital:** Any expenditure in relation to fixed capital or capital asset is capital expenditure. Expenditure related to stock-in-trade or circulating capital is revenue in character.
- e. **Initial expenditure:** Expenditure connected with the basic framework of business, or incurred in connection with the extension of business or for substantial replacement of equipment are capital in nature.
- f. **Expenditure for goodwill, route permits, etc.:** Expenditure incurred for acquiring goodwill is capital expenditure. Similarly, amount paid by a transport operator for route permit is also capital expenditure.
- g. **Buying off competition:** Any payment made to a competitor so as to prevent them to compete, is a benefit of enduring nature. It is, therefore, capital expenditure.

Legal expenses for maintenance of asset: Expenditure incurred by the assessee to maintain the asset in good conditions or legal expenses incurred to defend assessee's title to the assets is held to be revenue expenditure.

Concept of revenue and capital receipts

The Act contemplates a levy of tax on income and not on capital and hence it is very essential to distinguish between capital and revenue receipts. Capital receipts cannot be taxed, unless they fall within the scope of the definition of "income" and so the distinction between capital and revenue receipts is material for tax purposes.

Certain capital receipts which have been specifically included in the definition of income are compensation for modification or termination of services, income by way of capital gains etc.

It is not possible to lay down any single test as infallible or any single criterion as decisive, final and universal in application to determine whether a particular receipt is capital or revenue in nature.

Hence, the capital or revenue nature of the receipt must be determined with reference to the facts and circumstances of each case.

Criteria for determining whether a receipt is capital or revenue in nature

The following are some of the important criteria which may be applied to distinguish between capital and revenue receipts.

Fixed capital or Circulating capital: A receipt referable to fixed capital would be a capital receipt whereas a receipt referable to circulating capital would be a revenue receipt. The former is not taxable while the latter is taxable.

Tangible and intangible assets which the owner keeps in his possession for making profits are in the nature of fixed capital. The circulating capital is one which is turned over and yields income or loss in the process.

Income from transfer of capital asset or trading asset:

Profits arising from the sale of a capital asset are chargeable to tax as capital gains under section 45 whereas profits arising from the sale of a trading asset being of revenue nature are taxable as income from business under section 28 provided that the sale is in the regular course of assessee's business or the transaction constitutes an adventure in the nature of trade.

Capital Receipts vis-a-vis Revenue Receipts: Tests to be applied

(1) Transaction entered into the course of business: Profits arising from transactions which are entered into in the course of the business regularly carried on by the assessee, or are incidental to, or associated with the business of the assessee would be revenue receipts chargeable to tax.

Example: A banker's or financier's dealings in foreign exchange or sale of shares and securities, a shipbroker's purchase of ship in his own name, a share broker's purchase of shares on his own account would constitute transactions entered and yielding income in the ordinary course of their business.

Whereas building and land would constitute capital assets in the hands of a trader in shares, the same would constitute stock-in-trade in the hands of a property dealer.

(2) Profit arising from sale of shares and securities: In the case of profit arising from the sale of shares and securities, the nature of the profit has to be ascertained from the motive, intention or purpose with which they were bought.

If the shares were acquired as an investor or with a view to acquiring a controlling interest or for obtaining a managing or selling agency or a directorship, the profit or loss on their sale would be of a capital nature; but if the shares were acquired in the ordinary course of business as a dealer in shares, it would constitute his stock-in-trade.

If the shares were acquired with speculative motive, the profit or loss (although of a revenue nature) would have to be dealt with separately from the profit or loss of other businesses.

Note: However, securities held by Foreign Institutional Investor which has invested in such securities in accordance with the regulations made under the SEBI Act, 1992 would be treated as a capital asset. Even if the nature of such security in the hands of the Foreign Portfolio Investor is stock-in-trade, the same would be treated as a capital asset and the profit on transfer would be taxable as capital gains.

- (3) A single transaction - Can it constitute business?** Even a single transaction may constitute a business or an adventure in the nature of trade even if it is outside the normal course of the assessee's business. Repetition of such transactions is not necessary. Thus, a bulk purchase followed by a bulk sale or a series of retail sales or bulk sale followed by a series of retail purchases would constitute an adventure in the nature of trade and consequently, the income arising therefrom would be taxable.

Purchase of any article with no intention to resell it, but resold under changed circumstances would be a transaction of a capital nature and capital gains arise.

However, where an asset is purchased with the intention to resell it, the question whether the profit on sale is capital or revenue in nature depends upon

- (i) the conduct of the assessee,
- (ii) the nature and quantity of the article purchased,
- (iii) the nature of the operations involved,
- (iv) whether the venture is on capital or revenue account, and
- (v) other related circumstances of the case.

- (4) Liquidated damages:** Receipt of liquidated damages directly and intimately linked with the procurement of a capital asset, which lead to delay in coming into existence of the profit-making apparatus, is a capital receipt.

The amount received by the assessee towards compensation for sterilization of the profit earning source is not in the ordinary course of business. Hence, it is a capital receipt in the hands of the assessee.

- (5) Compensation on termination of agency:**

Where an assessee receives compensation on termination of the agency business being the only source of income, the receipt is of capital nature, but taxable under section 28(ii)(c).

However, where the assessee has a number of agencies and one of them is terminated and compensation is received therefor, the receipt would be of a revenue nature since taking up an agency and exploiting the same for earning income is in the ordinary course of business. The loss of one agency would be made good by profit from another agency.

Compensation received from the employer or from any person for premature termination of the service contract is a capital receipt, but is taxable as profit in lieu of salary under section 17(3) or as income from other sources under section 56(2)(xi), respectively.

Compensation received or receivable in connection with the termination or the modification of the terms and conditions of any contract relating to its business shall be taxable as business income.

- (6) Gifts:** Normally, gifts constitute a capital receipt in the hands of the recipient. However, certain gifts are brought within the purview of income-tax, for example, receipt of property without consideration is brought to tax under section 56(2)(x).

For example, any sum of money or value of property received without consideration or for inadequate consideration by any person, other than a relative, is chargeable under the head "Income from Other Sources".

APPLICABLE RATE OF TAX – AY 2021-22

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

(A) Individuals [except (B) & (C)], HUF, AOP's & BOI's & every Artificial Juridical Person:

<u>TOTAL INCOME</u>	<u>AMOUNT OF TAX</u>
Up to ₹ 2,50,000	NIL
On next ₹ 2,50,001 - 500,000	5%
On next ₹ 5,00,001 – 10,00,000	20%
On the balance amount [Above ₹ 10,00,000]	30%

(B) For a Resident individual, being a Sr. Citizen, Age \geq 60 yrs (but less than 80 years) at any time during the PY.

<u>TOTAL INCOME</u>	<u>AMOUNT OF TAX</u>
Up to ₹ 3,00,000	NIL
On next ₹ 300,001 - ₹ 500,000	5%
On next ₹ 500,001 - ₹ 10,00,000	20%
On the balance amount [Above ₹ 10,00,000]	30%

(C) For a resident individual, being a Very Sr. Citizen, Age \geq 80 yrs at any time during the PY.

<u>TOTAL INCOME</u>	<u>AMOUNT OF TAX</u>
Up to ₹ 5,00,000	NIL
On next ₹ 500,001 – ₹ 10,00,000	20%
On the balance amount ₹ 10,00,001 & above	30%

Note:

Above rate is normal rate or slab rate for Individuals/HUFs. It is applicable when Individuals/HUF has not opted for the provisions of Section 115BAC (Alternate tax regime).

Further, concept of Alternate Tax Regime under Section 115BAC & Alternate Minimum Tax (AMT) is considered separately.

Surcharge on Individual / HUF / AOP / BOI / Artificial Juridical Person

Total Income	Surcharge Rate
Total Income (including dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 50 Lakhs but not exceeding ₹ 1 crores	10% of income-tax
Total Income (including dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 1 crores but not exceeding ₹ 2 crores Or Total Income (including dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 2 crores but not covered below	15% of income-tax
Total Income (excluding dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 2 crores but not exceeding ₹ 5 crores	25% of income-tax (15% of income tax related to dividend income & Income covered u/s 111A & 112A)
Total Income (excluding dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 5 crores	37% of income-tax (15% of income tax related to dividend income & Income covered u/s 111A & 112A)

“Health and Education cess” on Income-tax

The amount of income-tax as increased by the union surcharge, if applicable, should be further increased by an **additional surcharge called the “Health and Education cess on income-tax”**, calculated at the rate of 4% of such income-tax and surcharge, if applicable.

Health and education cess is leviable in the case of all assessees i.e. individuals, HUF, AOP/BOI, firms, local authorities, co-operative societies and companies.

It is leviable to fulfill the commitment of the Government to **provide and finance quality health services and universalised quality basic education and secondary and higher education.**

Clarification regarding attaining prescribed age of 60 years/80 years on 31st March itself, in case of senior/very senior citizens whose date of birth falls on 1st April

An individual who is resident in India and of the age of 60 years or more (senior citizen) and 80 years or more (very senior citizen) is eligible for a higher basic exemption limit of ₹ 3,00,000 and ₹ 5,00,000, respectively.

The CBDT has clarified that a person born on 1st April would be considered to have attained a particular age on 31st March, the day preceding the anniversary of his birthday. In particular, the question of attainment of age of eligibility for being considered a senior/very senior citizen would be decided on the basis of above criteria.

Therefore, a resident individual whose 60th birthday falls on 1st April, 2021, would be treated as having attained the age of 60 years in the P.Y. 2020-21, and would be eligible for higher basic exemption limit of ₹ 3 lakh in computing his tax liability for A.Y. 2021-22.

Likewise, a resident individual whose 80th birthday falls on 1st April, 2021, would be treated as having attained the age of 80 years in the P.Y. 2020-21, and would be eligible for higher basic exemption limit of ₹ 5 lakh in computing his tax liability for A.Y. 2021-22.

CONCEPT OF MARGINAL RELIEF – Applicable in case of all assessee

Total amount of income-tax payable (together with surcharge) on such income should not exceed the amount of income-tax and surcharge payable on total income of ₹ 1 Crores by more than the amount of income that exceeds ₹ 1 Crores. [refer class examples]

Calculation of Marginal Relief:

Marginal Relief	Tax on Total Income including Surcharge Less: A. Total Income - ₹ 1 Crore B. Tax on ₹ 1 Crore including surcharge if applicable Marginal Relief	XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX
Tax Payable	Tax on Total Income including Surcharge Less: Marginal Relief as computed above Tax before Cess Add: H&EC Total tax Payable	XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX

Note: Marginal Relief is available at all levels – ₹ 50 Lakhs / ₹ 1 Crores / ₹ 2 Crores / ₹ 5 Crores / ₹ 10 Crores

Rounding-off of Income [Section 288A]:

The Total Income computed under this Act, shall be rounded off to the nearest multiple of ₹ 10.

Rounding-off of Tax [Section 288B]:

The amount of tax including Tax Deducted at Source (TDS) and advance tax, interest, penalty, fine or any other sum payable, and the amount of refund due under the Income Tax Act, shall be rounded off to the nearest multiple of ₹ 10.

Rebate of ₹ 12,500 for Resident Individuals [Sec. 87A]

With a view to providing tax relief to the individual taxpayers who are in lower income bracket, a rebate is provided for under section 87A.

Conditions - This rebate will be available if the following two conditions are satisfied -

- Taxpayer is a **Resident Individual** (he may be ordinarily resident or not ordinarily resident).
- His total income or net income or taxable income (i.e., GTI minus deduction under sections 80C to 80U) is ₹ **5,00,000 or less**

Amount of Rebate: If the above two conditions are satisfied, the **resident individual** can claim rebate under section 87A. The amount of rebate is 100 per cent of income-tax payable on total income or ₹ **12,500**, whichever is less. This rebate will be available from income-tax (**before adding Health & Education Cess**).

Note: Rebate under section 87A is, however, not available in respect of tax payable @10% on long-term capital gains taxable under section 112A.

In case of other category of Persons (Assessment Year 2021-22)

OTHERS	AMOUNT OF TAX	SURCHARGE
FIRM & LLP	@30%	@ 12% of Tax Payable if TOTAL INCOME > ₹ 1 Crore
Local Authority	@30%	@ 12 % of Tax Payable if TOTAL INCOME > ₹ 1 Crore
Co-operative Societies (Not opting for the provisions of Section 115BAD)	On first ₹ 10,000 @10% On next ₹ 10,000 @20% For the Balance @30%	@ 12 % of Tax Payable if TOTAL INCOME > ₹ 1 Crore
Company (Not opting for the provisions of Section 115BA / 115BAA / 115BAB)	Domestic Company : @30% (If Total Turnover / Gross receipts during PY 18-19 does not exceeds ₹ 400 Crore then Tax rate is 25%)	@ 7 % of Tax Payable if TOTAL INCOME > ₹ 1 Crore @ 12 % of Tax Payable if TOTAL INCOME > ₹ 10 Crore
	Foreign Company: @40%	@ 2 % of Tax Payable if TOTAL INCOME > ₹ 1 Crore @ 5 % of Tax Payable if TOTAL INCOME > ₹ 10 Crore

In all above cases, Income Tax (including surcharge, if any) shall be further increased by Health and Education Cess @ 4%.

ALTERNATIVE TAX REGIME FOR INDIVIDUAL & HUF**NEW SECTION 115BAC INSERTED BY FINANCE ACT 2020****Applicable FROM Assessment Year 2021-22 (EXAM IN YEAR 2021)****(A) Option to pay income-tax at concessional tax slab rates: [OPTIONAL SCHEME]**

As per Section 115BAC, individuals or HUFs have an option to pay tax in respect of their total income (other than income chargeable to tax at special rates under "Chapter XII – SECTION 111A to SECTION 115BBG" such as section 111A, 112, 112A, 115BB, 115BBE etc.) at the following concessional rates, subject to certain conditions specified under section 115BAC(2) –

S. NO.	Total Income	Rate of Tax
1	Upto ₹ 2,50,000	NIL
2	From ₹ 2,50,001 to ₹ 5,00,000	5%
3	From ₹ 5,00,001 to ₹ 7,50,000	10%
4	From ₹ 7,50,001 to ₹ 10,00,000	15%
5	From ₹ 10,00,001 to ₹ 12,50,000	20%
6	From ₹ 12,50,001 to ₹ 15,00,000	25%
7	Above ₹ 15,00,000	30%

(B) Conditions to be satisfied for availing concessional rates of tax:

(1) Certain deductions/exemptions not allowable: Section 115BAC(2) provides that while computing total income, **the following deductions/exemptions would not be allowed**, if an individual or HUF opts for concessional rates of taxes under section 115BAC(1):

Section	Exemption/Deduction	SATC Hint (related Chapters)
10(5)	Leave Travel Concession	Salary
10(13A)	House Rent Allowances	Salary
10(14)	Special Allowances (other than those as may be prescribed) – few is permitted	Salary
10(17)	Allowances to MP/MLA	IOS
10(32)	Exemption in respect of income of minor child included in the income of parent	Clubbing
10AA	Deduction to units in SEZ (Tax holiday)	SEZ Unit
16	Deduction against Gross Salary	Salary

	Section 16(ia) - Statutory Deduction of ₹ 50,000 Section 16(ii) - Entertainment allowances deduction Section 16(iii) - Professional Tax deduction	
24(b)	Interest on Housing Loan in respect of one or two self-occupied properties	House Property
32(1)(ia)	Additional Depreciation	Depreciation/ PGBP
32AD	Investment Allowances (Investment in notified Backward Area)	Depreciation/ PGBP
33AB	Tea/Rubber/Coffee development Account	PGBP
33ABA	Site Restoration Fund	PGBP
35(1)(ii), (ia), (iii) & 35(2AA)	Deduction in respect to contribution to Notified/Approved institutes etc for Scientific Research etc	PGBP
35AD	Capital Expenditure related to Specified Business	PGBP
35CCC	Deduction in respect of expenditure incurred on notified agriculture project	PGBP
57(ia)	Deduction in respect of Family Pension	IOS
80C to 80U	Deduction under chapter VI-A <u>except</u> Section 80CCD(2) : Employer's contribution to NPS Section 80JJAA : Employment of New Employee Section 80LA(1A) : Units in IFSC	Deduction under Chapter VI-A

(2) Certain losses not allowed to be set-off:

While computing total income, set-off of any loss -

- i. carried forward or depreciation from any earlier assessment year, if such loss or depreciation is attributable to any of the deductions referred to in (1) above; or
 - ii. under the head house property with any other head of income;
- would not be allowed.**

(3) Depreciation or additional depreciation:

Depreciation u/s 32 is to be **determined in the prescribed manner**. Depreciation in respect of any block of assets entitled to more than 40%, **would be restricted to 40%** on the written down value of such block of assets.

Additional depreciation u/s 32(1)(ia), however, cannot be claimed.

Additional points:

In case of an individual or HUF opting for section 115BAC, total income should be computed without set-off of any loss brought forward or depreciation from any earlier assessment year, where such loss or depreciation is attributable to any of the deductions listed in (1) above **[Such loss and depreciation would be deemed to have been already given effect to and no further deduction for such loss or depreciation shall be allowed for any subsequent year]**

Where there is a depreciation allowance in respect of a block of asset from an earlier assessment year attributable to additional depreciation u/s 32(1)(iia), which has not been given full effect to prior to A.Y. 2021-22 and which is not allowed to be set-off in the A.Y.2021-22 due to exercise of option u/s 115BAC from that year, corresponding adjustment shall be made to the WDV of such block of assets as on 1.4.2020 in the prescribed manner **i.e., the WDV as on 1.4.2020 will be increased by the unabsorbed additional depreciation not allowed to be set-off. .**

(C) Time limit for exercise of option [Section 115BAC(5)]:

- (1) **In case of an individual or HUF having no income from business or profession:** Where such individual or HUF has no business income, the option has to be exercised along with the return of income to be furnished under section 139(1) for a previous year relevant to the assessment year.

[In effect, such individual or HUF can choose whether or not to exercise the option in each previous year. He may choose to exercise the option in one year and not to exercise the option in another year.]

- (2) **In case of an individual or HUF having income from business or profession:** The option has to be exercised on or before the due date specified under section 139(1) for furnishing the return of income for **any previous year** relevant to assessment year 2021-22 or any later assessment year and **once such option is exercised, it would apply to subsequent assessment years.**

The option **can be withdrawn only once** where it was exercised by the individual or HUF having business income for a previous year other than the year in which it was exercised.

Thereafter, the individual or HUF shall never be eligible to exercise option under this section, **except where such individual or HUF ceases to have any business income in which case, option under (i) above shall be available.**

(D) Consequences for failure to satisfy conditions mentioned in section 115BAC(2):

- (1) **In case of an individual or HUF having no income from business or profession:** On failure to satisfy the **conditions mentioned in point B above** in any previous year, the option exercised would be **invalid** in respect of the assessment year **relevant to that previous year.**

Consequently, the other provisions of the Income-tax Act, 1961 would apply as if the option had not been exercised for the assessment year relevant to that previous year.

- (2) ***In case of an individual or HUF having income from business or profession:*** On failure to satisfy the conditions mentioned in point B above in any previous year, the option exercised would be **invalid** in respect of the assessment year relevant to that previous year **and subsequent assessment years.**

Consequently, the other provisions of the Income-tax Act, 1961 would apply to the person as if the option had not been exercised for the assessment year relevant to **that previous year and subsequent assessment years.**

(E) AMT liability not attracted:

Individuals or HUFs exercising option u/s 115BAC **are not liable to alternate minimum tax u/s 115JC.**

(F) Other Points:

- (1) It may be noted that in case of individuals or HUFs not having income from business or profession, the total income and tax liability (including provisions relating to AMT, if applicable under normal provisions) **may be computed every year both in accordance with normal provisions of the Income-tax Act, 1961 and in accordance with the provisions of section 115BAC**, in order to determine which is more beneficial and accordingly decide whether or not to opt for section 115BAC for that year.

- (2) For the purpose of tax deduction at source, the **CBDT has clarified that** an employee, having income **other than** income under the head "Profits and gains of business or profession" and intending to opt for the concessional rate under section 115BAC, is **required to intimate to the deductor**, being his employer, of such intention for each previous year and upon such intimation, the deductor shall compute his total income, and make TDS thereon in accordance with the provisions of section 115BAC. **If such intimation is not made by the employee, the employer shall make TDS without considering the provisions of section 115BAC.**

It is also clarified that the intimation so made to the deductor **shall be only for the purposes** of TDS during the previous year **and cannot be modified during that year.** However, the intimation would not amount to exercising option in terms of section 115BAC and the person shall be required to do so alongwith the return to be furnished under section 139(1) for that previous year.

Thus, option at the time of filing of return of income under section 139(1) could be different from the intimation made by such employee to the employer for that previous year.

Further, in case of a person who has income under the head "Profit and gains of business or profession" also, the option for taxation under section 115BAC **once exercised for a previous year at the time of filing of return of income under section 139(1) cannot be changed for subsequent previous years except in certain circumstances.**

Accordingly, a person having income under the head "Profits and gains from business or profession" also **shall also intimate to his employer.** However, the intimation to the employer in his case for subsequent previous years **must not deviate from the option under section 115BAC once exercised in a previous year.**

(3) Sub-rule 7(iii) to Rule 3 is amended (Perquisite Value – Salaries Head)

Notification No. 38/2020 dated 26.06.2020 [Income Tax (13th Amendment) Rules, 2020]

Exemption provided in respect of free food and non-alcoholic beverage provided by employer **through paid voucher** shall not apply to an employee, being an assessee, who has exercised option under sub-section (5) of section 115BAC.”

(4) Rule 2BB is amended (Section 10(14) – Salaries Head)

Notification No. 38/2020 dated 26.06.2020 [Income Tax (13th Amendment) Rules, 2020]

a) An employee, being an assessee, who opts for the provisions of section 115BAC would be entitled for exemption **only in respect of travelling allowance, daily allowance and conveyance allowance.**

b) An employee, being an assessee, who opts for the provisions of section 115BAC would be entitled for exemption **only in respect of transport allowance granted to an employee who is blind or deaf and dumb or orthopedically handicapped with disability of the lower extremities of the body to the extent of ₹ 3,200 p.m.**

Consequential amendments – EFFECTIVE FROM AY 2021-22**Section 115JC (AMT) - Special provisions for payment of tax by certain persons other than a company**

The provisions of this section **shall not apply** to a person who has exercised the option referred to in Section 115BAC or Section 115BAD.

[SATC Note – AMT is not applicable to Individual or HUF opting for Section 115BAD]

Section 115JD - Tax credit for Alternate Minimum Tax

The provisions of this section shall not apply to a person who has exercised the option referred to in Section 115BAC or Section 115BAD.

Class Notes

AGRICULTURAL INCOME

AGRICULTURE INCOME - Exempt u/s Section 10(1)

Section 10(1) provides that agricultural income is not to be included in the total income of the assessee.

CONCEPT OF TAXATION OF THE AGRICULTURE INCOME

Agriculture Income is totally exempt under the Act, **but shall be included in the total income in case of certain assessee for the purpose of determining the rate of tax** on the non-agriculture income known as **partial integration of taxes**. *It is applicable to Individuals, HUF, AOP, BOI and Artificial Juridical Persons.*

Two conditions which need to be satisfied for partial integration are:

1. The Net Agricultural Income should **exceed ₹ 5,000 p.a., AND**
2. **Non-Agricultural Income** should **exceed the maximum amount not chargeable to tax.** (i.e. ₹ 500,000 for Very Senior Citizen, ₹ 3,00,000 for Senior Citizens, ₹ 2,50,000 for all other individuals.)

It may be noted that aggregation provisions do not apply to company, firm, co-operative society and local authority. *The object of aggregating the net agricultural income with non-agricultural income is to tax the non-agricultural income at higher rates.*

Tax calculation in such cases is as follows:

- Step 1:** Add non-agricultural income with net agricultural income. Compute tax on the aggregate amount.
- Step 2:** Add net agricultural income and the maximum exemption limit available to the assessee (i.e. ₹ 2,50,000 / ₹ 3,00,000 / ₹ 500,000). Compute tax on the aggregate amount.
- Step 3:** Deduct the amount of income tax calculated in step 2 from the income tax calculated in step 1 i.e. Step 1 – Step 2.
- Step 4:** The sum so arrived at shall be increased by Health & Education Cess @4%. **[Deduct Rebate u/s 87A before cess if applicable]**

[Note: In case TOTAL INCOME excluding LTCG/STCG(111A)/Casual Income does not exceed the maximum exemption limit, partial integration of tax will not be applicable.]

Example:

Mr. X, a resident, has provided the following particulars of his income for the P.Y. 2020-21

- i. Income from PGBP - ₹ 2,80,000
- ii. Income from house property - ₹ 5,00,000
- iii. Agricultural Income - ₹ 1,90,000
- iv. Expenses incurred for earning above agricultural income - ₹ 1,20,000

Compute his tax liability assuming his age is 45 years.

Solution:**Computation of total income of Mr. X for the A.Y. 2021-22**

Particulars		Amount (₹)
Income from PGBP		2,80,000
Income from house property		5,00,000
Net agricultural income [₹ 1,90,000 – ₹ 1,20,000]	70,000	
Less: Exempt under section 10(1)	<u>(70,000)</u>	<u>NIL</u>
Gross Total Income		7,80,000
Less: Deductions under Chapter VI-A		-
Total Income		7,80,000

(a) Computation of tax liability (age 45 years)

For the purpose of partial integration of taxes, Mr. X has satisfied both the conditions:

1. Net agricultural income exceeds ₹ 5,000 p.a., and
2. Non agricultural income exceeds the basic exemption limit of ₹ 2,50,000.

His tax liability is computed in the following manner:

Step 1: ₹ 7,80,000 + ₹ 70,000 = ₹ 8,50,000.

Tax on ₹ 8,50,000 = ₹ 82,500

Step 2: ₹ 70,000 + ₹ 2,50,000 = ₹ 3,20,000.

Tax on ₹ 3,20,000 = ₹ 3,500 (i.e. 5% of ₹ 70,000)

Step 3 : ₹ 82,500 – ₹ 3,500 = ₹ 79,000.

Step 4 : Total tax payable = ₹ 79,000 + 4% of ₹ 79,000
= ₹ 82,160.

DEFINITION OF AGRICULTURAL INCOME [Section 2(1A)]

Agricultural income may arise in any one of the following three ways:-

- (1) It may be **Rent or Revenue** derived from **land situated in India** and used for agricultural purposes.
- (2) It may be income derived from such land
 - a. through agriculture or
 - b. through the performance of a process ordinarily employed by a cultivator or receiver of rent in kind to render the produce fit to be taken to the market or
 - c. through the sale of such agricultural produce in the market.
- (3) It may be derived from **any Farm Building** required for agricultural operations

Further, Income derived from saplings or seedlings grown in a nursery would be deemed to be agricultural income, whether or not the basic operations were carried out on land.

SOME IMPORTANT ASPECTS

1. "AGRICULTURE" and "AGRICULTURE PURPOSES":

- (a) **"Agriculture" means** tilling of the land, sowing of the seeds and similar operations. These are basic operations and require the expenditure of human skill and labour on land itself.
- (b) Operations to be performed after the produce sprouts from the land (e.g., weeding, digging etc.) **are subsequent operations. These subsequent operations would be agricultural operations only when taken in conjunction with and as a continuation of the basic operations.**
- (c) However, the term 'agriculture' cannot be extended to all activities which have some distant relation to land *like dairy farming, breeding and rearing of live stock, butter and cheese making and poultry farming.*
- (d) Income derived from cultivation is agricultural income. Even when income derived is rental income, it should be in the nature of rent for the use of such land for agricultural purposes.
- (e) **Assessee growing mulberry leaves, feeding them to silk worms and obtaining silk cocoons; will not result in agricultural income.** Section 2(1A), which defines the term agricultural income, does not contemplate sale of commodity different from what is for market and not to bring about an altogether new commodity. **Income attributable to growing mulberry leaves alone shall be treated as agricultural income.**

2. GAIN ARISING ON TRANSFER OF URBAN AGRICULTURE LAND:

The capital gains arising from the transfer of such urban agricultural land would not be treated as agricultural income under section 10 but will be taxable under section 45.

INCOME WHICH IS NOT REGARDED AS AGRICULTURAL INCOME

1. Income from butter and cheese making	6. Income from fisheries, poultry farming, dairy farming and animal husbandry.
2. Commission as a percentage of Agriculture Income:	7. Income from supply of water for irrigation purposes is not an agriculture income.
3. Dividend from a company engaged in Agriculture Activity	8. Income from Brick Making
4. Income from sale of forest trees of spontaneous growth.	9. Income from land used for storing agriculture produce
5. Royalties Income of mines.	

Instances of agricultural income: The following are some examples of incomes which have been held to be agricultural income:

- ✓ Profit on sale of crops after harvest, made by cultivator or receiver of rent-in-kind.
- ✓ Compensation received from insurance company for damage caused to the crops by hailstorm or flood.
- ✓ Salary, interest on capital, share of profits, etc., received by a partner of a firm having agricultural income.
- ✓ Income from running a dairy **which is purely incidental to agriculture**
- ✓ Income from growing flowers and creepers.
- ✓ Income from saplings and seedlings grown in nursery

Instances of non-agricultural income: The following are some examples of incomes which have been held to be non-agricultural income:

- ✓ Income from sale of trees, flowers and fruits **growing spontaneously** in forests
- ✓ Profits arising from purchase and sale of **standing crops**
- ✓ Remuneration received by a manager as a percentage of profit from a firm having agricultural income
- ✓ Annuity received for transfer of agricultural land
- ✓ **Interest on arrears of rent payable** in respect of agricultural land
- ✓ **Interest received by a money lender in the form of crops**

INCOME FROM COMPOSITE ACTIVITY OF AGRICULTURE AND BUSINESS

Where the agricultural produce like tea, cotton, tobacco, sugarcane etc. are subjected to a manufacturing process and the manufactured product is sold, the profit on such sales will consist of agricultural income as well as business income. That portion of the profit representing agricultural income will be exempted. For this purpose, **Rules 7, 7A, 7B & 8 of Income-tax Rules, 1962 provides the basis of apportionment.**

Nature of Income	Amount of Agricultural Income	Non-agricultural Income i.e. business income
1. Income from sale of TEA Grown and Manufactured by the assessee in India	60%	40%
2. Income from RUBBER plants Grown by the seller in India	65%	35%
3. Income derived from the sale of COFFEE Grown and Cured by the seller in India	75%	25%
4. Income derived from the sale of COFFEE Grown, Cured, Roasted and Grounded by the seller in India	60%	40%

Rule 7 - Agricultural produce other than Tea, rubber etc. used as Raw Material in a Manufacturing Concern

Where income is partially agricultural income and partially income chargeable to income-tax under the head 'profits and gains of business', the **market value of any agricultural produce** which has been raised by the assessee or received by him as rent in kind and which has been utilised as raw material in such business or the sale receipts of which are included in the accounts of the business shall be deducted. **No further deduction shall be made in respect of any expenditure incurred by the assessee as a cultivator or receiver of rent in kind.**

Question:

*Mr. B grows sugarcane and uses the same for the purpose of manufacturing sugar in his factory. 30% of sugarcane produce is sold for ₹10 lacs, and the cost of cultivation of such sugarcane is ₹ 5 lacs. The cost of cultivation of the balance sugarcane (70%) is ₹ 14 lacs and the market value of the same is ₹22 lacs. After incurring ₹ 1.5 lacs in the manufacturing process on the balance sugarcane, the sugar was sold for ₹ 25 lacs. **Compute B's business income and agricultural income.***

Rule: 7A – Income from the Growing & Manufacturing of Rubber in India

This rule is applicable when income derived from the sale of latex or cenex or latex based crepes or brown crepes manufactured from field latex or coagulum obtained from rubber plants grown by the seller in India.

Income derived from the sale of rubber obtained from rubber plants grown in India shall be computed as under:

Step: 1 – Compute the income u/h. PGBP after allowing deduction u/s. 33AB

Step: 2 – Computation of agriculture and non-agriculture income in the following manner:

- ✓ 35% of such income is liable to tax
- ✓ 65% (balance) of such income is exempt from tax

Illustration:

Mr. C manufactures latex from the rubber plants grown by him in India. These are then sold in the market for ₹30 lacs. The cost of growing rubber plants is ₹ 10 lacs and that of manufacturing latex is ₹ 8 lacs. Compute his total income.

Solution

The total income of Mr. C comprises of agricultural income and business income. Total profits from the sale of latex = ₹ 30 lacs – ₹ 10 lacs – ₹ 8 lacs. = ₹ 12 lacs.

Agricultural income = 65% of ₹ 12 lacs. = ₹ 7.8 lacs

Business income = 35% of ₹ 12 lacs. = ₹ 4.2 lacs

Rule: 7B – Income from the Growing & Manufacturing of Coffee in India

☞ Income derived from the sale of COFFEE GROWN AND CURED in India shall be computed as under:

Step: 1 – Compute the income under head PGBP after allowing deduction under section 33AB

Step: 2 – Computation of agriculture and non-agriculture income in the following manner:

- ✓ 25% of such income is liable to tax
- ✓ 75% (balance) of such income is exempt from tax

☞ Income derived from the sale of COFFEE GROWN, CURED, ROASTED AND GROUNDED in India shall be computed as under:

Step: 1 – Compute the income under head PGBP after allowing deduction under section 33AB

Step: 2 – Computation of agriculture and non-agriculture income in the following manners:

- ✓ 40% of such income is liable to tax
- ✓ 60% (balance) of such income is exempt from tax

Rule: 8 – Income from the Growing & Manufacturing of Tea in India

This rule applies only in cases where the assessee himself grows tea leaves and manufactures tea in India. Income derived from the sale of tea grown and manufactured in India shall be computed as under

Step: 1 – Compute the income under head PGBP after allowing deduction under section 33AB

Step: 2 – Computation of agriculture and non-agriculture income in the following manners:

- ✓ 40% of such income is liable to tax as business income under the head “PGBP”
- ✓ 60% (balance) of such income is exempt from tax.

Practical Questions

- 1) Coimbatore Cotton Mills is engaged in the business of growing cotton and manufacturing thread. For the financial year 2020-21, the company manufactured 5000 spools of thread and sold them for a value of ₹ 60,00,000/-. They used 2000 bales of cotton grown by them. The market price per bale of cotton is ₹ 1,500/-. Cultivation expenses incurred for producing 2000 bales of cotton was ₹ 38,00,000/-. **Determine the business income chargeable to tax for AY 2021-22.**
- 2) Mr. Raman derived income of ₹ 10,00,000/- from the activity of sale of coffee grown and cured by him for the year ended 31.03.2021. **Compute the tax liability for the AY 2021-22.**
- 3) In Question No. 2, in case Mr. Raman is engaged in roasting and grounding of coffee apart from growing and curing what will be the tax liability for the AY 2021-22.
- 4) Hind Latex Ltd. derived an income of ₹ 12 crores from sale of centrifuged latex for the year ending 31.03.2021, **Compute the taxable income of the assessee for the AY 2021-22.**
- 5) **Mr. Tony had estates in Rubber, Tea and Coffee.** He derives income from them. He has also a nursery wherein he grows plants and sells. For the previous year ending 31-3-2021, he furnishes the following particulars of his sources of income from estates and sale of plants (all amounts in ₹) -

(a) Manufacture of Rubber	500000
(b) Manufacture of Coffee grown and cured	350000
(c) Manufacture of Tea	700000
(d) Sale of plants from nursery	100000

You are requested to compute the taxable income for the AY 2021-22

- 6) **Miss Vivitha, a resident and ordinarily resident in India, has derived the following income from various operations (relating to plantations and estates owned by her) during the year ended 31-3-2021 (amounts in ₹) :**
 - (i) Income from sale of centrifuged latex processed from rubber plants grown in Darjeeling. 3,00,000
 - (ii) Income from sale of coffee grown and cured in Tamil Nadu. 1,00,000
 - (iii) Income from sale of coffee grown, cured, roasted and grounded, in Colombo.
(Sale consideration was received at Chennai.) 2,50,000
 - (iv) Income from sale of tea grown and manufactured in Simla. 4,00,000
 - (v) Income from sapling and seedling grown in a nursery at Cochin. 80,000
(Basic operations were not carried out by her on land)**You are required to compute the business income and agricultural income of Miss Vivitha for the AY 2021-22.**

SOLUTION

Answer 5:

Computation of taxable income of Tony for the Assessment Year 2021-22

	Business income (₹)	Agricultural income (₹)
Income from growing and manufacturing rubber (Rule 7A) -35% : 65%	175,000	325,000
Income from growing and curing coffee (Rule 7B) -25% : 75%	87,500	262,500
Income from growing and manufacturing tea (Rule 8) - 40% : 60%	280,000	420,000
Sale of plants from nursery (It is an agricultural income)	0	100,000
TOTAL	542,500	1,107,500

Hence, total income of Mr. Tony = ₹ 5,42,500.

Answer 6:

Computation of taxable income of Miss Vivitha (amounts in ₹)

Particulars	Business income	Agricultural income
Income from growing & manufacturing rubber in India (Rule 7A)-35% : 65%	105,000	195,000
Income from growing and curing coffee in India (Rule 7B) -25% :75%	25,000	75,000
Income from growing/curing/roasting etc. coffee out of India in Columbo (Sri Lanka) - Since the operations have taken place outside India, hence, no part of such income can be regarded as agricultural income (Rule 7B will not apply). Since Miss Vivitha is resident in India, hence, this income will be taxed in India.	250,000	0
Income from growing and manufacturing tea in India (Rule 8) - 40% : 60%	160,000	240,000
Sale of plants from nursery (It is deemed agricultural income even if no basic operations have been carried out as per explanation)	0	80,000
TOTAL (Amount in ₹)	540,000	590,000

Always discuss about the Rule 7A, 7B & 8 regarding nature of business and percentage in working note.

Solution of Illustration:

Income from sale of sugarcane gives rise to agricultural income and from sale of sugar gives rise to business income.

Business income = Sales – Market value of 70% of sugarcane produce – Manufacturing expenses

$$= ₹ 25 \text{ lacs} - ₹ 22 \text{ lacs} - ₹ 1.5 \text{ lacs}$$

$$= ₹ 1.5 \text{ lacs.}$$

Agricultural income = Market value of sugarcane produce – Cost of cultivation

$$= [₹ 10 \text{ lacs} + ₹ 22 \text{ lacs}] - [₹ 5 \text{ lacs} + ₹ 14 \text{ lacs}]$$

$$= ₹ 32 \text{ lacs} - ₹ 19 \text{ lacs} = ₹ 13 \text{ lacs.}$$

RESIDENTIAL STATUS

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

“18 New Practical Questions added in SET-B”

IMPORTANCE OF RESIDENTIAL STATUS

1. The incidence of tax on any assessee depends upon his Residential Status.
2. If any receipt is chargeable to tax, it has to be seen whether the assessee is liable to tax in respect of that income or not considering his Residential Status.

The taxability of a particular receipt would thus depend upon not only the nature (Capital or Revenue) of the income and the place of its accrual or receipt but also upon the assessee's residential status.

Broad Category of Tax-Payers

Taxpayers are classified into three broad categories on the basis of their residential status:

1. Resident and Ordinarily Resident [“ROR”]
2. Resident but Not Ordinarily Resident [“RNOR”]
3. Non-Resident [“NR”]

Class Chart

Important Points:

1. **Year-wise Status:** Residential Status is always determined **for the previous year** because we have to determine the Total Income of the previous year only.
2. **Continuity not required:** It is not necessary that the stay should be for a continuous period or at any one place in India.
3. **India includes its** territorial waters and therefore Presence in territorial waters of India would also be regarded as presence in India. **[upto 12 Nautical Miles from Sea-base]**
4. For the purpose of counting the number of days stayed in India, both the date of departure as well as the date of arrival are considered to be in India.
5. **Resident of many countries:** A person may be resident of more than one country for any previous year.
6. **Citizenship Vs Residential Status:**

Citizenship of a country and Residential Status of that country are separate concepts. The residence of an individual for income-tax purpose has nothing to do with citizenship, place of birth or domicile. A person may be an Indian National / Citizen, but he may not be a Resident of India and vice-versa.

RESIDENTIAL STATUS OF AN INDIVIDUAL [Section 6(1)]**Clause 1 of Section 6 [It is not a sub-section (1)]**

Under Section 6(1), an individual is said to be **Resident in India** in any previous year, if he satisfies **any one** of the following **BASIC conditions**:

1. He has been in India during the previous year for a total period of **182 days or more**,
- OR**
2. He has been in India **during the 4 years immediately preceding the previous year** for a total period of **365 days or more** **AND** has been in India for **at least 60 days** in the relevant PY.

NOTE: IF BOTH THE ABOVE CONDITIONS ARE NOT SATISFIED, THE INDIVIDUAL IS A NON-RESIDENT.

Exceptions:

The **following categories of individuals** will be treated as Residents **only if** the period of their stay during the relevant previous year amounts to 182 days or more.

[In other words even if such persons were in India for 365 days during the 4 preceding years and 60 days in the relevant previous year, they will not be treated as resident.]

1. **Indian Citizen** who leaves India **as a member of the crew of an Indian ship**,
2. **Indian Citizen** who leaves India **for the purpose of employment** outside India **OR**

3. Indian Citizen or Person of Indian origin engaged outside India coming on a visit to India.

Note: A person is said to be of Indian origin if he or either of his parents or either of his grandparents were born in undivided India.

However, such person (Indian citizen or person of Indian origin) having total income, other than the income from foreign sources exceeding ₹ 15 lakhs during the previous year will be treated as resident in India if -

- 1. the period of his stay during the relevant previous year amounts to 182 days or more, or**
- 2. he has been in India during the 4 years immediately preceding the previous year for a total period of 365 days or more and has been in India for at least 120 days in the previous year.**

Note: "Income from foreign sources" means income which accrues or arises outside India (except income derived from a business controlled in or a profession set up in India) and which is not deemed to accrue or arise in India.

[Clause (b) of Explanation (1) to Section 6(1) – Amended by Finance Act 2020]

Period of stay of Crew Member (Indian Citizen) of Foreign Bound Ship**Explanation 2 to Clause 1 of Section 6**

"In case of an Individual, being a citizen of India and a member of the crew of a foreign bound ship leaving India, the period or periods of stay in India shall, in respect of such voyage, be determined in the prescribed manner and subject to the prescribed conditions"

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For the purposes of Section 6(1), in case of an individual, being a citizen of India and a member of the crew of a ship, the period or periods of stay in India shall, in respect of an eligible voyage, **not include the period beginning on the date entered into the Continuous Discharge Certificate** in respect of joining the ship by the said individual and **ending on the date entered into the Continuous Discharge Certificate in respect of signing off** by that individual from the ship.

"Eligible voyage" shall mean a voyage undertaken by a ship engaged in the carriage of passengers or freight in international traffic where

- i. For the voyage having originated from any port in India, has as its destination any port outside India; **and**
- ii. For the voyage having originated from any port outside India, has as its destination any port in India.'

Question

Mr. Anand is an Indian Citizen and a member of the crew of a Singapore bound Indian Ship engaged in carriage of passengers in international traffic departing from Chennai Port on 6th June, 2020. From the following details for the PY 2020-21, determine the residential status of Mr. Anand for A.Y. 2021-22, assuming that his stay in India in the last 4 previous years (preceding P.Y. 2020-21) is 400 days and last seven previous years (preceding P.Y. 2020-21) is 750 days:

Particulars	Date
Date entered into the Continuous Discharge Certificate in respect of Joining the ship by Mr. Anand	6 th June, 2020
Date entered into the Continuous Discharge Certificate in respect of Signing off the ship by Mr. Anand	9 th December, 2020

Answer

As per Section 6, an individual is treated as resident if he has stayed for 182 days in India during the previous year or if he has stayed for 60 days in the current previous year and 365 days in total during the four preceding previous years. However, where an Indian citizen leaves India as a member of crew of an Indian ship or for the purpose of employment outside India, he will be resident only if he stayed for atleast 182 days during the previous year.

Further, For the purposes of Section 6(1), in case of an individual, being a citizen of India and a member of the crew of a ship, the period or periods of stay in India shall, in respect of an eligible voyage, **not include the period beginning on the date entered into the Continuous Discharge Certificate** in respect of joining the ship by the said individual and **ending on the date entered into the Continuous Discharge Certificate in respect of signing off** by that individual from the ship

In this case, the voyage is undertaken by an Indian ship engaged in the carriage of passengers in international traffic at a port outside India (i.e., the Singapore port). Hence, the voyage is an eligible voyage for the purposes of Section 6(1). Therefore, the period beginning from 6th June, 2020 and ending on 9th December, 2020, being the dates entered into the Continuous Discharge Certificate in respect of joining the ship and signing off from the ship by Mr. Anand , an Indian citizen who is a member of the crew of the crew of the ship, has to be excluded for computing the period of his stay in India. Accordingly, 187 days [25+31+31+30+31+30+9] have to be excluded from the period of his stay in India. Consequently, Mr. Anand's period of stay in India during the P.Y. 2020-21 would be **178 days [i.e., 365 days – 187 days]**. Since his period of stay in India during the P.Y. 2020-21 is less than 182 days, he is a non-resident for AY 2021-22.

Deemed resident in India [Section 6(1A)] – Clause 1A of Section 6*[Inserted by Finance Act 2020, w.e.f. AY 2021-22]* ★

An **individual, being an Indian citizen**, having **total income, other than the income from foreign sources, exceeding ₹ 15 lakhs** during the previous year would be deemed to be **Resident in India** in that previous year, **if he is not liable to pay tax in any other country or territory** by reason of his domicile or residence or any other criteria of similar nature.

This provision would not apply in case of an individual who is said to be resident in India in the previous year under section 6(1). – TOLA, 2020

Note: "income from foreign sources" means income which accrues or arises outside India (except income derived from a business controlled in or a profession set up in India) and which is not deemed to accrue or arise in India.

ADDITIONAL CONDITION [Section 6(6)]: Resident but Not-Ordinarily Resident*[Amended by Finance Act 2020, w.e.f. AY 2021-22]*

A Not-Ordinarily Resident person is one who satisfies any one of the conditions specified under section 6(6) which are:

1. (a) If such individual has been **Non-Resident** in India in **any 9 out of the 10 previous years** immediately preceding the relevant previous year,

OR

(b) If such individual has during the **7 previous years** immediately preceding the relevant previous year been in India for a period of **729 days or less**.

In other words, an Individual has to satisfy the both additional conditions in order to become Ordinarily Resident (ROR) in India:-

(a) Resident in India in **any 2 out of the last 10 previous years** immediately preceding the relevant previous year

AND

(b) Total stay in India for **730 days or more** during **7 previous years** immediately preceding the relevant previous year.

OR

2. a **citizen of India, or a person of Indian origin**, having total income, other than the income from foreign sources, **exceeding fifteen lakh rupees** during the previous year, as referred to in clause (b) of Explanation 1 to clause (1), who has been in India for a period or periods amounting **in all to 120 days or more but less than 182 days** ★

OR

3. a **citizen of India** who is deemed to be resident in India **under clause (1A)**.

Resident but not ordinarily resident [Final Points] [Section 6(1) read with Section 6(6)]

A not-ordinarily resident person is one who satisfies any one of the conditions specified u/s 6(6):

- (i) If such individual has been non-resident in India in any 9 out of the 10 previous years preceding the relevant previous year,**
- (ii) If such individual has during the 7 previous years preceding the relevant previous year been in India for a period of 729 days or less,**
- (iii) If such individual is**
 - **an Indian citizen or person of Indian origin**
 - **who, being outside India, comes on a visit to India in any previous year**
 - **having total income, other than the income from foreign sources exceeding ₹ 15 lakhs during the previous year,**
 - **who has been in India for 120 days or more but less than 182 days during that previous year (AND for 365 days (or more) during 4 years immediately preceding the relevant previous year).**
- (iv) If such individual is an Indian citizen who is deemed to be resident in India under section 6(1A) [It may be noted that a Deemed Resident will always be a resident but not ordinarily resident].**

RESIDENTIAL STATUS OF HINDU UNDIVIDED FAMILY (HUF) [Section 6(2)]

A HUF would be **Resident in India** if the control and management of its affairs is situated **wholly or partly** in India. If the control and management of the affairs is situated **wholly outside India** it would become a non-resident.

	<u>STATUS</u>
If Control & Management of its affairs is wholly / partly situated in India	- Resident
If Control & Management of its affairs is wholly situated outside India	- Non-Resident

Resident and Ordinarily Resident (HUF)

If the HUF is Resident, then the status of the Karta determines whether it is ROR or RNOR. For this purpose, additional conditions of Section 6(6) are relevant.

If Karta of resident HUF satisfies both the following additional conditions (as applicable in case of individual) then, resident HUF will be Resident and ordinarily resident, otherwise it will be Resident but not ordinarily resident.

1. *Karta of resident HUF should be resident in at least 2 previous years out of 10 previous years immediately preceding relevant previous year.*

and

2. *Stay of Karta during 7 previous years immediately preceding relevant previous year should be 730 days or more.*

RESIDENTIAL STATUS OF A COMPANY [Section 6(3)]

<u>IF PERSON IS:</u>	<u>STATUS</u>
An Indian Company [as defined under section 2(26)]	- Resident

Company other than Indian Company will be Resident in India in any previous year **if its Place of Effective Management [POEM], in that year, is in India.**

*“POEM” to mean a place where key management and commercial decisions that are necessary for the conduct of the business of an entity as a whole are, **in substance** made.*

RESIDENTIAL STATUS OF PERSONS OTHER THAN ABOVE [Section 6(2) & Section 6(4)]

(FIRMS/AOP/BOI/Local Authority/Artificial Judicial Persons)

	<u>STATUS</u>
If Control & Management of its affairs is wholly / partly situated in India	- Resident
If Control & Management of its affairs is wholly situated outside India	- Non-Resident

Example

ABC Inc., a Swedish company headquartered at Stockholm, not having a permanent establishment in India, has set up a liaison office in Mumbai in April, 2020 in compliance with RBI guidelines to look after its day to day business operations in India, spread awareness about the company's products and explore further opportunities. The liaison office takes decisions relating to day to day routine operations and performs support functions that are preparatory and auxiliary in nature. The significant management and commercial decisions are, however, in substance made by the Board of Directors at Sweden. Determine the residential status of ABC Inc. for AY 2021-22.

Answer

Section 6(3) provides that a company would be resident in India in any previous year, if

- i. it is an Indian company; or
- ii. its place of effective management, in that year, is in India.

In this case, ABC Inc. is a foreign company. Therefore, it would be resident in India for P.Y. 2020-21 only if its place of effective management, in that year, is in India.

Explanation to Section 6(3) defines "place of effective management" to mean a place where key management and commercial decisions that are necessary for the conduct of the business of an entity as a whole are, in substance made.

In the case of ABC Inc., its place of effective management for P.Y. 2020-21 is not in India, since the significant management and commercial decisions are, in substance, made by the Board of Directors outside India in Sweden.

ABC Inc. has only a liaison office in India through which it looks after its routine day to day business operations in India. The place where decisions relating to day to day routine operations are taken and support functions that are preparatory or auxiliary in nature are performed are not relevant in determining the place of effective management.

Hence, ABC Inc., being a foreign company is a non-resident for A.Y. 2021-22, since its place of effective management is outside India in the P.Y. 2020-21.

SCOPE OF TOTAL INCOME [Section 5] – Tax Incidence vs Residential Status

Section 5 provides the scope of total income in terms of the residential status of the assessee because the incidence of tax on any person depends upon his residential status.

The scope of Total Income of an assessee depends upon the following three important considerations:

- ✓ The Residential Status of the assessee;
- ✓ The place of accrual or receipt of income, whether actual or deemed; and
- ✓ The point of time at which the income had accrued to or was received by or on behalf of the assessee.

1) Resident and Ordinarily Resident [ROR]

The total income of a resident assessee would, **under section 5(1)**, consist of:

- a) income **received or deemed to be received** in India during the previous year;
- b) income which **accrues or arises or is deemed to accrue or arise** in India during the previous year; and
- c) income which **accrues or arises outside India** even if it is not received or brought into India during the previous year.

In simpler terms, a ROR has to pay tax on the total income accrued or deemed to accrue, received or deemed to be received in or outside India.

2) Resident but Not Ordinarily Resident [RNOR]

Under section 5(1), the computation of total income of RNOR is the same as in the case of ROR stated above except for the fact that the income accruing or arising to him outside India is not to be included in his total income.

However, where such income is derived from a business controlled from or profession set up in India, then it must be included in his total income even though it accrues or arises outside India.

3) Non-Resident [NR]

A Non-Resident's total income **under section 5(2)** includes:

- a) Income **received or deemed to be received in India** in the previous year; and
- b) Income which **accrues or arises or is deemed to accrue or arise in India** during the previous year.

A Tabular Presentation:

NATURE OF INCOME	R & OR	RNOR	NR
a) Income received or deemed to be received in India during the year (whether accrues in India or not) [Indian Income]	Taxable	Taxable	Taxable
b) Income accrues/arises or deemed to accrue/arise in India during year - whether received in India or not [Indian Income]	Taxable	Taxable	Taxable
(c) <u>Income accrues/arises and received outside India and derived from:</u> [Foreign Income]			
(i) A business / Profession controlled/ setup in India	Taxable	Taxable	Not Taxable
(ii) A business / Profession controlled/ setup from outside India	Taxable	Not Taxable	Not Taxable
(d) Past income (earned and received abroad) remitted to India in Previous year	Not Taxable	Not Taxable	Not Taxable

Explanation 1 to Section 5 specifically provides that an item of income accruing or arising outside India shall not be deemed to be received in India merely because it is taken into account in a balance sheet prepared in India.

Further, **Explanation 2 to Section 5** makes it clear that once an item of income is included in the assessee's total income and subjected to tax on the ground of its accrual/deemed accrual or receipt, it cannot again be included in the person's total income and subjected to tax either in the same or in a subsequent year on the ground of its receipt – whether actual or deemed.

CBDT Circular: CBDT has clarified that salary accrued to a non-resident seafarer for services rendered outside India on a foreign going ship (with Indian Flag or foreign flag) shall not be included in the Total Income **merely because the said salary has been credited in the NRE account** maintained with an Indian bank by the seafarer.

MEANING OF “INCOME RECEIVED OR DEEMED TO BE RECEIVED”**Redrafted**

All assesseees are liable to tax in respect of the income received or deemed to be received by them in India during the previous year irrespective of –

- A. *their residential status, and*
- B. *the place of its accrual.*

*Income is to be included in the total income of the assessee immediately on **its actual or deemed receipt**. The receipt of income refers to **only the first occasion** when the recipient gets the money under his control.*

*Therefore, when once an amount is received as income, remittance or transmission of that amount from one place or person to another **does not constitute receipt of income in the hands of the subsequent recipient or at the place of subsequent receipt**.*

Income Deemed to be Received [Section 7] - Redrafted

The following shall be deemed to be received by the assessee during the previous year irrespective of whether he had actually received the same or not:

a) Annual accretion to the credit of Recognized Provident Fund:

- *Interest credited to recognized provident fund account of an employee **in excess of 9.5% p.a.***
- *Excess contribution of employer in RPF (i.e. the amount contributed in excess of 12 percent of salary)*

b) The taxable transferred balance from URPF to RPF (being the employer's contribution and interest thereon).**c) The contribution made by the CG or any other employer to the account of an employee under a pension scheme u/s 80CCD.**

INCOME DEEMED TO ACCURE OR ARISE IN INDIA [Section 9]

Section 9 applies to all assesses irrespective of their residential status and place of business. The categories of income which are deemed to accrue or arise in India are as under:

Income Accruing/Arising from Business Connection etc. [Section 9(1)(i)]

All income accruing or arising, whether directly or indirectly,

- ✓ through or from **any Business Connection in India**, or
- ✓ through or from **any property, asset or source of Income**, or
- ✓ through **the transfer of a capital asset situated in India** i.e. if the source of income is in India.

shall be deemed to accrue or arise in India

Note:

1. **Existence of Professional connection amounts to existence of business connection.** (for example when foreign lawyer is called upon in India to plead the case in Indian courts.
2. In the case of a business where **all operations are not carried out in India**, only such part of the income as is reasonably attributed to the operations in India **shall be deemed to arise or accrue in India.**

It shall include income from

- (i) advertisement targetting customers residing in India or accessing advt. thro IPA (Internet Protocol Address) located in India**
- (ii) sale of data collected from persons residing in India or using IPA located in India**
- (iii) sale of goods and services using data collected from persons residing in India or using IPA located in India**

[Added by Finance Act 2020 w.e.f. AY 2021-22]

Salaries Earned in India [Section 9(1)(ii)]

Any income under the head “Salaries”, **for services rendered in India**, whether such salary income payable for the rest period or leave period and forms part of the service contract of employment shall be deemed to accrue or arise in India. Salary includes pension.

Salaries Payable by Indian Govt. [Section 9(1)(iii)]

Any income chargeable under head “salaries” payable by the Indian Govt. to a citizen of India for service rendered outside India shall be deemed to accrue or arise in India.

Foreign Allowances by the Govt. Employer - Section 10(7) –Exempted

Any allowance or perquisite paid or allowed outside India, by the Indian Govt. to a citizen of India, for rendering service outside India is fully exempt.

DIVIDEND PAID OUTSIDE INDIA BY AN INDIAN COMPANY [Section 9(1)(iv)]

Dividends paid by an Indian company outside India is deemed to be accrue or arise in India and would be taxable in the hands of shareholders at normal slab rates.

INTEREST [Section 9(1)(v)]

Under section 9(1)(v), an interest is deemed to accrue or arise in India [Taxable in the hands of recipient] if it is payable by:

- 1) the Government; or
- 2) a person resident in India except where it is payable
 - a) in respect of any money borrowed and used for the purposes of a business or profession carried on by him outside India OR
 - b) for the purposes of making or earning any income from any source outside India) ; or
- 3) a **Non-Resident** when it is payable in respect of any debt incurred or moneys borrowed and used for the purpose of a business or profession carried on in India by him. (Only Business)

IMP: Interest on money borrowed by the non-resident for any purpose other than a business or profession, will not be deemed to accrue or arise in India.

Thus, if a non-resident 'A' borrows money from a non-resident 'B' and invests the same in shares of an Indian company, interest payable by 'A' to 'B' will not be deemed to accrue or arise in India.

ROYALTY [Section 9(1)(vi)]

Royalty will be will be deemed to accrue or arise in India when it is payable by –

- 1) the Government; or
- 2) a person who is a resident in India except in cases where it is payable
 - a) for the transfer of any right or the use of any property or information or for the utilization of services for the purposes of a business or profession carried on by such person outside India OR
 - b) for the purposes of making or earning any income from any source outside India; or
- 3) a non-resident only when the royalty is payable
 - a) in respect of any right, property or information used or services utilised for purposes of a business or profession carried on in India OR
 - b) for the purposes of making or earning any income from any source in India.

FEES FOR TECHNICAL SERVICES [Section 9(1)(vii)]

Any fees for technical services will be deemed to accrue or arise in India if they are payable by:

- 1) the Government; or
- 2) a person who is resident in India, except in cases where the fees are payable
 - a) in respect of technical services utilised in a **business or profession carried** on by such person outside India **OR**
 - b) for the purpose of making or earning any **income from any source** outside India; or
- 3) a person who is a non-resident, only where the fees are payable in respect of
 - a) services utilised in a business or profession carried on by the non-resident in India **OR**
 - b) where such services are utilised for the purpose of making or earning any income from any source in India.

GIFT [Section 9(1)(viii)] – Added by Finance (No. 2) Act, 2019

Income arising outside India, being any sum of money (not property) referred to in sub-clause (xviiia) of clause (24) of section 2, paid on or after the 5th day of July, 2019 by a person resident in India to a non-resident, not being a company, or to a foreign company.

Note: Section 2(24)(xviiia) – Income includes **any sum of money or value of property** referred to in clause (x) of sub-section (2) of section 56.

Explanation to Section 9**Income deemed to accrue or arise in India to a non-resident by way of interest, royalty and fee for technical services to be taxed irrespective of territorial nexus**

*Explanation to section 9 clarifies that income by way of **interest, royalty or fee for technical services** which is deemed to accrue or arise in India by virtue of clauses (v), (vi) and (vii) of section 9(1), shall be included in the total income of the non-resident, whether or not:*

- (i) the non-resident has a residence or place of business or business connection in India; or
- (ii) the non-resident has rendered services in India.

Business Connection in India shall include**Explanation 2 to Clause (i) of Sub-section (1) of Section 9**

Any business activity carried out through a person acting on behalf of the non-resident and such person

- a) ***has and habitually exercises in India, an authority to conclude contracts on behalf of the non-resident or habitually concludes contracts or habitually plays the principal role leading to conclusion of contracts by that non-resident and the contracts are-***
 - (i) ***in the name of the non-resident; or***
 - (ii) ***for the transfer of the ownership of, or for the granting of the right to use, property owned by that non-resident or that non-resident has the right to use; or***
 - (iii) ***for the provision of services by the non-resident;***
- b) **maintains in India a stock of goods** from which he delivers goods on behalf of the non-resident or
- c) **secures orders in India, mainly or wholly**
 - for the non-resident or
 - for that non-resident and other non-residents
 - under the same common control & managements

however, Business Connection shall not include the cases where the non-resident carries on business **through a broker, general commission agent or any other agent of an independent status.**

☞ **Independent status:** Where a broker, general commission agent or any other agent not works mainly or wholly on behalf of a NR or other non-residents under the same common control & management.

Following cases shall not be treated as Business connection in India:**Explanation 1 to Clause (i) of Sub-section (1) of Section 9**

- 1) No income shall be deemed to accrue or arise in India to NR, through or from operations, which are confined (limited) **to the purchase of goods in India for the purpose of export.**
- 2) No income shall be deemed to accrue or arise in India to NR, **engaged in the business of running a news agency** or publishing newspapers, magazines or journals, through or from activities which **are confined to the collection of news and views in India for transmission out of India.**
- 3) No income shall be deemed to accrue or arise in India to a non-resident **if the operations is confined to shooting of cinematography films in India but if NR is**
 - (i) **An Individual** - He should not be citizen of India.
 - (ii) **A Firm**- No partner should be citizen of India or Resident in India.
 - (iii) **A Company** - None of the shareholder should be citizen of India or Resident in India.
- 4) In the case of a foreign company **engaged in the business of mining of diamonds**, no income shall be deemed to accrue or arise in India to it through or from the activities which **are confined to the display of uncut and unassorted diamond in any special zone notified** by the Central Government in the Official Gazette in this behalf.

Significant economic presence (SEP) of a non-resident in India shall constitute "business connection" in India

Explanation 2A to Clause (i) of Sub-section (1) of Section 9

[NOT RELEVANT FOR AY 2021-22]

Significant economic presence (SEP) of a Non-Resident in India shall constitute "business connection" in India and

"significant economic presence" for this purpose, shall mean-

- a) transaction in respect of any goods, services or property *carried out by a non-resident in India including provision of download of data or software in India*, if the aggregate of payments arising from such transaction or transactions during the previous year **exceeds such amount as may be prescribed**; or**
- b) *systematic and continuous soliciting of business activities or engaging in interaction with such number of users as may be prescribed*, in India through digital means:**

Provided that the transactions or activities shall constitute significant economic presence in India, whether or not,—

- i. the agreement for such transactions or activities is entered in India; or**
- ii. the non-resident has a residence or place of business in India; or**
- iii. the non-resident renders services in India:**

Provided further that only so much of income as is attributable to the transactions or activities referred to in clause (a) or clause (b) **shall be deemed to accrue or arise in India.**

[NOT RELEVANT FOR AY 2021-22]

PRACTICAL QUESTION - SET A

- 1) Mr. X, an **Indian citizen** goes to Maldives for employment during the previous year 2020-21 on 1st September 2020. He was in India from his birth during the year 1978. **Identify his Residential Status for the PY 2020-21. [Note – He has no taxable income in India]**
- 2) Mr. Y was sponsored by his employer in India for training in USA. He left India on 03.06.2020. He came back to India on 05.04.2021. **Determine his residential status for the PY 2020-21 assuming that he did not go out of India previously.**
- 3) A, a British national, comes to India for first time during 2016-17. During financial years 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21 he was in India for 65 days, 60 days, 80 days, 160 days & 70 days respectively. **Determine his residential status for the AY 2021-22.**
- 4) Mr. Devendra, an India citizen leaves India for the first time on September 20, 2018 for taking employment outside India. He comes to visit India for 152 days on April 10, 2019. He comes back on May 13, 2020 to India. **Determine his residential status for the PY 2020-21.**
- 5) Mr. Border, a foreign citizen, comes to India for the first time on June 22, 2018. From June 22, 2018 to March 31, 2021, he is present in India for days (2018-19; 59 days, 2019-20; 306 days, and 2020-21: 92 days). **Determine the residential status of Mr. Border for the PY 2020-21.**
- 6) Mr. Samuelson, foreign citizen, comes to India for the first time on May 10, 2020. On August 6, 2020, he leaves India for Burma on a business trip. He comes back on January 1, 2021. He maintains a dwelling place in India from the date of his arrival in India (i.e., May 10, 2020) till February 15, 2021 when he leaves for Pakistan. **Determine his residential status for the PY 2020-21.**
- 7) Mr. Samuel, a foreign citizen (not being a person of India origin) comes to India for first time in last 12 years on March 01, 2020. On 5th September 2020 he leaves India for Singapore on a business trip. He comes back on March 2, 2021. **Determine his residential status for the PY 2020-21.**
- 8) Mr. B, a Malaysian citizen leaves India, after a period of 10 years stay on 1.6.2018. During the financial year 2019-20, he comes to India for a period of 46 days. Later he returns to India on 10.10.2020. **Determine his residential status for the PY 2020-21. Will your answer be different if his date of departure was 15.5.2018?**
- 9) Andrew Symonds, an Australian cricketer has been coming to India for 100 days every year since 2000-2001 for IPL matches:
 - a) Determine his residential status for the assessment year 2021-22.
 - b) Will your answer be different if he has been coming to India for 110 days instead of 100 days every year.
- 10) 'Mr. A' was born in Lahore in 1942. He has been staying in UK since 1972. He came to visit India on 2-10-2020 and returns on 30-3-2021. **Determine his residential status for the PY 2020-21. [Note – He has no taxable income in India]**
- 11) Mr. A came to India from USA for the first time on 10-10-2020. He returns to his home county after staying in India upto 5-7-2021. **Will he be a resident in India for the PY 2020-21?**
- 12) 'Mr. A', a citizen of India left India on 16-5-2001 for employment abroad. He did not come to India upto previous year 2017-18. During 2018-19 and 2019-20, he visited India for 140 days and 200 days respectively. In the previous year 2020-21 he came to India on 6-4-2020 and left on 30-12-2020. **Determine his residential status for the PY 2020-21. [Mr. A has no taxable income in India]**

- 13) Mr A, aged 29 years, left India for first time on May 31, 2020. **Determine his residential status under the following situations for the previous year 2020-21.**
- He left India for employment purpose
 - He left India on world tour.
- Note: He has no taxable income in India.**
- 14) **Ms Herley, a foreign national, comes India every year for 90 days since 2000-01.**
- Determine her residential status for the previous year 2020-21.**
 - Will your answer differ, if she comes India for 100 days instead of 90 days every year.
- 15) **G an American citizen, is appointed by a Multi-national company to its branch in New Delhi in 2017. G has never been to India before this appointment. He arrives in Mumbai on 15th April, 2017 and joins the New Delhi office on 20th April, 2017. His wife and children join him in India on 20th October, 2017. The company allotted him a leased residence for the purposes of his stay. This residence is occupied by him from the beginning of October 2017. On 10th February, 2018, he is transferred by his employer, on deputation basis, to be the regional chief of his employer's operations in South East Asia having headquarters in Hong Kong. He leaves New Delhi, on 11th February 2018 and arrives in Hongkong on 12th February, 2018. G leaves behind his wife and children in India till 14th August, 2019, when they leave alongwith him for Hong Kong. G had come to India earlier on 15th June, 2019 on two months leave. The members of the family occupied the residence till date of departure to Hongkong. At the end of the period of deputation, G is reposted to India and joins the New Delhi office of his employer as chief of Indian operations on 31st January, 2021. **In what residential status G will be assessable, for the various years, to income tax in India?****
- 16) The business of a HUF is transacted from Australia and all the policy decisions are taken there. Mr. E, the karta of the HUF, who was born in Kolkata, visits India during the P.Y. 2020-21 after 15 years. He comes to India on 1.4.2020 and leaves for Australia on 1.12.2020. **Determine the residential status of Mr. E and the HUF for the PY 2020-21.**
- 17) During the P.Y. 2020-21, the affairs of an HUF are managed partly from India and partly from UK. Mr. A (Karta) is in India for a period of 192 days in every financial year. **Discuss the Residential status of the HUF for the PY 2020-21.**
- 18) **Discuss the Residential Status in the following cases:-**
- Z Ltd. an Indian company situated in Bombay.
 - Y Ltd. a foreign company situated in Delhi, but POEM is in Australia.
 - XYZ Associates a foreign company Registered in UK but POEM is in India.
 - PQR Ltd a foreign company situated USA and POEM is in USA.
 - M/s ABC, a partnership firm, is having its business in Delhi and Assam and controlled partly from Delhi and partly from Assam.
 - If in above case (e), the firm is wholly controlled from Dubai.
- 19) **During the financial year, Mr. Kumar had the following income:**
- | | ₹ |
|---|--------|
| a) Salary income (computed) received in India for services rendered in Nepal | 10,000 |
| b) Income from profession in India, but received in China | 3,000 |
| c) Property income in Uganda (out of which ₹ 3,000 was remitted to India). | 6,000 |
| d) Profits earned from business in Bangalore | 5,000 |
| e) Agricultural income in Canada | 10,000 |
| f) Profits from a business carried on at Nepal but controlled from India. | 20,000 |

Compute the income of Anil Kumar for the PY 2020-21 if he is (i) resident and ordinarily resident, (ii) Not ordinarily resident, and (iii) Non-resident in India.

20) 'X' earns the following income during the financial year:	₹
a) Interest from an Indian company received in UK.	1,000
b) Pension from former employer in India received in USA	54,000
c) Profits earned from a business in Paris which is controlled in India, half of the profits being received in India.	20,000
d) Income from agriculture in Bhutan and remitted to India	5,000
e) Income from property in England received there.	4,000
f) Past foreign untaxed income brought to India.	10,000

Compute his income if he is:

- i) Resident and ordinarily resident in India.
- ii) Not ordinarily resident in India.
- iii) Non-resident in India.

21) X is resident and ordinarily resident in India for the PY 2020-21. He gives the following information in respect of his income for the previous year:

	₹
i) Capital gain on sale of a house situated in Pune (sale consideration is received in Nepal)	40,000
ii) Salary income received in Sri Lanka for rendering service in Tamilnadu (computed)	50,000
iii) Interest received from Government of India (it is paid to him in Sri Lanka, the money is utilized by the Government outside India)	60,000
iv) Royalty received from A Ltd. (a foreign company which is non-resident in India) outside India (royalty is paid for a manufacturing business situated outside India)	70,000

Find out the taxable income of X.

22) The following are the particulars of income of Mr A for the previous year	₹
a) Rent from a property in Delhi received in USA	80,000
b) Income from a business in USA controlled from Delhi	1,20,000
c) Income from a business in Bangalore controlled from USA	1,80,000
d) Rent from a property in USA received there but subsequently remitted to India	60,000
e) Interest from deposits with an Indian company received in USA	20,000
f) Profit for the year 2019-20 of a business in USA remitted to India during the previous year 2020-21	75,000

Compute his income if he is:

- i) Resident and ordinarily resident in India,
- ii) Not ordinarily resident in India,
- iii) Non-resident in India.

23) X furnished the following particulars of his income earned during the previous year:

	₹
i) Interest on German Development Bonds (two-fifths is received in India)	60,000
ii) Income from agriculture in Bangladesh, received there but later on ₹ 50,000 is remitted to India (agricultural activity is controlled from Bangladesh)	1,81,000
iii) Income from property in Canada received outside India (₹ 76,000 is used in Canada for meeting educational expenses of X's daughter in USA and ₹ 10,000 is later on remitted to India)	86,000
iv) Income earned from business in Kampala (Uganda) which is controlled from Delhi (₹ 15,000 is received in India)	65,000
v) Dividend paid by a foreign company but received in India on April 10, 2020	46,500
vi) Past untaxed profit of 2013-14 brought to India in PY 2020-21	10,43,000
vii) Profits from a business in Madras and managed from outside India	27,000
viii) Profit on sale of a building in India but received in Sri Lanka	14,80,000
ix) Pension from a former employer in India, received in Rangoon	86,000
x) Gift in foreign currency from a friend received in India on January 20, 2021	80,000

Find out the gross total income of X, if he is (i) ROR, (ii) RNOR, or (iii) NR in India.

24) Arun, a citizen of India residing in Germany for the past 10 years, came back to India for the first time during January 2021. During the financial year 2020-21, he received the following income-

- a) He works in a company in Germany and earns a salary of Euro 1,000 per month;
- b) He owns agricultural land near Bangalore and a residential house in Delhi, which has been let-out.
- c) While the agricultural income is being remitted to his account in Germany every year, the rental income of ₹ 84,000 (Computed) is being deposited in his bank account at Delhi; and
- d) He also owns shares in various Indian companies and receives dividend every year, which has been regularly deposited in his bank account at Delhi.

He seeks your advice as to taxability of the above income under the provisions of the Income-tax Act, 1961 as he is an Indian citizen and earning income in India.

25) Raman has furnished the following particulars for the PY 2020-21. Calculate his total income if he is a non-resident (amounts in ₹)

- | | |
|---|--------|
| a) Salary for 3 months received in India (computed) | 9,000 |
| b) Dividend received in Germany from British companies out of which ₹ 3,000
Were remitted to India | 22,000 |
| c) Income from business in Pakistan being controlled from India | 10,000 |
| d) Interest on Fixed deposits in State Bank of India | 1,000 |
| e) Amount brought in India out of past untaxed profit earned in Japan | 20,000 |
| f) Income from house property in India (computed) | 3,400 |

26) Adarsh had following income during the previous year ended 31st March, 2021: ₹

- | | |
|--|-------|
| a) Salary Income (computed) in India for three months | 9000 |
| b) Income from house property in India | 13470 |
| c) Interest on Fixed Deposit in SBI | 1000 |
| d) Amount brought into India out of the past untaxed profits earned in Germany | 20000 |
| e) Income from agriculture in Indonesia being invested there | 12350 |
| f) Income from business in Bangladesh, being controlled from India | 10150 |
| g) Dividends received in France from Belgium companies out of which
₹ 2,500 remitted to India | 23000 |

You are required to compute his total income for the PY 2020-21, if he is a – (a) resident; (b) not ordinarily resident; and (c) non-resident.

27) Mr. A. a citizen of India, left for UK for the purposes of employment on 1.5.2019. He has not visited India thereafter. Mr. A borrows money from his friend Mr. B who left India one week before Mr. A's departure, to extent of ₹ 20 Lakhs and buys shares in ABC Ltd, an Indian Company. **Discuss the taxability of the interest charged in B's hands where the same has been received in New York in respect of AY 2021-22.**

28) X, a Non-resident lent ₹ 6 lakhs to Y, resident in India. Y used the money borrowed by him for the purpose of business on India. Y paid an interest of ₹ 90,000 during the year ended 31st March, 2021 to X in the UK. **Discuss the tax liability of such interest in the hands of X in India.**

29) Motorola, a South Korean Company, a Non-resident under the Income-tax Act, 1961, had the following receipts of royalty in AY 2021-22. Indicate whether that will be taxable in India. **Give reasons for your answer:**

- a) ₹ 50,000 from Govt. of India under an agreement approved by the Govt. of South Korea and India.
- b) ₹ 1,00,000 from Calcutta Co. Ltd., a Resident Indian Co., for import of technical know-how use in a business in India.
- c) ₹ 75,000 from Bombay Co., a Indian Resident, for import of drawings for use in its business in Singapore & Malaysia.
- d) ₹ 50,000 from Keshav, a non-resident under Indian tax law for use of a formula for a business in India.
- e) ₹ 40,000 from X, an Indian NR, for use of drawings and technical know-how for a business in the UK.

30) A firm of solicitors in Delhi *generally* engages a barrister of London for arguing their case before the Supreme Court in India. A payment of \$ 50,000 was made to the barrister in London according to the term of the professional engagement. It is claimed that since the payment is made outside India, no tax is payable on the fee paid. **How should the Assessing Officer proceed in this matter?**

31) X and Mrs. X are foreign citizens. They came to India on September 3, 2020 for a visit of 170 days. In the earlier previous years, they are in India as follows:

	X	Mrs. X
2019-20	365 days	240 days
2018-19	20 days	340 days
2017-18	15 days	Nil
2016-17	120 days	118 days
2015-16	5 days	350 days
2014-15	8 days	190 days
2013-14	15 days	160 days
2012-13	18 days	332 days
2011-12	140 days	192 days
2010-11	10 days	221 days

During the previous year 2020-21, X and Mrs. X have the following income:

	X ₹	Mrs. X ₹
Interest on company deposit in India	48,000	7,10,000
Income deemed to be earned in India	32,000	55,000
Income from business situated in Nepal and controlled from India (40 percent is received in India and 60 percent is received outside India)	64,000	38,000
Dividend declared by an Indian company	30,000	48,000
Salary received in India for service rendered outside India	142,000	136,000
Interest received from the Government of India (received outside India)	58,000	16,000
Interest received from a foreign company outside India (on capital which is utilized outside India)	70,000	5,000
Interest received from a foreign company outside India (on loan which is utilized for doing business in India)	38,000	92,000
Royalty received in India from the Government of India	10,000	5,000
Royalty received in India from a non-resident in respect of technology used by such person outside India	18,000	7,000

	Place of birth	Year of birth
X	Dubai	1951
Mrs. X	Sri Lanka	1952
	Place of birth	Year of birth
Father of X	Muscat	1921
Mother of X	Kathmandu	1924
Grandmothers of X	Mexico and Dubai	1892 and 1895
Grandfathers of X	Taipei and Logos	1890 and 1890
Father of Mrs. X	Dubai	1925
Mother of Mrs. X	Belfast	1926
Grandmothers of Mrs. X	Chicago and Muscat	1901 and 1902
Grandfathers of Mrs. X	Karachi and Dubai	1901 and 1900

Compute the Total Income of X & Mrs X.

SOLUTIONs - SET A

1. NR
2. Since Mr. Y is in India for a period of 64 days (30 + 31 + 3) during the previous year and was in India for all the preceding 4 years (i.e. 365 days or more), therefore, he satisfies second basic condition and is, therefore, resident in India. Exception to basic condition will not be applicable here as he is going for training and not for the purpose of employment. **Further, he is Resident & ordinarily resident as additional conditions of Section 6(6) for being ordinarily resident are satisfied.**

3. During the previous year 2020-21, A was in India for 70 days and during 4 years immediately preceding the previous year, he was in India for 365 days as shown below: -

Year	2016-17	2017-18	2018-19	2019-20	Total
No. of days stayed in India	65	60	80	160	365

Thus, he satisfies the second basic condition and is, therefore, resident in India for the previous year 2020-21. Further, **he (not being an Indian Citizen) satisfies additional conditions to become RNOR** as follows -

- (a) He was non resident in India in all of the last 10 preceding years;
 (b) He resided in India only for 365 days during the 7 preceding previous years.

Accordingly, he is 'Not Ordinarily Resident in India' for the previous year 2020-21.

4. Since Mr. Devendra is in India for a **period of 323 days (365 - 30 - 12)** during the previous year ending 31st March 2021 hence he is a resident. He is also a ROR **as he is not satisfying any of additional conditions of Section 6(6) to become RNOR.**

5. Since Mr. Border is in India for a period of 92 days during the previous year and 365 days during 4 years proceeding the previous year hence, he is resident. He, **not being an Indian Citizen**, satisfies the additional conditions of Section 6(6) as follows -

- (a) He was non resident in India for 9 years out of 10 preceding previous years;
 (b) He was in India for 365 days during 7 preceding previous years. **Hence, he is 'Not ordinarily resident' in India.**

6. Since Mr. Samuelson is in India for a period of 135 days (22 + 30 + 31 + 6 + 31 + 15) during the previous year ending 31st March 2021 and has come for the first time in India, hence, he is a non resident.

7. Since Mr. Samuel is in India for a period of 188 days (30 + 31 + 30 + 31 + 31 + 5 + 30) during the previous year ending 31st March 2021, he is a resident as per Section 6(1). Further, he, **not being an Indian Citizen**, satisfies additional conditions of Section 6(6) as follows -

- 1) He was non resident in India in all of the last 10 preceding years;
 2) He resided in India only for 31 days (March 2020) during the 7 preceding previous years. **Hence, he is a not ordinarily Resident in India.**

8. During the financial year 2020-21, Mr. B stays in India from 10.10.2020 onwards **amounting to 173 days**. Therefore, he does not fulfill the first basic condition, but he fulfills the second basic condition as he has stayed for more than 60 days during 2020-21 and he has stayed for more than 365 days during the preceding four financial years. Hence he is a resident. He was resident in 9 out of 10 preceding previous years and was staying for more than 729 days during the 7 preceding previous years. **Therefore, he does not satisfy any of the additional conditions. By fulfilling the second basic condition and not fulfilling any of the additional conditions, Mr. B is a resident and ordinarily resident for the assessment year 2021-22.**

If the date of departure during 2018-19 happens to be 15.05.2018, Mr. B fails to fulfill either of the basic conditions (since he had stayed only for 45 days in the previous year 2018-19) making him a non-resident, Besides he does not fulfill any of the basic conditions for the previous year 2019-20 (he has stayed for 46 days in that year). Therefore, Mr. B was a non-resident in only 2 out of the 10 preceding previous years. He was resident in 8 out of 10 preceding previous years and he stayed for a period of more than 729 days in seven preceding previous years. **Being a resident and by not fulfilling any of the additional conditions, he becomes resident and ordinarily resident for the assessment year 2021-22.** Hence answer remains the same even if he departs from India on 15.05.2018 instead of 01.06.2018.

9. 1) Andrew Symonds satisfies **the second basic condition** of Sec. 6(1), because he is in India for more than 60 days during the relevant previous year and for 400 days during four years preceding the relevant previous year. Therefore, he is a resident.

Further, his stays in India during 7 years proceeding the previous year is only for 700 days. He shall, therefore, be a resident but not ordinarily resident in India.

- 2) Yes. He will be resident and ordinarily resident in India. Because, he does not satisfies both the conditions of Sec. 6(6) as he was in India for 770 days in the last seven years and he was resident in all 10 previous years immediately preceding the relevant previous year.
10. During the previous year 2020-21, 'A' stays in India **for 180 days** (30 + 30 + 31 + 31 + 28 + 30). He does not satisfy the condition u/s. 6(1)(a) of 182 days. Further, he also does not satisfy the condition u/s 6(1)(b) because 60 days will be substituted by 182 days as he is a person of Indian origin (He was born in undivided India) and visits India during the previous year. He is, therefore, a Non-Resident.
11. In this case although A has been in India for a continuous period **of 269 days** but it falls in two previous years i.e., previous year 2020-21 and previous year 2021-22. During the previous year 2020-21, his stay in India was **only 173 days** (22 + 30 + 31 +31 + 28 + 31). Therefore, he will be a non-resident in India in previous year 2019-20 as he does not satisfy the condition of Sec. 6(1)(a) i.e., 182 days stay in India during the previous year. Further, the condition of Sec. 6(1)(b) is also not satisfied as, although, he was in India for more than 60 days in the relevant previous year, he was not here for 365 days or more in 4 preceding previous years.

He would also be non-resident in previous year 2021-22, for the same reasons, if he does not come to India thereafter, as the period of stay in India will be 96 days only. The second condition is also not satisfied as in the preceding 4 years he was here only for 174 days.

12.

Conditions u/s. 6(1)

P/Y: 2020-21: Stay in India is for 269 days (25 + 31 + 30 + 31+ 31 + 30 + 31 + 30+ 30). He is, therefore, Resident in India.

Previous year	<u>Conditions u/s. 6(6)</u>	Resident/Non-resident
2019-20	No. of days' stay 200	Resident
2018-19	140	Non-resident

As he is a citizen of India and visits India during the previous years 2019-20 and 2018-19, the period of stay in India shall be substituted by 182 days instead of 60 days.

As he is resident only for one previous year, out of 10 preceding previous years, he does satisfy the condition u/s. 6(6)(i) i.e., being non resident in at least 9 out of 10 previous years immediately preceding the relevant previous year. He is, therefore, "not ordinarily resident in India".

13. During the previous year 2020-21, Mr. A was in India for 61 days as shown below-

P.Y.	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
20-21	30	31	-	-	-	-	-	-	-	-	-	-	61

During the previous year 2020-21, X stayed in India for 61 days. Further, he was in India for more than 365 days during 4 years immediately preceding the relevant previous year (as he left India for first time).

- 1) Since he left India for employment purpose, condition of Sec. 6(1) shall not be applicable on such assessee. He will be treated as resident in India, if and only if, he resided in India for at least 182 days during the previous year. Hence, Mr. X is a non-resident in India for the previous year 2020-21.
- 2) Since he left India on world tour, which is not an exception of Sec. 6(1), satisfaction of any one condition of sec. 6(1) makes him resident in India for the previous year 2020-21. As he satisfies 2nd condition of sec. 6(1), he is resident in India. **Further, he does not satisfy the conditions specified u/s. 6(6) (since he left India for first time). Therefore, he is an ordinarily resident for the previous year 2020-21.**
- 14.
- 1) Since Miss Herley stayed for 90 days during the previous year 2020-21 and for 360 days (90 days x 4 years) during the 4 years immediately preceding the previous year, hence, she is not satisfying any of the conditions of sec. 6(1). Thus, she is a non-resident for the previous year 2020-21.
- 2) Since Miss Herley stayed for 100 days during the previous year 2020-21 and for 400 days (100 days x 4 years) during the 4 years immediately preceding the previous year, hence, she is satisfying sec. 6(1). Thus, she is resident for the previous year 2020-21. Further, she resides for only 700 days (100 days x 7 years) during the 7 years immediately preceding the previous year. **Hence, she does satisfy one of the conditions of sec. 6(6). Thus, she is resident but not ordinarily resident for the previous year 2020-21.**

15.

G's presence in India is given below

Previous Years	Presence in India
2017-18	303 days
2018-19	NIL
2019-20	61 days
2020-21	60 days

During P.Y. 2017-18, G was in India for 303 days. He is resident in India. As he comes to India for the first time on April 15, 2017, **he has satisfied one of the additional condition laid down by Section 6(6) [Stay period is 729 days or less in preceding 7 previous years]**. He is therefore, resident but not ordinary resident in India.

P.Y.-2018-19 to 2020-21: As G satisfied none of the basic conditions, he is non-resident for the previous year 2018-19 to 2020-21.

16. Status of Mr. E – RNOR; HUF - NR.

17. ROR

18. (a) Resident (b) Non-Resident (c) Resident (d) Non-Resident (e) Resident (f) Non-Resident.

19. Computation of Taxable Income of Mr. Kumar for the PY

Particulars	R&OR	R but NOR	Non-Resident
(1) Income received in India wherever accrues			
Salary income received in India for services rendered in Nepal.			
Income accrued in India wherever received	10,000	10,000	10,000
(2) Income accrued in India wherever received			
(i) Profit earned from business in Bangalore.	5,000	5,000	5,000
(ii) Income from profession in India but received in Germany.	3,000	3,000	3,000
(3) Income accrued and received outside India			
(i) Property income in Uganda.	6,000	—	—
(ii) Agricultural income in Canada.	10,000	—	—
(iii) Profits of a business carried on in Nepal but controlled from India.	20,000	20,000	—
Total Income	54,000	38,000	18,000

20. Particulars

Particulars	R&OR	RNOR	NR
(1) Income deemed to accrue / arise in India			
Interest from Indian Company.	1,000	1,000	1,000
Pension from employer in India (54,000 – 50,000)	4,000	4,000	4,000
(2) Income received in India			
50% of profits of business in Paris.	10,000	10,000	10,000
(3) Income earned and received outside India, from a business controlled from India			
50% of profits of business in Paris.	10,000	10,000	—
(4) Income earned and received outside India other than (3) above			
Income from Agriculture in Bhutan.	5,000	—	—
Income from Property in England.	4,000	—	—
	34,000	25,000	15,000

Note: Past foreign untaxed or taxed income is not to be included because it is not the income of the P/Y: 2020-21.

21. 1. As the house is situated in India, capital gain on its transfer is deemed to accrue or arise in India. It is Indian income. It is taxable in all cases	40,000
2. As service is rendered in India, income is deemed to be accrued in India. It is Indian income. It is taxable in all cases	50,000
3. As interest is received from the Government of India, it is deemed to be accrued in India. It is Indian income. It is taxable in all cases	60,000
4. It is received outside India. It is accrued outside India. It is foreign income. It is taxable in the case of resident and ordinarily resident	70,000
Total	2,20,000

22. Particulars	R&OR	R but NOR	Non-Resident
(1) Income earned / deemed to accrue / arise in India			
Rent from a property in Delhi [Less Std Deduction of 30%]	56,000	56,000	56,000
Income from business in Bangalore	1,80,000	1,80,000	1,80,000
Interest from Indian company	20,000	20,000	20,000
(2) Income earned and received outside India, from a business controlled from India			
Income from business in U.S.A.	1,20,000	1,20,000	—
(3) Income earned and received outside India other than (2) above			
Rent from property in U.S.A. [Less Std Deduction of 30%]	42,000	—	—
	4,18,000	3,76,000	2,56,000

Note: Profit of 2019-20 is not income of the previous year 2020-21 and hence cannot be included in the income for assessment year 2021-22.

23.	ROR ₹	RNOR ₹	NR ₹	Reasons
Interest on German Development Bonds :				
• Two-fifths is taxable on receipt basis	24,000	24,000	24,000	See Note 1
• Three-fifths is taxable in the case of resident and ordinarily resident on accrual basis	36,000	—	—	See Note 2
Income from agriculture in Bangladesh :				
• Income accrued and received outside India	1,81,000	—	—	See Note 3
Income from property in Canada received outside India :				
• Income accruing and arising outside India	86,000	—	—	See Note 2
Income earned from a business in Kampala, controlled from Delhi :				
• ₹ 15,000 is taxable on receipt basis	15,000	15,000	15,000	See Note 1
• Balance is not taxable in the case of non resident	50,000	50,000	—	See Note 4
• Dividend paid by a foreign company :				
• Income received in India	46,500	46,500	46,500	See Note 1
Past untaxed profit brought to India :				
• Not an income of the previous year 2020-21 relevant for the assessment year 2021-22, hence not taxable	—	—	—	See Note 5
Profits from a business in Madras and managed from outside India:				
Income accrued in India	27,000	27,000	27,000	See Note 6
Profit on sale of a building in India but received in Sri Lanka:				
• Income deemed to accrue or arise in India	14,80,000	14,80,000	14,80,000	See Note 7
Pension from an Indian former employer received in Rangoon:				
• Income deemed to accrue or arise in India	36,000	36,000	36,000	See Note 8
Gift from a friend				
• It is taken as an income	80,000	80,000	80,000	See Note 9
Total	20,61,500	17,58,500	17,08,500	

Notes —

- It is Indian income. It is always taxable.
- It is received as well as accrued outside India, It is foreign income. It is not business income or income from profession. It is taxable only in the case of resident and ordinarily resident taxpayer.
- It is received outside India (remittance of ₹ 50,000 to India is not "receipt" of income in India). It is accrued outside India. It is foreign income from a business, which is controlled from outside India. It is, therefore, taxable in India only in the case of resident and ordinarily resident taxpayer.
- It is accrued outside India. It is received outside India. It is foreign income. It is taxable in the case of resident and ordinarily resident taxpayer. It is not taxable in the case of non-resident. Since it is business income and business is controlled from India, it is taxable in the hands of resident but not ordinarily resident taxpayer.
- It is income of the previous year 2013-14. It cannot be taxed at the time of remittance in 2020-21.
- As the income is accrued in India, it is Indian income. It is, therefore, taxable in all cases.
- As the building is situated in India, income is deemed to be accrued in India. Consequently, it is Indian income and is chargeable to tax in all cases.
- Service was rendered in India. Pension income is deemed to accrue in India. It is Indian income and is chargeable to tax in all cases. **Deduction u/s 16(ia) is claimed to the extent of ₹ 50,000.**
- If the aggregate amount of gift(s) received by an Individual from all persons (not being relatives) during a financial year exceeds ₹ 50,000, it is taxable as income.

24. Mr. Arun is Non Resident in India. Hence, his following Income shall be taxable -	(₹)
Income from residential House property (Computed) (property situated in India)	84000
Income from Agriculture in India [(Exempt u/s 10(1))]	—
Dividend from shares of Indian Company [(Exempt u/s 10(34))]	—
Salary from Company in Germany (Not taxable in India as neither earned nor received in India)	—
Total Income	84000

25. Computation of Total income of Raman	(Amount in ₹)
Salary received in India for Three Months (computed)	9000
Income from house property in India	3400
Income from Business in Pakistan being controlled from India (Not taxable in India)	—
Interest on Fixed bank deposits in State Bank in India	1000
Dividend received in Germany from British companies out of which ₹ 3,000 were remitted to India (Not taxable in India)	—
Amount brought to India out of past untaxed profit earned in Japan (Not taxable as income not of current year)-	—
Total Income	13400

26.

Computation of Total income of Mr. Adarsh (Amount in ₹)

	Resident	Not-ordinarily resident	Non resident
Salary Income in India for three months	9000	9000	9000
Income from house property in India	13470	13470	13470
Interest on Fixed Deposit in SBI	1000	1000	1000
Amount brought into India out of the past untaxed profits earned in Germany (Not taxable as income not of current year)	—	—	—
Income from agriculture in Indonesia being invested there	12350	—	—
Income from business in Bangladesh, being controlled from India	10150	10150	—
Dividends received in France from Belgium companies	23000	—	—
Total Income	68970	33620	23470

27. U/s. 9(1)(v), Interest paid by Non-resident (Mr. A) to any person (Mr. B) (other than for carrying on business or profession in India) is not taxable. Hence, interest received by Mr. B from Mr. A is not taxable in India, as the income is not deemed to accrue or arise in India.

28.

- U/s 9(1)(v), interest paid by a Resident is deemed to accrue or arise in India in the hands of the Nonresident if the money borrowed outside India is used to carry on business in India.
- In the given case, Y is a resident paying interest to X, a Non-resident.
- Interest received by X from the Resident is deemed to accrue or arise in India & so the sum or ₹ 90,000 is chargeable to tax in India.

29.

<u>Nature of Income</u>	<u>Amount taxable</u>	<u>Reasons</u>
Royalty from Government	₹ 50,000	Royalty paid by Govt. is deemed to accrue or arise in India.
Technical know-how fees received from resident	₹ 1,00,000	Technical know how fees paid resident is deemed to accrue or arise in India.
Fees paid by Bombay Co. for us in its business in Singapore and Malaysia	Not taxable	Technical know how fees paid for usage of drawings outside India is not deemed to accrue or arise in India.
Technical know-how fees from Mr. Keshav	₹ 50,000	Know how fees paid by a NR for using the same in business in India is deemed to accrue or arise in India.
Amount aid by Mr. X, Non-resident, for use of drawings	Not taxable	Amount paid by a Non-resident for use of drawings outside India is not deemed to accrue or arise in India.

30.

1. Income from business connection in India shall be deemed to accrue or arise in India & chargeable to tax.
2. Business connection includes professional connection also.
3. In the given case, the London Barrister has earned \$ 50,000 through a Firm of solicitors based at Delhi and the income has been earned only through the professional connection in India & the same is deemed to accrue or arise in India & chargeable to tax in India.
4. Hence, the A.O. shall charge the same to tax in the hands of the London Barrister.

31. X and Mrs. X are foreign citizens. **While Mrs. X is a person of Indian origin [one of her grandfathers was born in undivided India (Karachi)],** X is not a person of Indian origin (X or his parents or grandparents were not born in undivided India).

X and Mrs. X can become resident in India only if they satisfy any of the following basic conditions:

	X		Mrs. X	
	Presence of X in India during 2020-21	Presence of X in India during April 1, 2016 and March 31, 2020	Presence of Mrs. X in India during 2020-21	Presence of Mrs. X in India during April 1, 2016 and March 31, 2020
Condition 1	182 days	-	182 days	-
Condition 2	60 days	365 days		Non-functional

As X satisfies basic condition 2, he is a resident in India. Further, he does satisfy one of the two additional conditions (stays in India is less than 730 days during 7 previous year preceding the previous year). X is, therefore, resident but not ordinarily resident in India for the assessment year 2021-22. Mrs. X is a non-resident in India, as she is not present in India for at least 182 days during the previous year 2020-21.

Net income of X and Mrs. X shall be determined as follows:

	X (RNOR) ₹	Mrs. X (Non-resident) ₹
Interest on company deposits in India	48,000	7,10,000
Income deemed to be earned in India	32,000	55,000
Income from business in Nepal		
- 40% received in India	25,600	15,200
- 60% received outside India (as business is controlled in India)	38,400	—
Dividend by an Indian company	—	—
Salary from outside India [less: Deduction u/s 16(ia)]	92,000	86,000
Interest from Government of India	58,000	16,000
Interest from foreign company (borrowed money is utilised outside India)	—	—
Interest from a foreign company (borrowed money is utilised in India)	38,000	92,000
Royalty from the Government	10,000	5,000
Royalty received in India	18,000	7,000
Gross total income	3,60,000	9,86,200

PRACTICAL QUESTION - SET B

1. Brett Lee, an Australian cricket player visits India for 100 days in every financial year. This has been his practice for the past 10 financial years.
- (a) Find out his residential status for the assessment year 2021-22.
- (b) Would your answer change if the above facts relate to Srinath, an Indian citizen who resides in Australia and represents the Australian cricket team?
- (c) What would be your answer if Srinath had visited India for 120 days instead of 100 days every year, including P.Y. 2020-21?

Solution:

- (a) **Determination of Residential Status of Mr. Brett Lee for the A.Y. 2021-22:-**

Period of stay during previous year 2020-21 = 100 days

Calculation of period of stay during 4 preceding previous years (100 x 4=400 days)

2019-20	100 days
2018-19	100 days
2017-18	100 days
2016-17	100 days
Total	400 days

Mr. Brett Lee has been in India for a period of **60 days or more** during previous year 2020-21 and for a period of **atleast 365 days** during the 4 immediately preceding previous years. Therefore, since he satisfies one of the basic conditions under section 6(1), **he is a Resident for the assessment year 2021-22.**

Computation of period of stay during 7 preceding previous years = 100 x 7=700 days

2019-20	100 days
2018-19	100 days
2017-18	100 days
2016-17	100 days
2015-16	100 days
2014-15	100 days
2013-14	100 days
Total	700 days

Since his period of stay in India during the past 7 previous years is less than 730 days, he is a not-ordinarily resident during the assessment year 2021-22. **(See Note below)**

Therefore, Mr. Brett Lee is a resident but not ordinarily resident during the previous year 2020-21 relevant to the assessment year 2021-22.

Note: [LANGUAGE AS PER IT ACT] An individual, not being an Indian citizen, would be not-ordinarily resident person if he satisfies any one of the conditions specified under section 6(6), i.e.

- (i) If such individual has been non-resident in India in any 9 out of the 10 previous years preceding the relevant previous year, or
- (ii) If such individual has during the 7 previous years preceding the relevant previous year been in India for a period of 729 days or less.

In this case, since Mr. Brett Lee satisfies condition (ii), he is a not-ordinarily resident for the A.Y. 2021-22.

- (b) If the above facts relate to Mr. Srinath, an Indian citizen, who residing in Australia, comes on a visit to India, he would be treated as non-resident in India, irrespective of his total income (excluding income from foreign sources), **since his stay in India in the current financial year is, in any case, less than 120 days.**

(c) In this case, if Srinath's total income (excluding income from foreign sources) exceeds ₹ 15 lakh, he would be treated as resident but not ordinarily resident in India for P.Y.2020-21, since his stay in India is 120 days in the P.Y.2020-21 and 480 days (i.e., 120 days x 4 years) in the immediately four preceding previous years.

If his total income (excluding income from foreign sources) does not exceed ₹ 15 lakh, he would be treated as non-resident in India for the P.Y. 2020-21, since his stay in India is less than 182 days in the P.Y. 2020-21.

2. Mr. B, a Canadian citizen, comes to India for the first time during the P.Y. 2016-17. During the financial years 2016-17, 2017-18, 2018-19 2019-20 and 2020-21, he was in India for 55 days, 60 days, 90 days, 150 days and 70 days, respectively. Determine his residential status for the A.Y. 2021-22.

Solution:

During the previous year 2020-21, Mr. B was in India for 70 days and during the 4 years preceding the previous year 2020-21, he was in India for 355 days (i.e. 55+ 60+ 90+ 150 days).

Thus, he does not satisfy section 6(1). Therefore, he is a non-resident for the previous year 2020-21.

3. The business of a HUF is transacted from Australia and all the policy decisions are taken there. Mr. E, the Karta of the HUF, who was born in Kolkata, visits India during the P.Y. 2020-21 after 15 years. He comes to India on 1.4.2020 and leaves for Australia on 1.12.2020. Determine the residential status of Mr. E and the HUF for A.Y. 2021-22.

Solution:

(a) During the P.Y. 2020-21, Mr. E has stayed in India for 245 days (i.e. 30+31+30+31+31+30+31+30+1 days). Therefore, he is a resident. However, since he has come to India after 15 years, he does not satisfy the condition **for being ordinarily resident**.

Therefore, the residential status of Mr. E for the P.Y. 2020-21 is resident but not ordinarily resident.

(b) Since the business of the HUF is transacted from Australia and policy decisions are taken there, it is assumed that the control and management is in Australia i.e., the control and management is wholly outside India. Therefore, the HUF is a non-resident for the P.Y. 2020-21.

4. From the following particulars of income furnished by Mr. Anirudh pertaining to the year ended 31.3.2021, compute the total income for the assessment year 2021-22, if he is:

- (i) Resident and ordinary resident;
- (ii) Resident but not ordinarily resident;
- (iii) Non-resident

	Particulars	₹
(a)	Short term capital gains on sale of shares of an Indian Company received in Germany	15,000
(b)	Dividend from a Japanese Company received in Japan	10,000
(c)	Rent from property in London deposited in a bank in London, later on remitted to India through approved banking channels	75,000
(d)	Dividend from RP Ltd., an Indian Company	6,000
(e)	Agricultural income from land in Gujarat	25,000

Solution:**Computation of total income of Mr. Anirudh for the A.Y. 2021-22**

Particulars	Resident & ordinarily resident ₹	Resident but not ordinarily resident ₹	Non-Resident ₹
1. Short term capital gains on sale of shares of an Indian company, received in Germany	15,000	15,000	15,000
2. Dividend from a Japanese company, received in Japan	10,000	-	-
3. Rent from property in London deposited in a bank in London [See Note (i) below]	52,500	-	-
4. Dividend from RP Ltd., an Indian Company (taxable from A.Y. 2021-22)	6,000	6,000	6,000
5. Agricultural income from land in Gujarat [See Note (ii) below]	-	-	-
Total Income	83,500	21,000	21,000

Notes:

- (i) It has been assumed that the rental income is the gross annual value of the property. Therefore, deduction @30% under section 24, has been provided and the net income so computed is taken into account for determining the total income of a resident and ordinarily resident.

	₹
Rent received (assumed as gross annual value)	75,000
Less: Deduction under section 24 (30% of ₹ 75,000)	22,500
Income from house property	52,500

- (ii) Agricultural income is exempt under section 10(1).

5. Mr. David, an Indian citizen aged 40 years, a Government employee serving in the Ministry of External Affairs, left India for the first time on 31.03.2020 due to his transfer to High Commission of Canada. He did not visit India any time during the previous year 2020-21. He has received the following income for the Financial Year 2020-21:

S. No.	Particulars	₹
(i)	Salary (Computed)	5,00,000
(ii)	Foreign Allowance	4,00,000
(iii)	Interest on fixed deposit from bank in India	1,00,000
(iv)	Income from agriculture in Nepal	2,00,000
(v)	Income from house property in Nepal	2,50,000

Compute his Gross Total Income for Assessment Year 2021-22.**Solution:**

As per section 6(1), Mr. David is a non-resident for the A.Y. 2021-22, since he was not present in India at any time during the previous year 2020-21. **He is also not a deemed resident as per Section 6(1A).**

As per section 5(2), a non-resident is chargeable to tax in India only in respect of following incomes:

- (i) Income received or deemed to be received in India; and
(ii) Income accruing or arising or deemed to accrue or arise in India.

In view of the above provisions, income from agriculture in Nepal and income from house property in Nepal would not be chargeable to tax in the hands of David, assuming that the same were received in Nepal. Income from 'Salaries' payable by the Government to a citizen of India for services rendered

outside India is deemed to accrue or arise in India as per section 9(1)(iii). Hence, such income is taxable in the hands of Mr. David, even though he is a non-resident.

However, allowances or perquisites paid or allowed as such outside India by the Government to a citizen of India for rendering service outside India is exempt under section 10(7). Hence, foreign allowance of ₹ 4,00,000 is exempt under section 10(7) in the hands of Mr. David.

Gross Total Income of Mr. David for A.Y. 2021-22

Particulars	₹
Salaries (computed)	5,00,000
Income from other sources (Interest on fixed deposit in India)	1,00,000
Gross Total Income	6,00,000

6. Miss Vivitha paid a sum of 5000 USD to Mr. Kulasekhara, a management consultant practising in Colombo, specializing in project financing. The payment was made in Colombo. Mr. Kulasekhara is a non-resident. The consultancy is related to a project in India with possible Ceylonese collaboration. Is this payment chargeable to tax in India in the hands of Mr. Kulasekhara, since the services were used in India?

Solution:

A non-resident is chargeable to tax in respect of income received outside India only if such income accrues or arises or is deemed to accrue or arise to him in India.

The income deemed to accrue or arise in India under section 9 comprises, inter alia, income by way of fees for technical services, which includes any consideration for rendering of any managerial, technical or consultancy services. Therefore, payment to a management consultant relating to project financing is covered within the scope of "fees for technical services".

The Explanation below section 9(2) clarifies that income by way of, inter alia, fees for technical services, from services utilized in India would be deemed to accrue or arise in India in case of a non-resident and be included in his total income, whether or not such services were rendered in India or whether or not the non-resident has a residence or place of business or business connection in India.

In the instant case, since the services were utilized in India, the payment received by Mr. Kulasekhara, a non-resident, in Colombo is chargeable to tax in his hands in India, as it is deemed to accrue or arise in India.

7. Compute the total income in the hands of an individual aged 35 years, being a resident and ordinarily resident, resident but not ordinarily resident, and non-resident for the A.Y. 2021-22 –

Particulars	Amount (₹)
Interest on UK Development Bonds, 50% of interest received in India	10,000
Income from a business in Chennai (50% is received in India)	20,000
Short term capital gains on sale of shares of an Indian company received in London	20,000
Dividend from British company received in London	5,000
Long term capital gains on sale of plant at Germany, 50% of profits are received in India	40,000
Income earned from business in Germany which is controlled from Delhi (₹ 40,000 is received in India)	70,000
Profits from a business in Delhi but managed entirely from London	15,000
Income from house property in London deposited in a Bank at London, brought to India (Computed)	50,000
Interest on debentures in an Indian company received in London	12,000

Fees for technical services rendered in India but received in London	8,000
Profits from a business in Mumbai managed from London	26,000
Income from property situated in Nepal received there (Computed)	16,000
Past foreign untaxed income brought to India during the previous year	5,000
Income from agricultural land in Nepal, received there and then brought to India	18,000
Income from profession in Kenya which was set up in India, received there but spent in India	5,000
Gift received on the occasion of his wedding	20,000
Interest on savings bank deposit in State Bank of India	12,000
Income from a business in Russia, controlled from Russia	20,000
Dividend from Reliance Petroleum Limited, an Indian Company	5,000
Agricultural income from a land in Rajasthan	15,000

Solution:**Computation of total income for the A.Y. 2021-22**

Particulars	Resident and ordinarily resident ₹	Resident but not ordinarily resident ₹	Non- resident ₹
Interest on UK Development Bonds, 50% of interest received in India	10,000	5,000	5,000
Income from a business in Chennai (50% is received in India)	20,000	20,000	20,000
Short term capital gains on sale of shares of an Indian company received in London	20,000	20,000	20,000
Dividend from British company received in London	5,000	-	-
Long term Capital gains on sale of plant at Germany, 50% of profits are received in India	40,000	20,000	20,000
Income earned from business in Germany which is controlled from Delhi, out of which ₹ 40,000 is received in India	70,000	70,000	40,000
Profits from a business in Delhi but managed entirely from London	15,000	15,000	15,000
Income from house property in London deposited in a Bank at London, later on remitted to India	50,000	-	-
Interest on debentures in an Indian company received in London	12,000	12,000	12,000
Fees for technical services rendered in India but received in London	8,000	8,000	8,000
Profits from a business in Mumbai managed from London	26,000	26,000	26,000

Income from property situated in Nepal and received there	16,000	-	-
Past foreign untaxed income brought to India during the previous year	-	-	-
Income from agricultural land in Nepal, received there and then brought to India	18,000	-	-
Income from profession in Kenya which was set up in India, received there but spent in India	5,000	5,000	-
Gift received on the occasion of his wedding [not taxable]	-	-	-
Interest on savings bank deposit in State Bank of India	12,000	12,000	12,000
Income from a business in Russia, controlled from Russia	20,000	-	-
Dividend from Reliance Petroleum Limited, an Indian Company (Taxable from AY 2021-22)	5,000	5,000	5,000
Agricultural income from a land in Rajasthan [Exempt under section 10(1)]	-	-	-
Gross Total Income	3,52,000	2,18,000	1,83,000
Less: Deduction under section 80TTA [Interest on savings bank account subject to a maximum of ₹ 10,000]	10,000	10,000	10,000
Total Income	3,42,000	2,08,000	1,73,000

8. Mr. Ram, an Indian citizen, left India on 22.09.2020 for the first time to work as an officer of a company in Germany. Determine the residential status of Ram for the assessment year 2021-22.

Solution:

Under section 6(1), an individual is said to be resident in India in any previous year if he satisfies any one of the following conditions -

- (i) He has been in India during the previous year for a total period of 182 days or more, or
- (ii) He has been in India during the 4 years immediately preceding the previous year for a total period of 365 days or more and has been in India for at least 60 days in the previous year.

In the case of Indian citizens leaving India for employment, the period of stay during the previous year must be 182 days instead of 60 days given in (ii) above.

During the previous year 2020-21, Mr. Ram, an Indian citizen, was in India for 175 days only (i.e., 30+31+30+31+31+22 days). Thereafter, he left India for employment purposes.

Since he does not satisfy the minimum criteria of 182 days stay in India during the relevant previous year, he is a non-resident for the A.Y. 2021-22.

9. Mr. Dey, a non-resident, residing in US since 1990, came back to India on 1.4.2019 for permanent settlement. What will be his residential status for assessment year 2021-22?

Solution:

Mr. Dey is a resident in A.Y. 2021-22 since he has stayed in India for a period of 365 days (more than 182 days) during the P.Y. 2020-21.

[LANGUAGE AS PER IT ACT] As per Section 6(6), a person will be "Not ordinarily Resident" in India in any previous year, if such person, inter alia,:

- (a) has been a non-resident in 9 out of 10 previous years preceding the relevant previous year; or
- (b) has during the 7 previous years immediately preceding the relevant previous year been in India for 729 days or less.

If he does not satisfy either of these conditions, he would be a resident and ordinarily resident.

For the previous year 2020-21 (A.Y. 2021-22), his status would be "Resident but not ordinarily resident" since he was non-resident in 9 out of 10 previous years immediately preceding the P.Y. 2020-21. He can be resident but not ordinarily resident also due to the fact that he has stayed in India only for 366 days (i.e., less than 730 days) in 7 previous years immediately preceding the P.Y. 2020-21.

10. Mr. Ramesh & Mr. Suresh are brothers and they earned the following incomes during the financial year 2020-21. Mr. Ramesh settled in Canada in the year 1996 and Mr. Suresh settled in Delhi. Compute the total income for the A.Y. 2021-22.

Sr. No.	Particulars	Mr. Ramesh (₹)	Mr. Suresh (₹)
1.	Interest on Canada Development Bonds (only 50% of interest received in India)	35,000	40,000
2.	Dividend from British company received in London	28,000	20,000
3.	Profits from a business in Nagpur, but managed directly from London	1,00,000	1,40,000
4.	Short term capital gain on sale of shares of an Indian company received in India	60,000	90,000
5.	Income from a business in Chennai	80,000	70,000
6.	Fees for technical services rendered in India, but received in Canada	1,00,000	----
7.	Interest on savings bank deposit in UCO Bank, Delhi	7,000	12,000
8.	Agricultural income from a land situated in Andhra Pradesh	55,000	45,000
9.	Rent received in respect of house property at Bhopal	1,00,000	60,000
10.	Life insurance premium paid	---	30,000

Solution:

Computation of total income of Mr. Ramesh & Mr. Suresh for the A.Y. 2021-22

S. No.	Particulars	Mr. Ramesh (Non-Resident) (₹)	Mr. Suresh (Resident) (₹)
1.	Interest on Canada Development Bond (See Note 2)	17,500	40,000
2.	Dividend from British Company received in London (See Note 3)	-	20,000
3.	Profits from a business in Nagpur but managed directly from London (See Note 2)	1,00,000	1,40,000
4.	Short term capital gain on sale of shares of an Indian company received in India (See Note 2)	60,000	90,000
5.	Income from a business in Chennai (See Note 2)	80,000	70,000
6.	Fees for technical services rendered in India, but received in Canada (See Note 2)	1,00,000	-
7.	Interest on savings bank deposit in UCO Bank, Delhi (See Note 2)	7,000	12,000
8.	Agricultural income from a land situated in Andhra Pradesh (See Note 4)	-	-
9.	Income from house property at Bhopal (See Note 5)	70,000	42,000
	Gross Total income	4,34,500	4,14,000
	Less: Deduction under Chapter VI-A		
	Section 80C - Life insurance premium	-	30,000
	Section 80TTA (See Note 6)	7,000	10,000
	Total Income	4,27,500	3,74,000

Notes:

1. Mr. Ramesh is a non-resident since he has been living in Canada since 1996. Mr. Suresh, is settled in Delhi, and thus, assumed as a resident and ordinarily resident.
2. In case of a resident and ordinarily resident, his global income is taxable as per section 5(1). However, as per section 5(2), in case of a non-resident, only the following incomes are chargeable to tax:
 - (i) Income received or deemed to be received in India; and
 - (ii) Income accruing or arising or deemed to accrue or arise in India.

Therefore, fees for technical services rendered in India would be taxable in the hands of Mr. Ramesh, even though he is a non-resident.

The income referred to in Sl. No. 3, 4, 5 and 7 are taxable in the hands of both Mr. Ramesh and Mr. Suresh since they accrue or arise/ deemed to accrue or arise in India.

Interest on Canada Development Bond would be fully taxable in the hands of Mr. Suresh, whereas only 50%, which is received in India, is taxable in the hands of Mr. Ramesh.

3. Dividend received from British company in London by Mr Ramesh, a non- resident, is not taxable since it accrued and is received outside India. However, such dividend received by Mr. Suresh is taxable, since he is a resident and ordinarily resident.
4. Agricultural income from a land situated in India is exempt under section 10(1) in the case of both non-residents and residents.

5. Income from house property-

	Mr. Ramesh	Mr. Suresh
	(₹)	(₹)
Rent received	1,00,000	60,000
Less: Deduction under section 24(a) @30%	30,000	18,000
Net income from house property	70,000	42,000

The net income from house property in India would be taxable in the hands of both Mr. Ramesh and Mr. Suresh, since the accrual and receipt of the same are in India.

6. In case of an individual, interest upto ₹ 10,000 from savings account with, inter alia, a bank is allowable as deduction under section 80TTA.

11. Examine the correctness or otherwise of the statement - "Income deemed to accrue or arise in India to a non-resident by way of interest, royalty and fees for technical services is to be taxed irrespective of territorial nexus".

Solution:

This statement is correct.

As per Explanation to section 9, income by way of interest, royalty or fees for technical services which is deemed to accrue or arise in India by virtue of clauses (v), (vi) and (vii) of section 9(1), shall be included in the total income of the non- resident, whether or not -

- (i) non-resident has a residence or place of business or business connection in India; or
- (ii) the non-resident has rendered services in India.

In effect, the income by way of fees for technical services, interest or royalty from services utilised in India would be deemed to accrue or arise in India in case of a non-resident and be included in his total income, whether or not such services were rendered in India and irrespective of whether the non-resident has a residence or place of business or business connection in India.

12. Examine with reasons whether the following transactions attract income-tax in India in the hands of recipients:

- (i) Salary paid by Central Government to Mr. John, a citizen of India ₹ 7,00,000 for the services rendered outside India.
- (ii) Interest on moneys borrowed from outside India ₹ 5,00,000 by a non-resident for the purpose of business within India say, at Mumbai.
- (iii) Post office savings bank interest of ₹ 19,000 received by a resident assessee, Mr. Ram, aged 46 years.
- (iv) Royalty paid by a resident to a non-resident in respect of a business carried on outside India.
- (v) Legal charges of ₹ 5,00,000 paid in Delhi to a lawyer of United Kingdom who visited India to represent a case at the Delhi High Court.

Solution:

	Taxable / Not Taxable	Amount liable to tax (₹)	Reason
(i)	Taxable	6,50,000	As per section 9(1)(iii), salaries payable by the Government to a citizen of India for service rendered outside India shall be deemed to accrue or arise in India. Therefore, salary paid by Central Government to Mr. John for services rendered outside India would be deemed to accrue or arise in India since he is a citizen of India. He would be entitled to standard deduction of ₹ 50,000 under section 16(ia).
(ii)	Taxable	5,00,000	As per section 9(1)(v)(c), interest payable by a non-resident on moneys borrowed and used for the purposes of business carried on by such person in India shall be deemed to accrue or arise in India in the hands of the recipient.
(iii)	Partly Taxable	5,500	The interest on Post Office Savings Bank a/c, would be exempt u/s 10(15)(i), only to the extent of ₹ 3,500 in case of an individual a/c. Further, interest upto ₹ 10,000, would be allowed as deduction u/s 80TTA from Gross Total Income. Balance ₹ 5,500 i.e., ₹ 19,000 - ₹ 3,500 - ₹ 10,000 would be taxable in the hands of Mr. Ram, a resident.
(iv)	Not Taxable	-	Royalty paid by a resident to a non-resident in respect of a business carried outside India would not be taxable in the hands of the non-resident provided the same is not received in India. This has been provided as an exception to deemed accrual mentioned in section 9(1)(vi)(b).
(v)	Taxable	5,00,000	In case of a non-resident, any income which accrues or arises in India or which is deemed to accrue or arise in India or which is received in India or is deemed to be received in India is taxable in India. Therefore, legal charges paid in India to a non-resident lawyer of UK, who visited India to represent a case at the Delhi High Court would be taxable in India.

13. Discuss the provisions relating to determination of residential status of Hindu undivided family, partnership firm and company.

Answer:

Residential status of a HUF:

A HUF would be resident in India if the control and management of its affairs is situated wholly or partly in India during the relevant previous year. If the control and management of its affairs is situated wholly outside India during the relevant previous year, it would be considered as a non-resident.

If the HUF is resident, then the status of its Karta determines whether it is resident and ordinarily resident or resident but not ordinarily resident.

Residential status of a firm:

A firm would be resident in India if the control and management of its affairs is situated wholly or partly in India during the relevant previous year. Where the control and management of the affairs is situated wholly outside India during the relevant previous year, the firm would be considered as a non-resident.

Residential status of a company:

A company is said to be resident in India in any previous year if :

- (a) it is an Indian company as defined under section 2(26) ,or
- (b) its place of effective management, in that year, is in India.

Thus, every Indian company is resident in India. However, a company other than an Indian company, would become resident in India only in case its place of effective management is situated in India during the previous year.

14. State the activities and operations, income from which is not deemed to accrue or arise in India.**Answer:**

Explanation 1 to section 9(1)(i) lists out income which shall not be deemed to accrue or arise in India. They are given below:

a) In the case of a business, in respect of which all the operations are not carried out in India

In the case of a business of which all the operations are not carried out in India, the income of the business deemed to accrue or arise in India shall be only such part of income as is reasonably attributable to the operations carried out in India. Therefore, it follows that such part of income which cannot be reasonably attributed to the operations in India, is not deemed to accrue or arise in India.

b) Purchase of goods in India for export

In the case of a non-resident, no income shall be deemed to accrue or arise in India to him through or from operations which are confined to the purchase of goods in India for the purpose of export.

c) Collection of news and views in India for transmission out of India

In the case of a non-resident, being a person engaged in the business of running a news agency or of publishing newspapers, magazines or journals, no income shall be deemed to accrue or arise in India to him through or from activities which are confined to the collection of news and views in India for transmission out of India.

d) Shooting of cinematograph films in India

In the case of a non-resident, no income shall be deemed to accrue or arise in India through or from operations which are confined to the shooting of any cinematograph film in India, if such non-resident is :

- (i) an individual, who is not a citizen of India or
- (ii) a firm which does not have any partner who is a citizen of India or who is resident in India ; or
- (iii) a company which does not have any shareholder who is a citizen of India or who is resident in India.

e) Business of mining of diamonds

In the case of a foreign company engaged in the **business of mining of diamonds**, no income shall be deemed to accrue or arise in India to it through or from the activities **which are confined to the display of uncut and unassorted diamond in any special zone notified** by the Central Government in the Official Gazette in this behalf

15. State with reasons, whether the following statements are true or false, with regard to the provisions of the Income-tax Act, 1961:

- (a) Only individuals and HUFs can be resident, but not ordinarily resident in India; firms can be either a resident or non-resident.
- (b) Income deemed to accrue or arise in India to a non-resident by way of interest, royalty and fee for technical services is taxable in India irrespective of territorial nexus.
- (c) Mr. X, Karta of HUF, claims that the HUF is non-resident as the business of HUF is transacted from UK and all the policy decisions are taken there.

Answer:

- (a) **True:** A person is said to be “not-ordinarily resident” in India if he satisfies any of the additional conditions given in sub-section (6) of section 6. This sub-section relates to only individuals and Hindu Undivided Families. Therefore, only individuals and Hindu Undivided Families can be resident, but not ordinarily resident in India. All other classes of assesseees can be either a resident or non-resident for the purpose of income-tax. Firms and companies can, therefore, either be a resident or non-resident.
- (b) **True:** Explanation below section 9(2) clarifies that income by way of interest, royalty or fee for technical services which is deemed to accrue or arise in India by virtue of clauses (v), (vi) and (vii) of section 9(1), shall be included in the total income of the non-resident, whether or not :
 (i) non-resident has a residence or place of business or business connection in India; or
 (ii) the non-resident has rendered services in India.
- (c) **True:** A HUF is considered to be a non-resident where the control and management of its affairs are situated wholly outside India. In the given case, since all the policy decisions of HUF are taken from UK, the HUF is a non-resident.

16. Miss Charlie, an American national, got married to Mr. Radhey of India in USA on 2.03.2020 and came to India for the first time on 16.03.2020. She remained in India up till 19.9.2020 and left for USA on 19.9.2020. She returned to India again on 27.03.2021.

While in India, she had purchased a show room in Mumbai on 22.04.2020, which was leased out to a company on a rent of ₹ 25,000 p.m. from 1.05.2020 She had taken loan from a bank for purchase of this show room on which bank had charged interest of ₹ 97,500 upto 31.03.2021.

She had received the following gifts from her relatives and friends during 1.4.2020 to 30.6.2020:

- From parents of husband	₹ 51,000
- From married sister of husband	₹ 11,000
- From two very close friends of her husband, ₹ 1,51,000 and ₹ 38,000	₹ 1,89,000

Determine her residential status and compute the total income chargeable to tax along with the amount of tax payable on such income for the Asst. Year 2021-22.

Answer:

Under section 6(1), an individual is said to be resident in India in any previous year, if he satisfies any one of the following conditions:

- (i) He has been in India during the previous year for a total period of 182 days or more, or
 (ii) He has been in India during the 4 years immediately preceding the previous year for a total period of 365 days or more and has been in India for at least 60 days in the previous year.

If an individual satisfies any one of the conditions mentioned above, he is a resident. If both the above conditions are not satisfied, the individual is a non-resident. Therefore, the residential status of Miss Charlie, an American National, for A.Y. 2021-22 has to be determined on the basis of her stay in India during the previous year relevant to A.Y. 2021-22 i.e. P.Y. 2020-21 and in the preceding four assessment years.

Her stay in India during the previous year 2020-21 and in the preceding four years are as under :

P.Y. 2020-21

01.04.2020 to 19.09.2020	172 days
27.03.2021 to 31.03.2021	<u>5 days</u>
Total	<u>177 days</u>

Four preceding previous years

P.Y. 2019-20 [1.4.2019 to 31.3.2020] -	16 days
P.Y. 2018-19 [1.4.2018 to 31.3.2019] -	Nil
P.Y. 2017-18 [1.4.2017 to 31.3.2018] -	Nil
P.Y. 2016-17 [1.4.2016 to 31.3.2017] -	<u>Nil</u>
Total	<u>16 days</u>

The total stay of the assessee during the previous year in India was less than 182 days and during the four years preceding this year was for 16 days. Therefore, due to non-fulfillment of any of the two conditions for a resident, she would be treated as non-resident for the Assessment Year 2021-22.

Computation of total income of Miss Charlie for the A.Y. 2021-22

Particulars	₹	₹
Income from house property [HP Chapter]		
Show room located in Mumbai remained on rent from 01.05.2020 to 31.03.2021 @ ₹ 25,000/- p.m.		
Gross Annual Value [25,000 x 11] (See Note 1 below)		
Less: Municipal taxes	2,75,000	
Net Annual Value (NAV)	Nil	
Less: Deduction under section 24	2,75,000	
30% of NAV	82,500	
Interest on loan	<u>97,500</u>	95,000
Income from other sources		
Gifts received from non-relatives is chargeable to tax as per section 56(2)(x) if the aggregate value of such gifts exceeds ₹ 50,000.	<u>1,80,000</u>	
➤ ₹ 50,000 received from parents of husband would be exempt, since parents of husband fall within the definition of relatives and gifts from a relative are not chargeable to tax.	Nil	
➤ ₹ 11,000 received from married sister of husband is exempt, since sister-in-law falls within the definition of relative and gifts from a relative are not chargeable to tax.	Nil	
➤ Gift received from two friends of husband ₹ 1,51,000 and ₹ 38,000 aggregating to ₹ 1,89,000 is taxable under section 56(2)(x) since the aggregate of ₹ 1,89,000 exceeds ₹ 50,000. (see Note 2 below)		<u>1,89,000</u>
Total income	1,89,000	2,84,000

Computation of tax payable by Miss Charlie for the A.Y. 2021-22

Particulars	₹
Tax on total income of ₹ 2,84,000	1,700
Add: Health & Education cess @4%	68
Total tax payable (rounded off)	<u>1,770</u>

Notes:

- Actual rent received has been taken as the gross annual value in the absence of other information (i.e. Municipal value, fair rental value and standard rent) in the question.
- If the aggregate value of taxable gifts received from non-relatives exceeds ₹ 50,000 during the year, the entire amount received (i.e. the aggregate value of taxable gifts received) is taxable. Therefore, the entire amount of ₹ 1,89,000 is taxable under section 56(2)(x).
- Since Miss Charlie is a non-resident for the A.Y. 2021-22, rebate under section 87A would not be available to her, even though her total income does not exceeds ₹ 5 lacs.

17. Determine the taxability of income of US based company Heli Ltd., in India on entering into the following transactions during the financial year 2020-21:

- ₹ 5 lacs received from an Indian domestic company for providing technical knowhow in India.
- ₹ 6 lacs from an Indian firm for conducting the feasibility study for the new project in Finland. The payment for the same was made in Finland.
- ₹ 4 lacs from a non-resident for use of patent for a business in India.
- ₹ 8 lacs from a non-resident Indian for use of know-how for a business in Singapore. Such amount was received in U.S.
- ₹ 10 lacs for supply of manuals and designs for the business to be established in Singapore. No payment for the same was made in India.

Answer:

A non-resident is chargeable to tax in India in respect of following incomes:

- Income received or deemed to be received in India; and
- Income accruing or arising or deemed to accrue or arise in India.

In view of the above provisions, taxability of income is determined in following manner:

Particulars	₹ (in lacs)
(i) Amount received from an Indian domestic company for providing technical knowhow in India is deemed to accrue or arise in India and is, therefore, taxable in India.	5
(ii) Conducting the feasibility study for the new project in Finland for the Indian firm is not taxable in India as the income accrues outside India since such study is done for a business outside India.	Nil
(iii) Income received from a non-resident for use of patent for a business in India is taxable in India as it is deemed to accrue or arise in India.	4
(iv) Income received from a non-resident Indian for use of knowhow for a business in Singapore. It is not taxable in India since it does not accrue or arise in India nor is it deemed to accrue or arise in India,	Nil
(v) Income received for supply of manuals and designs for the business to be established in Singapore is not taxable in India, since it does not accrue or arise in India nor is it deemed to accrue or arise in India.	Nil
Total Income	9

INCOME FROM HOUSE PROPERTY

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

“11 New Practical Questions added in SET-B”

PARTICULARS

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HOW TO COMPUTE INCOME FROM HOUSE PROPERTY

Gross Annual Value [GAV]	XXX	
Less: Municipal Taxes <u>PAID</u> by owner during the P.Y.	<u>XXX</u>	
Net Annual Value (Sec 23) [NAV]	XXX	
Less: <u>Deductions u/s 24</u>		
(a) Statutory deduction @ 30% of NAV	XXX	
(b) Interest on Loan	XXX	_____.
Income from House Property (Computed)		XXX

NOTE: Deduction under Section 24(b) {in respect of one or two self-occupied properties only} would not be available in case of an Individual, being an assessee, who opts for the provisions of Section 115BAC

CHARGEABILITY [SECTION 22]

The **annual value of property** consisting of **any buildings or lands appurtenant** thereto of which the assessee is the **owner** shall be subject to Income-tax under the head 'Income from house property' provided such **property, or any portion** of such property is **not used by the assessee for the purposes of any business or profession**, carried on by him, the profits of which are chargeable to Income-tax.

[The Basis of calculating income from House property is the Annual Value. This is the inherent capacity of the property to earn income. Income from the head House Property is the only head that is charged on a notional basis]

CONDITIONS FOR CHARGEABILITY

- 1) **Property should consist of any building or land appurtenant thereto:**
 - (a) Buildings include not only residential buildings, but also factory buildings, offices, shops, godowns and other commercial premises.
 - (b) Land appurtenant means land connected with the building like garden, garage etc.
 - (c) Temporary structures shall not be considered as buildings for the purpose of Income from House property. Eg. Circus tents, exhibition structures, etc.
 - (d) Buildings do not include **incomplete units or which are in not in a condition to use.**
 - (e) ***Income from letting out of vacant land is, however, taxable under the head "Income from other sources".***

- 2) **Assessee must be the owner of the property**
 - a) Owner is the person who is entitled to receive income from the property in his own right.
 - b) The requirement of registration of the sale deed in the name of owner is not necessary.
 - c) Ownership includes deemed ownership
 - d) The person who owns the building need not also be the owner of the land upon which it stands.
 - e) **Income from subletting** is not taxable as income from house property [It will be taxable in IOS]

- 3) **Property must not be used by the assessee for his own business/profession.**

Exceptions:

Annual value of the following properties are chargeable under the head “Profits and gains of business or profession” –

- (i) Portions of property occupied by the assessee for the purpose of any business or profession carried on by him
- (ii) Properties of an assessee engaged in the business of letting out of properties.

Property held as stock-in-trade etc.

Annual value of house property will be charged under the head “Income from house property”, where it is held by the assessee as stock-in-trade of a business also.

However, the annual value of property being held as stock in trade would be treated as NIL for a period of **two year (amended by Finance Act 2019 w.e.f. AY 2020-21)** ~~one year~~ from the end of the financial year in which certificate of completion of construction of the property is obtained from the competent authority, if such property is not let-out during such period. [Section 23(5)]

Letting out is supplementary to the main business:

Where the property is let out with the object of carrying on the business of the assessee in an efficient manner, then the rental income is taxable as business income. Related expenses are also deductible in computing such business Income.

No Notional Income for House Property Held as Stock in Trade-Sec 23(5)

Where the property consisting of any building or land appurtenant thereto is **held as stock-in-trade** and the property or any part of the property is not let during the whole or any part of the previous year, the annual value of such property or part of the property, **for the period up to TWO ~~one~~ year (amended by Finance Act 2019 w.e.f. AY 2020-21)** from the end of the financial year in which the certificate of completion of construction of the property is obtained from the competent authority, **shall be taken to be NIL**

[The **Delhi High Court in case of CIT v. Ansal Housing & Construction Ltd.** held that the assessee engaged in business of construction and sale of flats is liable to pay tax on notional rent in respect of unsold flats, owned by the assessee at the end of the relevant financial year if these flats are not let for the whole of the previous year. **Above amendment is introduced to provide relief to builders**]

Assessee engaged in the Business of Letting out House Properties

“The income earned by an assessee engaged in the business of letting out of properties on rent would be taxable as business income”

Recently, the **Supreme Court in case of “Rayala Corporation Pvt. Ltd. v. ACIT”** held that Income from Letting out of Property on rent by **an assessee engaged in the business of letting** is assessable as “Business Profits” u/s 28 and not as “Income from House Property” u/s 22 and there is no concept of notional rent under the head “Profits and Gains of Business of profession”

Also, the **Supreme Court in case of “Chennai Properties & Investment Ltd. v. CIT”** held that where the assessee company is incorporated with main objective, as stated in the MOA to acquire the properties in the city & let out those properties and the assessee had rented out such properties, rental income from such properties is a business income & cannot be taxed as Income from House Property u/s 22.

CBDT Circular: Lease Rent from letting out buildings/developed space along with other amenities in Industrial Park/SEZ

In case of an undertaking which develops, develops and operates or maintains and operates a notified Industrial Park/SEZ, the income from letting out of premises/developed space along with other amenities/facilities in such park/SEZ **is to be charged to tax under the head ‘PGBP’**.

COMPOSITE RENT

The owner of a property may sometimes receive rent in respect of building as well as –

- 1) other assets like say, furniture, plant and machinery.
- 2) for different services provided in the building, for eg. –
 - (a) Lifts;
 - (b) Security;
 - (c) Power backup;

The amount so received is known as “COMPOSITE RENT”.

TAX TREATMENT OF COMPOSITE RENT

Where composite rent includes rent of building and charges for different services (lifts, security etc.) / Charges for other assets (furniture) & both are separable, the composite rent is has to be split up in the following manner:

- (a) the sum attributable to use of property is to be assessed under section 22 as “Income from House Property”;
- (b) the sum attributable to use of services/assets is to be charged to tax under the head “PGBP” or under the head “IOS”

If the same is not separable, then whole such sum is taxable either as business income or income from other sources;

INCOME FROM HOUSE PROPERTY SITUATED OUTSIDE INDIA

1. Taxability of Income from HP will depend upon the Residential Status of the Assessee.
2. In case of a **Resident in India (Resident and Ordinarily Resident in case of Individuals and HUF)**, Income from property situated outside India is always taxable in India, whether such income is brought into India or not.
3. In case of a NR or RNOR (in case of Individual/HUF), Income from a property situated outside India is taxable in India only if Rent is received in India.
4. Any tax or expenditure (prescribed one) incurred towards earning such income shall be allowed as a deduction.
5. Income accruing or received in Foreign Currency should be converted into Indian Rupees in **TT Buying Rate on the last day of the previous year**. [Rule 115]

Question: X, an American national, is a ROR in India during the previous year ending on 31.3.2021. He was owner of a building located in New York. The same was let out on rent at US \$12,500 per month. The Municipal Corporation of New York was paid taxes on such building of US \$ 10,000 on 12.2.2021. Besides the above property, he purchased a piece of land at Delhi for construction of a house. The said land was given on rent for running a dairy @ ₹ 3,000 per month with effect from 1.10.2020. The value of one US \$ in Indian rupee throughout the year remained at ₹ 46.50. X wants to know his taxable income.

Answer: HP Income – ₹ 45,57,000;

Income from other Source: ₹ 18,000

DETERMINATION OF ANNUAL VALUE [SECTION 23]

This involves 3 steps:

Step 1: Determination of **Gross Annual Value (GAV)**.

[Tax under the head “Income from House Property” is not a tax upon rent of a property. It is a tax on inherent capacity of a building to yield income. {Section 23(1)}]

Step 2: From the **GAV** computed in step 1, we **deduct municipal tax paid** by the owner during the previous year.

Step 3: The balance will be the **Net Annual Value (NAV)**, which as per the Income-tax Act is the annual value.

DETERMINATION OF ANNUAL VALUE IN DIFFERENT SITUATION

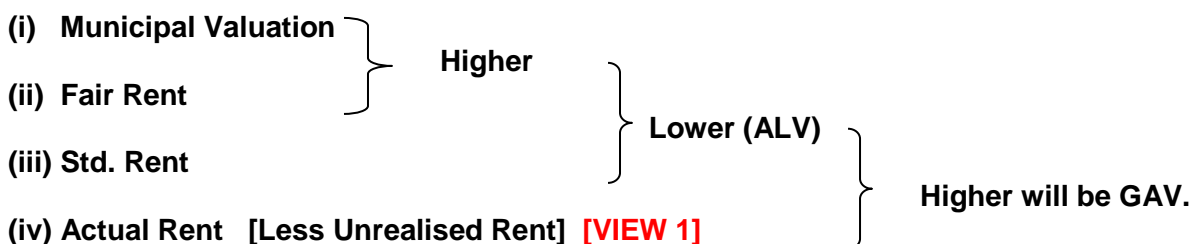
(1) Where the property is let out throughout the previous year [Section 23(1)(a)/(b)]

Where the property is let out for the whole year, then the Gross Annual Value (GAV) would be the higher of –

(a) Annual Letting Value (ALV) OR EXPECTED RENT and

(b) Actual rent received or receivable during the year as reduced by Unrealised Rent.

ALV (or Expected Rent) means Municipal Valuation or Fair Rent (Market Rent), whichever is more, subject to maximum of Standard Rent. In brief,



Note: There is an alternate view as per Income tax Return for treatment of Unrealised Rent. Refer Class Discussion. **[VIEW 2]**

NOTE:

- 1) **As per section 23(1)(a), the annual value of any property shall be the sum for which the property might reasonably be expected to be let from year to year.**
- 2) **Municipal value** is the value determined by the municipal authorities for levying municipal taxes on house property.
- 3) **Fair Rent** means rent which similar property in the same locality would fetch.
- 4) The **Standard Rent** is fixed by the Rent Control Act.
- 5) **Municipal Tax paid by Tenant** is neither to be added to the Actual Rent, nor to be allowed as deduction.
- 6) As per section 23(1)(a), ALV cannot exceed standard rent (SR)
- 7) **Repair Expenses** met by the Tenant shall not be added to Actual Rent.
- 8) **Advance rent** cannot be rent received / receivable of the year of receipt.
- 9) **Commission** paid by owner of a property to a broker for rental income is **not deductible**.
- 10) A **Non-Refundable Deposit** will be included in rent received or receivable on pro-rata basis.

Example 1: Find out the ALV

Municipal Value	50	60	70
Fair Rent	55	58	80
Standard Rent	54	75	50
ALV/Expected Rent			

Example 2: Compute the GAV of each house:

Particulars	House I	House II	House III	House IV	House V
Municipal Value	80,000	55,000	65,000	24,000	75,000
Fair Rent	90,000	60,000	65,000	25,000	80,000
Standard Rent	N.A.	75,000	58,000	N.A.	78,000
Actual rent (Received/Receivable)	72,000	72,000	60,000	30,000	72,000

(2) Where Let Out Property is vacant for part of the year [Section 23(1)(c)]

Where let out property is vacant for part of the year **and owing to vacancy**, the actual rent is lower than the ALV, then the **actual rent received or receivable will be the GAV** of the property.

NOTE:

1. If Actual Rent received or receivable (after Vacancy or Unrealised Rent) is higher than ALV, than Section 23(1)(c) will not apply and Actual rent received/receivable will be GAV.
2. If Actual Rent received or receivable (After Unrealised Rent) is lower than the ALV, than Section 23(1)(c) will not apply even if there is Vacancy as lower rent **is not due to Vacancy**.

Example 3: Compute the Gross Annual Value (Loss Due to Vacancy):

	I	II	III	IV
Municipal Value	60	68	70	75
Fair Rent	65	60	64	70
Standard Rent	63	70	45	72
Actual Rent (12 Months)	72	48	60	66
Vacancy 2 Months				
GAV				

Example 4: Compute the Gross Annual Value:

	I	II	III	IV
Municipal Value	60	68	70	75
Fair Rent	65	60	64	70
Standard Rent	63	70	45	72
Actual Rent (12 Months)	72	84	60	66
Unrealised Rent	10	12	14	16
Vacancy 2 Months				

(3) In case of Self-Occupied Property or Unoccupied Property [Sec 23(2)]

- (a) Where the property is self-occupied for own residence or unoccupied throughout the previous year, **its ANNUAL VALUE WILL BE NIL**, provided no other benefit is derived by the owner from such property.
- (b) **The benefit of “Nil” Annual Value is available only for upto 2 self-occupied or unoccupied house properties i.e. for either 1 house property or 2 house properties.**
(Amended by Finance Act 2019 w.e.f. AY 2020-21)
- (c) The benefit of exemption is available **only to an individual/HUF.**
- (d) The expression “**Unoccupied property**” refers to a property which cannot be occupied by the owner by **reason of his employment, business or profession** at a different place and he resides at such other **place in a building not belonging to him.**
- (e) **No deduction for municipal taxes is allowed in respect of such property.**

(4) Where a house property is Let-out for Part of the year and Self-occupied for part of the year

- (a) If a single unit of a property is self-occupied for part of the year and let-out for the remaining part of the year, then the **ALV for the whole year shall be taken** into account for determining the GAV.
- (b) The **ALV for the whole year** shall be **compared with the actual rent for the let out period** and whichever is higher shall be adopted as the GAV.
- (c) Further, **Property taxes for the whole year** is allowed as deduction provided it is paid by the owner during the previous year.

(5) In case of Deemed to be Let Out Property [Section 23(4)]

- (a) Where the assessee owns more than **TWO** properties for self-occupation, then the income from any **TWO** such property, **at the option of the assessee**, shall be computed under the self occupied property category and its annual value will be NIL. **The other self occupied/unoccupied properties shall be treated as “deemed let out properties”.**
- (b) This option **can be changed year after year** in a manner beneficial to the assessee.
- (c) In case of deemed let-out property, the **ALV shall be taken as the GAV.**
- (d) The question of considering actual rent received/receivable does not arise. Consequently, no adjustment is necessary on account of property remaining vacant or unrealized rent.
- (e) Municipal taxes actually paid by the owner during the previous year can be claimed as deduction.

EXAMPLE:

Mr. Pandey, owner of three houses in Chennai, furnished the following information. Compute his income from house property for the assessment year 2021-22:

Particulars	House No.	House No.	House No.
	1	2	3
	Self-occupied	Self-occupied	Self-occupied
Standard rent under Rent Control Act	1,50,000	15,00,000	18,00,000
Municipal value	2,00,000	13,00,000	13,50,000
Fair rent	2,50,000	16,00,000	19,00,000
Municipal tax (10% of municipal value) paid			
Interest on loan taken for purchases of houses (Loan taken in P.Y. 2016-17)	90,000	1,70,000	1,65,000

Solution:**Computation of Income from House property of Mr. Pandey for the A.Y. 2021-22**

Particulars	Details	Details	Amount
House 1: Deemed to be Let out			
Gross Annual Value (Working)		1,50,000	
Less: Municipal Tax (10% of ₹ 2,00,000)		20,000	
Net Annual Value (NAV)		1,30,000	
Less: Deduction u/s			
24(a) Standard Deduction (30% of NAV)	39,000		
24(b) Interest on loan	90,000	1,29,000	1,000
House 2 & 3: Self-occupied (as ALV is too High)			
Net Annual Value		Nil	
Less: Deduction u/s			
24(b) Interest on loan [(₹ 1,70,000 + ₹ 1,65,000), subject to max. of ₹ 2,00,000]		2,00,000	(2,00,000)
Income from House Property			(1,99,000)

Working:**Computation of Gross Annual Value of House 1:**

Particulars	House 1
Municipal Value (A)	2,00,000
Fair Rent (B)	2,50,000
(C) = Higher of (A) and (B)	2,50,000
Standard Rent (D)	1,50,000
Gross Annual Value [Lower of (C) and (D)]	1,50,000

EXAMPLE:

Compute income under the head 'Income from house property' of Sri from the following information:

Particulars	H1	H2	H3	H4
Used for	Self-occupied	Self-occupied	Self-occupied	Own Business
Situated at	Mumbai	Abu	Kolkata	Hyderabad
Gross Municipal Value	3,00,000	2,00,000	7,00,000	3,00,000
Fair Rent	2,00,000	2,00,000	6,00,000	1,20,000
Standard Rent	3,00,000	2,40,000	7,00,000	2,00,000
Municipal Tax	15%	15%	15%	15%
Repairs	13,000	4,000	8,000	8,000
Ground Rent	20,000	Nil	Nil	6,000
Land Revenue	Nil	10,000	Nil	Nil
Interest on Loan	40,000	1,00,000	2,10,000	20,000
Loan taken on	1998-99	1998-99	2016-17	1999-00

Solution:

In the given case, there are three options:

Option 1: Take H1 & H3 as Self-Occupied (S/O) and H2 as Deemed to be Let-Out (DLO)

Option 2: Take H1 as Deemed to be Let-Out (DLO) and H2 & H3 as Self-Occupied (S/O)

Option 3: Take H3 as Deemed to be Let-Out (DLO) and H1 & H2 as Self-Occupied (S/O)

Total income under the head house property shall be computed applying each option separately and then the option, which yields least income under this head, shall be opted.

Particulars	Option1		Option2		Option 3	
	H1 & H3 S/O	H2 DLO	H1 DLO	H2 & H3 S/O	H3 DLO	H1 & H2 S/O
Gross Annual Value	Nil	2,00,000	3,00,000	Nil	7,00,000	Nil
Less: Municipal Tax (15% of Municipal value)	Nil	30,000	45,000	Nil	1,05,000	Nil
Net Annual Value (A)	Nil	1,70,000	2,55,000	Nil	5,95,000	Nil
Less: Deduction u/s						
24(a) Standard deduction (30% of NAV)	Nil	51,000	76,500	Nil	1,78,500	Nil
24(b) Interest on loan	2,00,000 ²	1,00,000	40,000	2,00,000 ²	2,10,000	30,000 ¹
Total deduction (B)	2,00,000	1,51,000	1,16,500	2,00,000	3,88,500	30,000
Income from house property [(A) – (B)]	(-) 2,00,000	19,000	1,38,500	(-) 2,00,000	2,06,500	(-) 30,000
Income from house property	(-) 1,81,000		(-) 61,500		1,76,500	

Notes:

- In case of H1 & H2 loan was taken prior to 1/4/1999.
- Since loan was taken for construction on or after 1/4/1999.
- Since H4 is used for own business purpose so it is not taxable under this head.

Total income under the head Income from house property as per option 1 is (-) ₹ 1,81,000

Computation of Income from house property of Sri for the A.Y. 2021-22

Particulars	Details	Details	Amount
H1 & H3: Self-occupied u/s 23(2)(a)			
Net Annual Value		Nil	
Less: Deduction u/s			
24(b) Interest on loan			
- For H1 (Max Limit)	30,000		
- For H2 (Max Limit)	2,00,000		
Subject to maximum of ₹ 2,00,000	2,30,000	2,00,000	(2,00,000)
H2: Deemed to be let out u/s 23(4)			
Gross Annual Value		2,00,000	
Less: Municipal Tax		30,000	
Net Annual Value		1,70,000	
Less: Deduction u/s			
24(a) Standard Deduction (30% of NAV)	51,000		
24(b) Interest on loan	1,00,000	1,51,000	19,000
Income from house property			(-)1,81,000

(6) In case of a house property, a portion let out and a portion self-occupied

- (a) Income from any portion or part of a property which is let out shall be computed separately under the “let out property” category **AND** the other portion or part which is self occupied shall be computed under the “self-occupied property” category.
- (b) **There is no need to treat the whole property as a single unit for computation of income from house property.**
- (c) Municipal valuation/fair rent/standard rent, if not given separately, shall be apportioned between the let-out portion and self-occupied portion either on plinth area or built-up floor space or on such other reasonable basis.
- (d) Property taxes, if given on a consolidated basis can be bifurcated as attributable to each portion or floor on a reasonable basis.

PROPERTY TAXES [MUNCIPAL TAXES]

1. **Property taxes levied** are allowable as deduction from the GAV subject to the following two conditions:
 - a) It should be borne **by the assessee (owner)**; and
 - b) It should be **actually paid** during the previous year.
2. **Deduction if Paid:** If property taxes levied by a local authority for a particular previous year is not paid during that year, no deduction shall be allowed in the computation of income from house property for that year.
3. **However, if in any subsequent year the arrears are paid, then the amount so paid is allowed as deduction in computation of income from house property for that year.**

Thus, we find that irrespective of the previous year in which the liability to pay such taxes arise according to the method of accounting regularly employed by the owner, the deduction in respect of such taxes **will be allowed only in the year of actual payment.**
4. In case of **property situated outside India**, taxes levied by local authority of the country in which the property is situated is deductible.
5. Municipal Tax includes services related tax like **Water Tax and Sewerage Tax** levied by any Local Authority.
6. Municipal Tax can be claimed as a deduction **only in respect of let-out or deemed to be let-out** properties (i.e. more than **TWO** property self-occupied).

NOTIONAL INCOME Vs REAL INCOME

Under this head of income, there are circumstances where notional income is charged to tax instead of real income. They are:

- 1. Where the assessee owns more than TWO house property for the purpose of self occupation, the annual value of any TWO of those properties, at the option of the assessee, will be nil and the other properties are deemed to be let-out and income has to be computed on a notional basis by taking the ALV as the GAV.*
- 2. In the case of let-out property throughout the previous year, if the Expected Rent (ER) exceeds the actual rent received or receivable, then ER is taken as the GAV.*
- 3. In the case of let-out property which is vacant for part of the year, if the actual rent received or receivable for let out period is less than the Expected Rent (ER) for whole year not owing to vacancy, then ER for whole year is taken as the GAV.*
- 4. In case of a house property held as stock-in-trade by assessee (which is not let out), income has to be computed on a notional basis by taking the Expected Rent (ER) as the GAV after 2 years from the end of the financial year in which certificate of completion of construction of the property is obtained from the competent authority.*

TREATMENT OF UNREALISED RENT [Explanation to Section 23(1)]

- 1) The Actual rent received/receivable used in calculating GAV should not include any amount of rent **which is not capable of being realised.**
- 2) **RULE – 4:** **However the conditions prescribed in Rule 4 should be satisfied.** They are
 - (a) the tenancy is *bona fide*;
 - (b) the defaulting tenant has vacated, or steps have been taken to compel him to vacate the property;
 - (c) the defaulting tenant is not in occupation of any other property of the assessee;
 - (d) the assessee has taken all reasonable steps to institute legal proceedings for the recovery of the unpaid rent or satisfies the Assessing Officer that legal proceedings would be useless.

DEDUCTIONS FROM ANNUAL VALUE [SECTION 24]

There are Two Deductions from Annual Value. They are:

- (1) **30% of NAV; and**
- (2) **interest on borrowed capital**

(1) 30% of NAV is allowed as deduction under section 24(a)

- ✓ This is a flat deduction and is allowed **irrespective of the actual expenditure** incurred.
- ✓ In case of **self-occupied property** where the annual value is nil, the assessee will not be entitled to deduction of 30%, as the annual value itself is nil.
- ✓ No Deduction will be given in respect of Repairs, Land Revenue, Brokerage, Recovery agent charges etc.

(2) Interest on borrowed capital is allowed as deduction under section 24(b)

- (a) Interest payable on loans borrowed **for the purpose of Acquisition, Construction, Repairs, Renewal or Reconstruction** can be claimed as deduction.
- (b) Interest payable on a fresh loan taken to repay the original loan raised earlier for the aforesaid purposes is also admissible as a deduction.
- (c) **ACCRUAL BASIS:** Deduction under section 24(b) for interest is **available on accrual basis.** Therefore interest accrued but not paid during the year **can also be claimed** as deduction.
- (d) Where a buyer enters into an arrangement with a seller to pay **the sale price in installments along with interest due thereon**, the seller becomes the lender in relation to the unpaid purchase price and the buyer becomes the borrower. In such a case, **unpaid purchase price can be treated as capital borrowed for acquiring property and interest paid thereon can be allowed as deduction under section 24.**
- (e) Interest on unpaid interest is not deductible.
- (f) No deduction is allowed for any brokerage or commission for arranging loan.
- (g) The Assessee should furnish a certificate from the person from whom the amount is borrowed, specifying the amount of Interest.

- (h) ***Date of completion not relevant: Interest relating to the year of completion of construction can be fully claimed in that year irrespective of the date of completion.***
- (i) ***Interest may include Interest for the year (Current Year Interest) & 1/5th of the interest, if any, pertaining to the pre-acquisition or pre-construction period.***

Pre-acquisition/pre-construction period = Period Starting from the date of borrowing and ending on the,

- (i) 31st March immediately prior to the date of completion of construction or acquisition of property, or,
(ii) Date of repayment of loan, whichever is earlier.

Period of Deduction: 1/5th of the interest of pre-acquisition or pre-construction period, for 5 consecutive years starting from the previous year in which the property is acquired or constructed.

Deduction of 5 installment will be available even if the loan outstanding is repaid before 5 year period

Maximum Limit of deduction in respect of interest on capital borrowed in case of one/two self-occupied property

In this case, the assessee will be allowed a deduction (*or, as the case may be, the aggregate of the amount of deduction*) on account of Interest (including 1/5th of the Accumulated Interest of Pre-Construction Period) as under –

A	Where the property has been acquired, constructed, repaired, renewed or reconstructed with borrowed capital <u>before 1.4.99.</u>	Actual interest payable in aggregate for one or two self-occupied properties, subject to maximum of ₹ 30,000.
B	Where the property is acquired or constructed with capital borrowed <u>on or after 1.4.99</u> and such acquisition or construction is completed within 5 years from the end of the financial year in which the capital was borrowed.	Actual interest payable in aggregate for one or two self-occupied properties , subject to maximum of ₹ 2,00,000
C	Where the property is <u>repaired, renewed or reconstructed</u> with capital borrowed <u>on or after 1.4.99.</u>	Actual interest payable in aggregate for one or two self-occupied properties, subject to maximum of ₹ 30,000.

Note: Total deduction for all loans cannot exceeds ₹ 200,000 in case of TWO Self-occupied Property.

INADMISSIBLE DEDUCTIONS [SECTION 25]

Interest chargeable under this Act which is **payable outside India** shall not be deducted if tax has not been paid or deducted from such interest **or** there is no person in India who may be treated as an agent under section 163.

TAXABILITY OF RECOVERY OF UNREALISED RENT & ARREARS OF RENT RECEIVED [SECTION 25A]

- (i) Unrealised rent is deducted from actual rent in determination of annual value under section 23, subject to fulfillment of conditions under Rule 4. **Subsequently, when the amount is realised it gets taxed under Section 25A in the year of receipt.**
- (ii) If the assessee has increased the rent payable by the tenant and the same has been in dispute and later on the assessee receives the increase in rent as arrears, **such arrears is also assessable under section 25A.**

S. No.	Unrealised rent [Section 25A]	Arrears of rent [Section 25A]
1	Taxable in the hands of the assessee whether he is the owner of that property or not.	Taxable in the hands of the assessee whether he is the owner of that property or not.
2	Taxable as income of the previous year in which he recovers the unrealised rent.	Taxable as income of the year in which he receives the arrears of rent.
3	<u>30% of the amount</u> of recovery shall be allowed as deduction.	<u>30% of the amount</u> of arrears shall be allowed as deduction.

Example

Mr. Anand sold his residential house property in March, 2020. In June, 2020, he recovered rent of ₹10,000 from Mr. Gaurav, to whom he had let out his house for two years from April 2013 to March 2015. He could not realise two months rent of ₹20,000 from him and to that extent his actual rent was reduced while computing income from house property for A. Y. 2015-16.

Further, he had let out his property from April, 2015 to February, 2020 to Mr. Satish. In April, 2018, he had increased the rent from ₹12,000 to ₹15,000 per month and the same was a subject matter of dispute. In September, 2020, the matter was finally settled and Mr. Anand received ₹69,000 as arrears of rent for the period April 2018 to February, 2020.

Would the recovery of unrealised rent and arrears of rent be taxable in the hands of Mr. Anand, and if so in which year?

Solution

Since the unrealised rent was recovered in the P.Y. 2020-21, the same would be taxable in the A.Y. 2021-22 under section 25A, irrespective of the fact that Mr. Anand was not the owner of the house in that year. Further, the arrears of rent was also received in the P.Y. 2020-21, and hence the same would be taxable in the A.Y. 2021-22 under section 25A, even though Mr. Anand was not the owner of the house in that year.

A deduction of 30% of unrealised rent recovered and arrears of rent would be allowed while computing income from house property of Mr. Anand for A.Y. 2021-22.

Computation of income from house property of Mr. Anand for A.Y. 2021-22		
S. No.	Particulars	₹
i.	Unrealised rent recovered	10,000
ii.	Arrears of rent received	69,000
iii.	Total	79,000
iv.	Less: Deduction@30%	23,700
v.	Income from house property	55,300

TREATMENT OF INCOME FROM PROPERTY OWNED BY A PARTNERSHIP FIRM

1. Where an immovable property or properties is included *in the assets of a firm, the income from such property should be assessed in the hands of the firm only.*
2. Hence, the property income *cannot be assessed as income of the individual partner* in respect of his share in the firm.

TREATMENT OF INCOME FROM CO-OWNED PROPERTY [SECTION 26]

1. Where property is owned by two or more persons, whose shares are definite and ascertainable, then the income from such property cannot be taxed as income of an AOP.
2. Where the *house property owned by co-owners is self occupied* by each of the co-owners, the annual value of the property of each co-owner will be NIL and **each co-owner shall be** entitled to a deduction of ₹ 30,000 or ₹ 2,00,000, as the case may be.
3. Where the *house property owned by co-owners is let out*, the income from such property shall be computed as if the property is owned by one owner and thereafter the income so computed shall be apportioned amongst each co-owner as per their specific share.

Question:

“Mr. Raman is a co-owner of a house property alongwith his brother:

Municipal value of the property	₹ 1,60,000
Fair Rent	₹ 1,50,000
Standard Rent under the Rent Control Act	₹ 1,70,000
Rent received	₹ 15,000 p.m.

The loan for the construction of this property is jointly taken and the interest charged by the bank is ₹ 25,000 out of which ₹ 21,000 have been paid. Interest on the unpaid interest is ₹ 450. To repay this loan, Raman and his brother have taken a fresh loan and interest charged on this loan is ₹ 5,000. The Municipal Taxes of ₹ 5,100 have been paid by the tenant. **Compute the income from this property chargeable in the hands of Mr. Raman.** [Income from HP- ₹ 48,000]

DEEMED OWNERSHIP [SECTION 27]

The following persons, though not legal owners of a property, **are deemed to be the owners for the purposes of section 22 to 26:**

(i) TRANSFER TO A SPOUSE [Section 27(i)]

In case of transfer of house property by an individual to his or her spouse otherwise than for adequate consideration [Except in connection with an agreement to live apart], the transferor is deemed to be the owner of the transferred property.

(ii) TRANSFER TO A MINOR CHILD

*In case of transfer of house property by an Individual to his or her **MINOR CHILD** [Except a transfer to Minor Married Daughter] otherwise than for adequate consideration, the transferor would be deemed to be owner of the house property transferred.*

(iii) HOLDER OF AN IMPARTIBLE ESTATE

The impartible estate is a property which is not legally divisible.

(iv) Member of a co-operative society etc.

***A member** of a co-operative society, company or other association of persons **to whom a building or part thereof is allotted** shall be deemed to be owner of that building allotted to him although the co-operative society/company/ association is the legal owner of that building.*

(v) Person in possession of a property

*A person who is allowed to take or retain the possession of any building or part thereof in **part performance of a contract of the nature referred to in section 53A of the Transfer of Property Act** shall be the deemed owner of that house property.*

(vi) Person having right in a property for a period not less than 12 years:

*A person [Lessee] who acquires any rights in any building or part thereof, by virtue of any transfer by way of lease **for not less than 12 years**, shall be deemed to be the owner of that building or part thereof.*

***Exception** – In case of any rights by way of lease from month to month or for a period not exceeding one year, Lessee shall not be treated as deemed owner.*

(vii) DISPUTED OWNERSHIP:

If the title of ownership is disputed in a court of law, the income shall be taxable in the hands of recipient.

CASES WHERE INCOME FROM HOUSE PROPERTY IS EXEMPT FROM TAX

S. No.	Section	Particulars
1	10(1)	Income from any Farm House forming part of agricultural income.
2	10(19A)	Any one palace of an ex-ruler.
3	10(20)	Income from house property of a local authority.
4	10(21)	Income from house property of an approved scientific research association.
5	10(23C)	Property income of universities, educational institutions, etc.
6	10(24)	Property income of any registered trade union.
7	11	Property held for charitable or religious purpose.
8	13A	Property income of any political party.
9	22	Property used for own business or profession
10	23(2)	TWO Self-occupied property of an individual/HUF

PRACTICAL QUESTION - SET A

Note:

- "Treatment of Unrealised Rent" – View 1 is adopted in all questions
- Ignored Section 115BAC

1) Compute GAV of the following houses let out throughout the year (Amount in ₹)

	A	B	C	D
Municipal Value	84,000	84,000	72,000	80,000
Fair Rent	72,000	72,000	84,000	70,000
Standard Rent	60,000	1,20,000	60,000	-
Actual Rent Receivable (12 month)	1,20,000	90,000	90,000	84,000
Unrealised Rent	24,000	30,000	15,000	14,000

2) Find out the GAV in each case (amount in ₹) [Vacancy]

	House - I	House - II	House - III
Municipal Value	30,000	26,000	35,000
Annual Rent	42,000	36,000	30,000
Fair Rent	36,000	28,000	30,000
Standard Rent	30,000	35,000	36,000
Unrealised Rent	7,000	9,000	2,500
Period vacancy	1 month	2 months	3 months

3) Determine the GAV in the following cases:

- a. Deep owns a flat which assessed by the local authority with annual value of 1,00,000/-. The property was let out for ₹ 8,500/- p.m. However the tenant vacated the property on 31.10.2020. For the months of November 2020 to February 2021 the flat was vacant as no proper tenant could be identified. In March 2021 a new tenant occupied at a rent of ₹ 12,000 p.m. **[Vacancy]**
- b. Ram owned a flat, (Annual letting Value ₹ 90,000 p.a.) in which he was living. By the end of May 2020 he completed construction of an independent house and on 1st of June 2020, shifted to the new independent house. From June 2020, the flat was let out to his relative for a rent of ₹ 7,000/- p.m.
- c. Laxman living in his apartment (fair rent ₹ 1,02,000) till the end of April 2020 shifted to an accommodation provided by his employer. His apartment was vacant for 4 months (May to August) and could be let out only from September for ₹ 17,000 p.m. **[Vacancy]**

4) Mr. Aakash owns three house properties in Mumbai, the particulars of which are given below:

Particulars	House I (₹)	House II (₹)	House III (₹)
Municipal Valuation	2,00,000	1,50,000	1,00,000
Fair Rent	2,80,000	1,80,000	1,20,000
Standard Rent	2,40,000	2,00,000	N.A.
Actual Rent(p.m.)	22,000	17,500	10,500
Period of vacancy [Vacancy]	Nil	1 month	6 month
Municipal Taxes paid	40,000	80,000	15,000

Compute income from HP in all the 3 cases.

- 5) Mr. Ramesh completed construction of his house property on 31st May 2020 on a leasehold land. The house property was self – occupied during June and July 2020 and let- out thereafter for a rent of ₹ 10,000 per month. The amount paid for during the year: Municipal taxes ₹ 6,000; Repairs ₹ 12,000; Ground rent ₹ 24,000 and insurance premium ₹ 4,000. **Determine the taxable income from house property. [Fair Rent – 70,000 p.a.]**
- 6) Mr. X owns a building property, the income from which is chargeable under the head "Income from house property". He incurs, apart from making payment towards land revenue, repairs, collection charges, etc., stamp duty and registration charges in respect of lease deed and also salary paid to caretaker. He wants to know whether he can claim such expenditure?

- 18) **Compute Income from house property of Mr. X, having house property in Delhi, for PY 2020-21:**
- | | | |
|---------------------|---|--------------------|
| Municipal Valuation | : | ₹ 1,75,000 PA |
| Fair Rent | : | ₹ 2,50,000 PA |
| Std. Rent | : | ₹ 2,10,000 PA |
| Actual Rent | : | ₹ 22,500 Per Month |
- Municipal taxes are ₹ 40,000 PA and Repairs towards the house are ₹ 23,000. Also X has taken a loan of ₹ 8,00,000 @ 10% on 1.7.2017 for construction of house which is completed on 20.2.2020. The loan is still not paid.
- 19) Mr Anil borrowed a loan of ₹ 8,00,000 on 1.7.2015 @ 12%. The construction is completed on 31.11.2017. **Compute Income if house is self occupied for PY 2020-21.** Other details are as under:
Municipal Valuation ₹ 3,50,000. Fair Rent ₹ 250,000. Standard Rent ₹ 4,20,000. Municipal Taxes Paid ₹ 20,000.
- 20) Ms. Ramya owns a house property the construction of which was completed in November 2017. The house is let-out for a rent of ₹ 9,000 per month. On 1 April 2015 she borrowed a loan of ₹ 3 lakhs for the purpose of construction @ 18% interest. On 30th November, 2017, she borrowed a loan of ₹ 2 lakhs @ 15% interest and utilized this amount along with interest free rental advance of ₹ 1 lakh obtained from the tenant and repaid the original loan of ₹ 3,00,000/-. The house is insured and the premium of ₹ 2,000 is regularly paid each year. Property taxes paid is ₹ 15,000/-. **Compute the income from house property.**
- 21) **[Vacancy]** Lakdawala completed construction of a residential house on 1.4.2016. Interest paid on loans borrowed for purpose of construction during the 2 years prior to completion was ₹ 20,000. The house was let-out on a monthly rent of ₹ 4,000. Annual Corporation Tax paid is ₹ 6,000. Interest paid during the year is ₹ 15,000. Amount spent on repairs is ₹ 2,000. Fire Insurance Premium paid is ₹ 1,500 p.a. Property was vacant for 3 months. Annual letting value is ₹ 30,000. **Compute the income chargeable under the head "Income from House Property".**
- 22) Puja has one house property at Indra Nagar in Bangalore. She stays with her family in the house. The rent of similar property in the neighbourhood is ₹ 25,000 p.m. The municipal valuation is ₹ 23,000 p.m. Municipal taxes paid is ₹ 8,000. The construction of the house was started in the year 2013 with a loan of ₹ 20,00,000 taken from SBI Housing Finance Ltd. The construction was completed on 30.11.2017. The accumulated interest up to 31.3.2017 is ₹ 1,50,000. During the previous year 2020-21, Puja paid ₹ 1,88,000 which included ₹ 1,44,000 as interest. **Compute Puja's income from house property.**
- 23) **Compute Income from house property of Mr Yatin, having house property in Delhi, for P.Y. 2020-21 (Let out for 10 Months and Self occupied for 2 month):**
- | | | |
|------------------------------------|---|-----------------|
| Municipal Valuation | : | ₹ 3,15,000 P.A. |
| Fair Rent | : | ₹ 3,50,000 P.A. |
| Std. Rent | : | ₹ 3,20,000 P.A. |
| Actual Rent (Let out for 10 Month) | : | ₹ 25,000 P.M. |
- Municipal taxes are 20% of MV and half of the amount is paid. Yatin also has taken a loan of ₹ 10,00,000 @ 10% on 1.7.2015 which is fully repaid on 31.12.2018 and construction of house is completed on 20.4.2019.
- 24) **Smt. Rajni owns a house property at Adyar in Kolkata. The municipal value of the property is ₹ 5,00,000, fair rent is ₹ 4,20,000 and standard rent is ₹ 4,80,000. The property was let-out for ₹ 50,000 p.m. up to December 2020. Thereafter, the tenant vacated the property and Smt. Rajni used the house for self-occupation. Rent for the months of November and December 2020 could not be realised in spite of the owner's efforts. All the conditions prescribed under Rule 4 are satisfied. She paid municipal taxes @12% during the year. She had paid interest of ₹ 25,000 during the year for amount borrowed for repairs for the house property. Compute her income from house property.**
- 25) **Raja owned a house property at Chennai which was occupied by him for the purpose of his residence.** He was transferred to Mumbai in June, 2020 and therefore he let-out the property with effect from 1st July, 2020 on a monthly rent of ₹ 3,000 [Fair Rent – ₹ 25,000]. The corporation tax payable in respect of the property was ₹ 6,000 of which 50% was paid by him before 31.03.2021. Interest on money borrowed for the construction of the property amounted to ₹ 20,000. **Compute the income from house property.**

- 26) X owns a property at Delhi (municipal value ₹ 1,64,000, fair rent: ₹ 2,16,000, standard rent: ₹ 1,80,000). The house is let out up to January 31, 2021 (monthly rent being ₹ 14,000). From February 1, 2021, the property is self-occupied for own residential purposes. Expenses incurred by X are: municipal tax: ₹ 6,000 (actually paid), repairs: ₹ 2,100, insurance : ₹ 1,100, interest on capital borrowed (dated of borrowing being June 10, 1996) for acquiring the property: ₹ 1,23,000. Assuming that the income of x from other sources is ₹ 1,86,000, **find out the net income of X. Does it make any difference if property is let out up to January 31, 2021 @ ₹ 19,000 per month?** There is no unrealized rent.
- 27) X owns a residential house property. It has two equal residential units- Unit 1 and Unit 2. While Unit 1 is self – occupied by X for his residential purpose, Unit 2 is let out on rent being ₹ 6,000 per month, rent of 2 months could not be recovered). Municipal value of the property is ₹ 1,30,000, standard rent is ₹ 1,25,000 and fair rent is ₹ 1,40,000. Municipal tax is imposed @ 12% which is paid by X. Other expenses for the previous year being repairs: ₹ 250, insurance: ₹ 600, interest on capital (borrowed during 1998) for constructing the property: ₹ 63,000. **Find the income of X on the assumption that income of X from other sources is ₹ 1,80,000.**
- 28) ½ portion of the house has been let out during the P.Y. @ ₹ 30,000 PM ; ¼ portion is self occupied for own residence and balance ¼ is used for own business purposes. Total municipal taxes paid ₹ 40,000. A loan was taken for renovation of house and Interest paid on the same during the PY was ₹ 36,000. Calculate Income u/h HP.
- 29) [Vacancy] Mr. X is the owner of a house property. 30% portion is self occupied and remaining 70% is let out on monthly rent of ₹ 13,500 pm. The let out portion remains vacant for 2 months and one month rent could not be realized. The MV, FR and SR of complete house property are ₹ 2,00,000, ₹ 2,50,000 & ₹ 2,10,000. Municipal taxes @ 10% are paid by the owner of the house property. **Compute total income from house property.**
- 30) [Vacancy] Mr. X owns one residential house in Mumbai. The house is having two units. First unit of the house is self occupied by Mr. X and another unit is rented for ₹ 8,000 p.m. the rented unit was vacant for 2 months during the year. The particulars of house for the previous year 2020-21 are as under:

Standard rent	₹ 1,62,000 p.a.
Municipal valuation	₹ 1,90,000 p.a.
Fair rent	₹ 1,85,000 p.a.
Municipal tax	15% of municipal valuation
Light and water charges	₹ 500 p.m
Interest on borrowed capital	₹ 1,500 p.m.
Lease money	₹ 1,200 p.a.
Insurance charges	₹ 3,000 p.a.
Repairs	₹ 12,000 p.a.

Compute income from house property of Mr. X.

- 31) Ajay owns a house in Madras. During the previous year 2020-21, 2/3rd portion of the house was self-occupied and 1/3rd portion was let out for residential purposes at a rent of ₹ 8,000 p.m. Municipal value of the property is ₹ 3,00,000 p.a., fair rent is ₹ 2,70,000 p.a. and standard rent is ₹ 3,30,000. He paid municipal taxes @ 10% of municipal value during the year. A Loan of ₹ 25,00,000 was taken by him during the year 2013 for acquiring the property. Interest on loan paid during the previous year 2020-21 was ₹ 1,20,000. **Compute Ajay's income from house property.**
- 32) Mrs. Rohini Devi, a citizen of the U.S.A., is a resident and ordinarily resident in India during the financial year 2020-21. She owns **two house properties** at Los Angeles, U.S.A. which is used as her residence. The annual value of the house is \$ 20,000 & \$ 25,000 respectively. The value of one USD may be taken as ₹ 70.

She took ownership and possession of a flat in Chennai on 1.7.2020, which is used for residence, while she is in India. The flat was used by her for 7 months only during the year ended 31.3.2021. Whilst the municipal valuation is ₹ 32,000 p.m., the fair rent is ₹ 4,20,000 p.a. She paid the following to Corporation of Chennai:

Property Tax	₹ 16,200
Sewerage Tax	₹ 1,800

She had taken a loan from Standard Chartered Bank for purchasing this flat. Interest on loan was as under:

	₹
Period prior to 1.4.2020	49,200
1.4.2020 to 30.6.2020	50,800
1.7.2020 to 31.3.2021	1,31,300

She has a house property in Bangalore, which was sold in March, 2019. In respect of this house, she received arrears of rent of ₹ 60,000 in March, 2021. This amount has not been charged to tax earlier.

Compute the income chargeable from house property of Mrs. Rohini Ravi, exercising the most beneficial option available.

- 33) **Mrs. Indu, a resident individual, own a house in USA. She receives rent @ \$ 2,000 per month. She paid municipal taxes of \$1,500 during the financial year 2020-21. She also owns a two storied house in Mumbai, ground floor is used for her residence and first floor is let out at a monthly rent of ₹ 10,000. Standard rent for each floor is ₹ 11,000 per month. Fair rent for each floor is ₹ 140,000. Municipal taxes paid for the house amounts to ₹ 7,500. Mrs. Indu had constructed the house by taking a loan from a nationalized bank on 20.6.2013. She repaid the loan of ₹ 54,000 including interest of ₹ 24,000. The value of one dollar is to be taken as ₹ 45. Compute total income from house property of Mrs. Indu.**

- 34) **[Vacancy] - Y owns a big house (erection completed on 31.03.2011). The house has three independent units. Unit – I (50% of the floor area) is let out for residential purpose on monthly rent of ₹ 8,200. Unit – I remains vacant for 1 month when it is not put to any use. A sum of ₹ 700 could not be collected from the tenant. Unit –II (25% of the floor area) is used by Y for the purpose of his profession, while Unit – III (the remaining 25%) is utilized for the purpose of his residence. Other particulars of the house are as follows:**

Municipal valuation: ₹ 60,000, fair rent: ₹ 70,000, standard rent under the Rent control Act: ₹ 90,000, municipal taxes: ₹ 15,000, repairs: ₹ 4,000, interest on capital borrowed for renewal of the property: ₹ 36,000, ground rent: ₹ 6,400, annual charge created under the will by father in favour Mrs. Y: ₹ 9,000 and fire insurance premium paid: ₹ 15,000. Income of Y from profession is ₹ 7,95,000 (without debiting house rent and other incidental expenditure including admissible depreciation on the portion of house used for profession: ₹ 8,000). **Determine the taxable income of Y.**

- 35) **For the assessment year 2021-22, X (age: 66 years) submits the following information: [Vacancy]**

Particulars	House I	House: II
	₹	₹
Fair Rent	3,30,000	3,20,000
Municipal Valuation	3,60,000	3,50,000
Standard Rent	3,00,000	5,00,000
Annual Rent	6,00,000	4,20,000
Unrealised Rent of the P/Y 2018-19	10,000	80,000
Unrealised Rent of the P/Y 2017-18	-	3,00,000
Vacant Period (number of months)	(2)	(4)
Loss on account of vacancy	1,00,000	1,40,000
Municipal Taxes paid	40,000	50,000
Repairs	5,000	7,000
Insurance	20,000	30,000
Land Revenue	25,000	40,000
Ground Rent	66,000	82,000
Interest on capital borrowed by mortgaging House –I (funds are used for construction of House – II)	1,40,000	-----
Nature of occupation	Let out for residence	Let out for business

Determine the taxable income and tax liability of X.

- 36) **Deemed Ownership: Answer the following:**
- a) Mr. Ram transfers a property of market value ₹ 10,00,000 to his wife only for ₹ 4,00,000. The income from such property is ₹ 1,50,000. How will the property income be taxed?
 - b) Mr. Rohan gifts a property valuing ₹ 5,00,000 to his minor child being a married daughter. The annual income from such property is ₹ 25,000. How will the property income be taxed?
 - c) Mr. Sohan gifts ₹ 20,00,000 to his wife and the wife purchases a house property of ₹ 20,00,000 out of such money. Will Mr. Sohan be the deemed owner of the house property?
 - d) Mr. A gives his house property on lease to Mr. B for a total period of 13 years, but the lease is to be renewed by Mr. B annually during this period. In whose hands will the property income be assessed?
 - e) Mr. X gives his house property on lease to Mr. Y for a period of two year. Mr. Y can get the lease renewed for another two years on payment of a specified sum and so on for indefinite period. In whose hands will the property income be assessed?
 - f) Mr. P leases his house property to Mr. Q for 8 months, which can be renewed every six months for indefinite period. In whose hands will the property income be assessed?

SOLUTION – SET A

1. 96000, 84000, 75000 & 80,000.
- 2.
3. (a) 71,500 [Section 23(1)(c)]
(b) 90,000 & NIL
(c) 119000
4. House I - GAV – Actual rent being Higher – ₹ 22,000 x 12. Income from HP – ₹ 1,56,800.
House II - GAV – Actual rent being Higher – ₹ 17,500 x 11. Income from HP – ₹ 78,750.
House III - GAV – Actual rent being lower due sec 23(1)(c)– ₹ 10500 x 6. Income from HP – ₹ 33,600.

5. Income from House Property

Particulars	Amount ₹
Gross Annual Value [₹ 80,000 (10,000 x 8)]	80,000
Less: Municipal taxes	6,000
Net Annual Value	74,000
Less : Deduction u/s.24 - 30% of Net Annual Value	22,200
Income from House Property	51,800

Where the house property comes into existence only during the previous year, the annual value shall be computed only for the period for which the house existed. In this case, therefore, the annual value is computed only for 10 months, i.e. from June 2020 to March 2021. The same analogy would apply where the assessee purchases or sells the house property during the year and consequently owns the house property only for part of the year.

6. Assessee cannot claim deduction in respect of such payments as they are not specified as deduction either u/s.23 or u/s.24.
7.
 - (a) Income from sub-letting is taxable under the head "Income from other sources". However, if the subletting constitutes a business activity, the same shall be taxable under the head 'Profit and gains of business and profession'.
 - (b) A person who owns the building need not necessarily be the owner of the land on which the building is constructed. The rent is derived from the building. In the present case the rent is derived from the house on a leasehold land. Therefore the income so received is taxable under the head 'Income from house property' and Mr. X is entitled to statutory deduction of 30% of such rent so received under/ section 24(a).
8. **HP 42000 + Other Source – Electricity Facility (3,000) = ₹ 39,000**
9. For the P.Y. 2020-21, Mr. Ramesh, a foreign national, is resident and ordinarily resident in India. Therefore, income received by him by way of rent of the house property located in USA is to be included in the total income in India. Municipal taxes paid in USA is to be allowed as deduction from the gross annual value.

Computation of Income from house property of Mr. Ramesh

Particulars	₹
Gross Annual Value (\$ 12,000 x 12 x 40)	57,60,000
Less: Municipal taxes paid (\$ 8,000 x 40)	3,20,000
Net Annual Value (NAV)	54,40,000
Less: Deduction u/s 24	
(a) 30% of NAV = 30% of ₹ 60,80,000	16,32,000
Income from house property	38,08,000

10. Computation of Income from house property of Mr. Anirudh

Particulars	Amount in ₹
Computation of GAV	
Step 1 Compute ALV	
ALV = Higher of MV of ₹ 1,30,000 p.a. and FR of ₹ 1,10,000 p.a., but restricted to SR of ₹ 1,20,000 p.a.	1,20,000
Step 2 Compute actual rent received/receivable	
Actual rent received/receivable less unrealized rent as per Rule 4 = ₹ 1,32,000 - ₹ 11,000	1,21,000
Step 3 Compare ALV of ₹ 1,20,000 and Actual rent received/receivable of ₹ 1,21,000.	
Step 4 GAV is the higher of ALV and Actual rent received/receivable	1,21,000
Gross Annual Value (GAV)	1,21,000
Less: Municipal taxes (paid by the owner during the previous year) = 10% of ₹ 1,30,000	13,000
Net Annual Value (NAV) = ₹ 1,21,000 - ₹ 13,000	1,08,000
Less: Deductions u/s 24	
(a) 30% of NAV	32,400
(b) Interest on borrowed capital (actual without any ceiling limit)	40,000
	<u>72,400</u>
Income from house property (₹ 1,08,000 - ₹ 32,400 - ₹ 40,000)	35,600

11. Income from House Property – ₹ 161000.**12. Computation of income from house property of Ganesh**

Particulars	Amount in ₹
Computation of GAV	
Step 1. Compute ALV	
ALV = Higher of MV of ₹ 2,50,000 p.a. and FR of ₹ 2,00,000 p.a., but restricted to SR of ₹ 2,10,000 p.a.	2,10,000
Step 2. Compute Actual rent received/receivable	
Actual rent received/receivable for let out period less unrealized rent as per Rule 4 = ₹ 2,00,000 - ₹ 20,000	1,80,000
Step 3. Compare ALV and Actual rent received/receivable	
Step 4. In this case the actual rent of ₹ 1,80,000 is lower than ALV of ₹ 2,10,000 owing to vacancy, since, had the property not been vacant the actual rent would have been ₹ 2,20,000 (₹ 1,80,000 + ₹ 40,000). Therefore, actual rent is the GAV.	1,80,000
Gross Annual Value (GAV)	1,80,000
Less: Municipal taxes (paid by the owner during the previous year) = 8% of ₹ 2,50,000	<u>20,000</u>
Net Annual Value (NAV) = (₹ 1,80,000 - ₹ 20,000)	1,60,000
Less: Deductions u/s 24	
(a) 30% of NAV = 30% of ₹ 1,60,000	48,000
(b) Interest on borrowed capital (actual without any ceiling limit)	65,000
	<u>1,13,000</u>
Income from house property = (₹ 1,60,000 - 48,000 - 65,000)	<u>47,000</u>

13. $10000 + 22500 + \frac{1}{5} [40000 \times \frac{21}{12} + 20000] = ₹ 50,500.$

14. If date of repayment of loan is January 16, 2024 or June 30, 2022, then pre-construction period ends on March 31, 2020 (being March 31 immediately prior to the date of completion of construction/ acquisition). Interest on ₹ 40,000 @ 15 per cent per annum from June 1, 2015 to March 31, 2020 is ₹ 29,000. Amount of installment deductible in first 5 years is ₹ 5,800 (i.e., ₹ 29000/5).

If date of repayment is 31st October 2018, than pre-construction period ends on same date only as no loan is outstanding thereafter. Month – 41 month. Total Int. - 20500

	Year Ending on March 31, 2021 ₹
If date of repayment of loan is January 16, 2024:	
Current year's interest	6,000
Pre-construction period's interest	5,800
Total deduction	11,800
If date of repayment of loan is June 30, 2022	
Current year's interest	6,000*
Pre-construction period's interest	5,800
Total deduction	11,800
If date of repayment of loan is October 31, 2018:	
Current year's interest	Nil
Pre-construction period's interest [1/5 of 20500]	4,100
Total	4,100

15. Interest for the year (1.4.20 to 31.3.21) = 10% of ₹ 5,00,000 = ₹ 50,000
Pre-construction interest = 10% of ₹ 5,00,000 for 6 months (from 1.10.18 to 31.3.20) = ₹ 25,000
Pre-construction interest to be allowed in 5 equal annual installments of ₹ 5,000 from the year of completion of construction i.e. in this case, PY 2020-21.
Therefore, total interest deduction under section 24 = 50,000+5,000 = ₹ 55,000.

16. **Pre Construction Period : 1.7.2016 to 31.03.2019 – 33 month**
Pre Construction Interest – ₹ 77,000
Interest Deductible: $200000 \times 14\% + 77,000 / 5$.

17. **Computation of Interest allowable under section 24 in the hands of Mr. Arvind.**

Assumption : Construction completed on 31.3.2020.

In the present case,

Pre construction period starts from

1.11.2019 (date of commencement of construction & borrowing) and ending on

31.3.2020 (being 31st March immediately prior to year of completion which is 31.3.2021)

Loan Amount ₹ 5,00,000.

Computation of Interest for pre construction period.

$$\text{₹ } 5,00,000 \times 16\% \times 5/12 = \text{₹ } 33,333$$

This interest is to be allowed in five equal installments commencing from the year in which the construction is completed i.e. interest on account of pre-construction period for assessment year 2021-22 is ₹ 33,333 * 1/5 = ₹ 6,667.

Computation of total interest for the period 1.4.2020 to 31.3.2021

Current year interest On loan of ₹ 5,00,000

$$\text{₹ } 5,00,000 \times 16\%$$

80,000

On further loan of ₹ 8,00,000 (for the period 1.10.20 to 31.3.21)

$$\text{₹ } 8,00,000 \times 16 / 100 \times 6 / 12$$

64,000

1,44,000

Interest for pre construction period

6,667

Total interest

1,50,667

18. GAV – 270,000; NAV – 230,000; Deduction u/s 24(a) - 69,000 + u/s 24(b) Interest – 28,000 (1/5 of 140,000) + 80,000
Income from House property – ₹ 53,000

19. NIL (Self Occupied) Less Interest – 96000 + 33600 [1/5 for 21 months]

20. GAV – 108000; Pre Construction – 108000/5. Income from House Property: ₹ 13,500.

21. GAV – 36,000; M. Tax – 6,000; NAV -30,000; Std Ded - @ 30% - ₹ 9,000; Interest – 15000 + 1/5 of 20000
Income from House Property – ₹ 2,000

22. Computation of income from house property of Smt. Puja

Particulars	Amount
Annual Value of one house used for self-occupation under section 23(2)	Nil
Less: Deduction under section 24	
Interest on borrowed capital	
Interest on loan was taken for construction of house on or after 1.4.99 and same was completed within 5 years - interest paid or payable subject to a maximum of ₹ 1,50,000 (including apportioned pre-construction interest) will be allowed as deduction. In this case the total interest is ₹ 1,44,000 + ₹ 30,000 (Being 1/5th of ₹ 1,50,000) = ₹ 1,74,000.	1,74,000
Loss from house property	<u>-1,74,000</u>

23. GAV – 320,000. Mun tax – 31500 (Half Paid), Pre Construction Interest – 350000 [42 month]
Income from House Property – ₹ 131950.

24. Computation of income from house property of Smt. Rajni

Particulars	Amount in rupees
Computation of GAV	
Step 1. Compute ALV for the whole year ALV = Higher of MV of ₹ 5,00,000 and FR of ₹ 4,20,000, but restricted to SR of ₹ 4,80,000	4,80,000
Step 2. Compute Actual rent received/receivable Actual rent received/receivable for the period let out less unrealized rent as per Rule 4 = (50000x9) - (50000x2)=4,50,000-1,00,000=	3,50,000
Step 3. Compare ALV for the whole year with the actual rent received/receivable for the let out period i.e. ₹ 4,80,000 and 3,50,000	
Step 4. GAV is the higher of ALV computed for the whole year and Actual rent received/receivable computed for the letout period.	<u>4,80,000</u>
Gross Annual Value (GAV)	4,80,000
Less: Municipal taxes (paid by the owner during the previous year) = 12% of ₹ 5,00,000	<u>60,000</u>
Net Annual Value (NAV) = 4,80,000-60,000	4,20,000
Less: Deductions u/s 24	
(a) 30% of NAV = 30% of ₹ 4,20,000	1,26,000
(b) Interest on borrowed capital	<u>25,000</u>
Income from house property	<u>2,69,000</u>

25. Computation of income chargeable under the head 'Income from house property
[For the assessment year 2021-22]

	₹	₹
Annual value	₹ 3,000 × 9	27,000
	[w.e.f 1.7.20 to 31.3.21]	
Less: Corporation tax paid during the relevant previous year	₹ 6,000 × 50%	<u>3,000</u>
		24,000
Less: Deduction under section 24		
(a) 30% statutory deduction	7,200	
(b) Interest on money borrowed for the construction of the said property	20,000	27,200
Income from house property		<u>(-) 3,200</u>

26.

	If rent is ₹ 14,000 per month ₹	If rent is ₹ 19,000 per month ₹
Municipal valuation (MV)	1,64,000	1,64,000
Fair rent (FR)	2,16,000	2,16,000
Standard rent (SR)	1,80,000	1,80,000
Annual rent	1,40,000	1,90,000
Gross annual value		
Step I - Reasonable expected rent of the property [MV or FR, whichever is higher, but subject to maximum of SR]	1,80,000	1,80,000
Step II - Rent received/receivable after deducting unrealized rent but before adjusting loss due to vacancy	1,40,000'	1,90,000
Step III - Amount computed in Step 1 or Step II, whichever is higher	1,80,000	1,90,000
Step IV - Loss due to vacancy	Nil	Nil
Step V - Gross annual value is Step III minus Step IV	1,80,000	1,90,000
Less: Municipal tax	6,000	6,000
Net annual value	1,74,000	1,84,000
Less: Deduction under section 24		
Standard deduction (30%)	52,200	55,200
Interest on borrowed capital	1,23,000	1,23,000
Income from property	(-) 1,200	5,800
Other income	1,86,000	1,86,000
Net income	1,84,800	1,91,800

27. Unit 1 - Self-occupied

Gross annual value	₹ Nil
Less: Municipal tax	Nil
Net annual value	Nil
Less: Interest on borrowed capital [1 /2 of ₹ 63,000 or ₹ 30,000 whichever is lower]	30,000
Income of Unit 1	(-) 30,000

Unit 2- Let out

Municipal value (50% of ₹ 1,30,000) (MV)	65,000
Fair rent (50% of ₹ 1,40,000) (FR)	70,000
Standard rent (50% of ₹ 1,25,000) (SR)	62,500
Annual rent (₹ 6,000 X 12)	72,000
Unrealised rent	12,000

Gross Annual Value

Step I - Reasonable expected rent of the property [MV or FR, whichever is higher, but subject to maximum of SR]	62,500
Step II - Rent received/receivable after deducting unrealized rent but before adjusting loss due to vacancy	60,000
Step III - Amount computed in Step I or Step II, whichever is higher	62,500
Step IV - Loss due to vacancy	NIL
Step V - Gross annual value is Step III minus Step IV	62,500
Less: Municipal tax (50% of 12% of ₹ 1,30,000)	(7,800)
Net annual value	54,700
Less: Deduction under section 24	
Standard deduction (30% of ₹ 54,700)	(16,410)
Interest on borrowed capital (50% of ₹ 63,000)	(31,500)
Income of Unit 2	6,790

Computation of income of X

Income from house property	₹
Unit 1: ₹ (-) 30,000	
Unit 2: ₹ 6,790	(-) 23,210
Other income	1,80,000
Net income	1,56,790

28. GAV – 360000, MT – 20,000; NAV – 340,000; Interest – 18000. Income from half Portion – 220,000.
Income from Self occupied Portion – Loss of Interest 9000.

29. **GAV – 13500 x 9 = 121500 [Loss due to Vacancy – Section 23(1)(c) - ALV is ₹ 2,10,000 x 70%]
M.Tax - 200000 x 10% x 70%
Income from House Property – ₹ 75,250 [121500 – 14000 – 30% (121500-14000)]**

30. **Computation of Income chargeable under the head 'Income from House Property' of Mr. X**

Particulars	50 % self occupied		50% let out
Gross Annual Value		Nil	80,000
Less: Municipal taxes		Nil	14,250
Net Annual Value		Nil	65,750
Less: Deductions under section 24			19,725
(a) Statutory deduction @ 30% of NAV	Nil		
(b) Interest on borrowed capital for purpose of house	9,000	9,000	9,000
		<u>(9,000)</u>	<u>37,025</u>
Income from house property			28,025

Note: It has been assumed that both the units are of equal area. Thus, both the units occupy half area of the total residential house in Mumbai.

31. There are two units of the house. Unit I with 2/3rd area is used by Ajay for self-occupation throughout the year and no benefit is derived from that unit, hence it will be treated as self occupied and its annual value will be nil. Unit 2 with 1/3rd area is let-out through out the previous year and its annual value has to be determined as per section 23(1).

Computation of Income from house property of Mr. Ajay

Particulars	Amount in rupees
Unit I (2/3rd area – self-occupied)	
Annual Value	Nil
Less: Deduction u/s 24(b) 2/3rd of ₹ 1,20,000	<u>80,000</u>
Income from Unit I (self-occupied)	<u>-80,000</u>

Unit II (1/3rd area – let out)

Computation of GAV

Step 1. – Compute ALV

ALV = Higher of MV and FR, restricted to SR. However, in this case, SR of ₹ 1,10,000 (1/3rd of ₹ 3,30,000) is more than the higher of MV of ₹ 1,00,000 (1/3rd of ₹ 3,00,000) and FR of ₹ 90,000 (1/3rd of ₹ 2,70,000). Hence the higher of MV and FR is the ALV. In this case, it is the MV. 1,00,000

Step 2. – Compute actual rent received/ receivable

8,000 x 12 = ₹ 96,000 96,000

Step 3. – GAV is the higher of ALV and actual rent

received/receivable i.e. higher of ₹ 1,00,000 and ₹ 96,000 1,00,000

Gross Annual Value (GAV) 1,00,000

Less: Municipal taxes paid by the owner during the previous year relating to let-out portion

1/3rd of (10% of ₹ 3,00,000) = ₹ 30,000/3 = 10,000 10,000

Net Annual Value (NAV) = (1,00,000-10,000) 90,000

Less: Deductions under section 24

(a) 30% of NAV = 30% of ₹ 90,000 27,000

(b) Interest paid on borrowed capital (relating to let out portion)

1/3 rd of ₹ 1,20,000 40,000 67,000

Income from Unit II (let-out) 23,000

Loss under the head “Income from house property” = - 80,000 + 23,000 - 57,000

32. Since the assessee is a resident and ordinarily resident in India, her global income would form part of her total income i.e., income earned in India as well as outside India will form part of her total income.

She possesses 3 self-occupied house at Los Angeles as well as at Chennai. At her option, two house shall be treated as self-occupied, whose annual value will be nil. The other self-occupied house property will be treated as "deemed let out property".

The annual value of the Los Angeles houses are higher as compare to Chennai flat. Since the annual value of Los Angeles house is obviously more, it will be beneficial for her to opt for choosing the same as self-occupied. The Chennai house will, therefore, be treated as "deemed let out property"

As regards the Bangalore house; arrears of rent will be chargeable to tax as income from house property in the year of receipt under section 25A. It is not essential that the assessee should continue to be the owner. 30% of the arrears of rent shall be allowed as deduction.

Accordingly, the income from house property of Mrs. Rohini Ravi will be calculated under:

Particulars	₹	₹
(a) Self-occupied house at Los Angeles (two houses)		
Annual value	Nil	
Less: Deductions under section 24	Nil	
Chargeable income from this house property	<u>Nil</u>	
(b) Deemed let out house property at Chennai		
Gross Annual Value (Higher of municipal value and fair rent) [₹ 35,000 x 9]		3,15,000
Less: Municipal Taxes (Property tax + Sewerage tax)		<u>18,000</u>
Net Annual Value (NAV)		2,97,000
Less: Deductions under section 24		
Statutory deduction u/s 24(a) @ 30% of NAV	89,100	
Interest on borrowed capital (See Note below)	<u>1,91,940</u>	
		<u>2,81,040</u>
		15,960
(c) Arrears in respect of Bangalore property		
Arrears of rent received	60,000	
Less: Statutory deduction u/s 24(a) @ 30%	<u>18,000</u>	
		<u>42,000</u>
Income chargeable under the head "Income from house property"		<u>57,960</u>
Note: Interest on borrowed capital		₹
Interest for the current year (₹ 50,800 + ₹ 1,31,300)		1,82,100
Add: 1/5th of pre-construction interest (₹ 49,200 x 1/5)		9,840
Interest deduction allowable under section 24		<u>1,91,940</u>

33. Computation of taxable Income from House Property

	House No.1 at USA (Let out) ₹	House No.2 at Mumbai (Let out) ₹
Gross annual value [2000 x 12 x 45]	10,80,000	1,32,000
Less : Municipal tax paid by the owner [1500x 42]	<u>67,500</u>	<u>3,750</u>
	10,12,500	1,28,250
Less: Deductions under section 24		
(a) Statutory deduction @30%	3,03,500	38,475
(b) Interest on borrowed capital	Nil	12,000
Income from house property	<u>7,08,750</u>	<u>77,775</u>
House No. 3 (Self occupied)		
Annual value		Nil
Less : Interest on loan for current year		12,000
		<u>(-)12,000</u>

In Nutshell**Incomes taxable under the head Income from House Property**

House No. 1	7,08,750
House No. 2	<u>77,775</u>
	7,86,525
House No. 3	<u>(-) 12,000</u>
	<u>7,74,525</u>

Working Note:

Annual value of property at Mumbai

1. Annual value of the property

Notional rent or expected rent - it is the higher of MV or FR but it cannot exceed SR

Municipal Value:	Not given	
Fair Rental Value:	140,000	
Standard Rent:	₹ 11,000 × 12 = ₹ 1,32,000	
Notional rent or expected rent		₹ 1,32,000
Actual rent received:	₹ 10,000 × 12 = ₹ 1,20,000	₹ 1,20,000
Annual value is the higher of notional rent or actual rent		

34. Unit 1 (let out)

Municipal valuation (50% of ₹ 60,000) (MV)	30,000
Fair rent (50% of ₹ 70,000) (FR)	35,000
Standard rent (50% of ₹ 90,000) (SR)	45,000
Annual rent (₹ 8,200 × 12)	98,400
Unrealized rent	700
Loss of rent because of vacancy	8,200

Gross Annual Value

Step I - ALV of the property [MV or FR, whichever is higher, but subject to maximum of SR]	35,000
Step II - Rent received / receivable after deducting unrealized rent and loss due to vacancy	89,500
Step III - Gross annual value = Amount computed in Step I or Step II, whichever is higher	89,500
Less: Municipal tax (50% of ₹ 15,000)	<u>7,500</u>
Net annual value	82,000
Less: Deductions under section 24	
Standard deduction (30% of ₹ 82,000)	24,600
Interest (50% of ₹ 36,000)	18,000
House Property Income of Unit 1	39,400

Unit 3 (self-occupied)

Net annual value	Nil
Less: Interest (25% of ₹ 36,000)	9,000
House Property Income of Unit 3	(-) 9,000

COMPUTATION OF PROFESSIONAL INCOME

[Unit II – Used for Profession]

Income		₹	₹
			7,95,000
Less: Municipal taxes (1/4 of ₹ 15,000)	3,750		
Repairs (1/4 of ₹ 4,000)	1,000		
Interest (1/4 of ₹ 36,000)	9,000		
Ground rent (1/4 of ₹ 6,400)	1,600		
Annual charge (*personal expenditure not deductible)	*Nil		
Insurance premium (1/4 of ₹ 15,000)	3,750		
Depreciation	<u>8,000</u>		
			<u>27,100</u>
			7, 67,900

COMPUTATION OF TOTAL INCOME**Income from house property:**

Unit 1	39,400	
Unit 3	<u>(-) 9,000</u>	30,400
Income from profession		<u>7,67,900</u>
Gross total income		7,98,300
Less: Deduction under section 80C		Nil
Net income		7,98,300

Note - Ground rent, annual charge and fire insurance premium are not deductible while calculating property income.

35.

₹

HOUSE -1**Gross Annual Value**

Step I - ALV of the property [MV or FR, whichever is higher, but subject to maximum of SR] 3,00,000

Step II - Rent received / receivable after deducting unrealized rent and loss due to vacancy 5,00,000

[Note: UR of PY 18-19 is not deductible]

Step III - Amount computed in Step I or Step II, whichever is higher 5,00,000

Gross Annual Value **5,00,000**

Less: Municipal taxes 40,000

Net Annual Value 4,60,000

Less: Deductions under section 24 ₹

Standard deduction (30% of ₹ 4,60,000) 1,38,000

Interest (*as the funds are utilised for the construction of House II, it is not deductible from the income of House I) *Nil 1,38,000

Income from House I **3,22,000**

HOUSE II**Gross Annual Value**

Step I - Reasonable expected rent of the property [MV or FR, whichever is higher, but subject to maximum of SR] 3,50,000

Step II - Rent received / receivable after deducting unrealized rent and loss due to vacancy 2,80,000

[₹ 35000 per month rent x 8 month]

Step III - Gross annual value – **Actual rent as it is lower due to vacancy** – Section 23(1)(c) 2,80,000

Less: Municipal taxes 50,000

Net Annual Value **2,30,000**

Less: Deductions under section 24

Standard deduction (30% of ₹ 3,00,000) 69,000

Interest on capital (*as the capital is borrowed for construction of House II, it is deductible, even if House I is mortgaged by X for this purpose) * 1,40,000 2,09,000

Income from House II 21,000

Note: Deduction on account of unrealised rent of earlier years is not available. Moreover, insurance, land revenue and ground rent are not deductible.

36. The above issues can be answered as follows -

(a) Here Mr. Ram has transferred his house property to his spouse otherwise than for adequate consideration. Therefore, he will be deemed to be owner of the property to the extent of such inadequacy of consideration i.e. 60% of the house and the part of house representing the consideration i.e. 40% of the house shall be assessed in the hands of the spouse.

In other words, the property income shall be assessed as follows -

In the hands of Mr. Ram: ₹ 1,50,000 × 6,00,000 ÷ 10,00,000 = ₹ 90,000

In the hands of Mrs. Ram: ₹ 1,50,000 × 4,00,000 ÷ 10,00,000 = ₹ 60,000

(b) In case of property transferred by way of gift to minor child being a married daughter, the transferor shall not be deemed to be the owner of the property because section 27 specifically excludes married daughter from this purview.

(c) Section 27(i) speaks of transfer of house property and not the transfer of any other asset. In this case, Mr. Sohan doesn't transfer house property but what is transferred is money. It is immaterial that out of such money the Mrs. Sohan purchases a house property. The owner of the house property will be Mrs. Sohan. Mr. Sohan cannot be deemed to be the owner of such house property.

(d) In this case the lease is for a period exceeding 12 years, but the same is to be renewed annually i.e. for a period not exceeding one year. Hence, the same doesn't fall u/s 27 and therefore, Mr. B is not the deemed owner of the property u/s 27. The property income will be assessed in the hands of Mr. A.

(e) The lease is to be renewed after every two years but the lessee i.e. Mr. Y has a right to get it renewed after every two years for indefinite period. Hence, the total period of lease can be more than 12 years and therefore, Mr. Y will be deemed to be the owner of the house property and property income will be assessed in his hands.

(f) Since the lease is to be renewed every six months i.e. for a period not exceeding one year, therefore, lease doesn't fall under section 27 and Mr. Q cannot be deemed to be the owner of the house property. Thus, the property income will be assessed in the hands of Mr. P.

PRACTICAL QUESTION - SET B

1. Rajesh, a British national, is a resident and ordinarily resident in India during the P.Y. 2020-21. He owns a house in London, which he has let out at £ 10,000 p.m. The municipal taxes paid to the Municipal Corporation of London is £ 8,000 during the P.Y. 2020-21. The value of one £ in Indian rupee to be taken at ₹ 95. Compute Rajesh's Net Annual Value of the property for the A.Y. 2021-22.

Solution:

For the P.Y. 2020-21, Mr. Rajesh, a British national, is resident and ordinarily resident in India. Therefore, income received by him by way of rent of the house property located in London is to be included in the total income in India. Municipal taxes paid in London is to be allowed as deduction from the gross annual value.

Computation of Net Annual Value of the property of Mr. Rajesh for A.Y. 2021-22

Particulars	₹
Gross Annual Value (₹10,000 x 12 x 92.50)	1,11,00,000
Less: Municipal taxes paid (₹8,000 x 92.50)	7,40,000
Net Annual Value (NAV)	1,03,60,000

2. Mr. Manas owns two house properties one at Bombay, wherein his family resides and the other at Delhi, which is unoccupied. He lives in Chandigarh for his employment purposes in a rented house. For acquisition of house property at Bombay, he has taken a loan of ₹ 30 lakh @10% p.a. on 1.4.2019. He has not repaid any amount so far. In respect of house property at Delhi, he has taken a loan of ₹ 5 lakh @11% p.a. on 1.10.2019 towards repairs. Compute the deduction which would be available to him under section 24(b) for A.Y. 2021-22 in respect of interest payable on such loan.

Solution:

Mr. Manas can claim benefit of Nil Annual Value in respect of his house property at Bombay and Delhi, since no benefit is derived by him from such properties, and he cannot occupy such properties due to reason of his employment at Chandigarh, where he lives in a rented house.

Computation of deduction u/s 24(b) for A.Y. 2021-22

Particulars	₹
(I) Interest on loan taken for acquisition of residential house property at Bombay 30,00,000 x 10% = ₹ 3,00,000 Restricted to ₹ 2,00,000	2,00,000
(II) Interest on loan taken for repair of residential house property at Delhi ₹ 5,00,000 x 11% = ₹ 55,000 Restricted to ₹ 30,000	30,000
Total interest	2,30,000
Deduction under section 24(b) in respect of (I) and (II) above to be restricted to	2,00,000

3. Anirudh has a property whose municipal valuation is ₹ 1,30,000 p.a. The fair rent is ₹ 1,10,000 p.a. and the standard rent fixed by the Rent Control Act is ₹ 1,20,000 p.a. The property was let out for a rent of ₹ 11,000 p.m. throughout the previous year. Unrealised rent was ₹ 11,000 and all conditions prescribed by Rule 4 are satisfied. He paid municipal taxes @10% of municipal valuation. Interest on borrowed capital was ₹ 40,000 for the year. Compute the income from house property of Anirudh for A.Y. 2021-22.

Solution:**Computation of Income from house property of Mr. Anirudh for A.Y. 2021-22**

Particulars	Amount in ₹	
Computation of GAV		
Step 1 Compute ER ER = Higher of MV of ₹ 1,30,000 p.a. and FR of ₹ 1,10,000 p.a., but restricted to SR of ₹ 1,20,000 p.a.	1,20,000	
Step 2 Compute actual rent received/receivable Actual rent received/ receivable less unrealized rent as per Rule 4 = ₹ 1,32,000 - ₹ 11,000	1,21,000	
Step 3 Compare ER of ₹ 1,20,000 and Actual rent received/receivable of ₹ 1,21,000		
Step 4 GAV is the higher of ER and Actual rent received/receivable	1,21,000	
Gross Annual Value (GAV)		1,21,000
Less: Municipal taxes (paid by the owner during the previous year) = 10% of ₹ 1,30,000		13,000
Net Annual Value (NAV)		1,08,000
Less: Deductions under section 24		
(a) 30% of NAV	32,400	
(b) Interest on borrowed capital (actual without any ceiling limit)	40,000	
		72,400
Income from house property		35,600

Note – Alternatively, if as per income-tax returns, unrealized rent is deducted from GAV, then GAV would be ₹ 1,32,000, being higher of expected rent of ₹ 1,20,000 and actual rent of ₹ 1,32,000. Thereafter, unrealized rent of ₹ 11,000 and municipal taxes of ₹ 13,000 would be deducted from GAV of ₹ 1,32,000 to arrive at the NAV of ₹ 1,08,000.

4. Ganesh has a property whose municipal valuation is ₹ 2,50,000 p.a. The fair rent is ₹ 2,00,000 p.a. and the standard rent fixed by the Rent Control Act is ₹ 2,10,000 p.a. The property was let out for a rent of ₹ 20,000 p.m. However, the tenant vacated the property on 31.1.2021. Unrealised rent was ₹ 20,000 and all conditions prescribed by Rule 4 are satisfied. He paid municipal taxes @8% of municipal valuation. Interest on borrowed capital was ₹ 65,000 for the year. Compute the income from house property of Ganesh for A.Y. 2021-22.

Solution:**Computation of income from house property of Ganesh for A.Y. 2021-22**

Particulars	Amount in ₹	
Computation of GAV		
Step 1 Compute ER ER = Higher of MV of ₹ 2,50,000 p.a. and FR of ₹ 2,00,000 p.a., but restricted to SR of ₹ 2,10,000 p.a.	2,10,000	
Step 2 Compute Actual rent received/ receivable Actual rent received/ receivable for let out period less unrealized rent as per Rule 4 = ₹ 2,00,000 – ₹ 20,000	1,80,000	
Step 3 Compare ER and Actual rent received/ receivable		
Step 4 In this case the actual rent of ₹ 1,80,000 is lower than ER of ₹ 2,10,000 owing to vacancy, since, had the property not been vacant the actual rent would have been ₹ 2,20,000 (₹ 1,80,000 + ₹ 40,000, being notional rent for February and March 2020). Therefore, actual rent is the GAV.	1,80,000	
Gross Annual Value (GAV)		1,80,000

Less: Municipal taxes (paid by the owner during the previous year) = 8% of ₹ 2,50,000		20,000
Net Annual Value (NAV)		1,60,000
Less: Deductions under section 24		
(a) 30% of NAV = 30% of ₹ 1,60,000	48,000	
(b) Interest on borrowed capital (actual without any ceiling limit)	65,000	1,13,000
Income from house property		47,000

Note – Alternatively, if as per income-tax returns, unrealized rent is deducted from GAV, then GAV would be ₹ 2,00,000, being the actual rent, since the actual rent is lower than the expected rent of ₹ 2,10,000 owing to vacancy. Thereafter, unrealized rent of ₹ 20,000 and municipal taxes of ₹ 20,000 would be deducted from GAV of ₹ 2,00,000 to arrive at the NAV of ₹ 1,60,000.

5. Poorna has one house property at Indira Nagar in Bangalore. She stays with her family in the house. The rent of similar property in the neighbourhood is ₹ 25,000 p.m. The municipal valuation is ₹ 23,000 p.m. Municipal taxes paid is ₹ 8,000. The house construction began in April 2014 with a loan of ₹ 20,00,000 taken from SBI Housing Finance Ltd. @9% p.a. on 1.4.2014. The construction was completed on 30.11.2016. The accumulated interest up to 31.3.2021 is ₹ 3,60,000. On 31.3.2021, Poorna paid ₹ 2,40,000 which included ₹ 1,80,000 as interest. There was no principal repayment prior to this date. Compute Poorna's income from house property for A.Y. 2021-22.

Solution:

Computation of income from house property of Smt. Poorna for A.Y. 2021-22

Particulars	Amount
Annual Value of house used for self-occupation under section 23(2)	Nil
Less: Deduction under section 24 Interest on borrowed capital	
Interest on loan was taken for construction of house on or after 1.4.99 and same was completed within the prescribed time - interest paid or payable subject to a maximum of ₹ 2,00,000 (including apportioned pre- construction interest) will be allowed as deduction.	
In this case the total interest is ₹ 1,80,000 + ₹ 72,000 (Being 1/5 th of ₹ 3,60,000) = ₹ 2,52,000. However, the interest deduction is restricted to ₹ 2,00,000.	2,00,000
Loss from house property	(2,00,000)

6. Smt. Rajalakshmi owns a house property at Adyar in Chennai. The municipal value of the property is ₹ 5,00,000, fair rent is ₹ 4,20,000 and standard rent is ₹ 4,80,000. The property was let-out for ₹ 50,000 p.m. up to December 2020. Thereafter, the tenant vacated the property and Smt. Rajalakshmi used the house for self- occupation. Rent for the months of November and December 2020 could not be realised in spite of the owner's efforts. All the conditions prescribed under Rule 4 are satisfied. She paid municipal taxes @12% during the year. She had paid interest of ₹ 25,000 during the year for amount borrowed for repairs for the house property. Compute her income from house property for the A.Y. 2021-22.

Solution:

Computation of income from house property of Smt. Rajalakshmi for the A.Y. 2021-22

Particulars	Amount in ₹	
Computation of GAV		
Step 1 Compute ER for the whole year		
ER = Higher of MV of ₹ 5,00,000 and FR of ₹ 4,20,000, but restricted to SR of ₹ 4,80,000	4,80,000	
Step 2 Compute Actual rent received/ receivable		
Actual rent received/ receivable for the period let out less unrealized rent as per Rule 4 = (₹ 50,000 x 9) - (₹ 50,000 x 2) = ₹ 4,50,000 - ₹ 1,00,000	3,50,000	
Step 3 Compare ER for the whole year with the actual rent received/ receivable for the let out period i.e. ₹ 4,80,000 and ₹ 3,50,000		
Step 4 GAV is the higher of ER computed for the whole year and Actual rent received/ receivable computed for the let-out period	4,80,000	
Gross Annual Value (GAV)		4,80,000
Less: Municipal taxes (paid by the owner during the previous year) = 12% of ₹ 5,00,000		60,000
Net Annual Value (NAV)		4,20,000
Less: Deductions under section 24		
(a) 30% of NAV = 30% of ₹ 4,20,000	1,26,000	
(b) Interest on borrowed capital	25,000	1,51,000
Income from house property		2,69,000

Note – Alternatively, if as per income-tax returns, unrealized rent is deducted from GAV, then GAV would be ₹ 4,80,000, being higher of expected rent of ₹ 4,80,000 and actual rent of ₹ 4,50,000. Thereafter, unrealized rent of ₹ 1,00,000 and municipal taxes of ₹ 60,000 would be deducted from GAV of ₹ 4,80,000 to arrive at the NAV of ₹ 3,20,000. The deduction u/s 24(a) would be ₹ 96,000, being 30% of ₹ 3,20,000. The income from house property would, therefore, be ₹ 1,99,000.

7. Ms. Aparna co-owns a residential house property in Calcutta along with her sister Ms. Dimple, where her sister's family resides. Both of them have equal share in the property and the same is used by them for self-occupation. Interest is payable in respect of loan of ₹ 50,00,000@10% taken on 1.4.2019 for acquisition of such property. In addition, Ms. Aparna owns a flat in Pune in which she and her parents reside. She has taken a loan of ₹ 3,00,000@12% on 1.10.2019 for repairs of this flat. Compute the deduction which would be available to Ms. Aparna and Ms. Dimple under section 24(b) for A.Y. 2021-22.

Solution:

Computation of deduction u/s 24(b) available to Ms. Aparna for A.Y. 2021-22.

Particulars	₹
(I) Interest on loan taken for acquisition of residential house property at Calcutta ₹ 50,00,000 x 10% = ₹ 5,00,000 Ms. Aparna's share = 50% of ₹ 5,00,000 = ₹ 2,50,000 Restricted to ₹ 2,00,000	2,00,000
(II) Interest on loan taken for repair of flat at Pune ₹ 3,00,000 x 12% = ₹ 36,000 Restricted to ₹ 30,000	30,000
Total interest	2,30,000
Deduction under section 24(b) in respect of (I) and (II) above to be restricted to	2,00,000

Computation of deduction u/s 24(b) available to Ms. Dimple for A.Y. 2021-22

Particulars	₹
Interest on loan taken for acquisition of residential house property at Calcutta ₹ 50,00,000 x 10% = ₹ 5,00,000	
Ms. Dimple's share = 50% of ₹ 5,00,000 = ₹ 2,50,000	
Restricted to ₹ 2,00,000	
Deduction under section 24(b)	2,00,000
	2,00,000

8. Mr. Raman is a co-owner of a house property along with his brother holding equal share in the property.

Particulars	₹
Municipal value of the property	1,60,000
Fair rent	1,50,000
Standard rent under the Rent Control Act	1,70,000
Rent received	15,000 p.m.

The loan for the construction of this property is jointly taken and the interest charged by the bank is ₹ 25,000, out of which ₹ 21,000 has been paid. Interest on the unpaid interest is ₹ 450. To repay this loan, Raman and his brother have taken a fresh loan and interest charged on this loan is ₹ 5,000.

The municipal taxes of ₹ 5,100 have been paid by the tenant.

Compute the income from this property chargeable in the hands of Mr. Raman for the A.Y. 2021-22.

Solution:**Computation of income from house property of Mr. Raman for A.Y. 2021-22**

Particulars	₹	₹
Gross Annual Value (See Note 1 below)		1,80,000
Less: Municipal taxes – paid by the tenant, hence not deductible		Nil
Net Annual Value (NAV)		1,80,000
Less: Deductions under section 24		
(i) 30% of NAV	54,000	
(ii) Interest on housing loan (See Note 2 below)		
➤ Interest on loan taken from bank	25,000	
➤ Interest on fresh loan to repay old loan for this property	5,000	84,000
Income from house property		96,000
50% share taxable in the hands of Mr. Raman (See Note 3 below)		48,000

Notes:**1. Computation of Gross Annual Value (GAV)**

GAV is the higher of Expected rent and actual rent received. Expected rent is the higher of municipal value and fair rent, but restricted to standard rent.

Particulars	₹	₹	₹	₹
(a) Municipal value of property	1,60,000			
(b) Fair rent	1,50,000			
(c) Higher of (a) and (b)		1,60,000		
(d) Standard rent		1,70,000		
(e) Expected rent [lower of (c) and (d)]			1,60,000	
(f) Actual rent [₹ 15,000 x 12]			1,80,000	
(g) Gross Annual Value [higher of (e) and (f)]				1,80,000

- Interest on housing loan is allowable as a deduction under section 24 on accrual basis. Further, interest on fresh loan taken to repay old loan is also allowable as deduction. However, interest on unpaid interest is not allowable as deduction under section 24.
- Section 26 provides that where a house property is owned by two or more persons whose shares are definite and ascertainable, the share of each such person in the income of house property, as computed in accordance with sections 22 to 25, shall be included in his respective total income. Therefore, 50% of the total income from the house property is taxable in the hands of Mr. Raman since he is an equal owner of the property.

9. Mr. X owns one residential house in Mumbai. The house is having two identical units. First unit of the house is self-occupied by Mr. X and another unit is rented for ₹ 8,000 p.m. The rented unit was vacant for 2 months during the year. The particulars of the house for the previous year 2020-21 are as under:

Standard rent	₹ 1,62,000 p.a.
Municipal valuation	₹ 1,90,000 p.a.
Fair rent	₹ 1,85,000 p. a
Municipal tax (Paid by Mr. X)	15% of municipal valuation
Light and water charges	₹ 500 p.m.
Interest on borrowed capital	₹ 1,500 p.m.
Lease money	₹ 1,200 p.a.
Insurance charges	₹ 3,000 p.a.
Repairs	₹ 12,000 p.a.

Compute income from house property of Mr. X for the A.Y. 2021-22.

Solution:

Computation of Income from house property for A.Y. 2021-22

Particulars	₹	₹
(A) Rented unit (50% of total area – See Note below)		
Step I - Computation of Expected Rent		
Municipal valuation (₹ 1,90,000 x ½)	95,000	
Fair rent (₹ 1,85,000 x ½)	92,500	
Standard rent (₹ 1,62,000 x ½)	81,000	
Expected Rent is higher of municipal valuation and fair rent, but restricted to standard rent	81,000	
Step II - Actual Rent		
Rent receivable for the whole year (₹ 8,000 x 12)	96,000	
Step III – Computation of Gross Annual Value		
Actual rent received owing to vacancy (₹ 96,000 –	80,000	

₹ 16,000) Since, owing to vacancy, the actual rent received is lower than the Expected Rent, the actual rent received is the Gross Annual Value		
Gross Annual Value		80,000
Less: Municipal taxes (15% of ₹ 95,000)		14,250
Net Annual value		65,750
Less : Deductions under section 24 -		
(i) 30% of net annual value	19,725	
(ii) Interest on borrowed capital (₹ 750 x 12)	9,000	28,725
Taxable income from let out portion		37,025
(B) Self occupied unit (50% of total area – See Note below)		
Annual value	Nil	
Less : Deduction under section 24 -		
Interest on borrowed capital (₹ 750 x 12)	9,000	9,000
Loss from self-occupied portion		(9,000)
Income from house property		28,025

Note: No deduction will be allowed separately for light and water charges, lease money paid, insurance charges and repairs.

- 10. Mr. Vikas owns a house property whose Municipal Value, Fair Rent and Standard Rent are ₹ 96,000, ₹ 1,26,000 and ₹ 1,08,000 (per annum), respectively.**

During the Financial Year 2020-21, one-third of the portion of the house was let out for residential purpose at a monthly rent of ₹ 5,000. The remaining two-third portion was self-occupied by him. Municipal tax @ 11 % of municipal value was paid during the year.

The construction of the house began in June, 2013 and was completed on 31-5-2016. Vikas took a loan of ₹ 1,00,000 on 1-7-2013 for the construction of building.

He paid interest on loan @ 12% per annum and every month such interest was paid. Compute income from house property of Mr. Vikas for the Assessment Year 2021-22.

Solution:

Computation of income from house property of Mr. Vikas for the A.Y. 2021-22

Particulars	₹	₹
Income from house property		
I. Self-occupied portion (Two third)		
Net Annual value		Nil
Less: Deduction under section 24(b)		
Interest on loan (See Note below) (₹ 18,600 x 2/3)		12,400
Loss from self occupied property		(12,400)
II. Let-out portion (One third)		
Gross Annual Value		
(a) Actual rent received (₹ 5,000 x 12)	₹ 60,000	
(b) Expected rent	₹ 36,000	
[higher of municipal valuation (i.e., ₹ 96,000) and fair rent (i.e., ₹ 1,26,000) but restricted to standard rent (i.e., ₹ 1,08,000)] = ₹ 1,08,000 x 1/3		

Higher of (a) or (b)		60,000	
Less: Municipal taxes ($\text{₹ } 96,000 \times 11\% \times 1/3$)		3,520	
Net Annual Value		56,480	
Less: Deductions under section 24			
(a) 30% of NAV		16,944	
(b) Interest on loan (See Note below) ($\text{₹ } 18,600 \times 1/3$)		6,200	33,336
Income from house property			20,936

Note: Interest on loan taken for construction of building

Interest for the year (1.4.2020 to 31.3.2021) = 12% of ₹ 1,00,000 = ₹ 12,000

Pre-construction period interest = 12% of ₹ 1,00,000 for 33 months (from 1.07.2013 to 31.3.2016) = ₹ 33,000

Pre-construction period interest to be allowed in 5 equal annual installments of ₹ 6,600 from the year of completion of construction i.e. from F.Y. 2016-17 till F.Y. 2020-21.

Therefore, total interest deduction under section 24 = ₹ 12,000 + ₹ 6,600 = ₹ 18,600.

- 11. Mrs. Rohini Ravi, a citizen of the U.S.A., is a resident and ordinarily resident in India during the financial year 2020-21. She owns a house property at Los Angeles, U.S.A., which is used as her residence. The annual value of the house is \$20,000. The value of one USD (\$) may be taken as ₹ 65.**

She took ownership and possession of a flat in Chennai on 1.7.2020, which is used for self-occupation, while she is in India. The flat was used by her for 7 months only during the year ended 31.3.2021. The municipal valuation is ₹ 32,000 p.m. and the fair rent is ₹ 4,20,000 p.a. She paid the following to Corporation of Chennai:

Property Tax	₹ 16,200
Sewerage Tax	₹ 1,800

She had taken a loan from Standard Chartered Bank in June, 2018 for purchasing this flat. Interest on loan was as under:

	₹
Period prior to 1.4.2020	49,200
1.4.2020 to 30.6.2020	50,800
1.7.2020 to 31.3.2021	1,31,300

She had a house property in Bangalore, which was sold in March, 2017. In respect of this house, she received arrears of rent of ₹ 60,000 in March, 2021. This amount has not been charged to tax earlier.

Compute the income chargeable from house property of Mrs. Rohini Ravi for the assessment year 2021-22.

Solution:

Since the assessee is a resident and ordinarily resident in India, her global income would form part of her total income i.e., income earned in India as well as outside India will form part of her total income.

She possesses a self-occupied house at Los Angeles as well as at Chennai. She can take the benefit of "Nil" Annual Value in respect of both the house properties.

As regards the Bangalore house, arrears of rent will be chargeable to tax as income from house property in the year of receipt under section 25A. It is not essential that the assessee should continue to be the owner. 30% of the arrears of rent shall be allowed as deduction.

Accordingly, the income from house property of Mrs. Rohini Ravi will be calculated as under:

Particulars	₹	₹
1. Self-occupied house at Los Angeles		
Annual value		Nil
Less: Deduction under section 24		Nil
Chargeable income from this house property		Nil
2. Deemed let out house property at Chennai		
Annual value		Nil
Less: Deduction under section 24		1,91,940
Interest on borrowed capital (See Note below)		(1,91,940)
3. Arrears in respect of Bangalore property (Section 25A)		
Arrears of rent received	60,000	
Less: Deduction @ 30% u/s 25A(2)	18,000	42,000
Loss under the head "Income from house property"		(1,49,940)

Note: Interest on borrowed capital

Particulars	₹
Interest for the current year (₹ 50,800 + ₹ 1,31,300)	1,82,100
Add: 1/5th of pre-construction interest (₹ 49,200 x 1/5)	9,840
Interest deduction allowable under section 24	1,91,940

INCOME UNDER THE HEAD OF SALARIES

[Chapter IV-A & Sections 15 – 17]

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

“19 New Practical Questions added in SET-B”

Income from Salary		XXX
Add: Income by way of Allowances		XXX
Add: Taxable Value of Perquisites		XXX
Gross Salary		XXX
Less: <u>Deduction under section 16</u>		
(i) Statutory Deduction	50,000	
(ii) Entertainment Allowances	XXX	
(iii) Professional Tax	XXX	XXX
INCOME UNDER THE HEAD “SALARIES”		XXX

NOTE: Deduction under Section 16 (all 3) would not be available in case of an employee, being an assessee, who opts for the provisions of section 115BAC [Finance Act 2020]

CONDITION FOR CHARGING INCOME UNDER THE HEAD OF “SALARIES”

Income is taxable under the head ‘salaries’ only if there exists employer-employee relationship between the payer and the payee.

IMPORTANT FEATURES OF EMPLOYER-EMPLOYEE RELATIONSHIP:

1. Contract of Services (Salary) Vs Contract for services (PGBP)
2. Master-Servant Relationship.
3. Direct supervision and control of the employer.
4. It is distinct from principle-agent relationship.

INSTANCES WHERE EMPLOYER-EMPLOYEE RELATIONSHIP EXISTS/DOES NOT EXIST

- 1) **Director of a company:** In the case of a Director of a company, employer – employee relationship cannot be presumed but should be ascertained based on the service agreement, if any, executed or the Articles of Association of the company.
- 2) **MPs/MLAs:** The CBDT has issued instructions that salaries of MPs and MLAs [Member of legislative assemblies] is not chargeable under the head 'salaries' but it is chargeable under the head 'income from other sources' since there is no employer – employee relationship between them and the Government.
- 3) **Paper-setters/Examiners:** Where a teacher of college receives remuneration for setting question paper for examination or works as an invigilator in University then the remuneration received by him will be taxable under the head ‘income from other sources’.
- 4) **Judges:** It was held that what the Judges receive is salary since there is employment as created by the constitution of India.

SECTION 17(1) - 'SALARY' includes:

- a) Wages,
- b) any Annuity or **Pension**,
- c) any **Gratuity**,
- d) any Fees, Commission, **Perquisite** or **Profits in lieu of or in addition to any Salary** or Wages,
- e) any Advance of salary,
- f) any payment received in respect of any period of leave not availed by him i.e. **Leave Salary** or leave encashment,
- g) the portion of the annual accretion in any previous year to the balance at the credit of an employee participating in a **recognised provident fund to the extent it is taxable**,
- h) the aggregate of all sums that are **comprised in the transferred balance** of an employee participating in a recognized provident fund to the extent it is taxable,
- i) the **contribution made by the Central Government or any other employer** in the previous year to the account of an employee **under a pension scheme referred to in section 80CCD**.

SECTION 15 - BASIS OF CHARGE

The following Income shall be chargeable to income tax under the head "Salaries"

- **Salary Due:** Any Salary due from an employer or a former employer to an assessee in the previous year, whether paid or not.
- **Advance Salary:** Any salary paid or allowed to the assessee in the previous year by or on behalf of an employer or a former employer though not due or before it became due to him
- **Arrears of Salary:** Any arrears of salary paid or allowed to assessee in the previous year by or on behalf of an employer or a former employer, if not charged to income-tax for any earlier previous year.

Note:

1. Salary chargeable to tax either on '**due**' basis or on '**receipt**' basis **whichever is earlier**.
2. **Accounting method** of the employee is not relevant

SALARY IN THE GRADE SYSTEM:

Refer Class Notes

TAX TREATMENT OF DIFFERENT FORM OF 'SALARY'

Advance Salary:

Salary *can't be taxed twice i.e.* where any salary paid in advance is taxed on receipt basis (in the yr. of receipt) it can't be taxed again on the due basis (in the yr. in which it becomes due).

Arrear of Salary:

Arrear of Salary received by an assessee is charged to tax on receipt basis (if it was not taxed earlier on due basis).

Salary to Partners {Explanation 2 to Section 15}:

Any salary, bonus, commission or remuneration received by a partner from his firm is taxed as **business income** and not as salary income.

Fees & Commission:

Fees & Commission paid to an employee are taxed as salary income.

Overtime Payment:

Overtime payment is a taxable salary income.

Annuity {Section 17(1) (ii)}:

Annuity received from present employer will be taxed as salary.

Bonus:

Bonus is taxed in the year of receipt, ***it is not taxed on due basis.***

Salary from UNO {Sec. 2 of UN (Privileges & Immunities Act, 1947)}:

Salaries, emoluments & pension paid by UNO to its officials are exempt from tax.

Full-time or part-time employment:

It does not matter whether the employee is a fulltime employee or a part-time one. Once the relationship of employer and employee exists, the income is to be charged under the head "salaries".

Foregoing of Salary:

Once salary accrues, the subsequent waiver by the employee does not absolve him from liability to income-tax. Such waiver is only an application and hence, chargeable to tax.

Surrender of Salary:

If an employee [Govt/PSU/Pvt] surrenders his salary to the Central Government ***under Section 2 of the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1961***, the salary so surrendered would be exempt while computing his taxable income.

TDS on Salary:

As Per Section 192, every employer has to deduct Tax on the Taxable salary of his employee if such salary is more than the basic exemption limit and handover the net salary which is after TDS, to the employee. While calculating taxable Income of employee 'Salary before TDS' has to be taken and not the net salary after TDS.

Salary Paid Tax-Free:

In this arrangement, the employer bears the burden of the tax on the salary of the employee. In such a case, the income from salaries in the hands of the employee will consist of his salary income and also the tax on this salary paid and bears by the employer.

Loan or Advance Against Salary:

Loan is different from salary. When an employee takes a loan from his employer, which is repayable in certain specified installments, the loan amount cannot be brought to tax as salary of the employee.

Similarly, advance against salary is different from advance salary. It is an advance taken by the employee from his employer. This advance is generally adjusted with his salary over a specified time period. It cannot be taxed as salary.

PLACE OF ACCRUAL OF SALARY (ALSO REFER RESIDENTIAL STATUS CHAPTER)

- **Section 9(1)(ii)** provides that **salary earned in India** is deemed to accrue or arise in India even if it is paid outside India or it is paid or payable after the contract of employment in India comes to an end.

[**Pension paid abroad** in respect of services rendered in India & **leave salary paid abroad** in respect of leave earned in India is deemed to accrue or arise in India]

- **Section 9(1)(iii)** provides that salaries payable **by the Government to a citizen of India for services outside India** shall be deemed to accrue or arise in India.

Foreign Allowances by the Govt. Employer - Section 10(7) –Exempted

Any allowance or perquisite **paid or allowed outside India**, by the Indian Govt. to a citizen of India, for rendering service outside India is fully exempt.

Example: If an employee gets **pension paid abroad** in respect of services rendered in India, the same will be deemed to accrue in India. Similarly, **leave salary paid abroad** in respect of leave earned in India is deemed to accrue or arise in India.

Example: A, a citizen of India is posted in the United States as our Ambassador. Obviously, he renders his services outside India. He also receives his salary outside India. He is also a non-resident. The same will be deemed to accrue or arise in India.

SECTION 17(3) – “PROFITS IN LIEU OF SALARY” INCLUDES**(a) TERMINAL COMPENSATION:**

The amount of any compensation due to or received by employee from his employer or former employer in connection with the termination of his employment or the modification of the terms and conditions relating thereto.

[Usually, such compensation is treated as a capital receipt. However, by virtue of this provision, the same is treated as a revenue receipt and is chargeable as salary.]

(b) PAYMENT FROM AN UNRECOGNIZED PROVIDENT FUND:

Any payment due / received by an assessee **from unrecognized Provident Fund or other Fund** to the extent to which it does not consist of employee's contributions or interest on such contributions.

(c) PAYMENT UNDER KEYMAN INSURANCE POLICY:

Any payment due to or received by an assessee **under a Keyman Insurance policy** including the sum allocated by way of bonus on such policy.

(d) ANY AMOUNT, WHETHER IN LUMP SUM OR OTHERWISE, DUE TO THE ASSESSEE OR RECEIVED BY HIM, FROM ANY PERSON

- i. before joining employment with that person, or
- ii. after cessation of his employment with that person.

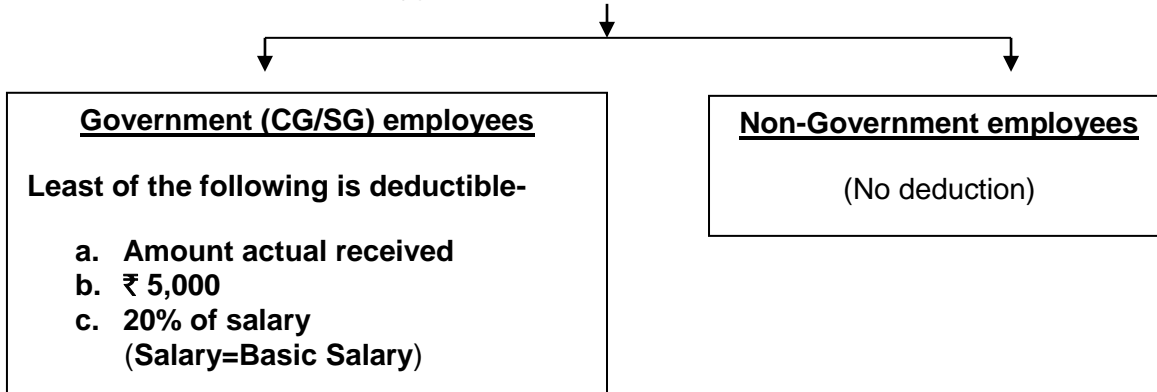
(e) ANY OTHER PAYMENT due to or received by an assessee from an employer or a former employer or any fund [Other than the payments exempt under section 10]

DEDUCTIONS FROM SALARY

The income chargeable under the head 'salaries' is computed after making the following deductions:

ENTERTAINMENT ALLOWANCE [SEC. 16(ii)]

- First the entire entertainment allowance received by an employee is **added to the gross salary**.
- Then deduction u/s 16(ii) shall be allowed as under.



Note – Actual expenditure towards entertainment is not deductible. It is irrelevant.

PROFESSIONAL TAX [SEC. 16(iii)]

Professional tax or taxes on employment levied by a State is allowed as deduction only **when it is actually paid** by the employee **during the previous year (deduction on paid basis)**.

If professional tax is reimbursed or directly paid by the employer on behalf of the employee, the amount so paid is ***first included as salary income and then allowed as a deduction under section 16.***

Question 1:

X is employed by A Ltd. (basic salary being ₹ 38,750 per month). Besides, he gets ₹ 3,000 per month as entertainment allowance. He pays professional tax of ₹ 1,000. **Find out the salary chargeable to tax. Does it make any difference if the professional tax is paid by A Ltd.**

Answer:

	If professional tax is paid by X ₹	If professional tax is paid by the employer A Ltd. ₹
Basic Salary (₹ 38,750 x 12)	4,65,000	4,65,000
Entertainment allowance	36,000	36,000
Professional tax paid by the employer	—	1,000
Gross Salary	5,01,000	5,02,000
Less : Deduction under section 16		
Standard deduction	50,000	50,000
Entertainment allowance [not allowed]	—	—
Professional tax	1,000	1,000
Income under the head "Salaries"	4,50,000	4,51,000

Question 2

A furnishes the following particular for his remuneration from Delta Pvt. Ltd.

Basic salary	₹ 9,300 p.m.
Dearness Allowance (forming part of salary for retirement benefits)	₹ 4,500 p.m.
Entertainment Allowance	₹ 2,250 p.m.

He had paid ₹ 3,500 towards professional tax to State Government. **Compute his income from salary.**

Question 3:

Mr. Goyal receives the following emoluments during the previous year ending 31.03.

Basic pay	₹ 40,000
Dearness Allowance	₹ 15,000
Commission	₹ 10,000
Entertainment allowance	₹ 4,000
Professional tax paid	₹ 3,000 (₹ 2,000 was paid by his employer)

He has no other income. **Determine the income from salary, if Mr. Goyal is a State Government employee.**

GRATUITY [SECTION 10(10)]

Any gratuity received by an Individual on his death or retirement is eligible for exemption u/s 10(10) as under –

- ✓ **IN CASE OF GOVT. EMPLOYEES (CG/SG), EMPLOYEE OF LOCAL AUTHORITY (BUT NOT STATUTORY CORPORATION)**

Gratuity received is **FULLY EXEMPT**

- ✓ **IN CASE OF OTHER EMPLOYEES**

(a) **If covered under Payment of Gratuity Act, 1972, then least of the following is exempt:-**

- (i) Actual Amount received
- (ii) ₹ 20,00,000
- (iii) $\frac{15}{26}$ days * **last drawn salary** for each completed year of service or part thereof in excess of 6 months

Note:

1. Salary means Basic Salary and Dearness Allowance (**Whether or not** forming part of retirement benefit) on **DUE BASIS**
2. In case of **SEASONAL ESTABLISHMENT** – “15 days” will be replaced with “7 days”.

(b) **If not covered under Payment of Gratuity Act, 1972, then least of the following is exempt:-**

- (i) Actual amount received
- (ii) ₹ 20,00,000
- (iii) Half month's salary (based on last 10 months' average salary **immediately preceding the month** of retirement or death) for each completed year of service (fraction to be ignored)

Note:

1. Salary means Basic Salary and Dearness Allowance, if provided in the terms of employment for retirement benefits, forming part of salary and commission which is expressed as a fixed percentage of turnover achieved by the employee. [Basic Salary + DA (R) + Commission (Sales)] - [Gestetner Duplicators Pvt. Ltd (SC)]
2. It should be on DUE BASIS.
3. Half Month Salary should be read as 15/30.

Notes on Gratuity:

1. Gratuity received **during the period of service is always taxable** for all employees.
2. If Employee receives gratuity from two or more employers, then aggregate amount of gratuity exempt from tax cannot exceed ₹ 20,00,000.
3. Where the employee has received gratuity in any earlier year & also receives gratuity from another employer in a later year, the limit of ₹ 20,00,000 will be reduced by the amount of gratuity exempt from tax in any earlier year.
4. Exemption under this provision will be available only in case where employer employee relationship exists.

Question 4:

Mr. Ravi retired on 15.6.2020 after completion of 26 years 8 months of service and received gratuity of ₹ 12,00,000. At the time of retirement his salary was:

Basic Salary :	₹ 6,000 p.m.
Dearness Allowance :	₹ 4,000 p.m. (60% of which is for retirement benefits)
Commission :	1% of turnover (turnover in the last 12 months was ₹12,00,000)
Bonus :	₹ 20,000 p.a.

Compute his taxable gratuity assuming:

- (a) He is non-government employee and covered by the Payment of Gratuity Act 1972.
- (b) He is non-government employee and not covered by Payment of Gratuity Act 1972.
- (c) He is a Government employee.

Question 5:

Mr. Hari retires on 15th October 2020, after serving 30 years and 7 months. He gets ₹ 3,80,000 as gratuity. His salary details are given below:

FY 2020-21	Salary ₹ 16,000 pm	D.A. 50% of salary. 40% forms part of retirement benefits.
FY 2019-20	Salary ₹ 15,000 pm	D.A. 50% of salary. 40% forms part of retirement benefits

Determine his taxable gratuity in the following cases:

- (i) He retires from government service
- (ii) He retires from seasonal factory in a private sector, covered under Payment of Gratuity Act, 1972.
- (iii) He retires from non-seasonal factory, covered by Payment of Gratuity Act, 1972
- (iv) He retires from private sector, not covered by payment of Gratuity Act

PENSION [SEC 10(10A)]

“Pension” may be defined as a periodic payment made especially by Government or a company or other employers to the employee in consideration of past service payable after his retirement.

Pension is of two types: Commuted and Uncommuted

Uncommuted Pension:

Uncommuted pension refers to pension received periodically. **It is fully taxable in the hands of both government and non-government employees.**

Commuted Pension:

Commuted pension means lump sum amount taken by commuting the whole or part of the pension.

Taxability:**EMPLOYEES OF THE CENTRAL/STATE GOVERNMENT/LOCAL AUTHORITIES/STATUTORY CORPORATION**

Any commuted pension received is **fully exempt from tax.**

IN CASE OF OTHER EMPLOYEES:**Case I: If the Employee receives the Gratuity also:**

Then Exemption = $1/3 * \text{Full Commutable value of Pension.}$

Case II: If the Employee DOES NOT receive any Gratuity:

Then Exemption = $1/2 * \text{Full Commutable value of Pension.}$

Here, Full Commutable value of Pension = $\frac{\text{Commuted Amount}}{\% \text{ of Commutation}}$

Question 6:

Mr. Sagar retired on 1.10.2020 receiving ₹ 5,000 p.m. as pension. On 1.2.2021, he commuted 60% of his pension and received ₹ 3,00,000 as commuted pension. **You are required to compute his taxable pension assuming:**

- He is a government employee.
- He is a non-government employee, receiving gratuity of ₹ 5,00,000 at the time of retirement.
- He is a non-government employee and is in receipt of no gratuity at the time of retirement.

LEAVE SALARY [SECTION 10(10AA)]

It provides exemption in respect of amount received by way of encashment of unutilised earned leave by an employee at the time of his retirement whether on superannuation or otherwise.

In case of Central or State Government Employees [Employee of Local Authority/Statutory Corporation excluded]:

- Fully Exempt

In case of other Employees:

- Leave salary received at the time of retirement is exempt from tax to the extent of least of the following:
 - i) ₹ 3,00,000
 - ii) Leave salary actually received
 - iii) 10 months X Average Salary
 - iv) Earned leave to the credit of employee x Average Salary

Where:

- (1) 'Average salary' will be determined on the basis of the salary drawn during the period of ten months immediately preceding the date of his retirement whether on superannuation or otherwise.
- (2) Salary means Basis Salary + DA (R) + Commission (Sales).
- (3) **Earned leave to the credit of the employee =**

{Annual Leave Entitlement (Not exceeding 30 days) X Completed years of actual service rendered (Fractions will be ignored)} – Leave availed during the service

Note:

- (1) *Leave salary received during the period of service (i.e. during continuity of employment) is fully taxable.*
- (2) Leave encashment on retirement by way of resignation will also be eligible for exemption.
- (3) Where leave salary is received from two or more employers in the same year, then the aggregate amount of leave salary exempt from tax cannot exceed ₹ 3,00,000.
- (4) Where leave salary is received in any earlier year from a former employer and again received from another employer in a later year, the limit of ₹ 3,00,000 will be reduced by the amount of leave salary exempt earlier.

Question 7

Mr. G retired on 1.12.2020 after 20 years 10 months of service, receiving leave salary of ₹ 5,00,000. Other details of his salary income are:

Basic Salary:	₹ 5,000 p.m. (₹ 1,000 was increased w.e.f. 1.4.20)
Dearness Allowance:	₹ 3,000 p.m. (60% of which is for retirement benefits)
Commission:	₹ 500 p.m.
Bonus:	₹ 1,000 p.m.
Leave availed during service:	480 days

He was entitled to 30 days leave every year. You are required to compute his taxable leave salary assuming:

- He is a government employee.
- He is a non government employee.

RETRENCHMENT COMPENSATION [SECTION 10(10B)]

Any compensation received by a workman at the time of his retrenchment, under the Industrial Disputes Act, 1947, shall be exempt to the extent of **least of the following**:

- Actual amount received;
- An amount calculated in accordance with Section 25F(b) of the Industrial Disputes Act, 1947 i.e. **15 / 26 day's average pay [3 months basis] for every completed year of service or part thereof in excess of 6 months;**
- ₹ 5,00,000.

[In case where the retrenchment scheme is approved by the Central government, the entire amount is exempt.]

Note: Pay will include Basic Salary + D.A (Whether or not forming part of retirement benefit) +etc.

Question 8:

Mr. Agrawal received retrenchment compensation of ₹ 10,00,000 after 30 years 4 months of service. At the time of retrenchment, he was drawing basic salary ₹ 20,000 p.m.; Dearness allowance ₹ 5,000 p.m. Compute his taxable retrenchment compensation.

COMPENSATION RECEIVED at the time VRS / VSS under Golden Handshake Scheme – [SECTION 10(10C)]

(A) Compensation received is exempt from tax if the following conditions are satisfied:

- 1) Compensation is received at the time of Voluntarily Retirement Scheme or Voluntarily Separation Scheme.
- 2) **Compensation is received by the employees of -**
 - a. Central & State Govt.
 - b. Local Authority
 - c. Statutory Corporation
 - d. Co – Operative Society
 - e. Public Sector Company; or any other Company
 - f. Approved University
 - g. I.I.T.
 - h. Notified Institution
 - i. Some Notified institute of management (i.e. IIM and IIFT)
- 3) Compensation is received in accordance with VRS / VSS framed in accordance with guidelines.
- 4) Exemption u/s. 10(10C) **shall be once for any assessment year [Means “in life”].**
- 5) **No Exemption if relief availed u/s 89:**

Where any relief has been allowed to an assessee under section 89 for any AY in respect of any amount received or receivable on his voluntary retirement or termination of service or voluntary separation, ***no exemption under this section shall be allowed to him in relation to such, or any other, AY.***

Further, once relief is claimed u/s 89, the right to claim exemption in respect of VRS compensation is lost forever.

(B) Quantum of Exemption: *Least of the following is exempt:*

- 1) Actual Compensation Received
- 2) **Statutory Limit: ₹ 5,00,000**
- 3) 3 months' salary for each completed year of service
- 4) Salary at the time of retirement x balance months of service left
[Salary = Last drawn Basic Pay + DA (R) + Comm. (Sales)]

(C) Following guidelines should be noted for the purpose of claiming exemption [Rule 2BA]:

- a) The employee must have **completed 10 year of service or attained 40 years of age** except in the case of an employee of a PSU;
- b) The employee **must not be a director** in a company or co-operative society;
- c) The scheme results in **overall reduction in the existing strength** of the employees;
- d) The vacancy caused on such VRS / VSS **shall not be filled up.**
- e) The retiring employee **shall not be employed in another company** or concern belonging to the same management group; and

Question 9:

Mr. A received voluntary retirement compensation of ₹ 8,00,000 after 30 years 4 months of service. He still has 6 year of service left. At the time of voluntary retirement, he was drawing basic salary ₹ 20,000 p.m.; DA (which forms part of pay) ₹ 5,000 p.m.; compute his taxable VRS.

VALUATION OF LEAVE TRAVEL CONCESSION**[Section 10(5) read with Rule 2B]**

[Exemption u/s 10(5) would not be available in case of an employee, being an assessee, who opts for the provisions of section 115BAC]

1. An employee is entitled to exemption under section 10(5) in respect of value of travel concession or assistance due to or received by him from his employer or former employer for himself and his family , in connection with his proceedings-
 - a. on leave to **any place IN INDIA**, or
 - b. to any place in India after retirement from service or after the termination of his service.

FAMILY MEANS: (Spouse + Children) & (Dependent Parents / Brothers / Sisters of the individual)

2. Availability of Exemptions:

- a. Exemption is available in respect of **2 journeys performed in a block of 4 calendar years. The current block is 2018-2021 (9th).**
 - b. However, if individual does not avail such LTC during any such block then he can claim the exemption of one journey in the calendar year immediately succeeding the end of the said block.
 - c. Exemption **shall not be available to more than 2 surviving children** of an individual after 1.10.1998. However, this restriction does not apply in respect of children born before 1.10.1998 & also in respect of **multiple births after one child**.
3. **Amount of exemption CANNOT EXCEED** the amount of expenditure actually incurred for the purposes of such travel. **It is allowable only in respect of FARE.**

4. VALUE OF TRAVEL CONCESSION: Exemption u/s. 10(5) is subject to the following conditions:

<u>Different situations</u>	<u>Amount of Exemption</u>
Where journey is performed by AIR	➤ Amount of <u>ECONOMY CLASS AIRFARE OF NATIONAL CARRIER by the shortest route</u> OR the amount spent, whichever is less
Where journey is performed by RAIL	➤ Amount of <u>AC FIRST CLASS RAIL FARE</u> by the shortest route OR amount spent, whichever is less.
Where the places of origin of journey & destination are connected by Rail and journey is performed by any other Mode of Transport	➤ Amount of <u>AC FIRST CLASS RAIL FARE</u> by the shortest route OR amount spent, whichever is less.
Where the places of origin of journey and destination or part thereof are not connected by RAIL:	
<ul style="list-style-type: none"> ➤ Where a Recognised Public Transport System exists ➤ Where a Recognised Public Transport System does not exist 	<ul style="list-style-type: none"> ➤ <u>FIRST CLASS OR DELUXE CLASS FARE</u> by the shortest route OR the amount spent, whichever is less. ➤ <u>AC FIRST CLASS RAIL FARE</u> by the shortest route (as if the journey had been performed by rail) OR the amount actually spent, whichever is less.

Question 10:

Mr. D went on a holiday on 25.12.2020 to Delhi with his wife and three children (one son – age 5 years; twin daughters – age 2 years). They went by flight (economy class) and the total cost of tickets reimbursed by his employer was ₹ 60,000 (₹ 45,000 for adults and ₹ 15,000 for the three minor children).

Compute the amount of LTC exempt.

Question 11:

In the above question, will there be any difference if among his three children the twins were 5 years old and the son 3 years old? Discuss.

Question 12:

Mr. J is working with ABC Ltd. getting the basic salary of ₹ 20,000 pm and DA of ₹ 5,000 pm. He is given bonus of ₹ 5000 in the August 2021 which was due in March 2021. He has availed the benefit of LTC during the current year and goes to Goa with his family. He takes along **with him his wife, one financially independent son, one married daughter, his dependent mother, his financially independent father, his financially independent sister and dependent father in law.** The employer has spent ₹ 15,000 per head on tickets in Jet Airways' Airlines where as the fare of Indian Airlines is ₹ 11,000 per head. Calculate his taxable Salary.

HOUSE RENT ALLOWANCE [Section 10(13A) read with Rule 2A]

[Exemption u/s 10(13A) would not be available in case of an employee, being an assessee, who opts for the provisions of section 115BAC]

If HRA is received by the assessee and he incurs the expenditure of rent on residential accommodation, then an exemption **of least of the following** amount is allowed:

- (1) Actual Amount received [HRA]
- (2) Rent Paid Less 10% of **Salary**
- (3) 50% of Salary (in Metro cities) **OR** 40% of Salary (in other cities)

Here, **Salary = Basic Pay + DA (forming part) + Commission (based on % of Sales Turnover)**

Notes:

- (a) If the employee receives HRA but does not incur any expenditure of Rent on residential accommodation, then HRA received is fully taxable.
- (b) Exemption is not available to an assessee who lives in his own house.
- (c) The exemption shall be calculated on the basis of where the accommodation is situated.
- (d) If Place of employment, Rent, HRA, Salary etc is the same for the whole year, then exemption shall be calculated for the whole year.
- (e) **If there is a change in place, change in rent paid, Change in HRA or change in Basic Salary structure during the previous year, then it shall be calculated on monthly/periodic basis.**
- (f) Exemption should be calculated in respect of the period during which rental accommodation is occupied by the Employee during the previous year.
- (g) Salary means Salary on Due Basis.

Question 13:

Mr. A working in Delhi, receives the following amounts:

- (a) Basic salary ₹ 6,000 PM
- (b) DA Rs. 2,000 pm (50% is forming part of salary)
- (c) Commission based on production ₹ 30,000 annually
- (d) Commission based on Sales @ 2% on sales of ₹ 6,00,000 achieved by A
- (e) HRA ₹ 5,000 pm (Rent of ₹ 4,500 p.m. paid in Delhi).

Compute Total Income.

Question 14:

Mr. Raj Kumar has the following receipts from his employer:

- (1) Basic pay ₹ 3,000 p.m.
- (2) Dearness allowance (D.A.) ₹ 600 p.m.
- (3) Commission ₹ 6,000 p.a.
- (4) Motor car for personal use (expenditure met by the employer) ₹ 500 p.m
- (5) House rent allowance ₹ 900 p.m.

Find out the amount of HRA eligible for exemption to Mr. Raj Kumar assuming that he paid a rent of ₹ 1,000 p.m. for his accommodation at Kanpur. DA forms part of salary for retirement benefits.

ALLOWANCES U/S 10(14)

Different types of allowances are given to employees by their employers. Generally allowances are given to employees to meet some particular requirements like house rent, expenses on uniform, conveyance etc. **Under the Income-tax Act, allowance is taxable on due or receipt basis, whichever is earlier.**

ALLOWANCES EXEMPT TO THE EXTENT ACTUALLY EXPENDED FOR THE OFFICIAL PURPOSES [SECTION 10(14)(i)]

These allowances are given for official purposes and lower of the below two is the Exempted amount:

- I. **Amount of Allowance Actually Received from the Employer; OR**
- II. **Amount Spent for official purpose.**

S.No.	Nature	Particulars
(a)	Traveling Allowance	To meet the cost of travel on tour or on transfers (including any sum paid in connection with transfer, packing and transportation of personal effects on such transfer.
(b)	Daily Allowance	For ordinary daily charges on account of absence from his normal place of duty on tour or journey in connection with transfer
(c)	Conveyance Allowance	To meet the expenditure on local conveyance in performance of official duties if free conveyance is not provided by the employer
(d)	Helper Allowance (Servant Allowance is different)	Granted to meet the expenditure incurred on a helper engaged for the duties.
(e)	Academic / Research allowance	Granted for encouraging academic research & other professional pursuits.
(f)	Uniform Allowance	Granted to meet the expenditure incurred on the purchase or maintenance of uniform for wears during the performance of the duties.

Note: An employee, being an assessee, who opts for the provisions of section 115BAC would be entitled for exemption only in respect of travelling allowance, daily allowance and conveyance allowance mentioned in (a) to (c) above.

ALLOWANCES MEANT FOR PERSONAL EXPENSES EXEMPT TO THE EXTENT NOTIFIED BY RULES [SECTION 10(14(ii))]

In these allowances, the actual amount spend by the assessee is not relevant. **Lower of the below two amount is Exempted amount:**

- I. Amount of Allowance Actually Received from the Employer OR**
II. Limit specified in the Act

S. No.	Allowances	Extent of Exemption
1	Children Education Allowance	₹ 100 p.m. per child upto a max. of two children
2	Hostel Expenditure Allowance:	₹ 300 p.m. per child upto a max. of two children.
3	Tribal or Scheduled Area Allowance	₹ 200 P.M.
4	Transport Allowance	₹ <u>3,200 PM</u> in case of Blind/Handicapped Employee
5	Underground Allowance (In coal Mines)	₹ 800 P.M.
6	Allowances granted to employees of transport system to meet personal expenditure during his duty, provided he is not in receipt of daily allowances	Lower of below two is exempt: - 70% of allowance received from the Employer; OR - ₹ 10,000 P.M.
7	Hill Compensatory Allowances	₹ 300 p.m.

Note:

An employee, being an assessee, who opts for the provisions of section 115BAC would be entitled for exemption only in respect of transport allowance granted to an employee who is blind or deaf and dumb or orthopedically handicapped with disability of the lower extremities of the body to the extent of ₹ 3,200 p.m.

ALLOWANCES WHICH ARE FULLY TAXABLE

- 1) **City Compensatory Allowance:**
City Compensatory Allowance is normally intended to compensate the employees for the higher cost of living in cities. It is taxable irrespective of the fact whether it is given as compensation for performing his duties in a particular place or under special circumstances.
- 2) **Entertainment Allowance:**
This allowance is given to employees to meet the expenses towards hospitality in receiving customers etc. The Act gives a deduction towards entertainment allowance only to a Government employee. The details of deduction permissible are discussed later on in this Unit.
- 3) **Dearness Allowance:**
It is fully taxable allowance. It is of following 2 types:
 - ✓ DA which is forming part of salary for computation of retirement benefits as per the terms of employment.
 - ✓ DA which is NOT forming part of salary for computation of retirement benefits as per the terms of employment.**Note:** If the Question is silent, it is to be assumed that DA is not forming part of salary.
- 4) **Medical Allowance:** It is a fully taxable allowance.
- 5) Lunch Allowances / Tiffin Allowances / Cash Allowance / Deputation Allowance
- 6) Overtime Allowances / Servant Allowances / Warden Allowance / Family Allowance etc.

ALLOWANCES WHICH ARE EXEMPT IN CASE OF CERTAIN PERSONS

- 1) Allowances to a citizen of India, who is a Government employee, rendering services outside India. [Section 10(7)]
- 2) Travelling Allowances to High Court judges
- 3) Sumptuary allowance to HC/SC judges & Serving member/Chairmen of UPSC.
- 4) Allowance received by an employee of UNO from his employer.

Question 15:

Mr. Srikant has two sons. He is in receipt of children education allowance of ₹ 150 p.m. for his elder son and ₹ 70 p.m. for his younger son. Both his sons are going to school. He also receives the following allowances:

Transport allowance: ₹ 1,000 p.m. (amount spent ₹ 600 p.m.)

Tribal area allowance: ₹ 500 p.m. **Compute his taxable allowances.**

Question 16:

Mr. X receives Basic salary of ₹ 10,000 PM and DA of ₹ 4,000 PM. He retires on Oct 31st of the PY and pension is fixed at ₹ 3,000 PM. He receives the following amounts as well:

- (a) HRA ₹ 4,000 PM (he lives in his own house)
- (b) Medical allowance ₹ 600 PM (Actual expenditure on medical treatment is more than ₹ 600 PM)
- (c) Children Education allowance ₹ 250 PM per child for 3 children.
- (d) Children hostel allowance ₹ 250 PM for 1 child.
- (e) Travelling allowance ₹ 1,000 PM (60% spent on official duties)
- (f) Transport allowance ₹ 900 PM (Actual expenditure ₹ 850 PM)
- (g) Uniform allowance ₹ 1,000 PM

Compute Total Income.

SECTION 7 – INCOME DEEMED TO BE RECEIVED

The following incomes shall be deemed to be received in India in the previous year:

- I. Employer's contribution to RPF in excess of 12% of the salary of the employee.
- II. Interest credited to RPF balance in excess of 9.5% p.a.
- III. The taxable transfer balance from URPF to RPF.
- IV. Contribution made, by the any employer, to the account of an employee under a pension scheme referred to in Sec. 80CCD.

SECTION 10(11) AND (12) – PAYMENT FROM PROVIDENT FUNDS

Provident fund scheme is a scheme intended to give substantial benefits to an employee at the time of his retirement. Under this scheme, a specified sum is deducted from the salary of the employee as his contribution towards the fund. The employer also generally contributes the same amount out of his pocket, to the fund. The contribution of the employer and the employee are invested in approved securities. Interest earned thereon is also credited to the account of the employee. Thus, the credit balance in a provident fund account of an employee consists of the following:

- a) Employee's Contribution
- b) Interest on Employee's Contribution
- c) Employer's Contribution
- d) Interest on Employer's Contribution.

The accumulated balance is paid to the employee at the time of his retirement or resignation. In the case of death of the employee, the same is paid to his legal heirs. The provident fund represents an important source of small savings available to the Government. Hence, the Income-tax Act gives certain *deductions* on savings in a provident fund account.

THERE ARE FOUR TYPES OF PROVIDENT FUNDS:**(i) STATUTORY PROVIDENT FUND [SPF]**

The SPF is governed by Provident Funds Act, 1925. It applies to employees of government, railways, semi-government institutions, local bodies, universities and all recognised educational institutions.

(ii) PUBLIC PROVIDENT FUND [PPF]

Public provident fund is operated under the Public Provident Fund Act, 1968. A membership of the fund is open to every individual though it is ideally suited to self-employed people. A salaried employee may also contribute to PPF in addition to the fund operated by his employer. An individual may contribute to the fund on his own behalf as also on behalf of a minor of whom he is the guardian.

(iii) RECOGNISED PROVIDENT FUND [RPF]

Recognised provident fund means a provident fund recognised by the Commissioner of Income-tax for the purposes of income-tax. A fund constituted under the Employees's Provident Fund and Miscellaneous Provisions Act, 1952 will also be a Recognised Provident Fund.

(iv) UNRECOGNISED PROVIDENT FUND [UPF]

A fund not recognised by the Commissioner of Income-tax is Unrecognised Provident Fund.

THE TAX TREATMENT IS GIVEN BELOW:

<u>Particulars</u>	<u>SPF</u>	<u>PPF</u>	<u>RPF</u>	<u>URPF</u>
Employer's Contribution	Fully Exempt	N.A.	in excess of 12% of salary* is taxable	Not taxable at the time of contribution
Ded. u/s 80C (Employee's Cont)	Available	Available [500 – 150,000]	Available	Not Available
Interest credited	Fully Exempt	Fully Exempt (IOS Head)	in excess of 9.5% p.a. is taxable (Salary)	----
Amount received on retirement, death etc.	Fully Exempt u/s. 10(11)	Fully Exempt u/s. 10(11)	Fully Exempt sub. to condition u/s. 10(12)	<ul style="list-style-type: none"> ➤ Intt. on Employee's Contribution is taxable u/h. "IOS" ➤ Employer's Contribution and intt. on such Contribution is fully taxable as salary u/s. 17(3)

*Salary = Basic Pay + DA (if forming part of Ret. Benefits) + Comm. (if based on % of Sales T/O)

The payment from R.P.F. balance is fully exempt from tax in following cases:

Accumulated balance in RPF payable to an employee (subject to certain following conditions).

Condition 1– Employee has rendered continuous service for a period of atleast 5 years; or

Condition 2– Where employee could not complete 5 years of service by reason of

- ill-health; or
- discontinuance of the employer's business or
- other cause beyond the control of the employee.

In any other case, the payment from RPF is fully taxable in the manner given below:

- (i) Interest on Employee's contribution is fully taxable u/h Other Sources.
- (ii) Employer's contribution and Interest thereon is taxable as salary u/s 17(3).

Note: If employee gets transfer of balance of RPF with another employer who also maintains RPF, then, the period of service under former employer shall also be included in calculating the period of continuous service.

Question 17:

Mr. A, working in ABC Pvt. Ltd., receiving Basic Salary of ₹ 9,000 P.M. retires from service on 31st dec of the P.Y. He contributes 15% of salary to his URPF balance to which an equal amount is contributed by the employer. On retirement he receives ₹ 1,00,000 from his URPF which consists of ₹ 60,000 as total of Employee and Employer's contribution and ₹ 40,000 as total interest. Compute TI if monthly pension is fixed at ₹ 4,000 P.M.

CONVERSION OF URPF INTO RPF

When a URPF gets converted into RPF, then, the income that would have been taxed had the fund been recognised from the date of its institution would be taxed as the income of the employee during the P.Y. in which the funds gets such recognition. The amount not transferred to RPF & paid out of URPF will be taxable in the same manner as the lumpsum payment from URPF is taxed.

APPROVED SUPERANNUATION FUND

1. It means a superannuation fund which has been and continues to be approved by the Commissioner in accordance with the rules framed in this regard.
2. **The tax treatment of contribution and exemption of payment from tax are as follows:**
 - a) **Employer's contribution – refer Page 6.41 (Amended)**
 - b) Employee's contribution qualifies for deduction under section 80C;
 - c) Interest on accumulated balance – refer Page 6.41 (Amended)
3. **Section 10(13) grants exemption in respect of payment from the fund—**
 - a) Paid to legal heirs on death of the employee, or
 - b) Paid to employee on his retirement or
 - c) Paid to employee on his becoming incapacitated prior to such retirement.
4. Any payment from fund by way of transfer to the account of the employee under a pension scheme (New Pension Scheme u/s 80CCD) shall be EXEMPT.

PERQUISITES

- 1) The term 'perquisite' indicates some extra benefit in addition to the amount that may be legally due by way of contract for services rendered.
- 2) Perquisite may be provided in cash or in kind.
- 3) Perquisite may arise in the course of employment or in the course of profession. If it arises from a relationship of employer-employee, then the value of the perquisite is taxable as salary. However, if it arises during the course of profession, the value of such perquisite is chargeable as profits and gains of business or profession.
- 4) Perquisite will become taxable only if it has a legal origin.
- 5) Reimbursement of expenses incurred in the official discharge of duties is not a perquisite.

Types of perquisites: Perquisites may be divided into three broad categories:

- ✓ Perquisites taxable in the case of all employees
- ✓ Perquisites exempt from tax in the case of all employees
- ✓ **Perquisites taxable only in the hands of specified employees.**

TAXABILITY OF PERQUISITE

Section 17(2) of the Income Tax Act gives an inclusive definition of perquisite. **Perquisite includes:**

- i) **VALUE OF RENT-FREE ACCOMMODATION [RFA] PROVIDED** to the assessee by his employer **[Section 17(2)(i)]**.
- ii) Value of **CONCESSION IN RENT IN RESPECT OF ACCOMMODATION PROVIDED** to the assessee by his employer **[Section 17(2)(ii)]**.
- iii) The value of any benefit or amenity **GRANTED OR PROVIDED** free of cost or at concessional rate to **SPECIFIED EMPLOYEES** i.e.
 - a. by a company to **an employee in which he is a director**;
 - b. by a company to an **employee being a person who has substantial interest** in the company (i.e. 20% or more of the voting rights of the company);
 - c. by any employer (including a company) to an employee to whom the provisions of (a) & (b) do not apply and whose income under the head 'salaries' (whether due from, or paid or allowed by, one or more employers) **exclusive of the value of all benefits or amenities not provided for by way of monetary benefits exceeds ₹ 50,000 - Section 17(2)(iii)**;

[i.e. Salary for this purpose = Basic Salary + D.A. + Commission, whether payable monthly or turnover based + Bonus + Fees + Advance Salary + Arrear Salary + Any other taxable payment + Any taxable allowances + Any other monetary benefits – Deductions under section 16 (ia) / (ii) / (iii)]


Such benefits are:

1. **Motor Car**
2. **Sweeper, Gardener, Watchman etc.**
3. **Gas, Electricity & Water**
4. **Free Education Facility**
5. **Free / Concessional Fare**

- iv) **AMOUNT PAID** by an employer in respect of any obligation which otherwise would have been payable by the employee [**Section 17(2)(iv)**].
- v) **AMOUNT PAYABLE** by an employer directly or indirectly to effect an assurance on the life of the assessee or to effect a contract for an annuity, ***other than payment made to*** RPF or approved superannuation fund - **Section 17(2)(v)**.

- a. However, there are ***schemes like group annuity scheme, employees state insurance scheme and fidelity insurance scheme***, under which insurance premium is paid by employer on behalf of the employees. Such payments are not regarded as perquisite in view of the fact that the employees have only an expectancy of the benefit in such schemes.
- b. ***In Case employer has paid life insurance premium*** on behalf of the employee then it will be taxable for the employee and further employee can claim deduction under section 80C from GTI

- vi) **The Value Of Any Specified Security Or Sweat Equity Shares ALLOTTED OR TRANSFERRED**, directly or indirectly, by the employer or former employer, free of cost or at concessional rate to the assessee – **Section 17(2)(vi)**.

- vii) ~~the amount of any CONTRIBUTION TO AN APPROVED SUPERANNUATION FUND by the employer in respect of the assessee, to the extent it EXCEEDS ₹ 1,50,000 – Section 17(2)(vii).~~ 

The amount or aggregate of amounts of any contribution made

- ***in a recognised provident fund***
- ***in NPS referred to in section 80CCD(1)***
- ***in an approved superannuation fund***

by the employer to the account of the assessee, to the extent it exceeds ₹ 7,50,000.

[Section 17(2)(vii)]

- (viiia) Any annual accretion by way of interest, dividend or any other amount of similar nature during the previous year to the balance at the credit of the recognized provident fund or NPS or approved superannuation fund to the extent it relates to the employer's contribution which is included in total income in any previous year under section 17(2)(vii) computed in prescribed manner [Section 17(2)(viiia)].***

- viii) The value of any other fringe benefit or amenity as may be prescribed by the CBDT – **Section 17(2)(viii)**. They are

- a) Concessional or Interest Free Loan
- b) Travelling, touring & accommodation other than LTC
- c) Free Food & Beverage to employees during office hours
- d) Gift to the employees
- e) Credit Card expenses
- f) Club Expenses
- g) Use of Movable assets by the employees
- h) Transfer of any Movable Assets to the employees
- i) Value of any other benefit or amenity, service, right / privilege

Exempted Perquisites

Following perquisites are exempted in hands of employee:

1. **Tea or snacks:** Tea, similar non-alcoholic beverages and snacks provided during working hours.
2. **Food:** Food provided by employer in working place upto ₹ 50 per meal. Remote area – full exempt. *(exemption would not be available in case of an employee, being an assessee, who opts for the provisions of section 115BAC)*
3. **Recreational facilities:** Recreational facilities extended to a group of employees.
4. **Goods sold to employee at concessional rate:** Goods manufactured by employer and sold by him to his employees at concessional (not free) rates.
5. **Conveyance facility:** Conveyance facility provided -
 - to employees for journey between office and residence and vice versa.
 - to the judges of High Court and Supreme Court
6. **Training.** Amount spent on training of employees including boarding and lodging expenses of the employees on such training.
7. **Services rendered outside India:** Any perquisite/allowances allowed outside India by the Government to a citizen of India for rendering services outside India.
8. **Contribution in some specified schemes**
 - Employer's contribution to staff group insurance scheme.
 - Payment of annual premium by employer on personal accident policy affected by him in respect of his employee.
9. **Loans**
 - Loan given at nil or at concessional rate of interest by the employer provided the aggregate amount of loan does not exceed ₹ 20,000.
 - Interest free loan for medical treatment of the diseases specified in Rule 3A.
10. **Medical facility**

A provision of medical facility at office is exempt.
11. **Periodicals and journals:** Periodicals and journals required for discharge of work.
12. **Telephone, mobile phones:** Expenses for telephone, mobile phones actually incurred on behalf of employee by the employer whether by way of direct payment or reimbursement.
13. **Free education facility:** Free education facility to the children of employee in an institution owned or maintained by the employer provided cost of such facility does not exceed Rs.1000 per month per child.
14. **Computer or Laptop:** Computer or Laptop provided whether to use at office or at home (provided ownership is not transferred to the employee).
15. **Movable assets:** Sale or gift of any movable asset (covered under SLM method) to employee after being used by the employer for 10 or more years.
16. **Leave Travel Concession:** Leave Travel Concession (LTC) to the extent of lowest cost incurred.
17. **Rent-free accommodation**
 - Rent-free official residence provided to a Judge of a High Court or the Supreme Court.
 - Rent-free furnished residence (including maintenance thereof) to Official of Parliament, a Union Minister or a Leader of opposition in Parliament.
18. **Accommodation:** Accommodation provided -
 - on transfer of an employee in a hotel for a period not exceeding 15 days in aggregate.
 - in a remote area to an employee working at a mining site or an onshore exploration site or a project execution site or a dam site or a power generation site or an offshore site.
19. **Tax on non-monetary perquisite** paid by employer on behalf of employee.
20. **Health club. Sports club** facility

VALUATION OF PERQUISITES

Rule 3 of the Income-tax Rules, 1962 contains the guidelines for the purpose of valuation of perquisites:

VALUATION OF RENT FREE UNFURNISHED ACCOMMODATION

(a) **IN CASE OF GOVT. EMPLOYEES [CG/SG]** : As per License Fee determined by Govt.

(b) **IN CASE OF NON – GOVT. EMPLOYEES:**

(i) **If Accommodation is not owned by Employer:** Value shall be the **lower of**

- (i) Rent paid by the Employer **OR**
- (ii) 15% of salary

(ii) **If Accommodation is owned by Employer:** Value shall be

If population ≤ 10 Lakhs : **7.5% of Salary**

If 10 Lakhs < Population ≤ 25 Lakhs : **10% of Salary**

If Population > 25 Lakhs : **15% of Salary**

If **ACCOMODATION IS PROVIDED AT CONCESSIONAL RATE** then value = Value determine as above **Less** Rent actually paid by employee.

RENT FREE FURNISHED ACCOMMODATION

Value of unfurnished accommodation shall be calculated as above and shall be increased by value of furnished accommodation, which is:

10% p.a. of the original **COST OF FURNITURE** if owned by employer

and/or

The **actual hire charges paid/payable**, if hired from a third party

Note: The valuation shall be reduced by any amount recovered from the employee.

SALARY FOR THE PURPOSE OF VALUATION OF ACCOMMODATION

Basic Salary + **DA (Forming Part of Salary)** + Bonus + Fees + Commission + All other **Taxable Allowance** + Any monetary payment by employer to employee, by whatever name called

[Above does not include Perquisites (Monetary or Non-Monetary) and Employer's contribution to PF + Arrear Salary + Advance Salary]

Note:

1. Salary are to be **considered on due basis** for the relevant period for which accommodation is provided.
2. **If the employee receives salary from more than one employer, the aggregate of the salary received from both the employers** has to be taken into account for valuation of rent free accommodation.

VALUATION OF ACCOMMODATION PROVIDED IN A HOTEL:

Where the accommodation is provided by the employer (Government or other employer) in a hotel, the **value of the perquisite will be lower of:**

- a. **24% OF SALARY** paid or payable for the previous year **OR**
- b. **the actual charges paid or payable** to such hotel for the period during which such accommodation is provided.

The above value is reduced by the rent, if any, actually paid or payable by the employee.

Note:

The value of this perquisite will not be calculated if the employee is provided such accommodation for a period not exceeding in aggregate 15 days on the transfer from one place to another.

ACCOMMODATION PROVIDED AT THE TIME OF TRANSFER:**FOR FIRST 90 DAYS - ANY ONE**

Where on account of his transfer from one place to another, the employee is provided with accommodation at the new place of posting while retaining the accommodation at the other place, the value of perquisite shall be determined with reference to **ONLY ONE SUCH ACCOMMODATION** which has the lower value (as determined according to the above provisions) **for a period not exceeding 90 days** and thereafter the value of perquisite shall be charged for **both such accommodations** in accordance with the valuation rules.

EXCEPTIONS:

However, none of the above valuation rules would be applicable to any accommodation provided to an employee **working at a mining site/onshore oil exploration site/project execution site/dam site/power generation site/offshore site which:**

- a. being of a temporary nature and is located at least 8 kms away from the local limits of any municipality or cantonment board; or
- b. is located in a remote area.

[Remote area means an area that is located at least 40 kms away from a town having a population not exceeding 20,000 based on latest published all India census].

Question 18:

Ramnath is employed with Mega Limited and is paid Basic Salary ₹ 15,000/ – p.m.; – ₹ 2,000/ – p.m. as Commission; D.A not forming part of retirement benefits ₹ 1,250/ – p.m. and travel allowances of ₹ 1,000/ – p.m. Bonus paid during the year is ₹ 12,000/ – 60% of the travel allowance is not spent and the balance is spent for office purpose.

Compute the taxable salary by also taking into account the fact that he is provided rent free furnished accommodation where population is 15 lakhs. Original cost of furniture provided in the house ₹ 30,000/ – (W.D.V. ₹ 6,000). Hire charges ₹ 450 pm for hired furniture provided.

[Answer: Taxable Salary – 2,18,920]

Question 19:

Mr. Ritesh is provided with an accommodation in Kolkata since April 2020. Salary ₹ 40,000 p.m. Cost of furniture provided ₹ 80,000. On 1st October, 2020, following a promotion with a increase in Salary by ₹ 15,000, he was transferred to Nagpur (population less than 25 lakhs but more than 10 lakhs), and was also provided an accommodation there. Mr. Ritesh was allowed to retain the Kolkata accommodation till March, 2021. Compute taxability.

Solution: Phase 1: Value of Furnished Accommodation (Kolkata) (April to September 2020)

Particulars	₹
Value of unfurnished accommodation (15% of 40,000 × 6 months)	36,000
Add: Value of Furniture provided:	
• 10%p.a. of original cost of such furniture (10% of ₹ 80,000 × 6 / 12 months)	4,000
Value of Furnished Accommodation	40,000

Phase 2: Valuation of accommodation (October 2020 to December 2020)

- (a) For the first 90 days of transfer: Where accommodation is provided both at existing place of work and in new place, the accommodation, which has lower value, shall be taxable.
- (b) After 90 days: Both accommodations shall be taxable.

Computation for the first 90 days of transfer: (October 2020 to December 2020) Lower of:

- (i) Value of accommodation at existing place of work
- (ii) Value of accommodation at new place

Value of accommodation at existing place of work (Kolkata)

15% of salary for 3 months (i.e. 90 days) = 15% of ₹ 55,000 × 3 months = ₹ 24,750

Add: Cost of furniture provided: 10% of ₹ 80,000 × 3 months / 12 = ₹ 2,000

Total Value of Perquisite ₹ 26,750

Value of accommodation at new work place (Nagpur)

10% of salary for 3 months (i.e. 90 days) = 10% of ₹ 55,000 × 3 months = ₹ 16,500

Therefore, the assessee shall be assessed to tax on ₹ 16,500 (being the lower)

Phase 3: Valuation of accommodation (after 90 days) (January 2021 to March 2021)

For Kolkata accommodation: 15% of ₹ 55,000 × 3 months = ₹ 24,750

Add: Cost of furniture provided: 10% × ₹ 80,000 × 3 months / 12 = ₹ 2,000

Total value of perquisite ₹ 26,750

For Nagpur accommodation: 10% of ₹ 55,000 × 3 months = ₹ 16,500

Total value of perquisite:

Particulars	Taxable value of perquisite
Phase 1: Accommodation in Kolkata	40,000
Phase 2: Accommodation in Nagpur (being the lower during 90 days)	16,500
Phase 3: Accommodation in Kolkata	26,750
Phase 4: Accommodation in Nagpur	16,500
Total Value of Taxable Perquisite	99,750

MOTOR CAR [RULE 3(2)] – SPECIFIED EMPLOYEE

Owner of Car	Expenses met by	Purpose	Taxable Value of Perquisite
1(a) Employer	Employer	Fully Official use	Not a Perquisite, provided the documents specified in Rule 3(2)(B) are maintained. [See Note 2 below]
1(b) Employer	Employer	Fully Personal use	Aggregate of (a) Actual expenditure on Car (b) Remuneration to Chauffeur (c) 10% p.a. of the Cost of Car (normal wear & tear) Less: Amount charged from Employee
1(c)(i) Employer	Employer	Partly for Official and partly for Personal use	Cubic Capacity of Car Engine upto 1.6 Litres: ₹ 1,800 p.m. + ₹ 900 p.m. for Chauffeur above 1.6 Litres: ₹ 2,400 p.m. + ₹ 900 p.m. for Chauffeur
1(c)(ii) Employer	Employee	Partly for Official and partly for Personal use	Cubic Capacity of Car Engine upto 1.6 Litres ₹ 600 p.m. + ₹ 900 p.m. for Chauffeur above 1.6 Litres ₹ 900 p.m. + ₹ 900 p.m. for Chauffeur
2(i) Employee	Employer	Fully Official use	Not a Perquisite, provided the documents specified in Rule 3(2)(B) are maintained. [See Note 2 below]
2(ii) Employee	Employer	Partly for Official and partly for Personal use	Subject to Rule 3(2)(B) Actual Expenditure incurred Less upto 1.6 Litres: ₹ 1,800 p.m. + ₹ 900 p.m. for Chauffeur above 1.6 Litres: ₹ 2,400 p.m. + ₹ 900 p.m. for Chauffeur
3(i) Employee owns other automotive but not Car	Employer	Fully Official use	Not a Perquisite, provided the documents specified in Rule 3(2)(B) are maintained. [See Note 2 below]
3(ii) Employee owns other automotive but not Car	Employer	Partly for Official and partly for Personal use	Subject to Rule 3(2)(B) Actual expenditure incurred by Employer Less: ₹ 900 p.m.

Notes:

1. **Pool of Cars owned or hired by Employer:** If the Employee is permitted to use any or all Cars for both official and personal use, the treatment will be as under

For one Car	Valued as per 1(c)(i)
For more than one Car	Valued as per 1(b), as if fully used for personal purpose

2. **Documents required for claiming 'Not Taxable Perquisite' or higher deduction wherever applicable. [Rule 3(2)(B)]:**

- (a) Employee should maintain complete details of journey undertaken for official purpose, which includes date of journey, destination, mileage and amount of expenditure incurred thereon.
- (b) Certificate of supervising authority of the Employee, wherever applicable, to the effect that the exp. was incurred for wholly and exclusively for performance of official duties, should be provided.

**PROVISION OF DOMESTIC SERVANTS [Rule – 3(3)]
(Sweeper, Gardener, watchman or a personal attendant)**

Servant appointed by	Servant's salary paid by	Value of perquisite	Taxable in the hands of
Employee	Employee	Nil	Not applicable
Employee	Employer	Actual cost incurred by the Employer on the servant	All employees
Employer	Employer	Actual cost incurred by the Employer on the servant	Specified employee
Employer	Employee	Nil	Not applicable

Note:

1. Where the employee is paying any amount in respect of such servant facility, the amount so paid shall be deducted from the value of perquisite determined above.
2. **Domestic Servant Allowance** given to an employee is always chargeable to tax.

QUESTION 20:

Mr. E is employed with N Ltd. he also gets the services of sweeper and watchman. E has paid employment tax of ₹ 800. Determine his gross salary in the following cases:

- 1) His salary is ₹ 8,400 pm. Employer provides the services of sweeper and watchman. N Ltd. pays them ₹ 600 pm and ₹ 500 pm;
- 2) His salary is ₹ 8,400 pm. Sweeper and watchman are engaged by Mr. E at the rates given in clause(1) above but their wages are reimbursed by the employer;
- 3) His salary is ₹ 9,000 pm. Employer provides the services of sweeper and watchman at the above rates but he recovers from Mr. E ₹ 200 pm and ₹ 300 pm respectively.

SUPPLY OF GAS, ELECTRICITY OR WATER FACILITY [Rule – 3(4)]

Facility in the name of	VALUE OF PERQUISITE		Taxable in the hands of
	Provided from own source	Provided from outside	
Employer	Mfg. cost to the employer	Amount paid to the supplier	Specified employees
Employee	Mfg. cost to the employer	Amount paid to the supplier	All employees

Note:

- Where the employee is paying any amount in respect of such above facility, the amount so paid shall be deducted from the value of perquisite determined above.
- Gas/Electricity/Water Allowance** given to an employee is always fully chargeable to tax.

QUESTION 21:

G Ltd. provides electricity to its employee, P. Annual consumption as per meter reading comes to 2,250 units. Determine the value of the perquisite in the following cases:

- Electricity meter is in the name of P and the rate of electricity is ₹ 3 per unit
- Electricity meter is in the name of G Ltd. the rate of electricity is ₹ 3 per unit.
- G Ltd. is a power-generating company. Manufacturing cost is 90 paise per unit but supplied to public @ ₹ 2 per unit. However, it charges 30 paise per unit from employees.

FREE OR CONCESSIONAL EDUCATION FACILITY [Rule – 3(5)]

The value of perquisite is determined as under:

Facility provided to	Value of perquisite		Taxable in the hands of
	Provided in a school owned by the employer [Case 1]	Provided in any other school [Case 2]	
Children [Any No.]	Cost of such education in similar school* (There would be no perquisite if the cost of education does not exceed ₹ 1,000 p.m. per child)	Cost of such education	<u>Specified employee</u>
OTHER HOUSEHOLD MEMBER	Cost of such education in similar school	Cost of such education incurred	<u>Specified employee</u>

Note:

- If the employee incurs the expenditure of school fees and the same is reimbursed by the employer, then the entire amount of reimbursement so made, shall be fully taxable in the hands of all employees.
- Child includes **step child** as well as the **adopted child** of the employee.

* If cost of education exceeds ₹ 1,000 p.m. then full amount is taxable. An alternate view possible is that only the sum in excess of ₹ 1,000 per month is taxable.

VALUATION IN RESPECT OF FREE TRANSPORT [Rule – 3(6)]

In case of employees of	Taxable value	
Railways / Airlines	Nil	
Any other transport undertaking	Value at which such benefit is offered by the employer to the public	xxx
	Less: Recovery from the employee	xxx



END OF SECTION 17(2)(iii) – Perquisites for Specified Employee only

VALUATION IN RESPECT OF SHARES & SECURITIES ISSUED UNDER ESOP [SECTION 17(2)(vi)]

- The value of any specified security or sweat equity shares **allotted or transferred**, directly or indirectly, by the employer or former employer, free of cost or at concessional rate to the assessee shall be taxable as perquisite.
- **The value shall** be the FMV of such security or shares on the date on which the option is exercised by the assessee, **as reduced by any amount actually paid by, or recovered from, the assessee.**
- **FMV FOR LISTED SHARES:**
Perquisite Value of listed sweat equity shares allotted or transferred free of cost or at concessional rate shall be **average of opening and closing price of shares listed on stock exchange on date of exercise of option** less any amount recovered from the employee

If shares are listed on more than one recognized stock exchange - However, where, on the date of exercising of the option, the share is listed on more than one recognized stock exchanges, the fair market value shall be the average of opening price and closing price of the share on the recognised stock exchange which records the highest volume of trading in the share.

Deferment of perquisite tax on ESOPs – Amended by Finance Act 2020 **Section 156 of the IT Act, as amended, provides for deferment of perquisite tax liability**

Where the income of the assessee of any assessment year, beginning on or after the 1st day of April, 2021,

- ✓ includes income of the nature specified in clause (vi) of sub-section (2) of section 17 and
- ✓ such specified security or sweat equity shares referred to in the said clause are allotted or transferred directly or indirectly by the current employer, being an eligible start-up referred to in section 80-IAC,

the tax or interest on such income included in the notice of demand referred to in sub-section (1) shall be payable by the assessee within 14 days-

- i. after the expiry of forty-eight months from the end of the relevant assessment year; or
- ii. from the date of the sale of such specified security or sweat equity share by the assessee; or
- iii. from the date of the assessee ceasing to be the employee of the employer who allotted or transferred him such specified security or sweat equity share,

whichever is the earliest.

Question 22:

IT Limited, under its Employment Stock Option Plan, allotted 500 equity shares to its finance manager, Pooja on 15th May, 2020, when she exercised her option. The option was granted on 15th January, 2019 and the shares vested with her on 15th January, 2020. The company's shares are quoted in Bombay Stock Exchange, where the opening price and closing price on the date of exercise of option were ₹ 250 and ₹ 256, respectively. The company recovered ₹ 50 per share from Pooja. Compute the value of perquisite for the previous year 2020-21.

SECTION 17(2)(viii) - VALUATION OF OTHER FRINGE BENEFITS AND AMENITIES [Sub-rule (7) of Rule 3]

INTEREST FREE OR CONCESSIONAL LOAN [Rule 3(7)(i)]

1. Value of perquisite =

Interest computed as per SBI rates [as on 01.04.2020] on Maximum Outstanding Monthly Balance xxx

Less: Interest recovered by the employer from the employee xxx

2. “Maximum outstanding monthly balance” means the aggregate outstanding balance for each loan as on the last day of each month.

3. Nothing is taxable if-

- Amount of Such Loans are not exceeding in the aggregate ₹ 20,000
- Such loans are given for medical treatment in respect of diseases specified in rule 3A.
 - Where loans are made available for medical treatment, referred to above, the exemption shall not apply to so much of the loan as has been reimbursed to the employee under any medical insurance scheme.

Question 23:

Determine the taxable value of the perquisite in the following cases:

1. Z Ltd. gives an interest-free housing loan ₹ 10,00,000 to its employee on 1 October 2020. Loan is repayable within 5 years. SBI lending rate, as on 1.4.2020 is 10% p.a.
2. A, an employee, takes a personal loan of ₹ 1,25,000 from Alfa Ltd. @ 6% p.a. on April 1, 2020, [SBI lending rate may be assumed, as on 1.4.2020 is 14% p.a.]
3. A purchased a Car on March 1, 2020 from a loan of ₹ 9,00,000 taken at concessional rate of 7% p.a. from his employer. It is repayable in monthly installments of ₹ 25,000 starting from January 1, 2021. Compute the taxable value of perquisite in respect of concessional loan for the previous year 2020-21. SBI lending rate may be assumed, as on 1.4.2020 is 12.25% p.a.

Travelling, Touring & Accommodation [Rule 3(7)(ii)]

Valuation of perquisite in respect of traveling, touring, accommodation and any other expenses paid / reimbursed by employer for any holiday availed by **EMPLOYEE (OR ANY MEMBER OF HOUSEHOLD)** other than LTC (section 10(5) read with Rule 2B):

(a) Where such facility is maintained by the employer and available uniformly to all employees, then value shall be:-

Expenditure incurred by the employer **LESS** Amount recovered from the employee.

(b) Where such facility is maintained by employer and not available uniformly to all employees, then value shall be:-

Value at which such facilities are **offered by other agencies to the public LESS** Amount recovered from the employee.

Notes:

- (1) Where the employee is on official tour & the expenses are incurred in respect of any member of his household accompanying him, the amount of expenditure so incurred in respect of such member only shall be liable to be tax as perquisite.
- (2) Where any official tour is extended as vacation, then expenses incurred in relation to such extended period of stay or vacation, shall be treated as perquisite.

Free LUNCH/refreshment/ Beverages etc [Rule 3(7)(iii)]**THE TAXABLE VALUE OF THIS PERQUISITE SHALL BE:**

Cost incurred by the employer **LESS** Amount recovered from the employee

However, facility in the following cases is exempt from Tax:

- ✓ **FREE FOOD AND NON-ALCOHOLIC BEVERAGES UPTO RS. 50 PER MEAL** provided by employer,
 - during working hours at office or business premises; or
 - through paid voucher which are not transferable and usable only at eating joints;

[This exemption would not be available in case of an employee, being an assessee, who opts for the provisions of section 115BAC]
- ✓ Tea or snacks provided during working hours; or
- ✓ Free food and non-alcoholic beverages during working hours provided in a remote area or an off-shore installation.

Note:- Working hours includes extended office hours (like working on holiday, over-time etc).

GIFT, VOUCHER OR TOKEN [Rule 3(7)(iv)]

- ✓ The Value of any gift, or any voucher/ token made by employer to **THE EMPLOYEE OR HIS HOUSEHOLD MEMBER, in excess of ₹ 5,000**, is fully taxable.
- ✓ If the value of such gift, voucher or token is below ₹ 5,000 in the aggregate during the previous year, the value of perquisite shall be taken as NIL.
- ✓ **The aforesaid exemption of ₹ 5,000 shall be denied in case of cash gift.**

Note:

An alternate view possible is that only the sum in excess of ₹ 5,000 is taxable in view of the language of Circular No. 15/2001 that such gifts upto ₹ 5,000 in the aggregate per annum would be exempt, beyond which it would be taxed as perquisite. **As per this view, the value of perquisite would be difference between Gift Value & ₹ 5,000.**

CREDIT CARD [Rule 3(7)(v)]

- ✓ The amount of expenses **including membership fees and annual fees** incurred by **THE EMPLOYEE OR ANY MEMBER OF HIS HOUSEHOLD** which is charged to a credit card (including add on card) provided by the employer or otherwise, paid for or reimbursed by the employer shall be taken to be the value of perquisite chargeable to tax.
- ✓ **Amount recovered from such employee** will be reduced from the value determined.
- ✓ **However, such expenses incurred wholly and exclusively for official purposes would not be treated as a perquisite** if it is supported by necessary documents.

CLUB EXPENDITURE [Rule 3(7)(vi)]

- ✓ If employer reimburses or makes payment of **any expenditure incurred in a club including the amount of annual or periodical fee** for the **EMPLOYEE OR ANY MEMBER OF HOUSEHOLD**, the actual amount of such expenditure shall be the value of perquisite.
- ✓ **Amount recovered from such employee** will be reduced from the value determined.
- ✓ **Initial fee paid for acquiring corporate membership is not a taxable perquisite**
- ✓ **No taxable perquisites in case health club, sports club** and similar facilities provided **uniformly to all employees**
- ✓ **No taxable perquisite if the club expenditure is incurred wholly and exclusively for business purposes.**

USE of Employer's MOVABLE ASSETS [Rule – 3(7)(vii)]

If the facility of usage of any movable asset (Except LAPTOP & Computers) is provided by employer to **EMPLOYEE OR ANY MEMBER OF HIS HOUSEHOLD**, the taxable value shall be:

- **10% P.A. OF THE ACTUAL COST** of asset (if owned by the employer) or
- Actual amount of hire charges (if taken on hire by the employer)

Note:

1. Where the employee is paying any amount in respect of such asset, the amount so paid shall be deducted from the value of perquisite determined above.
2. **Member of household shall include- (a) Spouse; (b) Children and their spouses; (c) parents; and (d) Servants and dependents.**

TRANSFER of any Movable Asset [Rule – 3(7)(viii)]

If any movable asset is transferred by the employer to employee, then, taxable value of this perquisite shall be:

Actual cost of the asset to the employer
Less: Dep. for **every completed year** of usage by employer
Less: The amount charged from the employee.

The following will be the rate and method of depreciation:

<u>S.N.</u>	<u>Asset</u>	<u>Rate</u>	<u>Method</u>
1.	Computer & electronic items [Not covering Household appliances]	50%	W.D.V.
2.	Motor Car	20%	W.D.V.
3.	Any other asset	10%	Straight Line

Other Benefit or Amenity [Rule – 3(7)(ix)]

Residual Head- The value of any other benefit or amenity, service, right or privilege provided by the employer shall be determined on the basis of cost to the employer under an arms' length transaction as reduced by the employee's contribution, if any.

*However, there will be **no taxable perquisite in respect of expenses on telephones including mobile phone** actually incurred on behalf of the employee by the employer i.e., if an employer pays or reimburses telephone bills or mobile phone charges of employee, there will be no taxable perquisite.*

SECTION 10(10CC) – INCOME IN THE NATURE OF PERQUISITE –Exempted

As per section 10(10CC), tax paid by employer on non-monetary perquisite income of employee shall be exempt in the hands of employee.

TAX IMPLICATION IN HANDS OF EMPLOYER: Section 40(a)(v) disallows such expenditure in the hands of the employer. Therefore, the tax so paid by the employer will not be deductible expenditure in his hands.

Medical Facilities Provided by Employer [Proviso to Section 17(2)]**MEDICAL TREATMENT IN INDIA:**

In the following cases, medical facilities/ reimbursement incurred for employee/his family member are treated as **tax FREE perquisites**:-

- I. Expenditure incurred in a **HOSPITAL MAINTAINED BY THE EMPLOYER.**
- II. **Sum paid by the employer for any expenditure for medical treatment:**
 - in any hospital maintained by
 - the **Govt. or local authority** or
 - an **approved hospital under CGHS** or
 - of **prescribed diseases/ ailment in a hospital approved by CCIT.** [Certificate is required]
- III. Group Medical Insurance paid u/s 36(1)(ib).
- IV. Medical Insurance paid u/s 80D.
- V. Premium of Accidental Insurance Policy.
- VI. ~~Any other medical expenditure reimbursed to the extent of ₹ 15,000 in the Previous Year. This exemption is not available from AY 19-20.~~

MEDICAL TREATMENT OUTSIDE INDIA:

The following expenditure incurred by employer on treatment of the employee/his family members, outside India is also a tax-free perquisite:

1. **EXPENSES ON MEDICAL TREATMENT OF THE EMPLOYEE OR ANY FAMILY MEMBER:**
Exempt to the extent permitted by RBI.
2. **EXPENSES ON STAY ABROAD OF THE PATIENT AND ONE ATTENDANT:**
Exempt to the extent permitted by RBI
3. **TRAVEL EXPENSES FOR ABROAD OF THE PATIENT AND ONE ATTENDANT:**
Travel expenses shall be **wholly exempt** if the employee's **GTI** before including therein, the said travel expenditure ≤ ₹ 2,00,000.

Notes

- **Family = Spouse + Children + Dependent [Parents + Brothers + Sister]**
- Hospital includes a dispensary or a clinic or a nursing home.
- **Fixed medical allowance – always taxable.**

RELIEF UNDER SECTION 89

Where by reason of any portion of an assessee's salary being paid in arrears or in advance or by reason of his having received in any one financial year, salary for more than twelve months or a payment of profit in lieu of salary under section 17(3), his income is assessed at a rate higher than that at which it would otherwise have been assessed, the AO shall, **on an application made to him in this behalf**, grant such relief as prescribed.

Similar tax relief is extended to assesseees who receive arrears of family pension as defined in the Explanation to clause (iia) of section 57.

[No relief shall be granted in respect of any amount received or receivable by an assessee on his voluntary retirement or termination of his service, in accordance with any scheme or schemes of voluntary retirement or a scheme of voluntary separation (in the case of a public sector company), if exemption under section 10(10C) in respect of such compensation received on voluntary retirement or termination of his service or voluntary separation has been claimed by the assessee in respect of the same assessment year or any other assessment year.]

COMPUTATION OF RELIEF IF SALARY RECEIVED IN ARREARS OR IN ADVANCE

<u>Steps</u>	<u>Procedure</u>
1	Compute the tax payable (after HEC) on the total income, <u>including</u> the <i>additional salary</i> , of the relevant previous year in which the same is received .
2	Compute the tax payable (after HEC) on the total income, <u>excluding</u> the additional salary, of the relevant previous year in which the same is received .
3	Find out the difference between the tax at (1) and (2).
4	Compute the tax (after HEC) on the total income after <u>including</u> the additional salary in the previous year to which such salary relates .
5	Compute the tax (after HEC) on the total income after <u>excluding</u> the additional salary in the previous year to which such salary relates.
6	Find out the difference between tax at (4) and (5).
7	<ul style="list-style-type: none"> ➤ <u>If tax computed in step (3) > tax computed in step (6) then the excess amount is admissible as relief u/s 89.</u> ➤ <u>If tax computed in step (3) ≤ tax computed in step (6) then NO RELIEF is admissible u/s 89.</u> In such a case, the assessee employee need not apply for relief.

MEANING OF GOVERNMENT EMPLOYEES FOR DIFFERENT PURPOSE

S. No.	Purpose	Government employees
1.	GRATUITY [SECTION 10(10)]	CG/SG/LA
2.	PENSION [SECTION 10(10A)]	CG/SG/LA/SC
3.	LEAVE SALARY [SEC 10(10AA)]	CG/SG
4.	RENT FREE ACCOMODATION [SECTION 17(2)(i) & 17(2)(ii)]	CG/SG
5.	ENTERTAINMENT ALLOWANCE [SECTION 16(ii)]	CG/SG

MEANING OF SALARY FOR COMPUTATION

SECTION	Purpose of computation	Salary includes
16(ii)	Entertainment allowance	Basic salary
10(10)	Gratuity [if gratuity Act, 1972 is applicable]	Basic salary + DA
10(10)	Gratuity [if Act not applicable]	Basic salary + DA (R) + % Commission on Sales.
10(10AA)	Leave Salary	DO
10(10B)	Retrenchment Compensation	Basic salary + DA
10(13A)	HRA	Basic salary + DA (R) + % Commission on Sales.
10(10C)	VRS	DO
10(12)	RPF	DO
17(2)(i) & 17(2)(ii)	RENT FREE ACC [RFA] OR ACCOMMODATION AT CONFESIONAL RATE	Basic + Allowance + Bonus + Commission + DA(R) + Any money payment (which in chargeable to tax) But does not include – 1. Employer's contribution to RPF 2. Value of perquisite specified in Sec 17(2) [from one or more employer]
17(2)(iii)	SPECIFIED EMPLOYEE	Basic Salary + D.A. + Commission, whether payable monthly or turnover based + Bonus + Fees + Advance Salary + Arrear Salary + Any other taxable payment + Any taxable allowances + Any other monetary benefits – Deductions under section 16 [from one or more employer]

DEARNESS ALLOWANCE (DA)

If in question DA is given, then it will not be treated as forming part of salary unless question specifically says that –

- If forming part of retirement benefit
- Under the terms of employment
- Consider for retirement benefit

DEARNESS PAYS (DP)

It means it is forming part of retirement benefit unless question says otherwise.

MEMBERS OF HOUSEHOLD

= Spouse, Children, Spouse of children, Parents, Servants & all other Dependents.

FAMILY

= Spouse + Children + Dependent [Parents + Brothers + Sisters]

SALARY FROM UNITED NATIONS ORGANISATION

Section 2 of the United Nations (Privileges and Immunities) Act, 1947 grants exemption from income-tax to salaries and emoluments paid by the United Nations to its officials. Besides salary, any pension covered under the United Nations (Privileges and Immunities) Act and received from UNO is also exempt from tax.

PRACTICAL QUESTIONS – SET A**ASSUMPTION FOR ALL QUESTIONS – Assessee has not opted for Section 115BAC**

- 1) Mr. X has joined ABC Ltd. on 01.10.2007 in the pay scale of 10,000 – 900 – 16,300 – 1,100 – 25,100 – 1,500 – 32,600. The employer has allowed him dearness allowance @4.35% of basic pay up to 30.09.2019, @7.5% up to 31.12.2020. Thereafter, it was allowed @10.5% of the basic pay. **Compute employee's gross salary.**
- 2) **Raghav furnished the following particulars and requests you to compute his taxable income for the previous year ending 31.3.2021:**
 - a) Joined service on 1.10.2020, on a consolidated salary of ₹ 25,000 per month.
 - b) He was paid ₹ 1,30,000 in September, 2020, so that he should not join elsewhere.
 - c) He contributed towards:
 - i) Life Insurance Premium ₹ 20,000
 - ii) National Saving Certificates ₹ 10,000
- 3) Up till June 30, 2020, X is in the employment of A Ltd. on the fixed salary of ₹ 25,000 per month which becomes "due" on the first day of the next month. On July 1, 2020, X joins B Ltd. (salary being ₹ 30,000 per month which becomes "due" on the last day of each month). Salary is actually paid on the seventh day of the next month in both cases. **Find out the amount of salary chargeable to tax.**
- 4) **Mr. Sunil is working as an employee in ABC Ltd. He received the following amounts during the previous year 2020-21. Compute the gross salary:**
 - (a) He received ₹ 1,85,000 as salary after deducting ₹ 15,000 as income tax and ₹ 12,000 as contribution towards provident fund.
 - (b) He received ₹ 4,000 as guarantee commission.
 - (c) He was also acting MP and received ₹ 1,25,000 as salary from the consolidated fund of India.
 - (d) He took 1 month's salary as loan for his daughter's marriage.
- 5) Rajesh Kumar, an Indian citizen, is posted in the Indian High Commission at London during the PY 2020-21. His emoluments consist of basic pay of ₹ 1,00,000 per month and overseas allowance of ₹ 2,000 per month. Besides, he is entitled to airfare for going from and coming to India and also to free use of Government's car at London. He has no taxable income except salary income stated above. His employer did not deduct tax at source.

Rajesh Kumar argues that

- i) he is not liable to pay tax on salary earned and received outside India since he is a non – resident during the PY 2020-21 and
- ii) even if any tax is due, it is the duty of his employer to deduct tax at source and as such he has no responsibility to pay the tax.

Discuss whether his contention is correct. Will it make any difference if Rajesh Kumar is foreign citizen? Give reasons.

- 6) Mr. Shyam, an employee of AB Ltd. receives ₹ 90,000 as gratuity under the Payment of Gratuity Act, 1972. He retires on August 15, 2020 after rendering service for 32 years and 4 months. The last drawn salary was ₹ 3,250 p.m. **Calculate the amount of gratuity chargeable to tax.**

- 7) Ms. Uma, not being covered by the Payment of Gratuity Act, 1972 retires during 2020-21 from SR Private Ltd, and receives ₹ 45,000 as gratuity after a service of 40 years 11 months. Her average monthly salary during the last 10 months of service was ₹ 2,200. **Determine the taxable gratuity in her case. What would be your answer if she retired after serving for another 2 months?**
- 8) X, who is not covered by the Payment of Gratuity Act, 1972, retires on November 20, 2020 from ABC Ltd. and receives ₹ 1,86,000 as gratuity after service of 38 years and 10 months. His salary is ₹ 8,000 per month up to July 31, 2020 and ₹ 9,000 per month from August 1, 2020. Besides, he gets ₹ 500 per month as dearness allowance (69 per cent of which is part of salary for computing retirement benefits). **What amount of gratuity will be exempt from tax?**
- 9) X, a marketing specialist of Bombay, is working with two companies, viz., A Co. and B Co. He retires from A Co. on November 30, 1992 (salary at the time of retirement: ₹ 2,600) and receives ₹ 22,000 as gratuity out of which ₹ 20,000 is exempt under section 10(10). He also retires from B Co. on December 10, 2020 after 38 years and 8 months of service and receives ₹ 3,90,000 as death – cum – retirement gratuity. His average basic salary drawn from B Co. for the preceding 10 months ending on November 30, 2020 is ₹ 18,200 per month. Besides, he has received ₹ 1,000 per month as dearness allowance, 80 per cent of which forms part of salary for the purpose of computation of retirement benefits and 6 per cent commission on turnover achieved by him. Total turnover achieved by him during 10 months ending on November 30, 2020 is ₹ 2,00,000. **Determine the amount of gratuity exempt under section 10(10).**
- 10) **Determine the amount of pension taxable for the previous year in the following cases on the assumption that it becomes due on the last day of each month:**
- X receives ₹ 18,250 per month as pension from the Central Government during the previous year 2020-21.
 - X receives ₹ 21,000 per month as pension from the Government of Punjab during the previous year 2020-21.
 - X receives ₹ 20,000 per month as pension from ABC Ltd., a public limited company in the private sector, during the previous year 2020-201.
 - X retires from the Central Government service on May 31, 2020. He gets pension of ₹ 15,000 per month up to November 30, 2020 [i.e., ₹ 15,000 x 6]. With effect from December 1, 2020, he gets one – third of his pension commuted for ₹ 7,18,000.
 - X retires from ABC Co. on June 30, 2020. He gets pension of ₹ 20,000 per month up to January 31, 2021. With effect from February 1, 2021, he gets 60 per cent of pension commuted for ₹ 10,71,000. Does it make any difference if he also gets gratuity of ₹ 40,000 at the time of retirement?
- 11)
- Mr. Kumar retires from Government service on 1-1-2021. He was drawing a salary of ₹ 6,000 p.m. He was drawing dearness allowance of ₹ 1,200 p.m. On retirement, he receives a gratuity of ₹ 1,20,000. He is paid monthly pension of ₹ 4,200. **Compute the Gross salary in his case.**
 - Mr. Dalai retires from an employment covered by Payment of Gratuity Act on 30.11.2020 and he is paid gratuity of ₹ 55,000. While the last drawn salary is ₹ 1,950, the average of last 10 months salary is ₹ 1,800. He served for 36 years and 4 months before retirement. **Compute the taxable gratuity in his case.**
 - Mr. Rohit not covered by Payment of Gratuity Act, **retires on 28th Feb 2021** after serving the employer company for a period of 18 years and 10 months. He was drawing a salary of ₹ 5,000 up to Sep 2020 and thereafter ₹ 6,000/ – per month. On retirement he is not in receipt of pension but gratuity of ₹ 60,000 is paid. **Compute Gross salary.**

- 12) Determine the gross amount of taxable pension includible in salary income for the AY 2021-22 in the following cases:**
- On 30th June 2020, Mr. Santhosh retires from Central Government service and gets pension of ₹ 3,000 p.m. up to 31-1-2021. With effect from 1-2-2021 he gets 1/3 of his pension commuted for ₹ 1,20,000.
 - Mr. Kamath retires from X Ltd., on 31.10.2019. He gets pension of ₹ 2,000 p.m. up to 31-10-2020. With effect from Nov 1, 2020 he gets 60% of pension commuted for ₹ 30,000. He is not in receipt of gratuity.
- 13) Calculate taxable pension includible in the salary income in the below cases for AY 2021-22.**
- Mr. Ram Singh retired from the Indian Revenue Service on 16-3-2019. He gets pension of ₹ 4,000 p.m. upto 31.12.2020. With effect from 01.01.2021 he gets 25% of his pension commuted for ₹ 75,000.
 - Mr. Sundar retires from RG Co. on 31-3-2020. He is paid ₹ 1,800 p.m. as pension. On his request, RG Co. pays ₹ 36,000 in lieu of 50% of pension from 01.12.2020.
Assume that (i) gratuity is paid (ii) no gratuity has been paid.
- 14) Mr. K retired from Indian Revenue Service on 31.8.2020. He was paid a pension of ₹ 5,000 p.m. On 01.01.2021, he commuted 60% of the pension and received ₹ 72,000. Compute taxable pension in his case.**
- 15) Mr. Thomas employed in a private company retires on 30.06.2020. He is paid a pension of ₹ 6,000 p.m. up to January 2021. On 1st February he commutes 75% of his pension and receives ₹ 1,20,000. Calculate the taxable pension assuming he is not in receipt of gratuity.**
- 16) Mr. Daniel resigned from his employment and is paid leave salary of ₹ 92,400. He completed 32 years of service and he was drawing a salary of ₹ 4,200 p.m throughout the period of 10 months before retirement. During service he availed 10 months leave. Calculate the leave salary taxable in his case. [Company Policy – 1 Month]**
- 17) Mr. Arif retired from service after serving for 12 years and encashed leave of 15 months to his credit at ₹ 60,000. As per the rules of employment he was eligible for 2 months leave per year of completed service and he was drawing ₹ 4,000 p.m. as salary throughout the period of 10 months before retirement. Determine taxable amount of leave salary.**
- 18) Shri A.K. Gupta was employed in a factory in Faridabad. He retired on 1.1.2021 after completing a service of 26 years and 5 months. He had been getting a salary of ₹ 23,000 per month and a dearness allowance of ₹ 2,000 per month (forming part of retirement benefits) for the last four years. His pension was determined @ ₹ 9,000 p.m. and 3/4 portion of it was commuted for ₹ 2,70,000. In addition to this he received a gratuity of ₹ 4,00,000 and as per entitlement of 30 days earned leave for each year of service, he also received ₹ 3,00,000 for encashment of earned leave of 12 months during the previous year. Compute gross salary of Shri Gupta, assuming he is not covered under Payment of Gratuity Act.**

19) X was employed with ABC Ltd. He retired w.e.f. 1.2.2021 after completing a service of 24 years and 4 months. He submits the following information :

Basic Salary	₹ 5,000 per month (at the time of retirement)
Dearness Allowance	100% of Basic Salary (40% of which forms part of salary for retirement benefits).
Last increment	₹ 500 w.e.f. 1.7.2020

His pension – was determined at ₹ 3,000 per month. He got 50% of the pension commuted w.e.f. 1.3.2021 and received a sum of ₹ 1,00,000 as commuted pension. In addition to this, he received a gratuity of ₹ 1,20,000 and leave encashment amounting to ₹ 56,000 on account of accumulated leave of 240 days. He was entitled to 40 days leave for every year of service.

Compute his Gross Salary assuming that he is not covered under Payment of Gratuity Act.

20) Mr. Narendra, who retired from the services of Hotel Samode Ltd., on 31.1.2021 after putting on service for 5 years, received the following amounts from the employer for the year ending on 31.3.2021:

Salary @ ₹ 16,000 p.m. comprising of basic salary of ₹ 10,000, Dearness allowance of ₹ 3,000, City compensatory allowance of ₹ 2,000 and Night duty allowance of ₹ 1,000. Pension @ 30% of basic salary from 1.2.2021. Leave salary of ₹ 75,000 for 225 days of leave accumulated during 5 years @ 45 days leave in each year. Gratuity of ₹ 50,000.

Compute Gross Salary of Mr Narendra.

21) Mr. Zakaria, staying at Chennai, receives ₹ 12,500 monthly as basic salary; ₹ 1,500 as D.A.P.M. provided in terms of employment and 4% as commission on turnover achieved by him. He is paid an house rent allowance of ₹1,800 p.m. The turnover achieved by him for the year is ₹15 lakhs. House rent paid by him is ₹ 2,500 p.m. He received advance salary of ₹ 50,000/ – in March 2021 relating to the period April to July 2021. **Determine the taxable quantum of HRA.**

22) Mr. Kapil is in receipt of the following allowances and seeks your advice about the taxable quantum of these allowances for FY 2020-21:

- Helper allowance ₹ 300 p.m. Mr. Kapil had appointed a helper for 9 months during the year to whom he paid ₹ 200 p.m.
- Conveyance allowance of ₹ 750 p.m. Mr. Kapil owner car which is used both for personal purposes and official purposes. Total monthly expenses Amounts to ₹ 1,200 of which 40% is attributable to office use.
- During the year Mr. Kapil received education allowance for his 3 children a sum of ₹ 250 per month each towards education and hostel expenditure. All the children are staying in hostel.
- During the year for six months Mr. Kapil was posted at Khandala, a hilly area loc; at a height of 1,200 mts. above sea level. Hill compensatory allowance of ₹ 2,400 has been received by him at ₹ 400/ – per month.

23) Compute the gross salary of Mr. Kamlesh on the basis of the following information:

- a) Basic pay ₹ 8,000 per month
- b) Dearness allowance - 40% of basic pay
- c) City compensatory allowance -10% of basic pay.
- d) Medical allowance- ₹ 800 per month
- e) Children education allowance - ₹ 80 per month per child for 3 children
- f) Hostel expenditure allowance - ₹ 400 per child per month for 2 children.
- g) Tribal area allowance- ₹ 500 per month
- h) Travelling allowance - ₹ 12,000 (However actual expenditure was only ₹ 8000 for official duties)
- i) Conveyance allowance - ₹ 500 per month. (The whole amount was spent for official duties)
- j) Transport Allowance - ₹ 28,200
- k) Overtime allowance - ₹ 4,000

24) Mr. Khanna, an employee of IOL, New Delhi, a Private Sector Company, received the following for the FY 2020-21:

	₹
1. Basic pay .	1,20,000
2. House rent allowance	90,000
3. Special allowance	30,000

X was residing at New Delhi and was paying a rent of ₹ 10,000 a month.

Compute eligible exemption under section 10(13A) of Income – tax Act, 1961, in respect of HRA received.

25) Mr. M is an area manager of M/s N. Steels Co. – Ltd. During the financial year 2020-21, he gets following emoluments from his employer:

Basic Salary

– Up to 31.08.2020	₹ 20,000 p.m.
– From 01.09.2020	₹ 25,000 p.m.
Transport allowance	₹ 1,200 p.m.
Contribution to recognized provident fund	15% of basic salary and D.A.
Children education allowance	₹ 500 p.m. for two children
City compensatory allowance	₹ 300 p.m.
Hostel expenses allowance	₹ 380 p. m. for two children
Tiffin allowance	₹ 5,000 p.a.
(actual expenses ₹ 3700)	
Tax paid on employment	₹ 2,500

Compute taxable salary of Mr. M.

26) Mr. D is employed in Nainital Transport Corporation as a conductor with basic pay ₹ 4,000 p.m. upto 30.09.2020 and ₹ 4,500 p.m. with effect from 01.10.2020. Dearness allowance is allowed @ 12% of the basic pay and 10% of it is taken into consideration as per terms of employment. The employer has paid him outstation allowance of ₹ 1,200 p.m., transport allowance of ₹ 300 p.m. (savings ₹ 100 p.m.), conveyance allowance for personal purpose ₹ 100 p.m.

He has resigned from Nainital Transport Corporation with effect from 01.03.2021 and has joined Haryana Transport Corporation at a consolidated pay of ₹ 8,500 p.m.

Compute his income under the head salary.

27) Mr A, a civil engineer was in Government service till 30.06.2020. He joined as an adviser (part time) from 1st October, 2020 in a organisation on an honorarium of ₹ 32,000 per month. He owns a house properly which is self occupied. **From the following further information, furnished for the year ending 31st March, 2021, you are requested to**

(a) **compute his income under the head salary**

	₹
(a) Salary from Government service	30,000
(b) Leave at credit (encashment)	50,000
(c) Provident fund	78,000
(d) Commuted pension	35,000
(e) Uncommuted Pension	20,000
(f) House rent allowance	5,000
(g) Gratuity Received	1,20,000
(h) Repayment to Housing Development Finance Corporation Ltd. (Paid in July 2021-Principal ₹ 10,000+Interest ₹ 14,000 on loan taken for construction of house)	24,000
(i) Deposit in public provident fund account	32,000

28) Mr. X, a resident individual is retired from A Co. Ltd. w.e.f. 1st February, 2021, after 20 years and 9 months of service. He joined B Co. Ltd. on the same day, i.e. 1st February, 2021 and remained in service till 31st March, 2021.

He furnished the following information:

Salary and allowances from 01.04.2020 to 31.01.2021 from A Co. Ltd.

	₹
Basic salary	10,000 p.m.
Dearness allowance	1,500 p.m.
Commission calculated @ 4% on turnover achieved by Mr. X	4,000
Gratuity received (not covered by the Payment of Gratuity Act, 1972)	1,25,000

Salary and allowance from B Co. Ltd.

Basic Salary	7,000 p.m.
Entertainment allowance	1,000 p.m.
Fixed medical allowance	500 p.m.
House rent allowance	600 p.m.
Leave salary received (During the service)	5,000

Other information:

Mr. X resides in his own house throughout the year.

Mr. X paid a premium of ₹ 12,000 on the policy of ₹ 150,000 on life of his minor child. Contribution to an approved superannuation fund and the Jeevan Dhara Scheme of the LIC covered under section 80C amounted to ₹ 8,000 and ₹ 5,000 respectively.

Compute Mr. X's total income.

29) From the following particulars furnished by Mr. X for the year ended 31.03.2021. Compute his total income.

- Mr. X retired on 31.12.2020 at the age of 59, after putting in 25 years and 11 months of service, for a private company at Delhi.
- He was paid a salary of ₹ 30,000 p.m. and house rent allowance of ₹ 7,000 p.m. He paid rent of ₹ 6,500 p.m. during his tenure of service.
- On retirement, he was paid a gratuity of ₹ 3,75,000. He was not covered by the payment of Gratuity Act. His average salary in this regard may be taken as ₹ 26,500. Mr. X has not received any other gratuity at any point of time earlier, other than this gratuity.
- He had accumulated leave of 15 days per annum during the period of his service; this was encashed by Mr. X at the time of his retirement. A sum of ₹ 3,20,000 was received by him in this regard. His average salary may be taken as ₹ 26,500.
- Mr. X has invested ₹ 20,500 in recognised provident fund, ₹ 45,000 in public provident fund and ₹ 29,500 in National Savings Certificates.

30) Mr. A retires from service on December 31, 2020, after 25 years of service. Following are the particulars of his income/investments for the previous year 2020-21:

Particulars	₹
Basic pay @ ₹ 16,000 per month for 9 months	1,44,000
Dearness pay (50% forms part of the retirement benefits) ₹ 8,000 per month for 9 months	72,000
Lumpsum payment received from the Unrecognised Provident Fund	6,00,000
Deposits in the PPF account	40,000

Out of the amount received from the provident fund, the employer's share was ₹ 2,20,000 and the interest thereon ₹ 50,000. The employee's share was ₹ 2,70,000 and the interest thereon ₹ 60,000.

What is the taxable portion of the amount received from the unrecognized provident and in the hands of Mr. A? Will your answer be any different if the fund mentioned above was a recognised provident fund?

31) Mr. B is working in XYZ Ltd. and has given the details of his income for the P.Y. 2020-21. You are required to compute his gross salary from the details given below:

Basic Salary	₹ 10,000 p.m.
D.A. (50% is for retirement benefits)	₹ 8,000 p.m.
Commission as a percentage of turnover 1%	
Turnover during the year	₹ 5,00,000
Bonus	₹ 40,000
Gratuity	₹ 25,000
His own contribution in the RPF	₹ 20,000
Employer's contribution to RPF 20% of his basic salary	
Interest accrued in the RPF @ 13% p.a.	₹ 13,000

32) X retires on June 30, 2020 He submits the following information —

Basic salary (since January 2019); ₹ 20,000 per month, dearness allowance : ₹ 6,000 per month (1/3 of which is part of salary for retirement benefits), employer's contribution towards provident fund : ₹ 3,000 per month (X makes a matching contribution); interest credited at the rate of 15 per cent on April 30, 2020 : ₹ 7,500; pension after retirement : ₹ 10,000 per month; and payment of provident fund at the time of retirement: ₹ 7,60,000 (out of which employer's contribution: ₹ 3,30,000, interest thereon ₹ 44,000, X's contributions : ₹ 3,40,000, interest thereon : ₹ 46,000). Salary and pension become due on the last day of each month. X has deposited the entire provident fund payment with a company (rate of interest: 9 per cent per annum).

Find out the income of X on the assumption that the provident fund is (a) statutory provident fund, (b) recognised provident fund, or (c) unrecognised provident fund.

33) Mr. R is employed with a transport firm. He is a member of an unrecognized provident fund. He has been drawing salary @ ₹ 10,000 p.m. since 01.01.2020. Dearness allowance, forming part of pay for superannuation benefits, is paid @ 10% of his salary. He gets house rent allowance @ ₹ 1,300 per month. He pays rent of ₹ 2,100 p.m. He contributes @ 10% of his salary to the unrecognized provident fund and the employer contributes @ 15%. The employer also paid his club bills amounting to ₹ 8,000. Besides, he is paid ₹ 1,800 p.m. as outstation allowance.

He retires on 31st December 2020 after 20 years and 10 months of service. He gets ₹ 1,56,000 accumulated balance from the fund. It consists of ₹ 30,000 as his contribution and ₹ 22,000 interest thereon. The employer's contribution is ₹ 66,000 and interest thereon is ₹ 38,000. He also gets gratuity of ₹ 90,000.

After retirement, he gets pension @ ₹ 4,000 p.m. On 1st March, 2021 he surrenders one-half pension for a consolidated amount of ₹ 1,20,000.

He has made the following payment/investments during the previous year 2020-21:

- (i) Purchases of National Savings Certificates, VIII issue, amounting to ₹ 4,000.
- (ii) Contribution of ₹ 10,000 under the Jeevan Dhara Scheme of Life Insurance Corporation of India eligible for deduction under section 80C.
- (iii) Life insurance premium amounting ₹ 4,000 on the policy taken on the life of his married son. (Sum assured ₹ 80,000)
- (iv) Public provident fund deposit ₹ 12,000
- (v) Repayment of ₹ 25,000 to the Life Insurance Corporation of India on account of loan taken for the purchase of a flat, allotted in March, 2019.
- (vi) Tuition fees of his son studying in college ₹ 1,100 per month.

From the above information you are required to compute his income under the head salary.

34) Mr. X is employed in A Ltd. getting basic pay ₹ 20,000 p.m., dearness allowance ₹ 7,000 p.m. The employer has contributed ₹ 3,500 to the unrecognised provident fund and the employee has also contributed equal amount. The employee was retired on 31.10.2020 after serving the employer for 20 years and 6 months and employer has credited interest ₹ 21,000 to the provident fund account on 31.10.2020 and interest rate is 12% p.a.

The employer has paid provident fund balance ₹ 10,00,000 to the employee on 01.11.2020 out of which employee's contribution is ₹ 4,00,000 and employer's contribution is also ₹ 4,00,000 and balance is interest. Employer has paid gratuity ₹ 2,60,000 and allowed him pension ₹ 5,000 p.m. The employee was allowed commutation of pension on 01.01.2021 for 40% of the pension and has paid ₹ 2,40,000. **Compute employee's total income for the assessment year 2021-22.**

42) X, a regular employee of A Ltd., gets the following emoluments during the PY 2020-21:

Basic salary : ₹ 6,000 per month (which has been increased to ₹ 7,000 per month from January 1, 2021); dearness allowance ₹ 4,000 per month (72 per cent of which is part of salary for computing retirement benefits); education allowance : ₹ 550 per month per child for 4 children; medical allowance : ₹ 400 per month; **transport allowance : ₹ 350 per month** (out of which ₹ 100 per month is used for covering the journey between office and residence and ₹ 250 per month is used for other purposes). Besides, he gets ₹ 4,500 per month as house rent allowance upto November 30, 2020 (rent paid at Ghaziabad : ₹ 5,500 per month). With effect from December 1, 2020, he has been provided a furnished flat by the employer at Delhi (rent paid by employer: ₹ 7,500 per month; rent of furniture provided : ₹ 500; rent recovered from X : ₹ 900 per month). **Find out the Gross salary chargeable to tax on the assumption that with effect from January 1, 2021, he joins a part – time employment with B Ltd. (salary ₹ 2,000 per month) with the permission of A Ltd (without leaving the job of A Ltd.)**

43)

44) Mr. X is employed in ABC Ltd. getting basic pay ₹ 11,000 p.m., dearness allowance ₹ 5,000 p.m. and 30% of it forms part of salary.

The employee is also getting dearness pay ₹ 1,000 p.m. and 10% of it forms part of salary. He is getting bonus ₹ 1,200 p.m. The employer has provided him one accommodation in Delhi for which rent paid by the employer is ₹ 1,200 p.m.

The employee was transferred to Bombay with effect from 01.01.2021 and the employer has provided him rent free accommodation at Bombay also which is owned by the employer himself.

The employee has received arrears of salary ₹ 32,000 and advance salary of ₹ 11,000.

Compute employee's total income.

45) Mrs. Padma (age : 25 years) is offered an employment by Pritam Ltd. at a basic salary of ₹ 24,000 per month; other allowances according to rules of the company are - Dearness allowance : 18% of basic pay (not forming part of salary for calculating retirement benefits); Bonus : 1 month basic pay; and Project allowance : 6% of basic pay.

The company gives Mrs. Padma an option either to take a rent-free unfurnished accommodation at Mumbai for which the company would directly bear the rent of ₹ 15,000 per month or to accept a house rent allowance of ₹ 15,000 per month and find out her own accommodation. If Mrs. Padma opts for house rent allowance, she will have to pay ₹ 15,000 per month for an unfurnished house. **Which one of the two options should be opted by Mrs. Padma in order to minimize her tax liability?**

46) Determine the value of perquisite in the following cases with brief reasons for your answer:

Motorcar (cubic capacity of engine below 1.60 Hz) owned by employer and provided to employee since 1.04.2015. It is partly used for official and personal purposes by the employee. Expenditure fully met by the employer ₹ 25,600. (Car is self – driven by the employee)

47) Mr. A is provided with two cars, to be used for official and personal work, by his employer ABC Ltd. The following information is available from the company records:

	Car 1	Car 2
	₹	₹
Cost of the Car	6,00,000	4,00,000
Running and maintenance (Borne by the company)	40,800	28,000
Salary of driver (Borne by the company)	24,000	24,000

The taxable monetary emoluments of Mr. A are ₹ 90,000. **Compute the taxable Perk in respect of Cars, on the assumption car 2, is exclusively used by A.**

48) Mr. Guru receives ₹ 15,000 p.m. as basic salary and ₹ 1,500 p.m. as D.A. not forming part of retirement benefit. He has been provided with the following perquisites:

- Unfurnished accommodation at Bangalore. Rent paid by Mr. Guru towards this accommodation is ₹ 1,000/ – p.m.
- He has provided with the services of cook and watchman. Company pays a salary of ₹ 1,000 p.m. each to cook and watchman.

Compute the Gross salary. [Ans: ₹ 2,37,000]

49) Mr. X and Mr. Y. are working for M/s Gama Ltd. As per salary fixation norms, the following perquisites were offered:

- For Mr. X who engaged a domestic servant for ₹ 500/ – per month, his employer reimbursed the entire salary paid to domestic servant i.e., ₹ 500 per month.
- For Mr. Y. he was provided with a domestic servant @ ₹ 500 per month as part of remuneration package.

You are required to comment on the taxability of the above in the hands of Mr. X and Mr. Y who are not specified employees.

50) Mr. X is employed with AB Ltd. on a monthly salary of ₹ 25,000 per month and an entertainment allowance and commission of ₹ 1,000 p.m. each. The company provides him with the following benefits:

- A company owned accommodation is provided to him in Delhi. Furniture costing ₹ 2,40,000 was provided on 1.8.2020.
- A personal loan of ₹ 5,00,000 on 1.7.2020 on which it charges interest @ 6.75% p.a. The entire loan is still outstanding. (Assume SBI rate of interest to be 12.75% p.a.)
- His son is allowed to use a motor cycle belonging to the company. The company had purchased this motor cycle for ₹ 60,000 on 1.5.2016. The motor cycle was finally sold to him on 1.8.2020 for ₹ 30,000.
- Mr. X is provided with free electricity. Cost to the employer is ₹ 10,000
- Professional Tax paid by Mr. X is ₹ 2,000.

Compute the income from salary of Mr. X.

51) Please determine the taxable value of the perquisite in the following cases :

- i) X is employed by A Ltd. On June 1, 2020, the company gives an interest – free housing loan of ₹ 14,00,000. Loan is repayable within 5 years. **[Assumed SBI rate is 8%]**
- ii) Y is employed by B Ltd. On April 1, 2020, he takes a personal loan of ₹ 25,000 from B Ltd. B Ltd. recovers interest @ 7 per cent per annum from Y. **[Assumed SBI rate is 16%]**
- iii) C Ltd. gives the following interest – free loan to Z, an employee of the company - ₹ 15,000 for child's education and ₹ 5,000 for purchasing a refrigerator. No other loan is given by C Ltd.
- iv) A purchases a Honda City 1.6 Lxi on March 1, 2020 from a loan of ₹ 8,00,000 taken at concessional rate of 7 per cent per annum from his employer XYZ Ltd. As per the agreed terms of repayment, A is supposed to repay in monthly installments of ₹ 25,000 starting from January 1, 2021. **[Assumed SBI rate is 8%]**

Compute the taxable value of perquisite in respect of concessional loan.

52) Find out the taxable value of the perquisite in the following cases–

- (1) X is given a laptop by the employer – company for using it for office and private purpose (ownership is not transferred). Cost of the laptop to the employer is ₹ 96,000.
- (2) On October 15, 2020, the company gives its music system to Y for domestic use. Ownership is not transferred. Cost of music system (in 2000) to the employer is ₹ 15,000.
- (3) The employer company sells the following assets to the employees on January 1, 2021 —

Name of employee	Z	A	B
Asset sold	Car	Computer	Fridge
Cost of the asset to employer	₹ 6,96,000	₹ 1,17,000	₹ 40,000
Date of purchase (put to use - same day)	May 15, 2018	May 15, 2018	May 2018
Sale price	₹ 2,10,000	₹ 24,270	₹ 1,000

Before sale on January 1, 2021, these assets were used for business purpose by the employer.

53) Find out the perquisite value in the following cases:

Assets	Furniture	Air-conditioner	Video camera	Motor car	Computer
Original cost	2,00,000	75,000	60,000	5,40,000	1,20,000
Date of purchase by the Employer	07.03.2017	01.07.2019	10.07.2018	01.10.2016	01.01.2018
Date of putting to use by employer	31.03.2017	01.07.2019	11.07.2018	01.10.2016	10.01.2018
Date of sale of asset to the employee	01.09.2020	01.08.2020	01.08.2020	01.01.2021	09.01.2021
Payment made by the employee	40,000	15,000	20,000	1,50,000	25,000

54) Following benefits have been granted by Ved Software Ltd. to one of its employees Mr. Badri:

- a) Housing loan @ 6% per annum. Amount outstanding on 1.4.2020 is ₹ 6,00,000. Mr. Badri pays ₹ 12,000 per month on 5th of each month.
- b) Air – conditioners purchased 4 years back for ₹ 2,00,000 have been given to Mr. Badri for ₹ 90,000.

Compute the chargeable perquisite in the hands of Mr. Badri.

The lending rate of State Bank of India as on 1.4.2020 for housing loan may be taken as 10%.

55) Mr. Raghu Raj is employed with Boruka Power Corporation Ltd., as General Manager, Finance, on a monthly salary of ₹ 26,000. He has been provided with the following perquisites:

Rent free accommodation is provided in Bangalore. The company has given him housing loan of ₹ 4 lakhs repayable in 8 years during the previous year @ 3% per annum [SBI Rate – 10.5%]. The company had purchased a car on 01.05.2018 for ₹ 2,50,000/ –. This car is sold to Mr. Raghu Raj on 1-7-2020 for ₹ 1,20,000/ –. He made Diwali purchases for office gifts amounting to ₹ 19,000/ – on his corporate credit card. This amount along with the annual fee of ₹ 1,500/ – was paid by the company. He was allowed to use the video camera and laptop belonging to the company. The company had purchased these assets for ₹ 40,000/ – and ₹ 2 lakhs respectively. **Compute taxable salary of Mr. Raghu Raj.**

56) Mr. Syed Zaki receives ₹ 10,000 p.m. as basic salary and ₹ 1,000 p.m. as D.A. forming part of retirement benefit. He has been provided with the following perquisites:

Unfurnished accommodation at Chennai. Rent paid by Mr. Zaki towards this accommodation is ₹ 750/ – p.m. He has been provided with the services of gardener and sweeper. Company pays a salary is ₹ 1,000 p.m. each to gardener and sweeper. He has been offered 1000 shares of the employer company at ₹ 120 per share under "Employee Stock Purchase Scheme". Public offer is ₹ 140 per share. The said scheme is approved by SEBI. **Compute the taxable salary.**

57) A Ltd. has offered you a job in Delhi at a basic salary of ₹ 11,500 per month and an option to choose any one of the following two packages :

Package I

- (1) HRA ₹ 4,500 p.m. (Rent to be paid ₹ 4,500 p.m)
- (2) Education allowance ₹ 300 p.m. (for one child)
- (3) Telephone allowance ₹ 1,000 p.m.
- (4) Medical Allowance ₹ 1,500 p.m.
- (5) Conveyance allowance ₹ 1,500 p.m. (for private user)
- (6) Lunch allowance – ₹ 1500 p.m.

Package II

- (i) Company owned unfurnished accommodation FRV ₹ 54,000 p a.
- (ii) **Education facility for one child valued at ₹ 300 p.m.(Not owned by employer)**
- (iii) Free telephone facility at residence upto ₹ 1,000 p.m.
- (iv) Medical reimbursement upto ₹ 18,000 p.a.
- (v) Motor Car facility for private use with expenditure valued at ₹ 18,000 (including normal wear & tear).
- (vi) Free Lunch (₹ 60 x 300 days)

The company also offers you the services of watchman, sweeper and gardener in both the above packages. The salary of each employee is ₹ 500 p.m.

Which package will you choose so that your tax liability is minimum?

58) Mr. Albert is employed with Sonata Software Ltd., as Vice – President, Marketing, on a monthly salary of ₹ 30,000. He has been provided with the following perquisites:

- Rent free accommodation is provided in Hyderabad
- During the previous year, the company has given him interest free housing loan of ₹ 6 lakhs repayable within 12 years. (SBI rate of interest – 10%)
- The company had purchased a car on 1-4-2019 for ₹ 3,50,000/ – . This car is sold to him on 1-5-2020 for ₹ 1,00,000/–
- He was allowed to use the Air conditioner and Invertor belonging to the company. The company had purchased these assets for ₹ 50,000/– and ₹ 75,000/– respectively.

Compute Gross salary of Mr. Albert.

59) Mr. A, finance manager of Jet Ltd. Mumbai, furnishes the following particulars for the financial year 2020-21:

- i. Salary ₹ 46,000 per month
- ii. Value of medical facility in a hospital maintained by the company ₹ 17,000
- iii. Housing loan of ₹ 6,00,000 at the interest rate of 5% p.a. (No repayment made during the year, but the loan is repayable in tenth year) [SBI Rate – 10.5%]
- iv. Gifts (in kind) made by the company on the occasion of wedding anniversary of Mr. A ₹ 3,750
- v. Rent free accommodation owned by the company
- vi. A wooden table and 4 chairs were provided to Mr. A at his residence. These were purchased on 01.04.2017 for ₹ 60,000 and put to use on 01.04.2017 and sold to Mr. A on 01.08.2020 for ₹ 30,000
- vii. Personal purchases through credit card provided by the company amounting to ₹ 30,000 was paid by the company. No part of the amount was recovered from Mr. A.
- viii. An ambassador car which was purchased by the company on 16.07.2017 for ₹ 2,50,000 and put to use on the same date. It was sold to the assessee on 14.07.2020 for ₹ 100,000.

Compute Gross Salary of Mr. A.

60) Mr. G is the General Manager of Software Ltd, which is covered under recognised provident fund scheme. He voluntarily retired on 31.12.2020 after 20 years of service. He submits the following particulars of his salary income and approved savings during the previous years on 2020-21:

- (i) Salary @ ₹ 15,000 per month from 01.02.2020.
- (ii) Dearness allowance ₹ 1,500 per month from 01.02.2020, 50% of the dearness allowance is part of superannuation benefits,
- (iii) Pension @ ₹ 4,000 per month.
- (iv) House rent allowance @ ₹ 3,000 p.m. from 01.02.2020 rent paid by him is ₹ 4,000 p.m.
- (v) He received ₹ 5,30,000 as gratuity,
- (vi) He received ₹ 1,57,500 for encashment of 10 month unutilised earned leave. As per rules of the company, he was entitled to one month leave for every year of service. During his service, he has availed 10 months earned leave,
- (vii) An ambassador car (with engine capacity 1.6 litres is provided by the company for official & personal use. Expenses of its running and maintenance : and salary of the driver are borne by the company,
- (viii) He contributes 20% of his salary to the fund which includes 12% voluntary contribution & 8% compulsory contribution. The company's contribution is 12% of the salary to the fund,
- (ix) The company paid ₹ 8,000 to quick gas service for the use of cooking gas by him. However, it was usual practice of the company to hold its business dinners at his house,
- (x) He has invested ₹ 13,000 in National Saving Certificates VIII issue. He deposited ₹ 14,000 in public provident fund. He paid ₹ 16,000 towards Life Insurance Premium on the policy taken on the life of his married son (sum assured ₹ 120,000).
- (xi) The company deducted ₹ 500 as tax at source.

Compute Total Income.

61) Mr. X employed in ABC Ltd, submits the following particulars of His income for the previous year 2020-21.

	₹
Salary after deduction of income tax at source and own contribution to the Recognised Provident fund	2,25,000
— Income tax deducted at source	25,400
— Own contribution to the recognised provident fund	40,000
Employer's contribution to recognised provident fund	35,000
Interest credited to the provident fund calculated at the rate of 9.5% per 7,000 annum	

Mr. X is given free use of 1.8 litres engine capacity car by his employer for personal and official purposes with effect from 13.12.2020, all the expenses including salary of driver being met by the latter (employer). A sum of ₹ 1,500 is, however, recovered from Mr. X.

Mr. X is also provided free service of a watchman with effect from 05.04.2021 and a sweeper with effect from 07.12.2020. Salary ₹ 600 per month per person is paid by employer. Income of Mr. X from other sources is ₹ 1,25,000 which includes income tax refund of ₹ 10,000 and ₹ 800, being interest thereon.

Compute Mr. X's total income.

62) Babu joined a Company on 1.6.2020 and was paid the following emoluments and allowed perquisites as under:

Emoluments: Basic Pay ₹ 25,000 per month; DA ₹ 10,000 per month; Bonus ₹ 50,000 per month.

Perquisites:

- a) Furnished accommodation owned by the employer and provided free of cost. Value of furniture therein ₹ 3,00,000.
- b) Motorcar owned by the Company (with engine cubic capacity less than 1.6 litres) along with chauffeur for official and personal use.
- c) Sweeper salary paid by Company ₹ 1,500 per month.
- d) Watchman salary paid by Company ₹ 1,500 per month.
- e) Educational facility for 2 children provided free of cost. School is owned and maintained by company.
- f) Interest free loan of ₹ 5,00,000 given on 1.10.2020 for purchase of a house. No repayment was made during the year. (SBI Rate 12.25%)
- g) Interest free loan for purchase of computer ₹ 50,000 given on 1.1.2021. No repayment was made during the year. (SBI Rate 15.25%)
- h) Corporate membership of a club. The initial fee of ₹ 1,00,000 was paid by the Company. Babu paid the bills for his use of club facilities.

You are required to compute Gross Salary. Suitable assumptions may be made, wherever necessary.

63) Naresh, who is neither a director nor he has substantial interest in any company, is offered an employment by Freewheel Ltd., Mumbai with following alternatives :

	Alternative I (₹)	Alternative II (₹)
Basic pay	92,000	92,000
Bonus	9,000	9,000
Education allowance for 2 children/ Education facility for 2 children in a school maintained by employer	30,200	30,200
Sweeper allowance/ Sweeper facility	10,000	10,000
Entertainment Allowance/Club facility	6,000	6,000
Transport allowance/Free car (1200 cc) facility for personal use (car owned by the employer)	21,600	21,600
Medical allowance/ Medical facility for Naresh and his family members in a hospital maintained by employer	18,000	18,000
Allowance for gas, electricity and water supply/ Free gas, electricity and water supply (bills will be in the name of the employer)	4,500	4,500
Holiday home allowance/Holiday home facility	8,000	8,000
Lunch allowance/ Free lunch (₹ 70 × 200 days + ₹ 80 × 50 days)	18,000	18,000
Diwali gift allowance/ Gift on Diwali	7,500	7,500
A rent-free unfurnished home — lease rent	14,000	14,000

Which of the two alternatives Naresh should opt for on the assumption that both employer and employee will contribute 10% of salary towards unrecognised provident fund? Interest-free loan of ₹ 20,000 will be given to him for purchasing household items.

64) Compute the taxable value of the perquisite in respect of medical facilities received by Mr. G from his employer during the PY 2020-21:

Medical premium paid for insuring health of Mr. G	₹ 7,000
Treatment of Mr. G by his family doctor	₹ 5,000
Treatment of Mrs. G in a Government hospital	₹ 25,000
Treatment of Mr. G's grandfather in a private clinic	₹ 12,000
Treatment of Mr. G's mother (68 years and dependant) by family doctor	₹ 8,000
Treatment of Mr. G's sister (dependant) in a nursing home	₹ 3,000
Treatment of Mr. G's brother (independent)	₹ 6,000
Treatment of Mr. G's father (75 years and dependant) abroad	₹ 50,000
Expenses of staying abroad of the patient and attendant	₹ 30,000
Limit specified by RBI	₹ 75,000

65) Mr. X is employed in ABC Ltd. getting basic pay of ₹ 9,000 p.m. Employer has provided him treatment outside India and has incurred a sum of ₹ 3,60,000 but Reserve Bank of India has permitted ₹ 3,50,000. Employer incurred ₹ 1,50,000 on stay but Reserve Bank of India has permitted ₹ 1,05,000; employer has incurred ₹ 97,000 on travelling and Reserve Bank of India has permitted ₹ 60,000.

Employer has paid medical allowance of ₹ 10,000 during the year and has incurred ₹ 7,000 on the treatment of father in law of Mr. X in India. The treatment was provided in a Government hospital and father in law of Mr. X is dependent on him.

The employee has been provided with a motor car of 1.8 litre engine capacity for official as well as personal use and all expenses are met by the employee himself but driver has been provided by the employer. **Compute his total income.**

66) Satish is a State Government employee and the salary and other emoluments received by him during the previous year 2020-21 are as under: (all amount in ₹)

- Basic salary : per month.	10000
- Dearness allowance : 40% of basic salary.	
- Entertainment allowance	8000
- Medical expenses reimbursed	25000
- Professional tax paid : ₹ 5,000 of which ₹ 4,000 paid by employer.	
- Free car facility for official & personal use provided by the employer for which 42000 expenditure incurred by employer is	
- Contribution to provident fund	12000

He has no other income. Compute the taxable income of Satish.

67) Mrs. Z is employed with ABC Ltd. on a monthly salary of ₹ 15,000. She has been provided with the following perquisite:

- Rent free accommodation at Delhi with rent paid by the company ₹ 60,000.
- A mobile phone and a fixed line telephone at her residence. The bills reimbursed by the company during the previous year amounted to ₹ 12,000.
- On the eve of Silver Jubilee Celebrations of the company she got a gift worth ₹ 12,000 from the company.**
- She was allowed to use the Video Camera and Laptop belonging to the company. The company has purchased these assets for ₹ 75,000 and ₹ 2,50,000 respectively on 01.04.2020 and the employee has used it throughout the year.
- She was given a chauffeur driven car (1.6 litres) for private and official use. All expenses of running and maintenance including driver's salary were paid by the company.

She also drew the following allowances:

	₹
(i) Dearness allowance (50% forms the part of basic pay)	5,600 p.m.
(ii) Education allowance for 2 children	300 p.m. per child
(iii) Transport allowance	1,800 p.m.

During the year she got reimbursement from the company ₹ 20,000 spent on the medical treatment of her husband at a private nursing home.

She made the following payments and contributions:

- i. Life insurance premium paid ₹ 6,000 each against a policy taken on the life of her husband and her married daughter, (sum assured ₹ 60,000 each)
- ii. Contributed ₹ 2,500 p.m. to Recognised provident fund, employer contributing an equal sum.

You are required to compute her Total Income.

68) Mr. Y.R. Meena, an Indian citizen, was working with UNO till 31st July 2020 and was residing at USA. On 1st August, he joined Indian-Government service and was deputed to Karachi in Pakistan.

On 1st December he left the Indian Government service and joined a private company and started working at its Sri Lanka branch. On 1st March, he has been shifted to the head office in India. He was provided rent-free accommodation during whole of the year.

His salary structure in various assignments is as under: (in ₹)

Particulars	UNO	Government service	Private Ltd. Co.
Basic	10000 p.m.	5000 p.m.	4000 p.m.
Dearness Allowance (forms part of salary for calculation of retirement benefits)	3000 p.m.	5000 p.m.	2500 p.m.
Project Allowance	1500 p.m.	2500 p.m.	1000 p.m.
Entertainment Allowance	1800 p.m.	1000 p.m.	2000 p.m.
Servant and sweeper facility	4000 p.m.	2000 p.m.	1200 p.m.
Education to two children in employer's school. Cost per child -	2000 p.m.	2500 p.m.	3000 p.m.

Find Gross salary for the previous year 2020-21.

SOLUTIONs – SET A

Solution 1:

Basic Salary – 21800 x 6 + 22900 x 3 + 22900 x 3
 DA – 7.5% upto Dec i.e. for 9 months & 10.5% for balance 3 months
 Gross Salary: ₹ 290,376.

Answer 2: Computation of salary income of Raghav for the previous year:

	On the assumption that salary becomes due on the last day of each month
	₹
Basic salary	1,50,000
Lump-sum payment	<u>1,30,000</u>
Gross Salary	2,80,000
Less: Deduction u/s 16(ia)	<u>50,000</u>
Salary Income	230,000
Any other Income	Nil
Gross total income	2,30,000
Less: Deduction u/s 80C	30,000
Net Income	<u>2,00,000</u>

Answer 3:**Computation of gross salary for the previous year:**

Difference months	"Due" date or "receipt" date, whichever is earlier	Amount ₹
1. March 2020	April 1, 2020	25,000
2. April 2020	May 1, 2020	25,000
3. May 2020	June 1, 2020	25,000
4. June 2020	July 1, 2020	25,000
5. July 2020	July 31, 2020	30,000
6. August 2020	August 31, 2020	30,000
7. September 2020	September 30, 2020	30,000
8. October 2020	October 31, 2020	30,000
9. November 2020	November 30, 2020	30,000
10. December 2020	December 31, 2020	30,000
11. January 2021	January 31, 2021	30,000
12. February 2021	February 28, 2021	30,000
13. March 2021	March 31, 2021	30,000
Total		3,70,000

Solution 4: Computation of Gross Salary of Mr. Sunil (amounts in ₹)

Salary received	1,85,000	
Add: Income tax deducted at source	15,000	
Contribution to Provident Fund	12,000	2,12,000
Guarantee commission		4,000
Gross salary		2,16,000

Note:

- (1) Salary received as MP is taxable under Income from other sources.
- (2) Loan taken against salary cannot be regarded as 'advance' of salary. Hence, the same is not taxable.

Answer 5:

As per section 9(1)(iii), Income deemed to accrue or arise in India includes, income chargeable under the head 'Salaries' payable by the Government of India to a citizen of India for services rendered outside India.

As per section 10(7), any allowance or perquisites paid or allowed as such outside India by the Government to a citizen of India for rendering service outside India shall be exempt.

In view of the above, the computation of taxable income of Mr. Rajesh is as follows.

		₹	₹
Basic Pay	100,000 x 12		12,00,000
Overseas allowance	2,000 x 12	24,000	
Less: Exempt under section 10(7)		24,000	<u>Nil</u>
			12,00,000
Deduction under section 16			<u>50,000</u>
Income under the head Salaries			11,50,000

Contentions of Mr. Rajesh Kumar

- (i) The salary shall be deemed to accrue or arise in India and therefore, this contention of Mr. Rajesh Kumar is not valid.
- (ii) As per section 192, the employer is liable to deduct the tax at source from taxable salary. However, if the employer does not deduct tax, the employee is not granted exemption from tax liability.

If Mr. Rajesh Kumar is a foreign citizen, The above provisions of Sec. 9(1)(iii), shall not apply. Therefore, there will be no tax liability on Mr. Rajesh Kumar

Answer 6:**Computation of taxable gratuity of Mr. Shyam**

Particulars	₹
Actual gratuity	90,000
Less: Exempt u/s 10(10) to the extent of least of the following	
1. ₹ 20,00,000	
2. $15/26 \times ₹ 3,250 \times 32 = ₹ 60,000$	
3. Actual Gratuity received – ₹ 90,000	<u>60,000</u>
Taxable Gratuity ₹	30,000

Answer 7:**Computation of taxable gratuity of Ms. Uma**

Case 1: 40 years and 11 months service	₹
Actual Gratuity	45,000
Less : Exempt u/s. 10(10) to the extent of least of the following:	
1. ₹ 20,00,000 (not covered)	
2. $₹ 2,200 \times \frac{1}{2} \times 40 = ₹ 44,000$.	
3. Actual Gratuity received ₹ 45,000	<u>44,000</u>
Taxable gratuity	1,000
On service of another 2 months - NIL	

Answer 8:**Computation of average monthly salary**

	₹
Basic salary from January 1, 2020 to October 31, 2020 (i.e., ₹ 8,000 x 7 ÷ ₹ 9,000 x 3)	83,000
69% of dearness allowance [i.e., 69% of ₹ 500 x 10]*]	3,450
Total	86,450
Average monthly salary	8,645

Amount of exempt gratuity is the least of the following:

- (a) ₹ 20,00,000 (not covered)
- (b) ₹ 1,64,255 [being half month's salary for each completed year of service (₹ 8,645 x ½ x 38)]; and
- (c) ₹ 1,86,000
- ₹ 1,64,255, being the least, it exempt from tax.**

Answer 9:**Salary for the purpose of computation of exempt gratuity:**

	₹
Basic salary of 10 months (₹ 18,200 x 10)	1,82,000
Dearness allowance of 10 months (80% of ₹ 1,000 x 10)	8,000
Commission @ 6% of turnover of preceding 10 months [6% of ₹ 2,00,000]	12,000
Total	2,02,000
Average monthly salary (₹ 2,02,000 / 10)	20,200

Amount of exempt gratuity is the least of the following (not covered)

- (a) ₹ 19,80,000 [₹ 20,00,000 - ₹ 20,000, being amount of exempt gratuity received from A Co.);
 (b) ₹ 3,83,800 [being half month's salary for each completed year of service (₹ 20,200 x 1/2 x 38)]; and
 (c) ₹ 3,90,000 (being amount of gratuity received from B Co.).
₹ 3,83,800, being the least, it exempt from tax.

Notes :-

- (1) Dearness allowance is included in salary for the purpose of computation of exempt gratuity, if it forms part of salary for the purpose of retirement benefits. In this case, 80% of the dearness allowance forms part of salary for computation of retirement benefits. Therefore, 80% of the dearness allowance is included in average monthly salary. (It may be noted that the entire dearness allowance is chargeable to tax). Commission is included in salary for the purpose of calculating exempt gratuity if it is based on a fixed percentage of turnover achieved by the employee.
- (2) If an employee, who has received gratuity in earlier year from his former employer, receives gratuity from another employer in the same year or a later year, the limit of ₹ 20,00,000 is reduced by the amount of gratuity exempt from tax under section 10(10)(iii) in earlier year. Therefore, ₹ 20,000, being the amount of exempt gratuity from A Co., is deducted from ₹ 20,00,000.

Answer 10:

- Uncommuted pension of ₹ 2,19,000 (i.e., ₹ 18,250 x 12) is chargeable to tax as salary
- Uncommuted pension of ₹ 2,52,000 (i.e., ₹ 21,000 x 12) is chargeable to tax as salary
- Uncommuted pension of ₹ 2,40,000 (i.e., ₹ 20,000 x 12) is chargeable to tax
- While uncommuted pension is chargeable to tax, commuted pension is exempt from tax in the case of Government employees. Therefore, commuted pension of ₹ 7,18,000 is exempt from tax. The amount of uncommuted pension will be calculated as under :

	₹
Uncommuted pension up to November 30, 2020 (i.e., ₹ 15,000 x 6)	90,000
Uncommuted pension from December 1, 2020 to March 31, 2021 (i.e., 2/3 x ₹ 15,000 x 4)	40,000
Total uncommuted pension	1,30,000

5. In the case of non-Government employee while uncommuted pension is fully chargeable to tax, commuted pension is partly chargeable to tax and partly exempt from tax. Amount of taxable pension will be commuted as under

UNCOMMUTED PENSION

Uncommuted pension from July 1, 2020 to January 31, 2021 (i.e., ₹ 20,000 x 7)	140,000
Uncommuted pension from Feb 1, 2021 to March 31, 2021 (i.e., 40% of ₹ 20,000 x 2)	<u>16,000</u>
Total uncommuted pension chargeable to tax as salary	1,56,000

COMMUTED PENSION

Commuted value of 60% of usual pension	10,71,000
Commuted value of full pension (i.e., ₹ 10,71,000 x 100/60)	17,85,000

If X does not receive gratuity

Amount exempt (1/2 of commuted value of full pension (i.e., 1/2 x ₹ 17,85,000))	8,92,500
Commuted pension chargeable to tax as salary (i.e., ₹ 10,71,000 - ₹ 8,92,500)	1,78,500

if X receives gratuity

Amount exempt [1/3 of commuted value of full pension (i.e., 1/3 x ₹ 17,85,000)]	5,95,000
Commuted pension chargeable to tax as salary (i.e., ₹ 10,71,000 - ₹ 5,95,000)	4,76,000

Note : X can claim relief under section 89 in respect of commuted pension chargeable to tax.

- Answer 11:** (a) $6000 \times 9 + 1200 \times 9 + \text{NIL} + 4200 \times 3 = 77400$.
 (b) Taxable Gratuity = ₹ 55,000 – ₹ 40,500 = ₹ 14,500 [$15/26 \times 36 \times 1950$]
 (c) $5000 \times 6 + 6,000 \times 5 + (60,000 - 48,600) = ₹ 71,400$.

Answer 12:

(a) Taxable pension of Mr. Santhosh

Particulars	₹	₹
(1) Uncommuted pension before the date of commutation (₹ 3,000 x 7)		21,000
(2) Uncommuted pension after the date of commutation (₹ 3,000 x 2 x 2/3)		4,000
(3) Commuted pension	1,20,000	
Less : exempt u/s 10 (10A)	<u>1,20,000</u>	Nil
Taxable pension includible in salary		25,000

(b) Taxable pension of Mr. Kamath

Particulars	₹	₹
(1) Uncommuted pension before the date of commutation (₹ 2,000 x 7)		14,000
(2) Uncommuted pension after the date of commutation (₹ 2,000 x 40% x 5)		4,000
(3) Commuted pension	30,000	
Half of the full value of commuted pension is exempt u/s.10(10A) as he is not in receipt of gratuity (₹ 30,000 x 100 ÷ 60 x 1/2)	<u>25,000</u>	<u>5,000</u>
Taxable pension includible in salary		23,000

Answer 13:

a) Computation of taxable pension of Mr. Ram Singh

Particulars	₹	₹
(1) Uncommuted pension before the date of commutation (4,000 x 9)		36,000
(2) Uncommuted pension after the date of commutation (4,000 x 3 x 75%)		9,000
(3) Commuted pension	75,000	
Less: Exempt u/s 10(10A)	<u>75,000</u>	Nil
Taxable pension includible in salary		45,000

(b) Computation of taxable pension of Mr. Sundar

Case I: Gratuity is paid

Particulars	₹	₹
(1) Uncommuted pension before the date of commutation (1,800 x 8)		14,400
(2) Uncommuted pension after the date of commutation (1,800 x 4 x 50%)		3,600
(3) Commuted pension - 1/3rd of full value of commuted pension is exempt u/s. 10(10A) as he is in receipt of gratuity (36,000 x 100 / 50 x 1/3)	36,000	
	<u>24,000</u>	<u>12,000</u>
Taxable pension includible in salary		30,000

Case II: Gratuity has not been paid

Particulars	₹	₹
(1) Uncommuted pension before the date of commutation (1,800 x 8)		14,400
(2) Uncommuted pension after the date of commutation (1,800 x 4 x 50%)		3,600
(3) Commuted pension Half of the full value of commuted pension is exempt u/s 10(10A) as he is not in receipt of gratuity (₹ 36,000 x 100 ÷ 50 x 1/2)	36,000	
	<u>36,000</u>	Nil
Taxable pension includible in salary		18,000

Answer 14: Taxable Pension: $5000 \times 4 + 2000 \times 3 = ₹ 26,000$.

Answer 15: Taxable Pension: $6000 \times 7 + 1500 \times 2 + 120000 - \frac{1}{2} [120000/75\%] =$

Answer 16: Leave enactment is exempt to the extent of least of the following:

Particulars	Amount (₹)
(i) Statutory limit	3,00,000
(ii) ₹ 4200 x 22	92,400
(iii) 10 months average salary (10 x ₹ 4,200)	42,000
(iv) Actual amount received	92,400

Therefore, ₹ 42,000 is exempt under section 10(10AA)

Taxable Leave = ₹ 92400 - ₹ 42000.

Answer 17:

Leave enactment is exempt to the extent of least of the following:

Particulars	Amount (₹)
(i) Statutory limit	3,00,000
(ii) ₹ 4000 x 3	12,000
(iii) 10 months average salary (10 x ₹ 4,000)	40,000
(iv) Actual amount received	60,000
Therefore, ₹ 12,000 is exempt under section 10(10AA)	

Taxable Leave = 60000 - 12000.

Answer 18:

Computation of Gross Salary of Mr. A.K. Gupta

	₹	₹
(1) Salary ₹ 23,000 x 9		2,07,000
(2) DA (2,000 x 9)		18,000
(3) Uncommuted Pension ₹ 9,000 x 25% x 3		6,750
(4) Commuted Pension Received	2,70,000	
Less: Exempt [₹ 2,70,000 x 4/3 x 1/3]	<u>1,20,000</u>	1,50,000
(5) Gratuity Received	4,00,000	
Less: Exempt		
(i) ₹ 4,00,000		
(ii) [25,000 / 2 x 26] = ₹ 3,25,000		
(iii) ₹ 20,00,000 (not covered)	<u>3,25,000</u>	75,000
(6) Leave Encashment Received	3,00,000	
Less: Exempt – least of the following		
(i) Actual	3,00,000	
(ii) 12 months x AMS		
12 x 25,000 =	3,00,000	
(iii) 10 months x AMS =	2,50,000	
(iv) Stat. Limit:	3,00,000	
	<u>2,50,000</u>	50,000
Gross Salary		<u>5,06,750</u>

Answer 19:

Computation of Gross Salary

	₹	₹
Basic Salary (4,500 x 3 + 5,000 x 7)		48,500
Dearness Allowance (100%)		48,500
Uncommuted Pension (3,000 x 1 + 1,500 x 1)		4,500
Commuted Pension	1,00,000	
Less : Exempt [(1,00,000/ 50%) x 1/3]	<u>66,667</u>	33,333
Gratuity :		
Amount received	1,20,000	
Less : Exempt (Note No. 1)	<u>81,480</u>	38,520
Leave Encashment		
Amount received	56,000	
Less : Exempt (Note No. 2)	<u>Nil</u>	56,000
Gross Salary		<u>2,29,353</u>

Answer 20:**Computation of Total Income of Mr. Narendra**

Particulars	Amount (₹)	Amount (₹)
Income from Salaries		
Gross salary received during 1/4/20 to 31/1/21 @ ₹ 16,000 p.m. (₹ 16,000 x 10)		1,60,000
Pension for 2 months @ 30% of the basic salary of ₹ 10,000 p.m.		6,000
Leave Salary	75,000	
Less: Exempt under section 10(10AA) (Note 1)	<u>50,000</u>	25,000
Gratuity	50,000	
Less: Exempt under section 10(10) (Note 2)	<u>25,000</u>	<u>25,000</u>
Gross Salary		<u>2,16,000</u>

Notes:**1. Leave enactment is exempt to the extent of least of the following:**

Particulars	Amount (₹)
(i) Statutory limit	3,00,000
(ii) Cash equivalent of leave for 30 days (30/45 x ₹ 75,000)	50,000
(iii) 10 months average salary (10 x ₹ 10,000)	1,00,000
(iv) Actual amount received	75,000

Therefore, Rs. 50,000 is exempt under section 10(10AA)

2. Gratuity is exempt to the extent of least of the following:

Particulars	Amount
(i) Statutory limit	20,00,000
(ii) Half month's salary for 5 years of service (5 x ₹ 5,000)	25,000
(iii) Actual gratuity received	50,000

Therefore, ₹ 25,000 is exempt under section 10(10). It is assumed that the employee is not covered under the Payment of Gratuity Act, 1972.

Answer 21:**Computation of taxable house rent allowance - Mr Zakaria**

Particulars	₹	₹
Actual House Rent allowance		21,600
Less: Exempt u/s. 10(13A) to the extent of least of the following:		
1. Excess of rent paid over 10% of the salary (30,000 – 22,800)	7,200	
2. 50% of salary	1,14,000	
3. Actual HRA received	21,600	<u>7,200</u>
Taxable HRA		<u>14,400</u>
Working Note		₹
Basic Salary 12,500 x 12		1,50,000
Dearness Allowance 1,500 x 12		18,000
Commission @ 4% on 15,00,000		<u>60,000</u>
Salary for this purpose		<u>2,28,000</u>

Note: Though advance Salary is taxable in **A.Y. 2021-22 on receipt basis**, it should not be considered in computing Salary for the purpose of calculating exemption u/s. 10(13A).

Answer 22:**Computation of taxable quantum of various allowances of Mr. Kapil**

Particulars	₹	₹
Helper allowance received	3,600	
Less: Exempt (Actually spent - 9 x 200)	<u>1,800</u>	1,800
Conveyance allowance received	9,000	
Less: Exempt (Actually spent]		
₹ 1,200 x 40% x 12	<u>5,760</u>	3,240
Education & hostel expenditure allowance 250 x 3 x 12	9,000	
Less: Education & hostel expenses ₹ 250 x 2 x 12	<u>6,000</u>	3,000
Hill compensatory allowance	2,400	
Less: Exempt ₹ 300 p.m x 6 months	<u>1,800</u>	<u>600</u>
Taxable amount of allowances		8,640

Solution 23: Computation of Gross salary of Mr. Kamlesh (amounts in ₹)

Basic salary (₹ 8,000 × 12)	96000
Dearness allowance (40% of basic pay)	38400
City compensatory allowance (10% of basic pay)	9600
Medical allowance (800 × 12)	9600
Children education allowance [2880- (80 × 2 × 12)]	960
Hostel expenditure allowance (9,600 - 7,200)	2400
Tribal area allowance (6,000 - 2,400)	3600
Travelling allowance (12,000 - 8,000)	4000
Conveyance allowance	Exempt
Transport allowance	28200
Overtime allowance	4000
Gross salary	196760

Answer 24:

		<i>Where HRA is Received</i>	
		₹	
Basic pay		1,20,000	
Special allowance		30,000	
HRA received	90,000		
Less: Exemption from HRA u/s 10(13A)			
(1) Actual amount received	90,000		
(2) Rent paid - 10% of salary (1,20,000-12,000)	1,08,000		
(3) 50% of salary	<u>60,000</u>		
Least of the above three		<u>60,000</u>	30,000

Answer 25:

Basic Salary		
Upto 31.8.20 (20,000 × 5)	1,00,000	
from 1.9.20 (25,000 × 7)	1,75,000	2,75,000
Transport allowance		14,400
City Compensatory Allowance (W.N-2)		3,600
Contribution to PPF (in excess of 12% of salary) (W.N-3)		8,250
Children education allowance (W.N-4)		3,600
Hostel Expense Allowance (W.N-5)		NIL
Tiffin Allowance (W.N.6)		5,000
Tax paid by employer on employment		2,500
Gross Salary		3,12,350
Less: Deduction u/s 16(ia) & (iii)		(52,500)
Income from Salary		2,59,850

Working notes:

- (1) **Transport Allowance is now fully taxable**
- (2) City Compensatory Allowance is fully taxable
- (3) **Contribution to recognized PPF is taxable in excess of 12% of salary.**
Taxable contribution = Actual - 12% of salary
= (15% × 2,75,000) - (12% × 2,75,000)
= ₹ 41,250 - ₹ 33,000 = ₹ 8,250
- (4) **Children Education Allowance is exempt upto ₹ 100 per month per child. (₹ 500 for 2 Child)**
Taxable Allowance = (500 - 100 × 2) × 12 = 3,600
- (5) **Hostel expense allowance is exempt upto ₹ 300 per month per child**
Taxable Allowance = (380 - 300 × 2) therefore NIL
- (6) Tiffin Allowance is fully taxable
- (7) Tax on employment is paid by Mr. M's employer. Hence it is taxable in his hand i.e. Mr. X.

Answer 26:**Computation of income under the head Salary****Nainital Transport Corporation**

Basic Pay [(4,000 x 6) + (4,500 x 5)]	₹ 46,500
Dearness Allowance (12% of basic pay)	5,580
Outstation Allowance (W. Note1)	3,960
Transport Allowance	3,300
Conveyance Allowance (100 x 11)	1,100

Haryana Transport Corporation

Basic Pay	8,500
Gross Salary	68,940
Less: Deduction u/s 16(ia)	<u>50,000</u>
Income under the head Salary	<u>18,940</u>
Gross Total Income	<u>18,940</u>
Less: Deduction u/s 80C to 80U	Nil
Total Income (rounded off u/s 288A)	18,940

Working Note:**1. Outstation allowances****Least of the following is exempt:**

- 70% of 13,200 = ₹ 9,240
- ₹ 10,000 x 11 = ₹ 1,10,000

Received = ₹ 13,200

Exempt = ₹ 9,240

Taxable = ₹ 3,960**Answer 27:****Computation of income under the head salary**

Salary	₹ 30,000
House Rent Allowance (As he owns the house where he resides, this is taxable)	5,000
Gratuity (Exempt u/s 10(10)- Government Employee)	Nil
Leave encashment at the time of retirement (Exempt u/s 10(10AA)- Government Employee)	Nil
Provident Fund (Exempt u/s 10(11))	Nil
Commutated Pension (Exempt u/s 10(10A))	Nil
Pension from Government	20,000
Honorarium from charitable dispensary (Assuming he is in part time employment) (32,000x6)	<u>1,92,000</u>
Gross Salary	<u>2,47,000</u>
Less: Deduction u/s 16(ia)	<u>50,000</u>
Income from Salary	1,97,000
Less: HP Loss (Interest – self occupied)	<u>14,000</u>
Gross Total Income	1,83,000
Less: Deduction u/s 80C	
Public Provident Fund Contribution	32,000
Repayment of loan taken from HDFC (As loan is paid after 31.03.2021, it is not qualified for deduction u/s 80C for the previous year 2020-21)	<u>Nil</u> <u>32,000</u>
Total Income	<u>1,51,000</u>

Answer 28:**Computation of Income of X, an individual Salary From ABC Co. Ltd.**

Basic Salary (10,000 x 10)	₹ 1,00,000.00
Dearness Allowance (1,500 x 10)	15,000.00
Commission	4,000.00
Gratuity (W Note 1)	21,000.00
Salary From B Co. Ltd.	
Basic Salary (7,000 x 2)	14,000.00
Entertainment Allowance (1,000 x 2)	2,000.00
Medical Allowance (500 x 2)	1,000.00
House Rent Allowance (600 x 2) (Exemption is not available at X resides in his own house)	1,200.00
Leave Salary	5,000.00
Gross Salary	1,63,200.00
Less: Deduction u/s 16(ia)	<u>50,000.00</u>

Income under the head Salary		1,13,200.00
Gross Total Income		1,13,200.00
Less: Deduction u/s 80C		
Insurance premium on life of minor child	12,000	
Approved Superannuation Fund	8,000	
Jeevan Dhara Scheme	5,000	<u>25,000.00</u>
Total Income		88,200.00

Working Note:**1. Gratuity**

Least of the following is exempt:

1. ₹ 1,25,000
 2. ₹ 20,00,000 (not covered)
 3. $1/2 \times 10,400 \times 20 = ₹ 1,04,000$
- Received = ₹ 1,25,000
Exempt = ₹ 1,04,000
Taxable = ₹ 21,000

Answer 29:

	₹	₹
Basic Pay (30,000 x 9)		2,70,000.00
House Rent Allowance (Sec 10(13A) Rule 2A) (W Note 1)		31,500.00
Gratuity {Sec 10(10)} (W Note 2)		43,750.00
Leave Salary {Sec 10(10AA)} (W Note 3)		<u>55,000.00</u>
Gross Salary		4,00,250.00
Less: Deduction u/s 16(ia)		<u>50,000.00</u>
Income under the head Salary		3,50,250.00
Gross Total Income		3,50,250.00
Less: Deduction u/s 80C		
Recognized Provident Fund	20,500	
Public Provident Fund	45,000	
National Saving Certificates	29,500	<u>95,000.00</u>
Total Income		2,55,250.00

Working Note:

<p>1. HRA Least of the following is exempt:</p> <ol style="list-style-type: none"> 1. ₹ 63,000 2. ₹ 58,500 - ₹ 27,000 = ₹ 31,500 3. 50% of retirement benefit salary = ₹ 1,35,000 (Retirement benefit salary = ₹ 2,70,000) <p>Received = ₹ 63,000 Exempt = ₹ 31,500 Taxable = ₹ 31,500</p>	<p>2. Gratuity – least of the following exempt</p> <ol style="list-style-type: none"> 1. ₹ 3,75,000 2. ₹ 20,00,000 (not covered) 3. $1/2 \times 26,500 \times 25 = ₹ 3,31,250$ <p>Received = ₹ 3,75,000 Exempt = ₹ 3,31,250 Taxable = ₹ 43,750</p>
<p>3. Leave Salary – Lease of the following exempt</p> <ol style="list-style-type: none"> 1. ₹ 3,20,000 2. ₹ 3,00,000 3. 26,500 x 10 = ₹ 2,65,000 4. $26,500 \times 25 \times 15/30 = 3,31,250$ <p>Received = ₹ 3,20,000 Exempt = ₹ 2,65,000 Taxable = ₹ 55,000</p>	

Solution 30:

Taxable portion of the amount received from the URPF in the hands of Mr. A is computed hereunder:

Amount taxable under the head "Salaries":

Employer's share in the payment received from the URPF	₹ 2,20,000
Interest on the employer's share	₹ 50,000
Total	₹ 2,70,000

Amount taxable under the head "Income from Other Sources":

Interest on the employee's share	₹ 60,000
Total amount taxable from the amount received from the fund	₹ 3,30,000

Note: Since the employee is not eligible for deduction under section 80C for contribution to URPF at the time of such contribution, the employee's share received from the URPF is not taxable at the time of withdrawal as this amount has already been taxed as his salary income.

In case fund is Recognised PF

Since the fund is a recognized one, and the maturity is taking place after a service of 25 years, the entire amount received on the maturity of the RPF will be fully exempt from tax.

Solution 31:**Computation of Gross Salary of Mr. B**

Particulars	₹	₹
Basic Salary [₹10,000 × 12]		1,20,000
Dearness Allowance [₹ 8,000 × 12]		96,000
Commission on turnover [1% × ₹ 5,00,000]		5,000
Bonus		40,000
Gratuity [Note 1]		25,000
Employee's contribution to RPF [Note 2]		-
Employers contribution to RPF [20% of ₹ 1,20,000]	24,000	
Less : Exempt [Note 3]	<u>20,760</u>	3,240
Interest accrued in the RPF @ 13% p.a.	13,000	
Less : Exempt @ 9.5% p.a.	<u>9,500</u>	<u>3,500</u>
Gross Salary		<u>2,92,740</u>

Note 1 : Gratuity received during service is fully taxable.

Note 2 : Employee's contribution to RPF is not taxable. It is eligible for deduction under section 80C.

Note 3 : Employers contribution in the RPF is exempt up to 12% of the salary. i.e. 12% of [B.S + D.A. for retirement benefits + Commission based on turnover]
 = 12% of [₹ 1,20,000 + (50% × Rs. 96,000) + ₹ 5,000]
 = 12% of ₹ 1,73,000 = ₹ 20,760

Answer 32:

	Statutory provident fund ₹	Recognised provident fund ₹	Unrecognised provident fund ₹
Basic Salary (20,000 × 3)	60,000	60,000	60,000
Dearness allowance (6,000 × 3)	18,000	18,000	18,000
PF by employer [3,000 × 3 - 12% of (Rs. 60,000 + 1/3 of 18,000)]	—	1,080	
Interest credited in PF account in excess of 9.5% [7,500 × 5.5/15]	—	2,750	
Pension (10,000 × 9)	90,000	90,000	90,000
Payment for provident fund account			
Employer's contribution	—	—	3,30,000
Interest thereon	—	—	44,000
Gross Salary	1,68,000	1,71,830	5,42,000
Less : Standard deduction	50,000	50,000	50,000
Income from salary	1,18,000	1,21,830	4,92,000
Income from other sources			
- Interest on X's contribution to provident fund	—	—	46,000
- Interest on company deposits (i.e., 9% per annum on 7,60,000 from July 1, 2020 to March 31, 2021)	51,300	51,300	51,300
Gross total income	1,69,300	1,73,130	5,89,300
Less : Deduction under section 80C	9,000	9,000	Nil
Net Income	1,60,300	1,64,130	5,89,300

Notes :-

- X can claim deduction under section 80C in respect of his contribution towards statutory / recognised provident fund.
- In the case of recognised provident fund, it is assumed that X has retired after rendering service of 5 years.

Answer 33:

	₹	₹
Computation of income under the head Salary		
Basic Pay (10,000 x 9)		90,000.00
Dearness Allowance (10% of 90,000)		9,000.00
House Rent Allowance {Sec 10(13A), Rule 2A} (W. Note 1)		2,700.00
Payment of Club Bills {(Sec 17(2)(viii) Rule 3(7)(vi)}		8,000.00
Outstation Allowance {Sec 10(14), Rule 2BB} (W. Note 2)		4,860.00
Employer's Contribution to unrecognized provident fund		66,000.00
Interest on Employer's Contribution to unrecognized provident fund		38,000.00
Gratuity {Sec 10(10)} (W. Note 3)		Nil
Uncommuted Pension {Sec 17(l)(ii)} (W. Note 4)		10,000.00
Commuted Pension {Sec 10(10A)} (W. Note 5)		40,000.00
Gross Salary		2,68,560.00
Less: Deduction u/s 16(ia)		50,000.00
Income under the head Salary		2,18,560.00
Income under the head Other Sources		22,000.00
Interest on own Contribution to unrecognized provident fund		
Gross Total Income		2,40,560.00
Less: Deduction u/s 80C		68,200.00
National Saving Certificate	4,000	
Contribution in Jeevan Dhara Scheme	10,000	
Life insurance premium	4,000	
Public provident fund	12,000	
Repayment of housing loan	25,000	
Tuition fees	13,200	
Total Income		1,72,360.00

1. HRA**Least of the following is exempt:**

- ₹ 11,700
 - ₹ 18,900 - ₹ 9,900 = ₹ 9,000
 - 40% of retirement benefit salary = ₹ 39,600
- {Since place of posting is not given, so it is presumed to be non-metro}
 {Retirement benefit salary = ₹ 90,000 + 9,000 = ₹ 99,000}
- Received = Rs. 11,700 Exempt = ₹ 9,000

Taxable = ₹ 2,700

<p>2. Outstation allowance Least of the following is exempt: 1. 70% of ₹ 16,200 = ₹ 11,340 2. ₹ 90,000 [9 x ₹ 10,000 p.m.] Received = ₹ 16,200 Exempt = ₹ 11,340 Taxable - ₹ 4,860</p>	<p>3. Gratuity (not covered) Least of the following is exempt: 1. ₹ 90,000 2. ₹ 20,00,000 3. $\frac{1}{2} \times 20 \times (10,000 + 1,000) - ₹ 1,10,000$ Received = ₹ 90,000 Exempt = ₹ 90,000 Taxable = Nil</p>
<p>4. Uncommuted pension For January and February = ₹ 4,000 x 2 = 8,000 For March = $\frac{1}{2} \times 4,000 =$ 2,000 Total = 10,000</p>	
<p>5. Commuted pension Received = 1,20,000 Exempt = $\frac{1}{3}$ of Total Pension = $\frac{1}{3}$ of 2,40,000 = 80,000 Taxable = 40,000</p>	

Answer 34:

Computation of income under the head Salary	₹
Basic Pay (20,000 x 7)	1,40,000
Dearness Allowance (7,000 x 7)	49,000
Refund of employer's contribution in unrecognised provident fund	4,00,000
Refund of Interest on employer's contribution in unrecognised provident fund	1,00,000
Gratuity {Sec 10(10A)} (W Note 1)	60,000
Uncommitted Pension (W Note 2)	19,000
Commutated Pension {Sec 10(10A)} (W Note 3)	<u>40,000</u>
Gross Salary	8,08,000
Less: Deduction u/s 16(ia)	<u>50,000</u>
Income under the head Salary	7,58,000
Income under the head Other Sources (Interest on employee's contribution)	1,00,000
Gross Total Income	8,58,000
Less: Deduction u/s 80C to 80U	Nil
Total Income	8,658,000

Working Note:**1. Gratuity (not covered)**

Least of the following is exempt:

1. ₹ 2,60,000

2. ₹ 20,00,000

3. $\frac{1}{2} \times 20,000 \times 20 = ₹ 2,00,000$

Received = ₹ 2,60,000

Exempt = ₹ 2,00,000

Taxable - ₹ 60,000**2. Uncommuted Pension****For November to December**

5,000 x 2 =

10,000'

For January to March

5,000 x 60% x 3 =

9,000

Total = ₹ 10,000 + ₹ 9,000 =**19,000****3. Commuted Pension**

Received =

2,40,000

Exempt = ₹ 2,40,000 / 40% x 100% x 1/3 =

2,00,000

Taxable**40,000****Solution 35:** Value of the rent free unfurnished accommodation

= 15% of salary for the relevant period

= 15% of [(₹ 6000 x 5) + (₹ 2,000 x 30% x 5) + (₹ 1,500 x 5)] [See Note below]

= 15% of ₹ 40,500

= Rs. 6,075.

Note: Since, Mr. C occupies the house only from 1.11.2020, we have to include the salary due to him only in respect of months during which he has occupied the accommodation. Hence salary for 5 months (i.e. from 1.11.2020 to 31.03.2021) will be considered. Advance salary for April 2021 drawn during this year is not to be considered because it falls in respect of a period beyond the relevant previous year.

Solution 36:

Value of the rent free unfurnished accommodation [15% of salary]

= ₹ 6,075

Less : Rent paid by the employee (₹ 1,000 x 5)

≡ ₹ 5,000

Perquisite value of unfurnished accommodation given at concessional rent**≡ ₹ 1,075****Solution 37:**

Value of the rent free unfurnished accommodation [Note1]

= ₹ 6,000

Less: Rent paid by the employee (₹ 1,000 x 5)

≡ ₹ 5,000

Value of unfurnished accommodation given at concessional rent**≡ ₹ 1,000****Note 1 :** Value of the rent free unfurnished accommodation is lower of

(i) Lease rent paid by the company for relevant period

= ₹ 1,200 x 5

= ₹ 6,000

(ii) 15% of salary for the relevant period (computed earlier)

= ₹ 6,075

Solution 38:

Value of the rent free unfurnished accommodation (computed earlier)	= ₹ 6,075
Add: Value of furniture provided by the employer [Note 1]	= ₹ 4,625
Value of rent free furnished accommodation	= ₹ 10,700
Less: Rent paid by the employee (₹ 1,000 × 5)	= ₹ 5,000
Value of furnished accommodation given at concessional rent	= ₹ 5,700

Note 1: Value of the furniture provided

$$= (\text{₹ } 400 \text{ p.m.} \times 2 \times 5 \text{ months}) + (\text{₹ } 25,000 \times 10\% \text{ p.a. for 3 months})$$

$$= \text{₹ } 4,000 + \text{Rs. } 625 = \text{₹ } 4,625$$

Solution 39:

Value of the rent free unfurnished accommodation (₹700 × 5)	= ₹ 3,500
Add: Value of furniture provided by the employer (computed earlier)	= ₹ 4,625
Value of rent free furnished accommodation	= ₹ 8,125
Less: Rent paid by the employee (₹1,000 × 5)	= ₹ 5,000
Perquisite value of furnished accommodation given at concessional rent	= ₹ 3,125

Answer 40 :**Determination of value of rent free accommodation****Salary for this purpose:**

	₹
Basic pay	60,000
Commission	6,000
Bonus	4,000
Uniform allowance (40% of 6,000)	2,400
Conveyance allowance (25% of 12,000)	3,000
Entertainment allowance	5,000
Total ₹	80,400

(a) where the population is more than 25 lakhs.

$$\text{Value of rent free accommodation} = 15\% \text{ of salary}$$

$$= 15\% \text{ of ₹ } 80,400 = \text{₹ } 12,060$$

(b) where the population is less than 10 lakhs.

$$\text{Value of rent free accommodation} = 7.5\% \text{ of salary}$$

$$= 7.5\% \text{ of ₹ } 80,400 = \text{₹ } 6,030$$

(c) where the population is between 10 lakhs and 25 lakhs.

$$\text{Value of rent free accommodation} = 10\% \text{ of salary}$$

$$= 10\% \text{ of ₹ } 80,400 = \text{₹ } 8,040$$

Note: Income-tax and Profession-tax are the obligation cast on the employee. In case the same was paid by the employer they are taxable as perquisite u/s. 17(2)(iv).

Answer 41: Valuation of unfurnished flat:

(1) If X is a Secretary to the Central Government ₹ 4,000 is the taxable value of the unfurnished flat.

(2) If X is the Managing Director of ABC (P.) Ltd. - Salary for the purpose of calculating taxable value of the perquisite works out to be ₹ 1,79,000 (₹ 1,62,000 + ₹ 17,000). As lease rent of unfurnished flat (₹ 50,000) exceeds 15% of salary, ₹ 26,850 (being 15% of salary) is taxable value of the perquisite.

Valuation of furniture

$$10\% \text{ per annum of cost of furniture } [\text{₹ } 36,000 \times 10/100 \times 10/12] \quad \text{₹ } 3,000$$

Add : Rent of air-conditioners 10,000

Valuation of furniture **13,000**

Valuation of furnished flat :

	Valuation of		
	Unfurnished flat	Furniture	Furnished flat
If X is a Secretary to the Central Government	4,000	13,000	17,000
If X is a Managing Director of ABC (P.) Ltd.	26,850	13,000	39,850

Valuation of hotel accommodation - ₹ 42,960 (being 24% of salary or ₹ 1,20,000, whichever is lower) is chargeable to tax whether X is a Government employee or non-Government employee.

Answer 42:

	₹	₹
Basic salary (6,000 x 9 + 7,000 x 3)		75,000
Dearness allowance (4,000 x 12)		48,000
Education allowance (550 x 4 x 12)	26,400	
Less : Exemption (100 x 2 x 12)	2,400	24,000
Medical allowance (400 x 12)		4,800
Transport allowance (350 x 12)		4,200
House rent allowance (4,500 x 8)	36,000	
Less : Exempt [see note 1]]	28,416	7,584
Furnished house [see note 2]		5,228
Salary from B Ltd. (2,000 x 3)		6,000
Gross Salary		1,74,812

Notes :-

- (1) House rent allowance exempt from tax - Salary for this purpose is ₹ 8,880 per month (basic salary : ₹ 6,000 per month + dearness allowance : 72% of ₹ 4,000 per month). The amount of exemption is —
- ₹ 3,552 per month (being 40% of ₹ 8,880);
 - ₹ 4,500 per month (being house rent allowance); or
 - ₹ 4,612 per month (being excess of rent paid over 10% salary, ₹ 5,500 - ₹ 888), whichever is lower.
- Hence, the amount exempt from tax is ₹ 3,552 per month from April 1, 2020 to November 30, 2020 - ₹ 28,416) i.e. for 8 months

- (2) **Valuation of the perquisite in respect of furnished flat** - X has been provided a furnished flat at Delhi with effect from December 1, 2020. Salary, for this purpose, from December 1, 2020 to March 31, 2021 is as follows -

	₹
Basic Salary (6,000 x 1+ 7,000 x 3)	27,000
Dearness allowance (72% of 4,000 x 4)	11,520
Education allowance [(550 x 4 - 100 x 2) x 4]	8,000
Medical allowance (400 x 4)	1,600
Transport allowance [350 x 4]	1,400
House rent allowance (not received during December 1, 2020 to March 31, 2021)	—
Salary from B Ltd. (2,000 x 3)	6,000
Total salary	55,520
Lease rent of 4 months (7,500 x 4) : ₹ 30,000. The perquisite shall be valued as follows -	
Value of unfurnished flat (15% of 55,520 or 30,000, whichever is lower)	8,328
Add : Rent of furniture	500
Value of rent-free furnished flat	8,828
Less : Rent paid by X (900 x 4)	3,600
Value of the perquisite	5,228

- (3) **Transport allowance is now fully taxable.**

Answer 43:

Answer 44:

Computation of Gross Salary

	₹
Basic Pay (11,000 x 12)	1,32,000.00
Dearness Allowance (5,000 x 12)	60,000.00
Dearness Pay (1,000 x 12)	12,000.00
Bonus (1,200 x 12)	14,400.00
Rent Free Accommodation {Sec 17(2)(i), Rule 3(1)} (W. Note1)	14,400.00
Arrears of Salary {Sec 15}	32,000.00
Advance of Salary {Sec 15}	11,000.00
Gross Salary	2,75,800.00

Working Note:**1. Rent Free Accommodation****From April To December**

15% of Rent free accommodation Salary or rent paid whichever is less

Rent free accommodation Salary

= Basic Pay + Dearness Allowance + Dearness Pay + Bonus

= 99,000 + 13,500 + 900 + 10,800 = ₹ 1,24,200

15% of rent free accommodation Salary = ₹ 18,630

Rent Paid = ₹ 1,200 × 9 = ₹ 10,800

(A) Perquisite value of unfurnished house = ₹ 10,800

From January to MarchRent free accommodation Salary of Delhi

= Basic Pay + Dearness Allowance + Dearness Pay + Bonus

= 33,000 + 4,500 + 300 + 3,600 = ₹ 41,400

15% of Rent free accommodation Salary = ₹ 6,210

Rent paid = ₹ 3,600

Perquisite value of Rent free accommodation of Delhi = ₹ 3,600

Rent free accommodation of BombayRent free accommodation Salary

= Basic Pay + Dearness Allowance + Dearness Pay + Bonus

= 33,000 + 4,500 + 300 + 3,600 = ₹ 41,400

15% of Rent free accommodation Salary = ₹ 6,210

Perquisite value of rent free accommodation of Bombay = ₹ 6,210

(B) Perquisite value of unfurnished house {least is in Delhi} = ₹ 3,600 [90 days – only one accommodation is taxable]

Total Amount = A + B = ₹ 10,800 + 3,600 = ₹ 14,400

Solution 45: Computation of Gross Salary of Mrs. Padma

	Receipt of HRA	Rent-free accommodation
Basic Salary (24,000 × 12)	288000	288000
Dearness Allowance (18% of basic salary)	51840	51840
Bonus (1 month basic pay)	24000	24000
Project Allowances (6% of basic salary)	17280	17280
House Rent Allowance (1,80,000 – 1,44,000)	36000	
(See note 1)		
Rent Free Accommodation (See note 2)		49392
Gross Salary	417120	430512

Hence, Mrs. Padma should opt for HRA so as to minimize her tax liability.

Note:

(1) Amount of HRA exempt from tax shall be the least of the following - (all amount in ₹)

- | | |
|---|--------|
| (a) Actual amount received | 180000 |
| (b) Rent paid less 10% of salary i.e. 1,80,000 - 28,800 | 151200 |
| (c) 50% of salary | 144000 |

(2) Value of rent free accommodation shall be least of the following -(Amount in ₹)

- | | |
|--|--------|
| (a) Actual rent paid or payable or | 180000 |
| (b) 15% of salary i.e. 15% of (2,88,000 + 24,000 + 17,280) | 49392 |

Answer 46:

The perquisite value of the motor car partly used for official and partly for private purpose shall be computed at the rate of ₹ 1800 p.m. In the present case the actual expenditure incurred by the employer has no relevance. Therefore, the perquisite value shall be ₹ 1800 × 12 = ₹ 21,600.

Answer 47:

Car1 [(1800+900) × 12] 32,400

Car2 [(40000+28000+24000)] 92,000

Total 1,24,400

Note : It is assumed that CC rating of the cars does not exceed 1600CC & chauffeur has been provided.

Answer 48: 180000 + 18000 + 15000 + 24000 = 2,37,000.

Answer 49:

- (i) In case of Mr. X, the servant has been engaged by him. The salary of the servant is paid by the employer. It is therefore, a monetary obligation of the employee discharged by the employer. This perquisite is taxable in the hands of all employees. Hence, ₹ 6,000 shall be the value of the perquisite taxable in the hands of Mr. X even though he is not a specified employee.
- (ii) In case of Mr. Y, the domestic servant has been engaged by the employer and facilities of the services of the domestic servant have been provided to Mr. Y. This perquisite is taxable, only in the hands of specified employees. As Mr. Y is not a specified employee, it shall not be taxable in his hands.

Solution 50:

Computation of Income from Salary of Mr. X

Particulars	₹	₹
Basic Salary [₹25,000 × 12]		3,00,000
Commission [₹1,000 × 12]		12,000
Entertainment Allowance [₹1,000 × 12]		12,000
Rent free accommodation [Note 1]	48,600	
Add : Value of furniture [₹2,40,000 × 10% p.a. for 8 months]	<u>16,000</u>	64,600
Interest on Personal loan [Note 2]		22,500
Use of motor cycle [Rs. 60,000 × 10% p.a. for 4 months]		2,000
Transfer of motor cycle [Note 3]		12,000
Free Electricity		<u>10,000</u>
Gross Salary		4,35,100
Less : Deduction under section 16		
Statutory Deduction u/s 16(ia)	50,000	
Professional Tax paid u/s 16(iii)	<u>2,000</u>	<u>52,000</u>
Income from Salary		<u>3,83,100</u>

Note 1: Value of rent free unfurnished accommodation
= 15% of salary for the relevant period
= 15% of (₹3,00,000 + ₹12,000 + ₹12,000) = ₹ 48,600

Note 2: SBI rate of Interest on personal loan = 12.75% p.a.
Value of perquisite for interest on personal loan
= [₹ 5,00,000 × (12.75% - 6.75%) for 9 months] = ₹ 22,500

Note 3: Depreciated value of the motor cycle
= Original cost – Depreciation @ 10% p.a. for 3 completed years.
= ₹ 60,000 – (₹ 60,000 × 10% p.a. × 3 years) = ₹ 42,000.
Perquisite = ₹ 42,000 – ₹ 30,000 = ₹ 12,000.

Answer 51:

For the assessment year 2021-22, the taxable value of the perquisite will be as under

- The lending rate of SBI on April 1, 2020 for similar loan is 8% per annum. ₹ 93,333 (being interest @ 8% on ₹ 14,00,000 from June 1, 2020 to March 31, 2021) is taxable in the hands of X.
- The SBI lending rate for a similar loan is 16%. Rs. 2,250 [being interest @ 9% (i.e., 16% - 7%) on is 25,000 for one year] is taxable in the hands of Y.
- Nothing is taxable in the hands of Z as the amount of loan does not exceed ₹ 20,000.
- The lending rate of SBI for a for a similar loan is 8%. Maximum monthly outstanding amount for the various months in the previous year 2020-21 is as follows:

Month	Maximum monthly outstanding amount on last day of the month	Interest
	₹	₹
April 30, 2020	8,00,000	666.67 (i.e., Rs. 8,00,000 x 1% x 1/12)
May 31, 2020	8,00,000	666.67
June 30, 2020	8,00,000	666.67
July 31, 2020	8,00,000	666.67
August 31, 2020	8,00,000	666.67
September 30, 2020	8,00,000	666.67
October 31 2020	8,00,000	666.67
November 30, 2020	8,00,000	666.67

December 31,2020	8,00,000	666.67
January 31, 2021	7,75,000	645.83 (i.e. ₹ 7,75,000 x 1% x 1/12)
February 28, 2021	7,50,000	625 (i.e., ₹ 7,50,000 x 1% x 1/12)
March 31, 2021	<u>7,25,000</u>	<u>604.16</u> (i.e. ₹ 7,25,000 x 1% x 1/12)
	Total	7,875

Taxable value of concessional loan is ₹ 7,875 for the previous year 2020-21.

Answer 52:

- X s provided use of laptop by the employer. The perquisite is not chargeable to tax.
- Y is provided a music system by the employer. The taxable value of the perquisite is determined @ 100 per annum of cost. Accordingly ₹ 690 (being ₹ 15,000 x 10/100 x 168 days ÷ 365 days) is chargeable to tax.
- The taxable value of the perquisite in the hands of Z, A and B shall be determined as follows -

	Car ₹	Computer ₹	Fridge ₹
Cost of the asset on May 15, 2018	6,96,000	1,17,000	40,000
Less : Normal wear and tear for the first year ending May 14, 2019 (20% of Rs. 6,96,000, 50% of Rs. 1,17,000, 10% of Rs. 40,000)	<u>1,39,200</u>	<u>58,500</u>	<u>4,000</u>
Balance on May 15, 2019	5,56,800	58,500	36,000
Less : Normal wear and tear for the second year ending May 14, 2020 (20% of Rs. 5,56,800, 50% of Rs. 58,500, 10% of Rs. 40,000) Balance on May 16, 2020	<u>1,11,360</u>	<u>29,250</u>	<u>4,000</u>
	4,45,440	29,250	32,000
Less : Sale consideration	<u>2,10,000</u>	<u>24,270</u>	<u>1,000</u>
Taxable Value of the perquisite	2,35,440	4,980	31,000

Note: In the case of car and computer/electronic items, normal wear and tear is calculated @ 20% and 50% per annum respectively on the basis of written down value. In the case of any other asset, normal wear and is calculated at the rate of 10% per annum of cost of the asset to the employer. Normal wear and tear tax part of the year is not taken into consideration.

Answer 53:**Computation of perquisite value of Furniture**

Cost of the furniture	2,00,000
Less: Depreciation on straight line method @ 10% from 31.03.2017 to 30.03.2018	20,000
Less: Depreciation on straight line method @ 10% from 31.03.2018 to 30.03.2019	20,000
Less: Depreciation on straight line method @ 10% from 31.03.2019 to 30.03.2020	20,000
Written down value	1,40,000
Less: Amount paid by the assessee	40,000
Perquisite value of Furniture	1,00,000

Computation of perquisite value Air-conditioner

Cost of the Air-conditioner	75,000
Less: Depreciation on straight line method @ 10% from 01.07.2019 to 30.06.2020	7,500
Written down value	67,500
Less: Amount paid by the assessee	15,000
Perquisite value of Air-conditioner	52,500

Computation of perquisite value Video Camera

Cost of the Video Camera	60,000
Less: Depreciation on straight line method @ 10% from 11.07.2018 to 10.07.2019	6,000
Written down value	54,000
Less: Depreciation on straight line method @ 10% from 11.07.2019 to 10.07.2020	6,000
Written down value	48,000
Less: Amount paid by the assessee	20,000
Perquisite value of Video Camera	28,000

Computation of perquisite value Motor car

Cost of the motor	5,40,000
Less: Depreciation on reducing balance method @ 20% from 01.10.2016 to 30.09.2017	1,08,000
Written down value	4,32,000
Less: Depreciation on reducing balance method @ 20% from 01.10.2017 to 30.09.2018	86,400
Written down value	3,45,600
Less: Depreciation on reducing balance method @ 20% from 01.10.2018 to 30.09.2019	69,120
Written down value	2,76,480
Less: Depreciation on reducing balance method @ 20% from 01.10.2019 to 30.09.2020	55,296
Written down value	2,21,184
Less: Amount paid by the assessee	1,50,000
Perquisite value of motor car	71,184

Computation of perquisite value Computer

Cost of the Computer	1,20,000
Less: Depreciation on reducing balance method @ 50% from 10.01.2018 to 09.01.2019	60,000
Written down value	60,000
Less: Depreciation on reducing balance method @ 50% from 10.01.2019 to 09.01.2020	30,000
Written down value	30,000
Less: Depreciation on reducing balance method @ 50% from 10.01.2020 to 09.01.2021	15,000
Written down value	15,000
Less: Amount paid by the assessee	25,000
Perquisite value of computer	Nil

Answer 54:**Chargeable perquisite in the hands of Mr. Badri for Assessment Year 2021-22**

Housing Loan @ 6% p.a. is taken

SBI home loan @ 10% p.a.

Difference rate 4% p.a.

(i) Housing Loans

Month	Maximum outstanding Balance	Interest
30 April 2020	5,88,000	1960 (5,88,000 x 4% x 1/12)
31 May 2020	5,76,000	1920 (5,76,000 x 4% x 1/12)
30 June 2020	5,64,000	1880 (5,64,000 x 4% x 1/12)
31 July 2020	5,52,000	1840 (5,52,000 x 4% x 1/12)
31 August 2020	5,40,000	1800 (5,40,000 x 4% x 1/12)
30 September 2020	5,28,000	1760 (5,28,000 x 4% x 1/12)
31 October 2020	5,16,000	1720 (5,16,000 x 4% x 1/12)
30 November 2020	5,04,000	1680 (5,04,000 x 4% x 1/12)
31 December 2020	4,92,000	1640 (4,92,000 x 4% x 1/12)
31 Jan 2021	4,80,000	1600 (4,80,000 x 4% x 1/12)
28 February 2021	4,68,000	1560 (4,68,000 x 4% x 1/12)
31 March 2021	4,56,000	1520 (4,56,000 x 4% x 1/12)
Total interest as a perquisite		20880

Taxable value of concessional loan is ₹ 20,880 for the PY 2020-21.

(ii) Air Conditioner

Cost of air conditioners	2,00,000
Less: Depreciation for 4 yrs. @ 10% p.a.	80,000
	1,20,000
Less: Amount charged from Badri	90,000
Value of perquisite	30,000

Chargeable perquisite in the hands of Mr. Badri for the Assessment Year 2021-22

Housing loan	₹ 20,880
Air conditioner	30,000
Total	50,880

Answer 55**Computation of taxable salary of Mr. Raghu Raj**

Particulars	₹
Salary (26,000 x 12)	3,12,000
Perquisite value in respect of accommodation (3,12,000 x 15%)	46,800
Value of housing loan - 4,00,000 x 7.5% (i.e. 10.5% - 3%)	30,000
Perquisite in respect of sale of car (1,60,000 - 1,20,000)	40,000
Credit card expenses reimbursed (Not a perquisite)	Nil
Perquisite value of Video camera (40,000 x 10%)	4,000
Perquisite value of laptop	Nil
Gross Salary	4,32,800
Less: Deduction u/s 16(ia)	50,000
Taxable Salary	3,82,800

Answer 56: Computation of taxable salary of Mr. Syed Zaki

Particulars	₹
Basic salary (10,000 x 12)	1,20,000
D.A. (1000 x 12)	12,000
Perquisite value of concession in the matter of rent (15% of 132000 – 750x12)	10,800
Perquisite value in respect of services of gardener and sweeper (1000x2 x 12)	24,000
Shares offered under approved scheme (1000 shares X ₹ 20 each)	20,000
Gross Salary	1,86,800
Less: Deduction u/s 16(ia)	50,000
Taxable salary	1,36,800

Answer 57:

	Option I ₹	Option II ₹
Salary	1,38,000	1,38,000
Rent Free Accommodation	—	20,700
HRA (₹ 54,000 - 40,200)	13,800	—
Education facilities	—	3,600
Education allowance (₹ 3,600 - 1,200)	2,400	—
Telephone facility	—	—
Telephone Allowance	12,000	—
Medical Allowance / Reimbursement	18,000	18,000
Motor Car facility	—	18,000
Conveyance Allowance	18,000	—
Lunch Allowance	18,000	—
Free Lunch (Free Lunch exempt upto ₹ 50 per male) then taxable amount = (60 - 50) x 300 days		3000
Sweeper's Salary	6,000	6,000
Gardner's Salary	6,000	6,000
Watchman's Salary	6,000	6,000
	2,38,200	2,19,300
Less : Deduction under section 16	50,000	50,000
Net Salary	1,88,200	1,69,300

Working Notes :-**(1) RFA**

15% of salary 20,700

(2) HRA

(i) Actual Received ₹ 54,000

(ii) (50% of 1,38,000) 69,000

(iii) 54,000 - 13,800 40,200

Option - Package II should be opted.

Answer 58: 360000 + 54000 + 60000 + 180000 (20% WDV) + 5000 + 7500 = ₹ 6,66,500

Answer 59:

₹

Computation of Gross Salary of Mr. Anil

Salary (46,000 x 12)	5,52,000.00
Medical Facility {Proviso Sec 17(2)} {In the hospital maintained by the company is exempt}	Nil
Perquisite of interest on loan {Sec 17(2)(viii) Rule 3(7)(i)} (W. Note 1)	33,000.00
Gift given on the occasion of wedding anniversary	Nil
Rent Free Accommodation {Sec 17(2)(i) Rule 3(1)} (W. Note 2)	84,800.00
Sale of Table and Chairs {Sec 17(2)(viii) Rule 3(7)(viii)} (W. Note 3)	12,000.00
Credit Card Facility	30,000.00
Sale of Ambassador Car {Sec 17(2)(viii) Rule 3(7)(viii)} (W. Note 4)	60,000.00
Gross Salary	7,71,800.00

Working Note:

₹

1. **Perquisite on sale of table and chairs**

Cost	60,000
Less: Dep. on straight line method @ 10% for 3 years	18,000
Written down value	42,000
Less: Amount paid by the assessee	30,000
Perquisite value of Table and chairs	12,000

2. **Rent Free Accommodation**

15% of rent free accommodation salary	
Rent Free Accommodation salary = ₹ 5,52,000	
Value of unfurnished house	82,800
Add: 10% of cost of furniture (60,000 x 10% x 4/12)	2,000
Perquisite value of furnished house	84,800

3. **Perquisite of interest on loan – SBI Rate is taken as 10.5%**

10.5% is taxable which is to be reduced by actual rate of interest charged i.e.
 $[10.5\% - 5\% = 5.5\%] (6,00,000 \times 5.5\%) = ₹ 33,000$

4. **Perquisite value of car**

Original cost of Car	2,50,000
Less: Dep. from 16.07.2017 to 15.07.2018	50,000
Less: Dep. from 16.07.2018 to 15.07.2019	40,000
Written down value	1,60,000
Less: amount received from the assessee	1,00,000
Perquisite value of Ambassador car	60,000

Answer 60:

Computation of income under the head Salary

₹

₹

From 01.04.2020 to 31.12.2020

Basic Pay (15,000 x 9)	1,35,000
Dearness Allowance (1,500 x 9)	13,500
Pension {17(i)(ii)} (4,000 x 3)	12,000
House Rent Allowance {Sec 10(13A), Rule 2A}(W. Note1)	5,175
Gratuity {Sec 10(10)} (W. Note2)	3,72,500
Leave Salary {Sec 10(10AA)} (W. Note3)	Nil
Car Facility {Sec 17(2)(iii) Rule 3(2)}(2,700 x 9)	24,300
Employer's contribution to recognised provident fund	Nil
Gas Facility {Sec. 17(2)(iii), Rule 3(4)}	8,000
Gross Salary	5,70,475
Less: Deduction u/s 16(ia) -	50,000
Income under the head Salary	5,20,475
Gross Total Income	5,20,475

Less: Deduction u/s 80C

National Saving Certificate	13,000
Public Provident Fund	14,000
Insurance premium on the life of married son	12,000
Own contribution in recognised provident fund	28,350
Total Income (Rounded off 288A)	4,53,130

Working Note:**1. HRA**

Least of the following is exempt:

1. ₹ 27,000

2. ₹ 36,000 - ₹ 14,175 = ₹ 21,825

3. 40% of retirement benefit salary = ₹ 56,700 {Since place of posting is not given}

{Retirement benefit salary = 1.35,000 + 6,750 = ₹ 1,41,750} Received = ₹ 27,000

Exempt = ₹ 21,825

Taxable = ₹ 5,175**2. Gratuity (not covered)**

Least of the following is exempt:

1. ₹ 5,30,000

2. ₹ 20,00,000

3. $\frac{1}{2} \times 20 \times 15,750 = ₹ 1,57,500$

Received = ₹ 5,30,000

Exempt = ₹ 1,57,500

Taxable = ₹ 3,72,500**3. Leave salary**

Least of the following is exempt:

1. ₹ 1,57,500

2. ₹ 3,00,000

3. $10 \times 15,750 \times 10/10 = ₹ 1,57,500$ 4. $15,750 \times 10 = ₹ 1,57,500$

Received = ₹ 1,57,500

Exempt = ₹ 1,57,500

Taxable = Nil**Answer 61:**

	₹
Basic Salary	2,90,400
Employer's contribution to recognized provident fund in excess of 12% of salary	152
Motor Car {Sec 17(2)(iii) Rule 3(2)} { (2,400+900)×3}	9,900
Sweeper [(600×3)+(600×25/31)]	<u>2,284</u>
Gross Salary	3,02,736
Less: Deduction u/s 16(ia)	<u>50,000</u>
Income under the head Salary	<u>2,52,736</u>
Income under the head Other Source (1,25,000-10,000)	<u>1,15,000</u>
Gross Total Income	<u>3,67,736</u>
Less: Deduction u/s 80C	<u>40,000</u>
{Employee's contribution to recognized provident fund}	
Total Income	3,27,736
	Or, 3,27,740

Note:

1. Watchmen has been provided from the next year, hence not taxable.

2. **Actual expenditure shall be taken in case of sweeper.**

3. Income tax refund or any other refund is not considered to be income. Hence ₹ 10,000 included in the income has been deducted (₹1,25,000 - ₹10,000= ₹1,15,000)

4. Any interest received is always income.

Working Note:**Basic Salary**

Salary

2,25,000

Add: Income Tax

25,400

Own contribution to recognized provident fund

40,000

Basic Salary

2,90,400

Solution 62: Computation of Gross Salary (amounts in ₹)

Basic Salary (25,000 × 10 months)	250000
Dearness allowance (10,000 × 10 months) (assumed that it does not forms part of salary for retirement benefits as question is silent)	100000
Bonus (50,000 × 10 months)	500000
Value of Accommodation (assumed that place of accommodation has population exceeding 25 lakhs) [DA will not be considered]	137500
[15% of (basic salary + Bonus) + 10% of cost of furniture of ₹ 3 lakhs × 10 months ÷ 12]	
Sweeper Salary paid by employer (₹ 1,500 × 10 months)	15000
Watchman Salary paid by employer (₹ 1,500 × 10 months)	15000
Car facility (partly for personal and partly for official use, assuming that the maintenance and running expenses are met by the owner-company) [(1,800 + 900) × 10]	27000
Club facility (Initial fee for corporate membership is exempt. Further, since no further expenses have been incurred by the employer, no taxability arises.)	NIL
Education facility to children (assuming the cost of education per child does not exceed ₹ 1,000 p.m.)	NIL
Interest free housing Loan (₹ 5,00,000 × 13.25% × 6/12)	30625
Interest free Computer Loan (₹ 50,000 × 15.25% p.a. × 3/12 months)	1906
Gross Salary	1077031

Solution 63: Computation of Gross Salary of Naresh under two Alternatives (amounts in ₹)

	Alt. I	Alt. II
Basic pay	92000	92000
Bonus	9000	9000
Education allowance for 2 children [30200 - 100 × 12 × 2]/ Education facility for 2 children, fully taxable as the value exceeds ₹ 1,000 p.m. per child	27800	30200
Sweeper allowance/Sweeper facility	10000	10000
Entertainment Allowance/Club facility	6000	6000
Transport allowance (now fully taxable) / Free car (1200 cc) facility for personal use (assumed that ₹ 21600 includes all expenses incurred including normal wear & tear)	21600	21600
Medical allowance/ Medical facility for Naresh and his family members in a hospital maintained by employer	18000	Exempt
Allowance for gas, electricity and water supply/ Free gas, electricity and water supply (bills will be in the name of the employer)	4500	4500
Holiday home allowance/Holiday home facility	8000	8000
Lunch allowance/ Free lunch [free lunch exempt upto Rs. 50 per meal, hence, taxable amount = (₹80 - ₹50) × 50 days + (₹70 - ₹50) × 200 days]	18000	5500
Diwali gift allowance/ Gift on Diwali (Gift Taxable if exceeds ₹5,000)	7500	7500
Rent-free unfurnished home (See Note)	14000	14000
Gross Salary	236400	208300

Hence, Naresh should opt for Alternative II, as taxable income is less in that case.

Note: Value of rent free house shall be lower of the following -

	Alt. I	Alt II
(a) 15% of Monetary Salary (15% of ₹2,22,400 and 15% of ₹101,000)	33360	15150
(b) Lease rent paid	14000	14000

Solution 64: Computation of taxable value of perquisite in the hands of Mr. G

Particulars	₹	₹
Treatment of Mrs. G in a Government hospital		NIL
Treatment of Mr. G's father (75 years and dependant) abroad	50,000	
Expenses of staying abroad of the patient and attendant	<u>30,000</u>	
	80,000	
Less : Exempt up to limit specified by RBI	<u>75,000</u>	5,000
Medical premium paid for insuring health of Mr. G		NIL
Treatment of Mr. G by his family doctor		5,000
Treatment of Mr. G's mother (dependant) by family doctor		8,000
Treatment of Mr. G's sister (dependant) in a nursing home		3,000
Treatment of Mr. G's grandfather in a private clinic		12,000
Treatment of Mr. G's brother (independent)		<u>6,000</u>
Taxable value of perquisite		<u>39,000</u>

Note: Grandfather and independent brother are not included within the meaning of family of Mr. G.

Answer 65:

Computation of income under the head Salary	₹
Basic Pay (9,000 x 12)	108,000.00
Medical Facilities {Proviso to Sec 17(2)}(W Note 1)	62,000.00
Medical Allowance	10,000.00
Motor Car {Sec 17(2) (iii), Rule 3(2)} (W Note 1)	21,600.00
Gross Salary	2,01,600.00
Less: Deduction u/s 16(ia)	50,000.00
Income under the head Salary	1,51,600.00
Total Income	1,51,600.00

Note: Since Gross total income before taking into consideration travelling expenses is not exceeding ₹ 2 lakhs. Hence travelling is exempt.

Working Note:**1. Medical Facilities**

	₹
Expenses on treatment =	3,60,000
Exempt = Permitted by RBI =	3,50,000
(A) Taxable =	10,000
Expenses on Stay =	1,50,000
Exempt = Permitted by RBI =	1,05,000
(B) Taxable =	45,000
Treatment of father in law =	7,000
Total = 10,000 + 45,000 + 7,000 =	62,000

2. Motor Car

Since basic pay is ₹ 106,000 so monetary income is more than ₹ 50,000 hence, he is a specified employee (1,800x12 – 50,000)

Solution 66: Computation of taxable income of Mr. Satish

Salary (10,000 × 12)	120000
Dearness Allowance (40% of 1,20,000)	48000
Entertainment Allowance	8000
Reimbursement of Medical Expenses (fully taxable now)	25000
Professional Tax paid by employer	4000
Free Car facility (3,300 x 12) (See Note 2)	39600
Gross Salary	244600
Less : Deductions u/s 16 –	
(i) Statutory Deduction	50000
(ii) Entertainment allowance (see note 1)	5000
(iii) Professional Tax Income from salary/Gross Total Income	5000
	184600
Less : Deduction u/s 80C - Contribution to PF	12000
Total Income	172600

Notes:

1) Entertainment allowance will be deductible to the extent of least of the following -

(i) Actual amount	8000
(ii) Fixed amount	5000
(iii) 20% of basic salary	24000

2) In absence of details as to cubic capacity of car, it is assumed that it exceeds 1.6 litres and chauffeur has also been provided. Since only one car has been provided, the same will be treated as partly for business use and partly for personal use of the employee. Hence, amount taxable will be 2,400 + 900 = ₹ 3,300 p.m.

3) Professional tax paid by employee as well as employer is allowed as deduction. **Though the amount of tax cannot exceed ₹ 2,500 p.a.,** but since the question gives the amount of ₹ 5,000 as tax paid, therefore, the whole of the amount of will be deducted assuming that the same relates to more than one year.

Answer 67:

Computation of income under the head Salary

	₹
Basic Salary (15,000 x 12)	1,80,000.00
Dearness Allowance (5,600 x 12)	67,200.00
Education Allowance (W Note 1)	4,800.00
Transport Allowance	21,600.00
Rent free Accommodation (W Note 3)	36,000.00
Mobile phone and fixed line telephone	Nil
Gift	12,000.00
Use of video Camera	7,500.00
Motor Car (1,800 + 900 x 12)	32,400.00
Reimbursement of medical treatment	20,000.00
Employer's contribution in recognised provident fund in excess of 12% of Salary (30,000 - 25,632)	4,368.00
Gross Salary	3,85,868.00
Less: Deduction u/s 16(ia)	50,000.00
Income under the head Salary	3,35,868.00
Gross Total Income	3,35,868.00
Less: Deduction u/s 80C	
Life insurance premium	12,000
Contribution in recognised provident fund	<u>30,000</u>
Total Income (rounded off u/s 288A)	2,93,870.00

Working Note:1. **Education Allowances**

	₹
Received = 300 x 2 x 12 =	7,200
Exempt = 100 x 2 x 12 =	<u>2,400</u>
Taxable	4,800

2. **Rent Free Accommodation**

	₹
15% of rent free accommodation salary or rent paid whichever is less	
Rent free accommodation salary	
= Basic Salary + Dearness Allowance (R) + Education Allowance + Transport Allowance	
= 1,80,000 + 33,600 + 4,800 + 21,600 =	2,40,000
15% of rent free accommodation Salary	36,000
Rent paid	60,000
Perquisite value of rent free accommodation	36,000

Solution 68: Computation of Gross salary of Mr. Y.R. Meena

	UNO April- July	Govt. Service Aug-Nov	Pvt. Ltd. Co. (Note 4)	
			Sri Lanka branch	India office
	(Note 2)	(Note 3)	Dec-Feb	March
Basic Salary	—	20000	—	4000
Dearness Allowance	—	—	—	2500
Project Allowance -	—	—	—	1000
Entertainment Allowance	—	—	—	2000
Servant & Sweeper facility (Note 5)	—	—	—	—
Education facility (Note 5)	—	—	—	—
Rent-free accommodation (Note 6)	—	—	—	1425
Gross Salary	NIL	20000	NIL	10925

Notes:

- Mr. Meena was in India for the month of March i.e. for 31 days only during the previous year. Hence, he is non-resident in India.
- Since, Mr. Meena is non-resident in India and services for which salary is received from UNO were not rendered in India, therefore, the salary from UNO cannot be taxed in India. Further, even if salaries were income accrued/arisen or received in India, then also it would not be liable to be taxed in India, as it is exempt from tax.

- 3) Salary received by a citizen of India from Government of India for services rendered outside India is deemed to accrue or arise in India under section 9(1)(iii). So, it is taxable in India. However, allowances and perquisites are exempt under section 10(7).
- 4) Salaries received from Pvt. Ltd. co. for services rendered outside India is not taxable in India. However, services rendered in the month of March in India is taxable in India.
- 5) Servant and sweeper facility and education facility is taxable only in case of specified employees. Since Mr. Meena is not a specified employee, they will not be taxable in his case.
- 6) **The perquisite in respect of rent-free accommodation has been valued as follows -**
15% of Salary = 15% of (4,000 + 2,500 + 1,000 + 2,000) = ₹ 1,425. (It has been assumed that population of the place where he was posted in India, exceeds 25 lacs).

PRACTICAL QUESTIONS – SET B

1. **Examples:** Sujatha, an actress, is employed in Chopra Films, where she is paid a monthly remuneration of ₹ 2 lakh. She acts in various films produced by various producers. The remuneration for acting in such films is directly paid to Chopra Films by the different producers.

In this case, ₹ 2 lakh will constitute salary in the hands of Sujatha, since the relationship of employer and employee exists between Chopra Films and Sujatha.

In the above example, if Sujatha acts in various films and gets fees from different producers, the same income will be chargeable as income from profession since the relationship of employer and employee does not exist between Sujatha and the film producers.

2. **Examples: Commission received by a Director** from a company is salary if the Director is an employee of the company. If, however, the Director is not an employee of the company, the said commission cannot be charged as salary but has to be charged either as income from business or as income from other sources depending upon the facts.
3. **Examples:** Salary paid to a partner by a firm is nothing but an appropriation of profits. Any salary, bonus, commission or remuneration by whatever name called due to or received by partner of a firm shall not be regarded as salary. The same is to be charged as income from profits and gains of business or profession. **This is primarily because the relationship between the firm and its partners is not that of an employer and employee.**
4. **Examples:** Mr. A, an employee instructs his employer that he is not interested in receiving the salary for April 2020 and the same might be donated to a charitable institution.

In this case, Mr. A cannot claim that he cannot be charged in respect of the salary for April 2020. It is only due to his instruction that the donation was made to a charitable institution by his employer. **It is only an application of income.**

Hence, the salary for the month of April 2020 will be taxable in the hands of Mr. A. He is, however, entitled to claim a deduction under section 80G for the amount donated to the institution.

5. **Examples:** Mr. A, a citizen of India, is posted in the United States as our Ambassador. Obviously, he renders his services outside India. He also receives his salary outside India. He is also a non-resident. The question, therefore, arises whether he can claim exemption in respect of his salary paid by the Government of India to him outside India.

Section 9(1)(iii) provides that salaries payable by the Government to a citizen of India for services outside India shall be deemed to accrue or arise in India. However, by virtue of section 10(7), any allowance or perquisites paid or allowed outside India by the Government to a citizen of India for rendering services outside India will be fully exempt.

6. **Examples:** If A draws his salary in advance for the month of April 2021 in the month of March 2021 itself, the same becomes chargeable on receipt basis and is to be assessed as income of the P.Y.2020-21 i.e., A.Y. 2021-22. However, the salary for the A.Y. 2022-23 will not include that of April 2021.

If the salary due for March 2021 is received by A later in the month of April 2021, it is still chargeable as income of the P.Y. 2020-21 i.e., A.Y. 2021-22 on due basis. Obviously, salary for the A.Y.2022-23 will not include that of March 2021.

7. **Examples:** If the Pay Commission is appointed by the Central Government and it recommends revision of salaries of employees, the arrears received in that connection will be charged on receipt basis. **Here also, relief under section 89 is available.**

8. Mr. X and Mr. Y are working for M/s. Gama Ltd. As per salary fixation norms, the following perquisites were offered:

- (i) For Mr. X, who engaged a domestic servant for ₹ 500 per month, his employer reimbursed the entire salary paid to the domestic servant i.e. ₹ 500 per month.
- (ii) For Mr. Y, he was provided with a domestic servant @ ₹ 500 per month as part of remuneration package.

You are required to comment on the taxability of the above in the hands of Mr. X and Mr. Y, who are not specified employees.

Solution:

In the case of Mr. X, it becomes an obligation which the employee would have discharged even if the employer did not reimburse the same. Hence, the perquisite will be covered under section 17(2)(iv) and will be taxable in the hands of Mr. X. This is taxable in the case of all employees.

In the case of Mr. Y, it cannot be considered as an obligation which the employee would meet. The employee might choose not to have a domestic servant. This is taxable only in the case of specified employees covered by section 17(2)(iii). Hence, there is no perquisite element in the hands of Mr. Y.

9. Mr. X retired from the services of M/s Y Ltd. on 31.01.2021, after completing service of 30 years and one month. He had joined the company on 1.1.1991 at the age of 30 years and received the following on his retirement:

- (i) Gratuity ₹ 6,00,000. He was covered under the Payment of Gratuity Act, 1972.
- (ii) Leave encashment of ₹ 3,30,000 for 330 days leave balance in his account. He was credited 30 days leave for each completed year of service.
- (iii) As per the scheme of the company, he was offered a car which was purchased on 30.01.2018 by the company for ₹ 5,00,000. Company has recovered ₹ 2,00,000 from him for the car. Company depreciates the vehicles at the rate of 15% on Straight Line Method.
- (iv) An amount of ₹ 3,00,000 as commutation of pension for 2/3 of his pension commutation.
- (v) Company presented him a gift voucher worth ₹ 6,000 on his retirement.
- (vi) His colleagues also gifted him a Television (LCD) worth ₹ 50,000 from their own contribution.

Following are the other particulars:

- (i) He has drawn a basic salary of ₹ 20,000 and 50% dearness allowance per month for the period from 01.04.2020 to 31.01.2021.
- (ii) Received pension of ₹ 5,000 per month for the period 01.02.2021 to 31.03.2021 after commutation of pension.

Compute his gross total income from the above for Assessment Year 2021-22.

Solution:

Computation of Gross Total Income of Mr. X for A.Y. 2021-22

Particulars	₹
Basic Salary = ₹ 20,000 x 10	2,00,000
Dearness Allowance = 50% of basic salary	1,00,000
Gift Voucher (See Note - 1)	6,000
Transfer of car (See Note - 2)	56,000
Gratuity (See Note - 3)	80,769
Leave encashment (See Note - 4)	1,30,000
Uncommuted pension (₹ 5000 x 2)	10,000
Commutated pension (See Note - 5)	1,50,000
Gross Salary	7,32,769
Less: Standard deduction u/s 16(ia)	50,000
Taxable Salary /Gross Total Income	6,82,769

Notes:

- (1) As per Rule 3(7)(iv), the value of any gift or voucher or token in lieu of gift received by the employee or by member of his household not exceeding ₹ 5,000 in aggregate during the previous year is exempt. In this case, the amount was received on his retirement and the sum exceeds the limit of ₹ 5,000.

Therefore, the entire amount of ₹ 6,000 is liable to tax as perquisite.

Note – An alternate view possible is that only the sum in excess of ₹ 5,000 is taxable. In such a case, the value of perquisite would be ₹ 1,000 and gross taxable income would be ₹ 6,77,769.

- (2) **Perquisite value of transfer of car:** As per Rule 3(7)(viii), the value of benefit to the employee, arising from the transfer of an asset, being a motor car, by the employer is the actual cost of the motor car to the employer as reduced by 20% of WDV of such motor car for each completed year during which such motor car was put to use by the employer. Therefore, the value of perquisite on transfer of motor car, in this case, would be:

Particulars	₹
Purchase price (30.1.2017)	5,00,000
Less: Depreciation @ 20%	<u>1,00,000</u>
WDV on 29.1.2018	4,00,000
Less: Depreciation @ 20%	<u>80,000</u>
WDV on 29.1.2019	3,20,000
Less: Depreciation @ 20%	<u>64,000</u>
WDV on 29.1.2020	2,56,000
Less: Amount recovered	<u>2,00,000</u>
Value of perquisite	56,000

The rate of 15% as well as the straight line method adopted by the company for depreciation of vehicle is not relevant for calculation of perquisite value of car in the hands of Mr. X.

- (3) **Taxable gratuity**

Particulars	₹
Gratuity received	6,00,000
Less : Exempt under section 10(10) - Least of the following:	
(i) Notified limit = ₹ 20,00,000	
(ii) Actual gratuity = ₹ 6,00,000	
(iii) $15/26 \times \text{last drawn salary} \times \text{no. of completed years of services or part in excess of 6 months}$ $(15/26 \times ₹ 30,000 \times 30) = ₹ 5,19,231$	
	<u>5,19,231</u>
Taxable Gratuity	80,769

Note: As per the Payment of Gratuity Act, 1972, D.A. is included in the meaning of salary. Since in this case, Mr. X is covered under payment of Payment of Gratuity Act, 1972, D.A. has to be included within the meaning of salary for computation of exemption under section 10(10).

- (4) **Taxable leave encashment**

Particulars	₹
Leave Salary received	3,30,000
Less : Exempt under section 10(10AA) - Least of the following:	
(i) Notified limit	₹ 3,00,000
(ii) Actual leave salary	₹ 3,30,000
(iii) 10 months x ₹ 20,000	₹ 2,00,000
(iv) Cash equivalent of leave to his credit	₹ 2,20,000
(330/30 X 20,000)	<u>2,00,000</u>
Taxable Leave encashment	1,30,000

Note – It has been assumed that dearness allowance does not form part of salary for retirement benefits.

In case it is assumed that dearness allowance forms part of pay for retirement benefits, then, the third limit for exemption under section 10(10AA) in respect of leave encashment would be ₹ 3,00,000 (i.e. $10 \times ₹ 30,000$) and the fourth limit ₹ 3,30,000, in which case, the taxable leave encashment would be ₹ 30,000 (₹ 3,30,000 - ₹ 3,00,000). In such a case, the gross total income would be ₹ 5,82,769.

(5) Commuted Pension

Since Mr. X is a non-government employee in receipt of gratuity, exemption under section 10(10A) would be available to the extent of $1/3^{\text{rd}}$ of the amount of the pension which he would have received had he commuted the whole of the pension.

Particulars	₹
Amount received	3,00,000
Exemption under section 10(10A) = $1/3 (3,00,000 \times 3/2)$	1,50,000
Taxable amount	1,50,000

- (6) The taxability provisions under section 56(2)(x) are not attracted in respect of television received from colleagues, since television is not included in the definition of property therein.

10. Shri Bala employed in ABC Co. Ltd. as Finance Manager gives you the list of perquisites provided by the company to him for the entire financial year 2020-21:

- (i) Domestic servant was provided at the residence of Bala. Salary of domestic servant is ₹ 1,500 per month. The servant was engaged by him and the salary is reimbursed by the company (employer).

In case the company has employed the domestic servant, what is the value of perquisite?

- (ii) Free education was provided to his two children Arthy and Ashok in a school maintained and owned by the company. The cost of such education for Arthy is computed at ₹ 900 per month and for Ashok at ₹ 1,200 per month. No amount was recovered by the company for such education facility from Bala.
- (iii) The employer has provided movable assets such as television, refrigerator and air-conditioner at the residence of Bala. The actual cost of such assets provided to the employee is ₹ 1,10,000.
- (iv) A gift voucher worth ₹ 10,000 was given on the occasion of his marriage anniversary. It is given by the company to all employees above certain grade.
- (v) Telephone provided at the residence of Shri Bala and the bill aggregating to ₹ 25,000 paid by the employer.
- (vi) Housing loan @ 6% per annum. Amount outstanding on 1.4.2020 is ₹ 6,00,000. Shri Bala pays ₹ 12,000 per month towards principal, on 5th of each month.

Compute the chargeable perquisite in the hands of Mr. Bala for the A.Y. 2021-22.

The lending rate of State Bank of India as on 1.4.2020 for housing loan may be taken as 10%.

Solution:

Taxability of perquisites provided by ABC Co. Ltd. to Shri Bala

- (i) Domestic servant was employed by the employee and the salary of such domestic servant was paid/reimbursed by the employer. It is taxable as perquisite for all categories of employees.

Taxable perquisite value = ₹ 1,500 × 12 = ₹ 18,000.

If the company had employed the domestic servant and the facility of such servant is given to the employee, then the perquisite is taxable only in the case of specified employees. The value of the taxable perquisite in such a case also would be ₹ 18,000.

- (ii) Where the educational institution is owned by the employer, the value of perquisite in respect of free education facility shall be determined with reference to the reasonable cost of such education in a similar institution in or near the locality. However, there would be no perquisite if the cost of such education per child does not exceed ₹ 1,000 per month.

Therefore, there would be no perquisite in respect of cost of free education provided to his child Arthy, since the cost does not exceed ₹ 1,000 per month.

However, the cost of free education provided to his child Ashok would be taxable, since the cost exceeds ₹ 1,000 per month. The taxable perquisite value would be ₹ 14,400 (₹ 1,200 × 12).

Note – An alternate view possible is that only the sum in excess of ₹ 1,000 per month is taxable. In such a case, the value of perquisite would be ₹ 2,400.

- (iii) Where the employer has provided movable assets to the employee or any member of his household, 10% per annum of the actual cost of such asset owned or the amount of hire charges incurred by the employer shall be the value of perquisite. However, this will not apply to laptops and computers. In this case, the movable assets are television, refrigerator and air conditioner and actual cost of such assets is ₹ 1,10,000.

The perquisite value would be 10% of the actual cost i.e., ₹ 11,000, being 10% of ₹ 1,10,000.

- (iv) The value of any gift or voucher or token in lieu of gift received by the employee or by member of his household not exceeding ₹ 5,000 in aggregate during the previous year is exempt. In this case, the amount was received on the occasion of marriage anniversary and the sum exceeds the limit of ₹ 5,000.

Therefore, the entire amount of ₹ 10,000 is liable to tax as perquisite.

Note- An alternate view possible is that only the sum in excess of ₹ 5,000 is taxable. In such a case, the value of perquisite would be ₹ 5,000

- (v) Telephone provided at the residence of the employee and payment of bill by the employer is a tax free perquisite.
- (vi) The value of the benefit to the assessee resulting from the provision of interest-free or concessional loan made available to the employee or any member of his household during the relevant previous year by the employer or any person on his behalf shall be determined as the sum equal to the interest computed at the rate charged per annum by the State Bank of India (SBI) as on the 1st day of the relevant previous year in respect of loans for the same purpose advanced by it. This rate should be applied on the maximum outstanding monthly balance and the resulting amount should be reduced by the interest, if any, actually paid by him.

“Maximum outstanding monthly balance” means the aggregate outstanding balance for loan as on the last day of each month.

The perquisite value for computation is $10\% - 6\% = 4\%$

Month	Maximum outstanding balance as on last date of month (₹)	Perquisite value at 4% for the month (₹)
April, 2020	5,88,000	1,960
May, 2020	5,76,000	1,920
June, 2020	5,64,000	1,880
July, 2020	5,52,000	1,840
August, 2020	5,40,000	1,800
September, 2020	5,28,000	1,760
October, 2020	5,16,000	1,720
November, 2020	5,04,000	1,680

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December, 2020	4,92,000	1,640
January, 2021	4,80,000	1,600
February, 2021	4,68,000	1,560
March, 2021	4,56,000	1,520
Total value of this perquisite		20,880

Total value of taxable perquisite

= ₹ 74,280 [i.e. ₹ 18,000 + ₹ 14,400 + ₹ 11,000 + ₹ 10,000 + ₹ 20,880].

Note - In case the alternate views are taken for items (ii) & (iv), the total value of taxable perquisite would be ₹ 57,280 [i.e., ₹ 18,000 + ₹ 2,400 + ₹ 11,000 + ₹ 5,000 + ₹ 20,880].

11. AB Co. Ltd. allotted 1000 sweat equity shares to Sri Chand in June 2020. The shares were allotted at ₹ 200 per share as against the fair market value of ₹ 300 per share on the date of exercise of option by the allottee viz. Sri Chand. The fair market value was computed in accordance with the method prescribed under the Act.

- (i) What is the perquisite value of sweat equity shares allotted to Sri Chand?
- (ii) In the case of subsequent sale of those shares by Sri Chand, what would be the cost of acquisition of those sweat equity shares?

Solution:

- (i) As per section 17(2)(vi), the value of sweat equity shares chargeable to tax as perquisite shall be the fair market value of such shares on the date on which the option is exercised by the assessee as reduced by the amount actually paid by, or recovered from, the assessee in respect of such shares.

Particulars	₹
Fair market value of 1000 sweat equity shares @ ₹ 300 each	3,00,000
Less: Amount recovered from Sri Chand 1000 shares @ ₹ 200 each	2,00,000
Value of perquisite of sweat equity shares allotted to Sri Chand	1,00,000

- (ii) As per section 49(2AA), where capital gain arises from transfer of sweat equity shares, the cost of acquisition of such shares shall be the fair market value which has been taken into account for perquisite valuation under section 17(2)(vi). (The provisions of section 49 are discussed in Unit 4: Capital Gains of this chapter)

Therefore, in case of subsequent sale of sweat equity shares by Sri Chand, the cost of acquisition would be ₹ 3,00,000.

12. X Ltd. provided the following perquisites to its employee Mr. Y for the P.Y. 2020-21.

- (1) Accommodation taken on lease by X Ltd. for ₹ 15,000 p.m. ₹ 5,000 p.m. is recovered from the salary of Mr. Y.
- (2) Furniture, for which the hire charges paid by X Ltd. is ₹ 3,000 p.m. No amount is recovered from the employee in respect of the same.
- (3) A Car of 1,200 cc which is owned by X Ltd. and given to Mr. Y to be used both for official and personal purposes. All running and maintenance expenses are fully met by the employer. He is also provided with a chauffeur.
- (4) A gift voucher of ₹ 10,000 on his birthday.

Compute the value of perquisites chargeable to tax for the A.Y. 2021-22, assuming his salary for perquisite valuation to be ₹ 10 lakh.

Solution:

Computation of the value of perquisites chargeable to tax in the hands of Mr. Y for the A.Y. 2021-22

	Particulars	Amount in ₹		
(1)	Value of concessional accommodation			
	Actual amount of lease rental paid by X Ltd.	1,80,000		
	15% of salary i.e., 15% of ₹ 10,00,000	1,50,000		
	Lower of the above		1,50,000	
	Less: Rent paid by Mr. Y (₹ 5,000 × 12)		60,000	
			90,000	
	Add: Hire charges paid by X Ltd. for furniture provided for the use of Mr. Y (₹ 3,000 × 12)		36,000	1,26,000
(2)	Perquisite value of Santro car owned by X Ltd. and provided to Mr. Y for his personal and official use [(₹ 1,800 + ₹ 900) × 12]			32,400
(3)	Value of gift voucher			10,000
	Value of perquisites chargeable to tax			1,68,400

13. Mr. Goyal receives the following emoluments during the previous year ending 31.03.2021.

Basic pay	₹	40,000
Dearness Allowance	₹	15,000
Commission	₹	10,000
Entertainment allowance	₹	4,000
Medical expenses reimbursed	₹	25,000
Professional tax paid	₹	2,000 (₹ 1,000 was paid by his employer)

Mr. Goyal contributes ₹ 5,000 towards recognized provident fund. He has no other income.

Determine the income from salary for A.Y. 2021-22, if Mr. Goyal is a State Government employee.

Solution:

Computation of salary of Mr. Goyal for the A.Y.2021-22

Particulars	₹	
Basic Salary		40,000
Dearness Allowance		15,000
Commission		10,000
Entertainment Allowance received		4,000
Employee's contribution to RPF [Note]		-
Medical expenses reimbursed		25,000
Professional tax paid by the employer		1,000
Gross Salary		95,000
Less: Deductions under section 16		
under section 16(ia) - Standard deduction of up-to ₹ 50,000		50,000
under section 16(ii) - Entertainment allowance being lower of :		
(a) Allowance received	4,000	
(b) One fifth of basic salary [1/5 × ₹ 40,000]	8,000	
(c) Statutory amount	5,000	4,000
under section 16(iii) - Professional tax paid		2,000
Income from Salary		39,000

14. In the case of Mr. Hari, who turned 68 years on 28.3.2021, you are informed that the salary (computed) for the previous year 2020-21 is ₹ 10,20,000 and arrears of salary received is ₹ 3,45,000. Further, you are given the following details relating to the earlier years to which the arrears of salary received is attributable to:

Previous year	Taxable Salary (₹)	Arrears now received (₹)
2010 – 2011	7,10,000	1,03,000
2011 – 2012	8,25,000	1,17,000
2012 – 2013	9,50,000	1,25,000

Compute the relief available under section 89 and the tax payable for the A.Y. 2021-22. Ignore Section 115BAC.

Note:

Rates of Taxes:

Assessment Year	Slab rates of income-tax			
	For resident individuals of the age of 60 years or more at any time during the previous year		For other resident individuals	
	Slabs	Rate	Slabs	Rate
2011-12	Upto ₹ 2,40,000	Nil	Upto ₹ 1,60,000	Nil
	₹ 2,40,001 - ₹ 5,00,000	10%	₹ 1,60,001 - ₹ 5,00,000	10%
	₹ 5,00,001 - ₹ 8,00,000	20%	₹ 5,00,001 - ₹ 8,00,000	20%
	Above ₹ 8,00,000	30%	Above ₹ 8,00,000	30%
2012-13	Upto ₹ 2,50,000	Nil	Upto ₹ 1,80,000	Nil
	₹ 2,50,001 - ₹ 5,00,000	10%	₹ 1,80,001 - ₹ 5,00,000	10%
	₹ 5,00,001 - ₹ 8,00,000	20%	₹ 5,00,001 - ₹ 8,00,000	20%
	Above ₹ 8,00,000	30%	Above ₹ 8,00,000	30%
2013-14	Upto ₹ 2,50,000	Nil	Up-to ₹ 2,00,000	Nil
	₹ 2,50,001 - ₹ 5,00,000	10%	₹ 2,00,001 - ₹ 5,00,000	10%
	₹ 5,00,001 - ₹ 10,00,000	20%	₹ 5,00,001 - ₹ 10,00,000	20%
	Above ₹ 10,00,000	30%	Above ₹ 10,00,000	30%

Note – Education cess@2% and secondary and higher education cess@1% was attracted on the income-tax for all above preceding years.

Solution:

Computation of tax payable by Mr. Hari for the A.Y. 2021-22

Particulars	Incl. arrears of salary ₹	Excl. arrears of salary ₹
Current year salary (computed)	10,20,000	10,20,000
Add: Arrears of salary	3,45,000	-
Taxable Salary	13,65,000	10,20,000
Income-tax thereon	2,19,500	1,16,000
Add : Health and education cess @4%	8,780	4,640
Total payable	2,28,280	1,20,640

Computation of tax payable on arrears of salary if charged to tax in the respective AYs

Particulars	A.Y. 2011-12		A.Y. 2012-13		A.Y. 2013-14	
	Incl. arrears (₹)	Excl. arrears (₹)	Incl. arrears (₹)	Excl. arrears (₹)	Incl. arrears (₹)	Excl. arrears (₹)
Taxable salary	7,10,000	7,10,000	8,25,000	8,25,000	9,50,000	9,50,000
Add: Arrears of salary	1,03,000	-	1,17,000	-	1,25,000	-
Taxable salary	8,13,000	7,10,000	9,42,000	8,25,000	10,75,000	9,50,000
Tax on the above	97,900	76,000	1,34,600	99,500	1,47,500	1,15,000
Add: Cess@3%	2,937	2,280	4,038	2,985	4,425	3,450
Tax payable	1,00,837	78,280	1,38,638	1,02,485	1,51,925	1,18,450

Computation of relief under section 89

	Particulars	₹	₹
i	<u>Tax payable in A.Y. 2021-22 on arrears:</u> Tax on income including arrears Less : Tax on income excluding arrears	2,28,280 1,20,640	1,07,640
ii	<u>Tax payable in respective years on arrears :</u> Tax on income including arrears (₹ 1,00,837 + ₹ 1,38,638 + ₹ 1,51,925) Less: Tax on income excluding arrears (₹ 78,280 + ₹ 1,02,485 + ₹ 1,18,450)	3,91,400 2,99,215	92,185
	Relief under section 89 - difference between tax on arrears in A.Y 2021-22 and tax on arrears in the respective years		15,455

Tax payable for A.Y. 2021-22 after relief under section 89:

Particulars	₹
Income-tax payable on total income including arrears of salary	2,28,280
Less : Relief under section 89 as computed above	15,455
Tax payable after claiming relief	2,12,825

15. Mr. Mohit is employed with XY Ltd. on a basic salary of ₹ 10,000 p.m. He is also entitled to dearness allowance @100% of basic salary, 50% of which is included in salary as per terms of employment. The company gives him house rent allowance of ₹ 6,000 p.m. which was increased to ₹ 7,000 p.m. with effect from 01.01.2021. He also got an increment of ₹ 1,000 p.m. in his basic salary with effect from 01.02.2021. Rent paid by him during the previous year 2020-21 is as under:

April and May, 2020 - Nil, as he stayed with his parents
 June to October, 2020 - ₹ 6,000 p.m. for an accommodation in Ghaziabad
 November, 2020 to March, 2021 - ₹ 8,000 p.m. for an accommodation in Delhi

Compute his gross salary for assessment year 2021-22 assuming he has not opted for the provisions of section 115BAC.

Solution:

Computation of gross salary of Mr. Mohit for A.Y. 2021-22

Particulars	₹
Basic salary [(₹ 10,000 × 10) + (₹ 11,000 × 2)]	1,22,000
Dearness Allowance (100% of basic salary)	1,22,000
House Rent Allowance (See Note below)	21,300
Gross Salary	2,65,300

Note: Computation of Taxable House Rent Allowance (HRA)

Particulars	April-May (₹)	June-Oct (₹)	Nov-Dec (₹)	Jan (₹)	Feb-Mar (₹)
Basic salary per month	10,000	10,000	10,000	10,000	11,000
Dearness allowance (included in salary as per terms of employment) (50% of basic salary)	5,000	5,000	5,000	5,000	5,500
Salary per month for the purpose of computation of house rent allowance Relevant period (in months)	15,000	15,000	15,000	15,000	16,500
	2	5	2	1	2
Salary for the relevant period (Salary per month × relevant period)	30,000	75,000	30,000	15,000	33,000
Rent paid for the relevant period	Nil	30,000 (₹ 6,000×5)	16,000 (₹ 8,000×2)	8,000 (₹ 8,000×1)	16,000 (₹ 8,000×2)
House rent allowance (HRA) received during the relevant period (A) Least of the following is exempt [u/s 10(13A)]	12,000 (₹ 6,000×2)	30,000 (₹ 6,000×5)	12,000 (₹ 6,000×2)	7,000 (₹ 7,000×1)	14,000 (₹ 7,000×2)
	N.A.				
	-	30,000		7,000	14,000
1. Actual HRA received	-	22,500	12,000	6,500	12,700
2. Rent paid (-)10% of salary	-	30,000	13,000	7,500	16,500
3. 40% of salary (Residence at Ghaziabad – June to Oct, 2019) 50% of salary (Residence at Delhi– Nov, 19 - March, 20)		(40% × ₹ 75,000)	15,000 (50% × ₹ 30,000)	(50% × ₹ 15,000)	(50% × ₹ 33,000)
Exempt HRA (B)	Nil	22,500	12,000	6,500	12,700
Taxable HRA [Actual HRA (-) Exempt HRA] (A-B)	12,000	7,500	Nil	500	1,300

Taxable HRA (total) = ₹ 12,000 + ₹ 7,500 + ₹ 500 + ₹ 1,300 = ₹ 21,300

16. Ms. Rakhi is an employee in a private company. She receives the following medical benefits from the company during the previous year 2020-21:

	Particulars	₹
1	Reimbursement of following medical expenses incurred by Ms. Rakhi (A) On treatment of her self employed daughter in a private clinic (B) On treatment of herself by family doctor (C) On treatment of her mother-in-law dependent on her, in a nursing home	4,000 8,000 5,000
2	Payment of premium on Mediclaim Policy taken on her health	7,500
3	Medical Allowance	2,000 p.m.
4	Medical expenses reimbursed on her son's treatment in a government hospital	5,000
5	Expenses incurred by company on the treatment of her minor son abroad	1,05,000
6	Expenses in relation to foreign travel and stay of Rakhi and her son abroad for medical treatment (Limit prescribed by RBI for this is ₹ 2,00,000)	1,20,000

Examine the taxability of the above benefits and allowances in the hands of Rakhi.

Solution:

Tax treatment of medical benefits, allowances and mediclaim premium in the hands of Ms. Rakhi for A.Y. 2021-22.

Particulars	
1.	Reimbursement of medical expenses incurred by Ms. Rakhi
	<p>(A) The amount of ₹ 4,000 reimbursed by her employer for treatment of her self-employed daughter in a private clinic is taxable perquisite.</p> <p>(B) The amount of ₹ 8,000 reimbursed by the employer for treatment of Ms. Rakhi by family doctor is taxable perquisite.</p> <p>(C) The amount of ₹ 5,000 reimbursed by her employer for treatment of her dependant mother-in-law in a nursing home is taxable perquisite.</p> <p>The aggregate sum of ₹ 17,000, specified in (A), (B) and (C) above, reimbursed by the employer is taxable perquisite</p>
2.	Medical insurance premium of ₹ 7,500 paid by the employer for insuring health of Ms. Rakhi is an exempt perquisite as per clause (iii) of the first proviso to section 17(2).
3.	Medical allowance of ₹ 2,000 per month i.e., ₹ 24,000 p.a. is a fully taxable allowance.
4.	As per clause (ii)(a) of the first proviso to section 17(2), reimbursement of medical expenses of ₹ 5,000 on her son's treatment in a hospital maintained by the Government is an exempt perquisite.
5.	As per clause (vi) of the first proviso to section 17(2), the following expenditure incurred by the employer would be excluded from perquisite subject to certain conditions –
6.	<p>(i) Expenditure on medical treatment of the employee, or any member of the family of such employee, outside India [₹ 1,05,000, in this case];</p> <p>(ii) Expenditure on travel and stay abroad of the employee or any member of the family of such employee for medical treatment and one attendant who accompanies the patient in connection with such treatment [₹ 1,20,000, in this case].</p>
	The conditions subject to which the above expenditure would be exempt are as follows –
	<p>(a) The expenditure on medical treatment and stay abroad would be excluded from perquisite to the extent permitted by Reserve Bank of India;</p> <p>(b) The expenditure on travel would be excluded from perquisite only in the case of an employee whose gross total income, as computed before including the said expenditure, does not exceed ₹ 2 lakh.</p>
	<p>Since the expenditure on medical treatment and stay abroad does not exceed the limit permitted by RBI, they would be fully exempt.</p> <p>However, the foreign travel expenditure of Ms. Rakhi and her minor son borne by the employer would be excluded from perquisite only if the gross total income of Ms. Rakhi, as computed before including the said expenditure, does not exceed ₹ 2 lakh.</p>

17. Mr. X is employed with AB Ltd. on a monthly salary of ₹ 25,000 per month and an entertainment allowance and commission of ₹ 1,000 p.m. each. The company provides him with the following benefits:

- A company owned accommodation is provided to him in Delhi. Furniture costing ₹ 2,40,000 was provided on 1.8.2020.
- A personal loan of ₹ 5,00,000 on 1.7.2020 on which it charges interest @ 6.75% p.a. The entire loan is still outstanding. (Assume SBI rate of interest on 1.4.2020 was 12.75% p.a.)
- His son is allowed to use a motor cycle belonging to the company. The company had purchased this motor cycle for ₹ 60,000 on 1.5.2017. The motor cycle was finally sold to him on 1.8.2020 for ₹ 30,000.
- Professional tax paid by Mr. X is ₹ 2,000.

Compute the income from salary of Mr. X for the A.Y. 2021-22.

Solution:

Computation of Income from Salary of Mr. X for the A.Y. 2021-22

Particulars	₹	₹
Basic salary [₹ 25,000 × 12]		3,00,000
Commission [₹ 1,000 × 12]		12,000
Entertainment allowance [₹ 1,000 × 12]		12,000
Rent free accommodation [Note 1]	48,600	
Add : Value of furniture [₹ 2,40,000 × 10% p.a. for 8 months]	16,000	64,600
Interest on personal loan [Note 2]		22,500
Use of motor cycle [₹ 60,000 × 10% p.a. for 4 months]		2,000
Transfer of motor cycle [Note 3]		12,000
Gross Salary		4,25,100
Less : Deduction under section 16		
Under section 16(ia) – Standard deduction	50,000	
Under section 16(iii) - Professional tax paid	2,000	52,000
Income from Salary		3,73,100

Note 1: Value of rent free unfurnished accommodation

= 15% of salary for the relevant period
= 15% of (₹ 3,00,000 + ₹ 12,000 + ₹ 12,000) = ₹ 48,600

Note 2: Value of perquisite for interest on personal loan

= [₹ 5,00,000 × (12.75% - 6.75%) for 9 months] = ₹ 22,500

Note 3: Depreciated value of the motor cycle

= Original cost – Depreciation @ 10% p.a. for 3 completed years.
= ₹ 60,000 – (₹ 60,000 × 10% p.a. × 3 years) = ₹ 42,000.
Perquisite = ₹ 42,000 – ₹ 30,000 = ₹ 12,000.

18. Mr. Balaji, employed as Production Manager in Beta Ltd., furnishes you the following information for the year ended 31.03.2021:

- (i) Basic salary upto 31.10.2020 ₹ 50,000 p.m.
Basic salary from 01.11.2020 ₹ 60,000 p.m.
Note: Salary is due and paid on the last day of every month.
- (iii) Dearness allowance @ 40% of basic salary.
- (iv) Bonus equal to one month salary. Paid in October 2020 on basic salary plus dearness allowance applicable for that month.
- (v) Contribution of employer to recognized provident fund account of the employee @16% of basic salary.
- (vi) Professional tax paid ₹ 2,500 of which ₹ 2,000 was paid by the employer.
- (vii) Facility of laptop and computer was provided to Balaji for both official and personal use. Cost of laptop ₹ 45,000 and computer ₹ 35,000 were acquired by the company on 01.12.2020.
- (viii) Motor car owned by the employer (cubic capacity of engine exceeds 1.60 litres) provided to the employee from 01.11.2020 meant for both official and personal use. Repair and running expenses of ₹ 45,000 from 01.11.2020 to 31.03.2021, were fully met by the employer. The motor car was self-driven by the employee.
- (ix) Leave travel concession given to employee, his wife and three children (one daughter aged 7 and twin sons aged 3). Cost of air tickets (economy class) reimbursed by the employer ₹ 30,000 for adults and ₹ 45,000 for three children. Balaji is eligible for availing exemption this year to the extent it is permissible in law.

Compute the salary income chargeable to tax in the hands of Mr. Balaji for the assessment year 2021-22 assuming he has not opted for the provisions of section 115BAC.

Solution:**Computation of Taxable Salary of Mr. Balaji for A.Y. 2021-22**

Particulars	₹
Basic salary [(₹ 50,000 × 7) + (₹ 60,000 × 5)]	6,50,000
Dearness Allowance (40% of basic salary)	2,60,000
Bonus (₹ 50,000 + 40% of ₹ 50,000) (See Note 1)	70,000
Employers contribution to recognised provident fund in excess of 12% of salary = 4% of ₹ 6,50,000 (See Note 2)	26,000
Professional tax paid by employer	2,000
Perquisite of Motor Car (₹ 2,400 for 5 months) (See Note 4)	12,000
Gross Salary	10,20,000
Less: Deduction under section 16	
Standard deduction u/s 16(ia)	₹ 50,000
Professional tax u/s 16(iii) (See Note 6)	₹ 2,500
Taxable Salary	9,67,500

Notes:

- Since bonus was paid in the month of October, the basic salary of ₹ 50,000 for the month of October is considered for its calculation.
- It is assumed that dearness allowance does not form part of salary for computing retirement benefits.**
- As per Rule 3(7)(vii), facility of use of laptop and computer is an exempt perquisite, whether used for official or personal purpose or both.
- As per the provisions of Rule 3(2), in case a motor car (engine cubic capacity exceeding 1.60 liters) owned by the employer is provided to the employee without chauffeur for personal as well as office use, the value of perquisite shall be ₹ 2,400 per month. The car was provided to the employee from 01.11.2020, therefore the perquisite value has been calculated for 5 months.
- Mr. Balaji can avail exemption under section 10(5) on the entire amount of ₹ 75,000 reimbursed by the employer towards Leave Travel Concession since the same was availed for himself, his wife and three children and the journey was undertaken by economy class airfare. The restriction imposed for two children is not applicable in case of multiple births which take place after the first child.

It is assumed that the Leave Travel Concession was availed for journey within India.

- As per section 17(2)(iv), a “perquisite” includes any sum paid by the employer in respect of any obligation which, but for such payment, would have been payable by the assessee. Therefore, professional tax of ₹ 2,000 paid by the employer is taxable as a perquisite in the hands of Mr. Balaji. As per section 16(iii), a deduction from the salary is provided on account of tax on employment i.e. professional tax paid during the year.

Therefore, in the present case, the professional tax paid by the employer on behalf of the employee ₹ 2,000 is first included in the salary and deduction of the entire professional tax of ₹ 2,500 is provided from salary.

19. From the following details, find out the salary chargeable to tax for the A.Y. 2021-22 assuming he has not opted for the provisions of section 115BAC--

Mr. X is a regular employee of Rama & Co., in Gurgaon. He was appointed on 1.1.2020 in the scale of ₹ 20,000 - ₹ 1,000 - ₹ 30,000. He is paid 10% D.A. & Bonus equivalent to one month pay based on salary of March every year. He contributes 15% of **his pay and D.A.** towards his recognized provident fund and the company contributes the same amount.

He is provided free housing facility which has been taken on rent by the company at ₹ 10,000 per month. He is also provided with following facilities:

- Facility of laptop costing ₹ 50,000.
- Company reimbursed the medical treatment bill of his brother of ₹ 25,000, who is dependent on him.
- The monthly salary of ₹ 1,000 of a house keeper is reimbursed by the company.
- A gift voucher of ₹ 10,000 on the occasion of his marriage anniversary.

- (v) Conveyance allowance of ₹ 1,000 per month is given by the company towards actual reimbursement.
- (vi) He is provided personal accident policy for which premium of ₹ 5,000 is paid by the company.
- (vii) He is getting telephone allowance @ ₹ 500 per month.

Solution:**Computation of taxable salary of Mr. X for A.Y. 2021-22**

Particulars	₹
Basic pay [(₹ 20,000×9) + (₹ 21,000×3)] = ₹ 1,80,000 + ₹ 63,000	2,43,000
Dearness allowance [10% of basic pay]	24,300
Bonus	21,000
Employer's contribution to Recognized Provident Fund in excess of 12% (15%-12% =3% of ₹ 2,67,300) [See Note 1 below]	8,019
Taxable allowances	
Telephone allowance	6,000
Taxable perquisites	
Rent-free accommodation [See Note 1 & 2 below]	44,145
Medical reimbursement	25,000
Reimbursement of salary of housekeeper	12,000
Gift voucher [See Note 5 below]	10,000
Gross Salary	3,93,464
Less: Deduction under section 16(ia) – Standard deduction	50,000
Salary income chargeable to tax	3,43,464

Notes:

- It has been assumed that dearness allowance forms part of salary for retirement benefits and accordingly, the perquisite value of rent-free accommodation and employer's contribution to recognized provident fund have been worked out.
- Where the accommodation is taken on lease or rent by the employer, the value of rent-free accommodation provided to employee would be actual amount of lease rental paid or payable by the employer or 15% of salary, whichever is lower.

For the purposes of valuation of rent free house, salary includes:

- Basic salary i.e., ₹ 2,43,000
- Dearness allowance (assuming that it is included for calculating retirement benefits) i.e. ₹ 24,300
- Bonus i.e., ₹ 21,000
- Telephone allowance i.e., ₹ 6,000

Therefore, salary works out to ₹ 2,43,000 + ₹ 24,300 + ₹ 21,000 + ₹ 6,000 = ₹ 2,94,300.
 15% of salary = ₹ 2,94,300 × 15/100 = ₹ 44,145

Value of rent-free house = Lower of rent paid by the employer (i.e. ₹ 1,20,000) or 15% of salary (i.e., ₹ 44,145).

Therefore, the perquisite value is ₹ 44,145.

- Facility of use of laptop is not a taxable perquisite.
- Conveyance allowance is exempt since it is based on actual reimbursement for official purposes.
- The value of any gift or voucher or token in lieu of gift received by the employee or by member of his household below ₹ 5,000 in aggregate during the previous year is exempt. In this case, the gift voucher was received on the occasion of marriage anniversary and the sum exceeds the limit of ₹ 5,000. **Therefore, the entire amount of ₹ 10,000 is liable to tax as perquisite.**

Note - An alternate view possible is that only the sum in excess of ₹ 5,000 is taxable. In such a case, the value of perquisite would be ₹ 5,000.

- Premium of ₹ 5,000 paid by the company for personal accident policy is not liable to tax.

INCOME FROM OTHER SOURCES

[Section 56 to 59]

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

“15 New Practical Questions added in SET-B”

Any income includible in the total income of an assessee, which cannot be included under any of the first four heads of income, is chargeable under the head ‘IOS’.

Following conditions must be satisfied before an income can be taxed under the head “Other Sources”:

- a) There must be an income
- b) Such income must not be exempted income
- c) Such income must not be income falling under first four heads.

IOS Income may include: (list is not exhaustive)

- a) Casual Income
- b) Family Pension
- c) Gift
- d) Dividend Income
- e) Premium amount (shares issued on premium)
- f) Income from undisclosed sources
- g) Income from Sub-Letting of a House Property
- h) Director’s Sitting Fee
- i) Remuneration received by MP/MLA
- j) Interest on bank deposit / deposits with companies or on loan
- k) Examiner-ship fee from non-employer
- l) Rent from a vacant piece of plot of land
- m) Agricultural Income from land situated outside India
- n) Interest on Income Tax Refunds
- o) Sum received from Keyman Insurance Policy
- p) Compensation in connection with termination/modification of employment (if not taxable under the head “Salaries”)
- q) Advance money forfeited in the course of negotiation for transfer of a capital asset.

The following income is chargeable under the head “Income from other sources” only if such income is not chargeable under the head “Profits and gains of business or profession”:

- a) Income from letting out of plant, machinery or furniture.
- b) Where letting out of buildings is **inseparable** from the letting out of plant, machinery or furniture, the income from such letting.
- c) Interest on Securities.
- d) **Any sum received by an employer-assessee from his employees as contributions to any provident fund, superannuation fund or any other fund for the welfare of the employees.**

CASUAL INCOME

- 1) **Casual income includes** income in the nature of winning from lotteries, crossword puzzles, horse races (including camel race), card games and other games of any sort, gambling, betting etc.
- 2) Such winnings are chargeable to tax as per section 115BB. Section 115BB provides that above casual income would be taxed **at a flat rate of 30% [plus surcharge, if applicable, plus H&EC]**.
- 3) **No expenditure** or allowance can be allowed from such income.
- 4) Loss under other head or under the head of IOS is not allowed to be set off with casual income.
- 5) **No Deduction** under Chapter VI-A [Section 80C to 80U]
- 6) Adjustment of **unexhausted basic exemption limit** is **also not permitted** against such income.
- 7) **Grossing up where earning given after TDS:**

Income by way of winnings from lotteries / crossword puzzles / card game or other game of any short exceeding ₹ 10,000/- and from Horse Races [Not a camel Races] exceeding ₹ 10,000 is subject to TDS u/s 194B or 194BB. [TDS Rate is 30%, **No change in rate for AY 2021-22**]

Thus, it is included in total income of the assessee after being grossed up as follows:

$$\text{Gross Winnings} = [\text{Net winnings} \times 100 / (100 - \text{Rate of TDS})]$$

Notes:

- a) Income derived from **owning & maintaining racehorses** is not a casual income and normal slab rate will be applicable on such income.
- b) **Income of jockey:** Income of jockey from such profession is not treated as winning from horse races.
- c) **Winning from a motor car rally:** Winning from a motor car rally is a return for skill and effort and cannot be treated as casual income but taxable as normal income

SUM RECEIVED UNDER A KEYMAN INSURANCE POLICY

Any sum received under a Keyman insurance policy (including any bonus) is chargeable under the head "IOS" if such income is not chargeable under the head "PGBP" or under the head "Salaries" i.e. if such sum is **received by any person [Family Members]** other than the employer who took the policy (**PGBP Income**) and the employee in whose name the policy was taken (**Salary Income**).

Note:

- (i) If it is received by Employer: PGBP
- (ii) If it is received by Employee: Salary

[Sum received under a Keyman insurance policy is not exempt under section 10(10D)]

INTEREST ON COMPENSATION OR ENHANCED COMPENSATION

As per section 145(1), income chargeable under the head “Profits and gains of business or profession” or “Income from other sources”, shall be computed in accordance with **either cash or mercantile system of accounting regularly employed by the assessee.**

Section 145B(1) provides that notwithstanding anything contained in section 145(1), the interest received by an assessee on compensation or on enhanced compensation shall be deemed to be his income for the year **in which it is received, irrespective of the method of accounting followed by the assessee.**

Section 56(2)(viii) provides that income by way of interest received on compensation or on enhanced compensation referred to in section 145B(1) **shall be assessed as “Income from other sources” in the year in which it is received.**

Interest received on compensation/enhanced compensation deemed to be income in the year of receipt and taxable under the head “Income from Other Sources”.

Note: A fixed deduction of 50% of interest received will be allowed under section 57 irrespective of actual expenses.

Advance forfeited due to failure of negotiations for transfer of a capital asset to be taxable as “Income from other sources” [Section 56(2)(ix)]

(For Detailed Discussion – Refer Capital Gain chapter)

1. Prior to A.Y. 2015-16, any advance retained or received in respect of a negotiation for transfer which failed to materialise is reduced from the cost of acquisition of the asset or the written down value or the fair market value of the asset, at the time of its transfer to compute the capital gains arising therefrom as per section 51. **In case the asset transferred is a long-term capital asset, indexation benefit would be on the cost so reduced.**
2. **With effect from A.Y. 2015-16**, section 56(2)(ix) provides for the taxability of any sum of money, received as an advance or otherwise in the course of negotiations for transfer of a capital asset. **Such sum shall be chargeable to income-tax under the head ‘Income from other sources’, if such sum is forfeited and the negotiations do not result in transfer of such capital asset.**
3. **In order to avoid double taxation of the advance received and retained**, section 51 was amended to provide that where any sum of money received as an advance or otherwise in the course of negotiations for transfer of a capital asset, has been included in the total income of the assessee for any previous year, in accordance with section 56(2)(ix), such amount shall not be deducted from the cost for which the asset was acquired or the written down value or the fair market value, as the case may be, in computing the cost of acquisition.
4. It may be noted that advance received and forfeited upto 31.3.2014 has to be reduced from cost of acquisition while computing capital gains, since such advance would not have been subject to tax under section 56(2)(ix). **Only the advance received and forfeited on or after 1.4.2014 would be subject to tax under section 56(2)(ix). Hence, such advance would not be reduced from the cost of acquisition for computing capital gains.**

Compensation or any other payment received in connection with termination of his employment [Section 56(2)(xi)]

Any compensation or any other payment, **due to or received by any person**, by whatever name called, in connection with the termination of his employment or the modification of the terms and conditions relating thereto **shall be chargeable to tax under this head.**

Taxability of Family Pension

- 1) **Family pension means** pension received by the family members of the deceased employee. It is chargeable to tax under the head 'Income from Other Sources'.
- 2) **Deduction u/s 57: Least of the following is allowed as a deduction:**
 - (a) 1/3rd of such income
 - (b) **Statutory Limit:** ₹ 15,000

Note: This Deduction would not be available in case of an employee, being an assessee, who opts for the provisions of section 115BAC.

3) Exemptions:

(a) any income by way of—

- i. **pension received by an individual** who has been in the service of the Central Government or State Government **and has been awarded** "Param Vir Chakra" or "Maha Vir Chakra" or "Vir Chakra" or such other gallantry award as the Central Government may, by notification in the Official Gazette, specify in this behalf;
- ii. **family pension** received by any member of the family of an individual referred to in sub-clause (i).

is exempt in full [Section 10(18)].

- (b) **Family pension received** by the widow or children or nominated heirs, as the case may be, of a member of the **armed forces (including para-military forces) of the Union**, where the death of such member has occurred in the course of operational duties, in such circumstances and subject to such conditions, as may be prescribed; **is exempt in full [Section 10(19)].**

Lump sum payment made gratuitously or by way of compensation or otherwise to widow / legal heirs of an employee, who dies while in service, will not be taxable under the Act. **[CBDT Circular]**

Ex-gratia payment received, by a person or his legal heir, from the Central / State Govt. / Local Authority / Public Sector Undertaking, consequent upon injury to the person / death of a family member, while on duty, will not be taxable under the Act. **[CBDT Circular]**

Taxability of Allowances to MLA/MP

A member of the Parliament or the State legislature **is not treated as employee** of the Government. Payment received by them **shall be taxable under the head "Income from other sources"**.

However, **Daily Allowances & Constituency Allowances** to MLA & MP are **exempt from tax u/s 10(17)**.

Note: This exemption would not be available in case of an Individual, being an assessee, who opts for the provisions of section 115BAC.

METHOD OF ACCOUNTING [SECTION 145]

Income chargeable under the head "Income from other sources" has to be computed in accordance with the cash or mercantile system of accounting regularly employed by the assessee.

TAXABILITY OF INTEREST ON SECURITIES

Interest on securities may be taxed on Receipt basis or on Due basis, depending on the system of accounting adopted by the assessee. If no system of accounting is followed, it will be taxable on 'DUE' basis.

LIABILITY FOR TAX: The person who owns the security on the due date of payment of interest is liable for the entire interest even if he is not the owner for the entire period to which the interest relates.

INTEREST AFTER TDS: If interest is received after TDS, then such amount is required to be grossed up to include in the total income. **The interest is grossed up as follows:-**

$$\text{Gross Interest} = [\text{Net Interest} \times 100 / (100 - \text{Rate of TDS})]$$

Note:

1. Rate of TDS (under Section 193) is 10%. *However, rate is reduced to 7.5% between for the period from 14th May, 2020 to 31st March, 2021 [Section 197B].* ★
2. In case of Govt. Securities – Rate of TDS is NIL (refer TDS chapter also – Section 193)
 - a. No TDS upto ₹ 10,000 in case of interest from investment in 7.75 % GOI Saving (taxable bonds) 2018
 - b. No TDS upto ₹ 10,000 in case of interest from investment in 8% Taxable Saving Bonds 2003
3. No TDS is deductible if **debentures is issued by a widely held company** if interest is paid /payable to a Resident Individual/HUF by an account payee cheque & **the aggregate amount of such interest during the FY does not exceeds ₹ 5,000.**

Section 10(15) – Interest on Securities (Exempted income)

1. Interest, premium on redemption or other payment on notified securities, bonds or certificates

Interest from **Post Office Saving Bank Accounts** is exempt to the extent of ₹ 3,500 in case of an Individual Account and ₹ 7,000 in the case of Joint Account.

2. Interest in the hands of an individual and Hindu undivided family **from Specified Relief Bonds**
3. Interest on securities **held by the Issue Department of the Central Bank of Ceylon (now known as Central Bank of Sri Lanka)**;
4. Interest payable to any bank incorporated in a country outside India and authorised to perform central banking functions in that country on any deposits made by it, with the approval of the RBI, **with any scheduled bank**;
5. Interest payable on a loan advanced by the **Nordic Investment Bank** for an approved project;
6. Interest payable to the **European Investment Bank for financial co-operation agreement**;
7. **Interest payable by public sector companies on certain specified bonds and debentures** subject to the conditions which the Central Government may specify by notification, including the condition that the holder of such bonds or debentures registers his name and holding with that company;

Accordingly, the Central Government has specified **tax free bonds** issued by India Infrastructure Company Ltd. and **tax free, secured, redeemable, non-convertible Bonds** of the Indian Railway Finance Corporation Ltd. (IRFCL), National Highways Authority of India (NHAI), Rural Electrification Corporation Ltd. (RECL), Housing and Urban Development Corporation Ltd. (HUDCL), Power Finance Corporation (PFC), Jawaharlal Nehru Port Trust, Dredging Corporation of India Limited, Ennore Port Limited and The Indian Renewable Energy Development Agency Limited, **the interest from which would be exempt under this section.**

8. Interest on **securities held by the Welfare Commissioner, Bhopal Gas Victims OR deposits for the benefit of the victims** of the Bhopal gas leak disaster.
9. Interest on **Gold Deposit Bonds** issued under the Gold Deposit Scheme, 1999 or **deposit certificates** issued under the Gold Monetisation Scheme, 2015
10. Interest on **specified bonds issued by a local authority** or by a **State Pooled Finance Entity**.

“**State Pooled Finance Entity**” means such entity which is set up in accordance with the guidelines for the **Pooled Finance Development Scheme notified by the Central Government in the Ministry of Urban Development.**

Accordingly, the Central Government has specified the “**Tax-free Pooled Finance Development Bonds**” under **Pooled Finance Development Fund Scheme of Government of India**, interest from which would be exempt under section 10(15).

11. Interest received by a non-resident or a person who is not ordinarily resident, in India on a deposit made on or after 1-4-2005 in an offshore banking unit referred in the Special Economic Zones Act, 2005.

12. Interest payable to a non-resident by a unit located in an International Financial Services Centre in respect of monies borrowed by it on or after 01-09-2019.

Interest from non-SLR Securities of Banks: Whether chargeable under the head "Profits and gains of business or profession" or "Income from other sources"? [Circular No. 18, dated 2.11.2015]

The issue addressed by this circular is whether in the case of banks, expenses relating to investment in non-SLR securities need to be disallowed under section 57(i), by considering interest on non-SLR securities as "Income from other sources."

Section 56(1)(id) provides that income by way of interest on securities shall be chargeable to income-tax under the head "Income from Other Sources", if the income is not chargeable to income-tax under the head "Profits and Gains of Business and Profession".

The CBDT clarified that the investments made by a banking concern are part of the business of banking. Therefore, the income arising from such investments is attributable to the business of banking falling under the head "Profits and Gains of Business and Profession".

Interest income taxable under the head "Other Sources":

1. Interest from Tax Saving Bonds

- ✓ Investment in Notified Tax saving bonds is eligible for Deduction under Section 80C

2. Interest from Monthly Income Scheme of Post office

3. Interest from NSC

- ✓ Investment in NSC is eligible for deduction under Section 80C
- ✓ Accrued Interest from NSC is also eligible for deduction under Section 80C

4. Interest from Bank FD

- ✓ Investment in 5 Years notified FD is eligible for deduction under Section 80C
- ✓ Interest income is eligible for deduction under section 80TTB

5. Interest from Saving Bank Interest (any Bank)

- ✓ Such interest income is eligible for Deduction under Section 80TTA/80TTB

Section 10(4) – Interest Income from Non Resident External Account

In the case of an individual, any income by way of interest on moneys standing to his credit in a Non-Resident (External) Account in any bank in India in accordance with the Foreign Exchange Management Act, 1999, is exempt.

Provided such individual is a person resident outside India as per FEMA Act or is a person who has been permitted by the Reserve Bank of India to maintain the aforesaid Account

Section 10(11) – Interest from PPF

Any payment (including interest income) from a Public Provident Fund **is exempt**. [Amount deposited in PPF will qualify for deduction u/s 80C]

Section 10(11A) – Interest from SSA

Any payment including interest Income from account opened as per Sukanya Samridhi Account Rules 2014 **is exempt from tax**. [Amount deposited in SSA will qualify for deduction u/s 80C]

BOND WASHING TRANSACTIONS [Section 94]

A **bond-washing transaction** is a transaction where securities are sold some time before the due date of interest and reacquired after the due date is over. This practice is adopted by persons in the higher income group to avoid tax by transferring the securities to their relatives/friends in the lower income group just before the due date of payment of interest.

In such a case, interest would be taxable in the hands of the transferee, who is the legal owner of securities. In order to discourage such practice, **section 94(1) provides** that where the owner of a security transfers the security just before the due date of interest and buys back the same immediately after the due date **and interest is received by the transferee, such interest income will be deemed to be the income of the transferor and would be taxable in his hands.**

NOTE: CONCEPT OF DIVIDEND STRIPPING & BONUS STRIPPING ARE COVERED IN CAPITAL GAIN CHAPTER.

DEDUCTIONS ALLOWABLE [SECTION 57]

The income chargeable under the head “Income from other sources” shall be computed after making the following deductions:

- (i) In the case of **dividend income** or income in respect of units of a mutual fund (as specified in Section 10(23D)) or income in respect of units of a specified company (as defined in Section 10(35):
Only interest expenditure to earn such income is allowed as deduction subject to a maximum of 20% of such income included in the total income, without deduction under this section. [Added by Finance Act 2020, w.e.f. AY 2021-22]
- (ii) **In the case of interest on securities:**
 Any reasonable sum paid by way of commission or remuneration to a banker or any other person for the purpose of realising such interest on behalf of the assessee.
- (iii) **Income consists of recovery from employees as contribution to any provident fund etc. in terms of section 2(24)(x):**
 A deduction will be allowed in accordance with the provisions of section 36(1)(va) i.e., to the extent the contribution is remitted before the due date under the respective Acts.
- (iv) **Where the income to be charged under this head is from letting on hire of machinery, plant and furniture, with or without building:**
The following items of deductions are allowable in the computation of such income:
- the amount paid on account of any current repairs to the machinery, plant, furniture or building.
 - the amount of any premium paid in respect of insurance against risk of damage or destruction of the machinery or plant, furniture or building.
 - the normal depreciation allowance in respect of the machinery, plant or furniture, due thereon.
- (v) **In the case of income in the nature of family pension:**
 A deduction of a sum equal to 33-1/3 per cent of such income or ₹ 15,000, whichever is less, is allowable.

 For the purposes of this deduction, “family pension” means a regular monthly amount payable by the employer to a person belonging to the family of an employee in the event of his death.
- (vi) **Any other expenditure not being in the nature of capital expenditure** laid out or expended wholly and exclusively for the purpose of making or earning such income.
- (vii) **In case of income by way of interest on compensation/ enhanced compensation received chargeable to tax under section 56(2)(viii):**
 Deduction of 50% of such income. **No deduction would be allowable under any other clause of section 57 in respect of such income.**

DEDUCTIONS NOT ALLOWABLE [SECTION 58]

Following expenditures shall not be deducted from any income under this head:

S. No.	Deduction not allowable
1	Any personal expense of the assessee
2	Any interest chargeable to tax under the Act which is payable outside India on which tax has not been paid or deducted at source.
3	Any payment chargeable to tax under the head "Salaries", if it is payable outside India unless tax has been paid thereon or deducted at source.
4	30% of expenditure in respect of sum which is payable to a resident on which tax is deductible at source, if such tax has not been deducted <u>OR</u> after deduction has not been paid on or before the due date of return specified in section 139(1) [Similar to Section 40(a)(ia) - PGBP]
5	Any expenditure in respect of which a payment is made to a related person , to the extent the same is considered excessive or unreasonable by the Assessing Officer, having regard to the FMV. [Similar to Section 40A(2) - PGBP]
6	Any expenditure in respect of which a payment or aggregate payments exceeding ₹ 10,000 is made to a person in a day otherwise than by account payee cheque or draft or ECS through bank account <u>or through such other prescribed electronic mode such as credit card, debit card, net banking, IMPS, UPI, RTGS, NEFT, and BHIM Aadhar Pay.</u> [Similar to Section 40A(3) - PGBP]
7	Any expenditure or allowance in connection with income by way of earnings from lotteries, cross word puzzles, races including horse races, card games and other games of any sort or from gambling or betting of any form or nature. Above provision shall not apply in computing the income of an assessee, being the owner of horses maintained by him for running in horse races, from the activity of owning and maintaining such horses. In respect of the activity of owning and maintaining race horses, expenses incurred shall be allowed even in the absence of any stake money earned. Such loss shall be allowed to be carried forward in accordance with the provisions of section 74A [Refer set-off of loss chapter for Section 74A].

DEEMED INCOME CHARGEABLE TO TAX [SECTION 59]

The provisions of section 41(1) [Refer PGBP Chapter] are made applicable, so far as may be, to the computation of income under this head, as they apply in computing the income of an assessee under the head "Profits and gains of business or profession"

Accordingly, where –

- An allowance or deduction has been allowed for any year in respect of **loss, expenditure or trading liability** incurred by the assessee; and
- Subsequently, any **amount is obtained**, as revocation of such loss, expenditure or **remission of liability**, whether in cash or in any other manner, during any previous year,

- then such **amount received or amount remitted shall be charged to tax.**

Note: Above provision holds good even in case of succession or inheritance.

TAXABILITY OF GIFTS**Section 56(2)(vii) - Taxability from 01.10.2009 to 31.03.2017: - INDIVIDUAL/HUF****Section 56(2)(x) - Taxability from 01.04.2017: - ANY PERSON**

Gift of any sum of money or property or transfer of property for inadequate consideration on or after 1st April, 2017 to be subject to tax in the hands of Any Person as IOS subject to the following:

<u>Nature of asset</u>	<u>Particulars</u>	<u>Taxable value</u>
Money	Without consideration	The whole of aggregate amount if the same exceeds ₹ 50,000.
Movable property	Without consideration	The aggregate Fair Market Value (FMV) of the property, if it exceeds ₹ 50,000.
Movable property	Inadequate consideration	The difference between the aggregate FMV and the consideration, if such difference exceeds ₹ 50,000.
Immovable property	Without consideration	The Stamp Duty Value [SDV] of the property, if it exceeds ₹ 50,000. [Each Property Separately]
Immovable property (amended by FA 20)	Inadequate consideration	The difference between the SDV and the consideration, if such difference exceeds higher of the following amount: a) ₹ 50,000 or b) 10% 5% of the consideration [Each Property Separately]

Note:

- Gift provisions will not be applicable if property is received as stock in trade, consumable stores and raw materials.
- Sum of money** may includes not only cash but also cheque, drafts, **fixed deposits receipts or a NSC (alternate view possible)** since it represents a sum of money though not in cash.
- For this purpose, "**property**" **means the capital Asset** of the assessee namely immovable property being land or building or both, shares and securities, jewellery, archaeological collections, drawings, paintings, sculptures or any work of art **or bullion.**
- Stamp Duty Value** means the value adopted by any authority for the purpose of payment of stamp duty in respect of an immovable property.
- If the **Stamp Duty Value of immovable property is disputed** by the assessee, the AO may refer the valuation of such property to a Valuation Officer. **In such a case, the provisions of section 50C shall, as far as may be, apply for determining the value of such property. – CG Class**
- When date of agreement and date of registration are not same** - Where the date of an agreement fixing the value of consideration for the transfer of the asset and the date of registration of the transfer of the asset are not same, the stamp duty value may be taken as on the date of the agreement for transfer and not as on the date of registration for such transfer. However, this exception shall apply only in those cases where amount of consideration (or a part thereof) for the transfer has been **paid by way of an account payee cheque or an account payee draft or by use of electronic clearing system through a bank account or through such other electronic modes as may be prescribed** on or before the date of the agreement.

The prescribed electronic modes notified are credit card, debit card, net banking, IMPS (Immediate payment Service), UPI (Unified Payment Interface), RTGS (Real Time Gross Settlement), NEFT (National Electronic Funds Transfer), and BHIM (Bharat Interface for Money) Aadhar Pay as other electronic modes of payment [CBDT Notification No. 8/2020 dated 29.01.2020].

Exceptions: However, any gift received from following ways would be outside the ambit of Section 56(2)(x):

- (1) from any relative; or
- (2) on the occasion of the marriage of the individual; or
- (3) under a will or by way of inheritance; or
- (4) in contemplation of death of the payer or donor, as the case may be; or
- (5) from any local authority; or
- (6) from any fund or foundation or university or other educational institution or hospital or other medical institution or any trust or institution referred to **in section 10(23C)**; or
- (7) by any fund or trust or institution or university or other educational institution or hospital or other medical institution referred to in **section 10(23C)(iv)(v)(vi)(via)**;
- (8) from or by any trust or institution registered **under section 12AA** [Charitable or Religious Trust]
- (9) from an Individual by a Trust created or established solely for the benefit of relative of the Individual.
- (10) From HUF on Total/Partial Partition of HUF to members
- (11) Asset received by Amalgamated Indian company from Amalgamating company
- (12) From Holding Company to 100% Subsidiary Company or vice versa where transferee is an Indian Company.
- (13) Asset received by Indian Resulting Company from Demerged company in a demerger
- (14) Any shares received by shareholders under Amalgamation/Demerger which is not regarded as Transfer u/s 47.
- (15) from such class of persons and subject to such conditions, **as may be prescribed.**

➤ For the purpose of this clause, the expression **"RELATIVE"** means

In Case of Individual:

- (i) spouse of the individual,
- (ii) brother or sister of the **individual**,
- (iii) brother or sister of the **spouse** of the individual,
- (iv) brother or sister of **either of the parents** of the individual,
- (v) any lineal ascendant or descendant of the individual,
- (vi) any lineal ascendant or descendant of the spouse of the individual, and
- (vii) spouse of a person referred to in items (ii) to (vi) mentioned above.

In Case of HUF: Any Member

Clubbing Provisions: As per Section 64(2), if a member of the HUF converts his separate property into the property belonging to the family otherwise than for adequate consideration, **the income derived from the converted property shall be deemed to arise to the individual and not the family.**

TAXABILITY OF DIVIDEND INCOME – Amended from AY 2021-22**Basis of charge of dividend**

Any income by way of dividends received from a company, whether domestic or foreign, **is taxable in the hands of shareholder at normal rates of tax.**

However, dividend distributed by a domestic company before 1.4.2020 and received by the shareholders on or after 1.4.2020 and on which tax under section 115-O, if applicable, has been paid **would be exempt in the hands of the shareholders except dividend chargeable to tax u/s 115BBDA (Provisions before amendment will be applicable in this situation).**

[Upto F.Y. 2019-20 (AY 2020-21), domestic company was liable to pay additional income-tax u/s 115-O @15% [30%, in respect of deemed dividend u/s 2(22)(e)] on dividend distributed by it, consequent to which dividend was exempt in the hands of shareholder u/s 10(34) except dividend chargeable to tax u/s 115BBDA. Specified assessee, resident in India, was liable to pay tax @10% on aggregate dividend received exceeding ₹ 10 lakhs u/s 115BBDA without any deduction of related expenses – Position before amendment]

Section 10(34) – Clause 34 of Section 10

Upto AY 2020-21	From AY 2021-22 (as amended by Finance Act 2020)
Any income by way of dividends referred to in section 115-O shall be exempt except income by way of dividend chargeable to tax in accordance with the provisions of section 115BBDA;	Nothing contained in this clause shall apply to any income by way of dividend received on or after the 1st day of April, 2020 other than the dividend on which tax under section 115-O and section 115BBDA, wherever applicable, has been paid;

Section 10(35) – Clause 35 of Section 10

Upto AY 2020-21	From AY 2021-22 (as amended by Finance Act 2020)
Any income by way of income received in respect of the units of a Mutual Fund specified under Section 10(23D) or income received in respect of units of UTI shall be exempt.	Nothing contained in this clause shall apply to any income in respect of units received on or after the 1st day of April, 2020

Tax on Certain Dividends received from Domestic Com. [Sec 115BBDA]

[Withdrawn from AY 2021-22]

- Notwithstanding anything contained in this Act, where the total income of a Specified Assessee resident in India includes any income in aggregate exceeding ten lakh rupees, by way of dividends [except 2(22)(e)] declared, distributed or paid by a domestic company or companies **on or before 31st day of March 2020 (Added by Finance Act 2020)**, then dividend in excess of ₹ 10,00,000 shall be taxable at the rate of 10% (plus applicable surcharge & cess).
- No deduction in respect of any expenditure or allowance or set off of loss shall be allowed to the assessee under any provision of this Act in computing the income by way of dividends as referred above.
- Specified Assessee means a person **other than**
 - A Domestic Company
 - A Trust/Institution registered under Section 12A or Section 12AA.
 - A Fund/Institute/Trust/Any University/Other Educational Institution/Any Hospital/other Medical Institution/Hospital/Medical Institution as referred in Section 10(23C)(iv)/(v)/(vi)/(via).

Tax on certain dividends distributed by domestic companies before 1.4.2020 but received on or after 1.4.2020 [Section 115BBDA]

Any income by way of aggregate dividend in excess of ` 10 lakh distributed by domestic companies before 1.4.2020 but received on or after 1.4.2020 shall be chargeable to tax in the case of specified assessee who is resident in India, at the rate of 10% [further, increased by surcharge, if applicable and health and education cess @4%].

SECTION 115-O - TAX ON DISTRIBUTED PROFITS OF DOMESTIC COMPANIES

[Withdrawn from AY 2021-22]

Every **Domestic Company**, which has declared, distributed or paid any amount by way of dividends (whether interim / otherwise) **on or before the 31st Day of March 2020**, whether out of current or accumulated profits shall be charged to tax on **Distributed Profits @ 20.56%** [i.e. 15% (net of tax basis) + SC @ 12% + 4% Cess], **in addition to the income-tax** chargeable in respect of the **Total Income** of such a domestic company. *In case of deemed dividend u/s 2(22)(e), Tax Rate (DDT) is 30% (without grossing up) + SC@12% + 4% cess.*

Important Points: No Amendment in AY 2021-22

- 1) Dividend received from a Foreign Company is taxable in hands of shareholder at the normal tax rates **subject to Section 115BBD**.
- 2) Dividends from cooperative society are Taxable in the hands of members.

TAXATION OF CERTAIN FOREIGN DIVIDEND @ 15% [Section 115BBD]

(No amendment in this Section for AY 2021-22)

1. Section 115BBD provides that where Total Income of an **Indian Company** includes any dividend income **received from a foreign specified company**, then such dividends shall be taxable at the rate of **15% (plus applicable surcharge and cess)** on the gross amount of dividends.
2. **No expenditure in respect of such dividends shall be allowable** under the Act.
3. **Specified Foreign Company means** a foreign company in which the Indian Company holds 26% or more in nominal value of the equity share capital of the company.

SECTION 194 [TDS on Dividend payable to Resident Shareholders]

Amended w.e.f. AY 2021-22

1. **Applicability of TDS under section 194**
The principal officer of a domestic company is required to deduct tax on dividend distributed or paid by it to its resident shareholders.
2. **Rate of TDS**
The rate of deduction of tax in respect of such dividend is **10%**. **Rate of TDS u/s 194 has been reduced from 10% to 7.5% (i.e., ¾th of the specified rate) for the period from 14th May, 2020 to 31st March, 2021 [Section 197B].**
3. **Time of tax deduction at source**
The deduction of tax has to be made **before making any payment by any mode** in respect of any dividend **or before making any distribution or payment** to a resident shareholder of any amount deemed as dividend under section 2(22)(a)/ (b)/(c)/(d)/(e).
4. **Non-applicability of TDS under section 194**
 - i. **No tax is to deducted in case of a shareholder, being an individual, where -**
 - a. the dividend is paid by **any mode other than cash**; and
 - b. the amount of such dividend or aggregate of dividend distributed or paid or likely to be distributed or paid during the financial year by the company to such shareholder **does not exceed ₹ 5,000**.
 - ii. The TDS provisions will not apply to such **dividend credited or paid to LIC, GIC, subsidiaries of GIC or any other insurer** provided the shares are owned by them, or they have full beneficial interest in such shares

SECTION 194K [TDS on Income in respect of Units]Inserted by Finance Act 2020 w.e.f. AY 2021-22 **Applicability and rate of tax**

Section 194K provides for deduction of tax at source @10% by any person responsible for paying to a resident any income in respect of –

- a. units of a Mutual fund
- b. units from Administrator of the specified undertaking
- c. units from the specified company

Rate of TDS u/s 194K has been reduced from 10% to 7.5% (i.e., $\frac{3}{4}$ th of the specified rate) for the period from 14th May, 2020 to 31st March, 2021 [Section 197B].

Time of deduction

The deduction is to be made at the time of credit of such sum to the account of the payee or at the time of payment by any mode, **whichever is earlier.**

Non-applicability of section 194K

No tax is required to be deducted if -

- a. the amount of such income or the **aggregate of the amounts** of such income credited or paid or likely to be credited or paid **during a financial year does not exceed ₹ 5,000; or**
- b. the income is of **the nature of capital gains.**

DEEMED DIVIDEND

a) Distribution of accumulated profits, entailing the release of company's assets -

Any distribution of accumulated profits, whether capitalised or not, by a company to its shareholders is dividend if it entails the release of all or any part of its assets.

For example, if accumulated profits are distributed in cash, it is dividend in the hands of the shareholders.

Where accumulated profits are distributed in kind, for example by delivery of shares etc. entailing the release of company's assets, the **market value of such shares** on the date of such distribution is deemed as dividend in the hands of the shareholder.

b) Distribution of debentures, deposit certificates to shareholders and bonus shares to preference shareholders –

Any distribution of debentures / debenture-stock / deposit certificates etc. by a company to its shareholders

OR

Any distribution of shares by way of bonus by a company to its preference shareholders shall be deemed to be the dividend to the extent the company possesses accumulated profits whether capitalized or not.

Note:

- (i) For the purpose of CG, the COA of above debenture in the hands of the shareholders shall be taken to be NIL
- (ii) Bonus shares given to equity shareholders are not treated as dividend.

c) Distribution on Liquidation:

Any distribution made by a company to the shareholders (**equity only**) on its liquidation shall be deemed to be the dividend to the extent of accumulated profits of the company standing immediately before its liquidation whether capitalized or not.

d) Distribution on Reduction of Capital :

Any Distribution by company to its shareholders (**equity only**) on reduction of its capital shall be deemed to be the dividend to the extent to which company possesses accumulated profits whether capitalized or not. **Sec. 2(22)(d)**

Example: A Ltd. Has issued bonus shares to its equity shareholders. Subsequently company has reduced its share capital and refunded the amount so reduced to the shareholders. The amount so received by the shareholders to the extent of accumulated profit (whether capitalized or not) will be considered as dividend.

e) Advance or loan by a Closely Held Company to its Shareholder [Sec. 2(22)(e)] – 5 Marks

Any payment, by a closely held company, of any sum by way of loan or advance:

- ✓ **to a shareholder**, being the beneficial owner of shares holding not less than 10% of voting power, **OR**
- ✓ **to any concern**, in which such a shareholder is a member/partner and in which he has a substantial interest, **OR**
- ✓ **to any persons on behalf of or for the individual benefit of such a shareholder**, shall be deemed to be the dividend to the extent to which the company possesses **accumulated profits**.

Notes

- 1) Following conditions must be satisfied on the date on which loan/advance is given to the shareholder/concern/any other person by a closely held company in order to attract section 2(22)(e):
 - (a) **Beneficial owner of shares** (b) **Holding 10% or more voting power** (c) **Member/ Partner in concern**
- 2) Where loan is given and accumulated profits exceeds the loan, then the entire loan will be deemed as dividend. No consideration is to be given to the proportionate share of the assessee in the accumulated profits.
- 3) If any such loan was given to more than such shareholders, accumulated profits shall be reduced by the amount of the loan given to the earlier shareholders.
- 4) **Dividend shall not include** any advance or loan made to a shareholder or a concern by a company in the ordinary course of its business where the money lending is substantial part of the business of the company.
- 5) **Buy Back of Own Shares:** Any payment made by a company on purchase of its own shares from a shareholder is not a deemed dividend.
- 6) Any **distribution of shares on demerger by the resulting companies** to the shareholders of the demerged company (whether or not there is a reduction of capital in the demerged company), is not a deemed dividend.

Clarification regarding trade advance not to be treated as deemed dividend under section 2(22)(e) [Circular No. 19/2017, dated 12.06.2017]

Section 2(22)(e) provides that "dividend" includes any payment by a company in which public are not substantially interested, of any sum by way of **advance or loan** to a shareholder who is the beneficial owner of shares holding not less than 10% of the voting power, or to any concern in which such shareholder is a member or a partner and in which he has a substantial interest or any payment by any such company on behalf, or for the individual benefit, of any such shareholder, to the extent to which the company in either case possesses accumulated profits.

The CBDT observed that some Courts in the recent past have held that trade advances in the nature of commercial transactions would not fall within the ambit of the provisions of section 2(22)(e) and such views have attained finality.

In view of the above, the CBDT has, vide this circular, clarified that it is a settled position **that trade advances, which are in the nature of commercial transactions**, would not fall within the ambit of the word 'advance' in section 2(22)(e) **and therefore, the same would not to be treated as deemed dividend.**

Share premium in excess of the FMV to be treated as income [Section 56(2)(viib)]

1. Section 56(2)(viib) provides that where a **company, not being a company in which the public are substantially interested (i.e. Closely held Company)**, receives any consideration from issue of shares in excess of the face value of such shares from any person being a resident, then consideration as exceeds from FMV of the shares shall be chargeable to income tax under the head "IOS"
2. *However, the above provision shall not apply where the consideration is received*
 - a) *by a **Venture Capital Undertaking from a Venture Capital Company or a Venture Capital Fund or a specified fund, or***
 - b) *by a company from a class or classes of persons as may be notified by the Central Government in this behalf.*
3. **Fair market value of the shares shall be the higher of, the value as may be –**
 - a) *determined in accordance with the prescribed method; or*
 - b) *substantiated by the company to the satisfaction of the Assessing Officer, based on the **value of its assets on the date of issue of shares.***

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*For the purpose of computation of FMV, the **value of assets would include** the value of intangible assets being goodwill, know-how, patents, copyrights, trademarks, licences, franchises or any other business or commercial rights of similar nature.*

PREVIOUS YEAR FOR UNDISCLOSED SOURCES OF INCOME**Unexplained Cash Credits [Sec. 68]**

- The sum is found credited in the books of assessee.
- He offers no explanation about its nature and source OR the explanation offered is not satisfactory in the opinion of AO
- The amount so credited is treated as the **income of the Previous Year in which the same is found credited.**

Note:

Section 68 further provides that the nature and source of any sum credited, as **share application money, share capital, share premium** etc., in the books of a **closely held company** shall be treated as explained ***only if the source of funds is also explained by the assessee company in the hands of the resident shareholder (other than SEBI regulated entity) and such explanation in the opinion of the AO is found to be satisfactory.***

Unexplained Investment [Sec. 69]

- The assessee made investments which are not recorded in the books of accounts
- He offers no explanation about its nature and source OR the explanation offered is not satisfactory in the opinion of AO
- The value of investment so made is treated **as the income of the Previous Year in which the investment is made.**

Unexplained Money etc. [Sec. 69A]

- In search, the assessee was found to be owner of any money, bullion or jewellery or other valuable article etc,
- Such money, bullion etc are not recorded in the books of accounts of the assessee
- He offers no explanation about its nature and source of acquisition or the explanation offered is not satisfactory.
- The value of such items shall be **treated as the income of that previous year in which it is found.**

Investment not fully disclosed [Sec. 69B]

- The assessee made investments or found to be owner of bullion, jewellery or other valuable article, but has not fully recorded in his books of accounts.
- He offers no explanation about such excess amount or the explanation offered is not satisfactory.
- The excess value of the investment made shall be **treated as the income of the Previous Year in which the investment is made.**

Unexplained Expenditure [Sec. 69C]

- The assessee has incurred expenditure during the financial year
- He offers no explanation about such expenditure or the explanation offered is not satisfactory.
- The amount of such expenditure shall be **treated as income of the Previous Year in which it was incurred.**

Amount borrowed or repaid on Hundi other than by way of account payee cheque [Sec. 69D]

- Where any amount is borrowed on a hundi or any amount due thereon is repaid other than through an **account-payee cheque** drawn on a bank,
- the amount so borrowed or repaid shall be deemed to be the income of the person borrowing or repaying **for the PY in which the amount was borrowed or repaid, as the case may be.**
- However, where any amount borrowed on a hundi has been deemed to be the income of any person, he will not be again liable to be assessed in respect of such amount on repayment of such amount.

Taxation of Cash Credit, Unexplained Money, Unexplained Investment etc. covered u/s 68, 69, 69A, 69B, 69C & 69D [Section 115BBE]

- A. **Section 115BBE has been inserted to tax the unexplained** credits, money, investment, expenditure, etc., which has been deemed as income under section 68, 69, 69A, 69B, 69C & 69D

Total Income of an assessee

- a) includes any income referred to in Section 68, Section 69, Section 69A, Section 69B, Section 69C or Section 69D and **reflected in the return of income furnished under section 139**; or
- b) **determined by the Assessing Officer** includes any income referred to in Section 68, Section 69, Section 69A, Section 69B, Section 69C or Section 69D, **if such income is not covered under clause (a)**,

- B. **Tax Rate: 60% [plus surcharge (25%) and cess (4%) as applicable]**

- C. No deduction in respect of any expenditure or allowances or Set off of any loss shall be allowed in computing **above deemed income** (point 'a' or 'b' above).

- D. **Benefit of Basic Exemption Limit** is **also not available** while computing tax liability.

PRACTICAL QUESTIONS – SET A

1. From the following particulars of Pankaj for the previous year ended 31st March 2021, Compute the Income under the head "Income from other Sources":

	₹
(i) Directors Fee from a Company	10,000
(ii) Interest on Bank Deposits	3,000
(iii) Income from undisclosed source	12,000
(iv) Winnings from Lotteries (Net) (received on 10.10.2020)	35,000
(v) Royalty on a book written by him	9,000
(vi) Lectures in Seminars	5,000
(vii) Interest on loan given to a relative	7,000
(viii) Interest on Debentures of a Company (listed in a Recognised Stock Exchange) Net of Taxes (received on 10.04.2020)	6,300
(ix) Interest on Post Office Savings Bank Account	500
(x) Interest on Government Securities	2,200
(xi) Interest on Monthly Income Scheme of Post office	33,000

He paid ₹ 1,000 for typing the manuscript of book written by him.

2. Check the taxability of the following gifts received by Mrs. Rashmi during the previous year 2020-21 and compute the taxable income from gifts for AY 2021-22:

- i) On the occasion of her marriage on 14.8.20, she has received ₹ 90,000 as gift out of which ₹ 70,000 are from relatives and balance from friends.
- ii) On 12.9.20, she has received gift of ₹ 18,000 from cousin of her mother.
- iii) A cell phone of ₹ 21,000 is gifted by her employer on 15.8.2020.
- iv) She gets a gift of ₹ 25,000 from the elder brother of her husband's grandfather on 25.10.2020.
- v) She has received a gift of ₹ 2,000 from her friend on 14.4.2020.

3. A perusal of R's bank account revealed following deposits during financial year 2020-21:

Particulars	Amount (₹)
Gift from his friend on his birthday	12,000
Dividends from shares of various Indian companies (gross)	13,200
Gift from his fiancée	85,000
Gift from his mother's friend on his engagement	28,000
Gift from his sister in Netherlands	220,000
Interest on bank deposits	30,000

Compute his total income for the AY 2021-22 assuming that his income from house property (computed) is ₹ 72,000.

4. Mr. Ashok received a sum of ₹ 5,00,000, as gift during the FY 2020-21, the details of which are as follows. Discuss the tax liability of the sum received.

- (i) from relatives on the occasion of birthday – ₹ 1,00,000;
- (ii) from an unregistered charitable institution in connection with compensation for floods – ₹ 50,000;
- (iii) ₹ 1,50,000 received from friends on the occasion of birthday;
- (iv) ₹ 2,00,000 received from a neighbor, who is in death bed.

5. Raman received ₹ 5 lakhs from his relatives and the parents of his wife on the occasion of their marriage on 21/09/2020. He also receives a car, some jewellery whose fair market values are ₹ 2,50,000 and ₹ 50,000 respectively and a sum of ₹ 1,50,000 from persons, other than relatives on the said occasion. His grandfather registers in his favour, land worth ₹ 10 lakhs after a month, as his gift. **Discuss the tax for AY 2021-22.**
6. Mr. Ketan acquired a land at Mumbai from Mr. Agarwal for a purchase consideration of ₹ 1 Crore on 01.01.2021. The assessable value of the property for stamp duty purposes is ₹ 1.30 crore. Subsequently, in a different transaction he was gifted with a land near Indore by his friend, the assessable value of which for stamp duty purpose is ₹ 49,000. **Advise on the taxability of these transactions.**
7. **Mrs. Rajni who draws a salary of ₹ 30,000 p.m. received the following gifts during the previous year:**
- Gift of ₹ 5,00,000 on 16.1.2021 from a friend,
 - Gift of jewellery worth ₹ 4,00,000 on 17.10.2020 from her fiancée,
 - Gift of ₹ 41,000 each received from her 4 friends on the occasion of her marriage on 21.10.2020.
 - Gift of ₹ 1,10,000 on 22.10.2020 from her mother's sister,
 - Gift of ₹ 70,000 on 25.10.2020 from her father's brother,
 - Gift of ₹ 40,000 from her husband's friend on 01.11.2020,
 - Gift of ₹ 31,000 on 15.11.2020 from her mother's friend.
 - Gift of ₹ 27,000 on 25.11.2020 from her brother's father in law.
 - Gift of ₹ 1,21,000 from her husband's brother,
 - Gift of ₹ 23,000 from her employer.
 - Scholarship of ₹ 2,20,000 from, a charitable institution registered u/s 12AA
 - She has purchased an immovable property whose stamp duty value is ₹ 22,80,000 from Gita who is not her relative for a sum of ₹ 22,60,000.
- Compute her total income for the assessment year 2021-22.**
8. **Mr. V asks you to compute his taxable income from the following transactions which took place with his friends during January 2021:**
- Cash gifts received during the year from Mr. X and Mr. Y: ₹ 30,000 each;
 - Two flats gifted to him by Mr. S and Mr. T: Stamp Value ₹ 4,00,000 and ₹ 50,000 respectively;
 - He purchased a plot of land at ₹ 6,10,000 from Mr. A, which was not registered, but the prevalent stamp value of which was ₹ 6.6 lakh;
 - A gold ring and a painting worth ₹ 30,000 and ₹ 35,000 respectively gifted by Mr. M and Mr. N;
 - A gold biscuit purchased by him at ₹ 10 lakh from Mr. P, when prevalent market value is ₹ 10.3 lakh and shares and securities purchased by him at ₹ 2.5 lakh from Mr. L, when fair market value thereof was ₹ 2.8 lakhs.
9. **X receives the following gifts during the PY 2020-21:**
- On April 10, 2020, he gets a gift of ₹ 25,000 from his friend A.
 - On May 1, 2020, he gets another gift of ₹ 500 from his friend A.
 - On June 1, 2020, he gets a gift of ₹ 26,000 from C, who is cousin of his father.
 - On July 8, 2020, he gets a gift of ₹ 5,000 from D, who is elder brother of his grandfather.
 - On July 20, 2020, he gets a gift of ₹ 41,000 from his grandmother.
 - On the occasion of marriage of X, he gets ₹ 1,90,000 as gift on July 31, 2020 (out of which ₹ 1,00,000 is received from different relatives of X and Mrs. X and remaining amount is received from friends of X and Mrs. X).
 - A computer received from his employer (it was purchased for ₹ 40,000 by the employer on May 1, 2020 and given as gift on August 20, 2020).
 - On September 6, 2020, he gets ₹ 80,000 from a notified public charitable institution.
 - X receives ₹ 5,40,000 on September 30, 2020 under will of a person known to him.
 - On October 10, 2020, he gets a gift of ₹ 40,000 from his friend.
 - On December 12, 2020, he purchases a work of art for ₹ 72,000 from an exhibition in Chennai (the fair market value of the work of art on the date of purchase is ₹ 2,00,000).
 - On March 31, 2021, he gets a birthday gift by cheque of ₹ 11,000 from his friend.

Compute the amount chargeable to tax in the hands of X under the head "Income from other sources" for the AY 2021-22.

10. X holds the following securities on April 1, 2020:

₹ 1,48,000 10% securities of the Tamil Nadu Government and ₹ 40,000 5% non – listed debentures of ABC Ltd. Interest in both the cases is payable on December every year. On August 1, 2020, X borrows ₹ 20,000 at 7 per cent per annum and invests it in purchasing ₹ 20,000, 7.5 per cent securities of the Central Government [due date of interest; March 15 every year; interest due on March 15, 2021 is received on April 2, 2021]. Interest on borrowing for the period ending March 31, 2021 is, however, paid by X on April 15, 2021. His business income is ₹ 7,86,000.

Determine the **taxable income of 'X' for the AY 2021-22** under the following situations:

- a) X maintains books of account on "mercantile" system, and
- b) X maintains books of account on "cash" basis.

11. R, a resident individual, submits the following particulars of his income for the year ended 31.3.2021:

- (i) Royalty from a Diamond mine ₹ 20,000.
- (ii) Agricultural income in Sri Lanka ₹ 15,000.
- (iii) Salary as a MP ₹ 36,000
- (iv) Daily allowance as M.P. ₹ 5,000
- (v) He has taken a residential house has been taken on a rent of ₹ 10,000 p.a., half of which is sublet at ₹ 1,200 p.m.
- (vi) **Dividend received from a cooperative society ₹ 6,000.**
- (vii) He has incurred the following expenses —
 - i) Paid collection charges ₹ 200 for collecting dividends
 - ii) ₹ 2000 spent for earning and collecting royalty income

Compute R's income from other sources for the assessment year 2021-22

12. J furnishes the following particulars relating to his house properties and other incomes and expenditure for the year 2020-21 (after HP Chapter):

- A. **First House:** This house is taken by him on lease for 10 years which is let to a tenant, for his residence, at a monthly rent of ₹ 2,400. He has incurred the following expenses during this year :

Lease rent	₹ 1,000 per month
Salary of Durban	₹ 200 per month
Interest on loan taken to pay for the acquisition of the lease	₹ 200 per month
- B. **Second House:** This house was constructed by him in 1989, but was transferred to his wife in 1993 out of love and affection. He, however, continues to stay in this house with his wife till date. He has taken a loan for the construction of this house for which interest of ₹ 6,000 becomes due for the year, but had not been paid by him. He has paid repair expenses of ₹ 1,000 during the year.
- C. Taxable income from business for this year amounts to ₹ 64,000.

Compute gross total income of J for the AY 2021-22

13. Ms. Rupali furnishes the following details for the AY 2021-22:

Particulars	Amount (₹)
Net Agricultural Income in India	4,800
Net agricultural income from land in Sri Lanka	10,000
Profit on sale of agricultural land situated in Mangalore City	25,00,000
Vacant land – ground rent received	12,000
Rent received on sub – letting house	37,500
Rent payable for house sub let	15,000
Maintenance expenses on house sublet	1,200
Directors sitting fees	3,600
Interest on Deposits with nationalized bank	1,000

Interest on Postal savings – bank account	1,200
Interest credited to PPF account	6,000
Interest accrued but not received on NSC VIII Issue	1,050
Interest received under Post Office Monthly Income Scheme	12,000
Interest on deposits with HDFC	900
Interest on securities (gross)	5,000
Dividends received from Indian Companies (gross)	12,000
Bank Charges for collection of above dividend	100
Dividend received from foreign companies	20,000
Interest paid on amount borrowed to invest in shares of foreign co.	8,600
Gift received from a Charitable Institution registered u/s 12AA	55,000
Gift from a friend in foreign currency	50,001
Gift from another friend in Indian currency	500
Winnings from Lottery (Net of Tax of ₹ 30,000)	70,000
Cost of Lottery Tickets purchased during the year	5,300

Debenture Interest on 10% debentures of ABC Ltd. of Face Value of ₹ 1,00,000 (due half yearly on 30.9 and 31.3.) but received on 15.4.2021. **Compute the taxable income from other sources of Ms. Rupali, who is following mercantile system of accounting.**

14. From the following particulars, compute Gross Total Income of Radha for AY 2021-22:

- (i) She is employed on a part time basis in a fashion – designing firm on a monthly salary of ₹ 15,000.
- (ii) She has a house property situated in Delhi which has been let out at a rent of ₹ 3,000 p.m.
- (iii) She holds the following shares and securities:
 - a. **1,000 Equity shares in X Ltd. of ₹ 10 each, bought @ ₹ 40 per share.**
 - b. ₹ 20,000, 8% ICICI Bonds.
 - c. 1,000, 12% Preference shares of ₹ 100 each in Rosa Ltd. **Dividend received on 25th March, 2021.**
 - d. **X Ltd. declared 18% equity dividend on 25th March, 2021, but the cheque was received subsequent to 31st March, 2021.** Other interest and dividends were, however, duly received.
- (iv) She had set up a factory with building, plant, machinery, furniture, etc. However, she decided to give it on hire at a composite rent of ₹ 12,000 p.m.

During the year, she spent ₹ 15,000 for repairs and ₹ 5,000 for insurance of the factory. The depreciation allowable is ₹ 50,000. She had borrowed ₹ 5,00,000 against mortgage of these assets and paid ₹ 60,000 interest thereon. The amount was spent for marriage of her brother.

15. Mr. 'M' a Government Servant, died on 11.5.2007 whilst still being in service. In terms of the rules governing his service, his widow Mrs. M, is paid, a Family Pension of ₹ 2,950 p.m. and Dearness Allowance of 30% thereof. For the AY 2021-22, is Mrs. M assessable on the receipt and if so, under what head of income? Is she entitled to any relief or deduction on the above sum? Discuss.

16. Mr. B, a defence personnel, was killed in a war. His wife was paid an ex-gratia payment of ₹ 1,00,000 in February, 2021. She also received the family pension of ₹ 7,500 per month during the year 2020-21. Advise her on the taxability of receipts.

17. M/s. Rama InfoTech Ltd. has taken a Keyman insurance policy for a sum of ₹ 25 lakhs in the name of Mr. Rakesh, who is heading the software division of the company. The annual premium paid by the company towards the policy is ₹ 2 lakhs. Examine the tax consequence assuming that the maturity proceeds are received by:

- i) Mr. Rakesh;
- ii) company;
- iii) assigned to Mrs. Rakesh.

SOLUTION – SET A

1. Computation of income under the head 'Income from other sources'		₹	₹
General incomes [Section 56(1)]			
Directors Fee from a Company			10,000
Interest on bank Deposits			3,000
Income from undisclosed source			12,000
Royalty on a book written by him		9,000	
Less: Expenses		<u>1,000</u>	8,000
Lectures in Seminars			5,000
Interest on loan given to a relative			7,000
Interest on Debentures of a Company (listed in a Recognized Stock Exchange) Net of Taxes (as per W.N. 1)			7,000
Interest on Post Office Savings Bank Account		500	
Less: Exempt u/s 10		<u>500</u>	Nil
Interest on Government Securities			2,200
Interest on Monthly Income Scheme of Post office			33,000
Specific incomes [Section 56(2)]			
Winnings from Lotteries (Net)			<u>50,000</u>
Income from other sources			<u>1,37,200</u>
Working Notes:			
1. Interest on Debentures of a Company (Listed in a Recognized Stock Exchange) Net of Taxes			
		₹ 6,300	
Add: TDS			
		₹ 6,300 x 10/(100 - 10)	₹ 700
Gross Amount			<u>₹ 7,000</u>

2. Computation of taxable income of Mrs. Rashmi from gifts for A.Y. 2021-22		
Relationship	Taxability amount	Reason for taxability or otherwise of each gift
	₹	
Relatives and friends	Exempt	Gifts received on the occasion of marriage are not taxable.
Cousin of Mrs. Rashmi's mother	18,000	Cousin of Mrs. Rashmi's mother is not a relative. Hence, the gift is taxable.
Employer	Nil	Taxable Under the head Salary
Elder brother of husband's grandfather	25,000	Brother of husband's grandfather is not a relative. Hence, the gift is taxable.
Friend	2,000	Gift from friend is taxable.
Aggregate value of gifts	45,000	

Since the aggregate value of gifts received by Mrs. Rashmi during the **previous year 2020-21** does not exceed ₹ 50,000, the same is not chargeable to tax under section 56(2)(x) of the Income-tax Act, 1961.

3. Computation of total income of Ram Mohan (All Amount in ₹)		
Income from house property		72,000
Income from other sources		
Gift from his friend on his birthday	12,000	
Gift from his fiancée	85,000	
Gift from Ms mother's friend on his engagement	28,000	
Gift from his sister	Exempt	
Interest on bank deposits	30,000	
Dividends from shares of various companies (now not Exempt u/s 10(34))	13,200	168,200
Total income		240,200

- 4.
1. any sum of money received from relatives is fully exempt from tax and therefore, ₹ 1,00,000/- is fully exempt.
 2. exemption for any sum received from trust, institution is applicable only where such trust or institution is covered by sections 10(23C) or 12AA. In the given case, entire sum of ₹ 50,000/- is chargeable to tax as it is an unregistered charitable institution.
 3. ₹ 1,50,000/- is chargeable to tax.
 4. Any sum received in contemplation of death of the payer shall be exempt from tax. Accordingly, ₹ 2,00,000/- shall be exempt.
 5. To sum up, Mr. Ashok is chargeable to tax for a sum of ₹ 2,00,000/- under the head income from other sources. The entire sum of ₹ 2,00,000/- is chargeable as the aggregate of the sum received during the year exceeded ₹ 50,000/-.
5. Gifts received on the occasion of marriage of an individual is fully exempt irrespective of whether the donors are relatives or not. Therefore, Raman cannot be taxed in respect of the gifts received on the occasion of the marriage. As regards land registered one month after marriage is not taxable because the gift has been received from a relative.
6. Where an immovable property is acquired for an inadequate consideration, the same is covered in the scope of taxability u/s 56. In the given case, difference of ₹ 30,00,000 will be taxable as a gift **as it exceeds higher of 110% of the consideration or ₹ 50,000.**

Whereas in the second transaction, the taxability does not arise as the assessable value of land is less than ₹ 50,000 though the land is received without consideration.

7.

	₹	₹
Income under the head salary		
Salary ₹ 30,000 x 12	3,60,000	
Add : Cash gift from employer	23,000	
	3,83,000	
Less : Standard deduction u/s 16(ia)	50,000	3,33,000
Income from other sources		
(i) Gift from a friend is taxable	5,00,000	
(ii) Gift of jewellery is taxable	4,00,000	
(iii) Gifts received from her 4 friends are exempt as they have been received on the occasion of her marriage	—	
(iv) Gift from her mother's sister is exempt as the donor is covered in the definition of relative	—	
(v) Gift from her father's brother is exempt as the donor is covered in the definition of relative	—	
(vi) Gift of ₹ 40,000 from her husband's friend on 1.11.2020 is taxable.	40,000	
(vii) Gift of ₹ 21,000 from her mother's friend is includible	31,000	
(viii) Gift from her brother's father in law is taxable as the donor is not covered in the definition of relative	27,000	
(ix) Gift from her husband's brother is exempt as the donor is covered in the definition of relative	—	
(x) Gift from her employer is taxable as income from salary	—	
(xi) Gift in the form of scholarship from charitable institution registered u/s 12AA	Exempt	
(xii) Purchase of immovable property – Not taxable	-	
		9,98,000
Total Income		13,31,000

8. Mr. V has received cash and various items of property which are covered by section 56(2)(x). Hence, the taxability of these amounts in view of said section is as follows -

Aggregate cash gifts exceeding ₹ 50,000 from Mr. X and Mr. Y (fully taxable, 30000 x 2)	60,000
Gift of Flat from Mr. B (fully taxable, as stamp value exceeds ₹ 50,000)	400,000
Gift of Flat from Mr. C (not taxable, as stamp value doesn't exceed ₹ 50,000)	NIL
Plot of land acquired for inadequate consideration	NIL
Aggregate value of gift of movable properties: Total value of gift of movable properties exceeds ₹ 50,000, hence, fully taxable. (30000 + 35000)	65,000
Aggregate value of inadequate consideration of movable properties: Total price paid for all movable properties ₹ 12,50,000 (10 lakh + 2.5 lakh). Total Fair market value of such movable properties ₹ 13,10,000 (10.3 lakh + 2.8 lakh). Since the difference between the two exceeds ₹ 50,000, hence, whole of the difference will be included in income.	60,000
Total Income	585,000

- 9.

Date	Transaction	Amount ₹	Reason
April 10, 2020	Gift from A	25,000	As aggregate gift in cash or by cheque/draft during FY 20-21 exceeds ₹ 50,000, it is chargeable to tax
May 1, 2020	Gift from A	500	As aggregate gift in cash or by cheque/draft during FY 20-21 exceeds ₹ 50,000, it is chargeable to tax
June 1, 2020	Gift from cousin of X's father	26,000	Cousin of X's father is not a "relative" of X. As aggregate gift in cash or by cheque/draft during FY 20-21 exceeds ₹ 50,000, it is chargeable to tax
July 18, 2020	Gift from elder brother of X's grandfather	5,000	Brother of X's grandfather is not a "relative" of X. As aggregate gift in cash or by cheque/draft during FY 20-21 exceeds ₹ 50,000, it is chargeable to tax
July 20, 2020	Gift from grandmother	Nil	Gift from a "relative" is not taxable
July 31, 2020	Gift on the occasion of marriage of X	Nil	Gift from any person on the occasion of marriage of the taxpayer is not taxable
August 20, 2020	Gift from employer	Nil	Gift from employer is taxable under the head "Salaries"
September 6, 2020	Gift from a charitable institute	Nil	Gift from a charitable institute is not taxable
September 30, 2020	Gift under a will	Nil	Gift received by taxpayer under a will of any person is not taxable
October 10, 2020 and March 31, 2021	Gift in cash - ₹ 40,000	40,000	As aggregate gift in cash or by cheque/draft during FY 20-21 exceeds ₹ 50,000, it is chargeable to tax.
December 13, 2020	Purchase of a work of art for ₹ 72,000	1,28,000	As a work of art (fair market value: ₹ 2,00,000) is purchased for ₹ 72,000 and the difference is more than ₹ 50,000, it is chargeable to tax
March 31, 2021	Gift by cheque ₹ 11,000	11,000	As aggregate gift in cash or by cheque/draft during FY 20-21 exceeds ₹ 50,000, it is chargeable to tax.

- 10.

In situation (a) interest on securities is taxable on "due" basis. In situation (b), however, it is taxable on "receipt" basis, as follows:

	Situation (a) ₹	Situation (b) ₹
Securities of Tamil Nadu Government (i.e., ₹ 1,48,000 x 10/100)	14,800	14,800
Non-listed debentures of ABC Ltd. [i.e., ₹ 40,000 x 5/100]	2,000	2,000
Central Government securities (i.e., instalment of interest due on March 15, 2021, **not taxable in situation (b) as interest is not actually received)	1,500*	—**
Gross interest	18,300	16,800
Less: Interest due* on ₹ 20,000 @ 7% per annum from August 1, 2020 to March 31, 2021, **not deductible as it is not paid in the previous year 2020-21	933*	—**
Interest	17,367	16,800

Business income	7,86,000	7,86,000
Gross total income	8,03,367	8,02,800
Less : Deductions under sections 80C to 80U	Nil	Nil
Net income (rounded off)	8,03,370	8,02,800

11.

Income from other sources of Mr. R

1. Royalty from coal mine	20,000	
Less : Collection charges	2,000	18,000
2. Agricultural Income in Sri Lanka		15,000
3. Salary as MP		36,000
4. Daily allowance	5,000	
Less : Exempt	5,000	Nil
5. Dividend from a Co-operative Society	6,000	
Less : Collection charge	200	5,800
6. Income from sub-letting	14,400	
Less : Rent paid (50%) .	5,000	9,400
		84,200

12.

Computation of Gross Total Income of J (amounts in ₹)

Income from House Property :		
Net Annual Value of Self-occupied House II	Nil	
Less: Interest on accrual basis	6,000	(6,000)
Profits and Gains from Business or Profession		64,000
Income from other sources :		
Rent of House I (2,400 x 12)	28,800	
Less : Lease rent (1,000 x 12)	(12,000)	
Salary of Durban (200 x 12)	(2,400)	
Interest on loan taken to pay for the acquisition of the lease (200 x 12)	(2,400)	12,000
Gross Total Income		70,000

Notes:

- House II:** J is deemed to be the owner of House II, as the same had been transferred to his wife without adequate consideration. Hence the same is taxable in his hands.
- House I:** Since House I has been taken on lease for 10 year, therefore J is not deemed to be owner of this house. Deemed ownership arises when the lease is taken for 12 years or more. Therefore, income for House I is other sources income.

13. Computation of income from other sources of Ms. Rupali

Particulars	Refer Note	₹	₹
Net Agricultural Income in India	1		Nil
Net agricultural income from land in Sri Lanka	2		10,000
Profit from sale of agricultural land situated in Mangalore City	3		N.A.
Vacant land -ground rent received	4		12,000
Rent received on sub-letting house		37,500	
Less: Rent payable for house sub let		(15,000)	
Maintenance expenses on house sublet		(1,200)	21,300
Directors sitting fees			3,600
Interest on Deposits with nationalized bank			1,000
Interest on Postal savings bank account	5		Nil
Interest credited to PPF account	6		Nil
Interest accrued but not received on NSC VIII Issue	12		1,050
Interest received under Post Office Monthly Income Scheme			12,000
Interest on deposits with HDFC			900
Interest on securities (gross)			5,000
Dividends received from Indian Companies	7		12,000
Dividend received from foreign companies	8	20,000	
Less: Interest paid on amount borrowed (Maximum 20%)		(4,000)	(16,500)
Gift received from a Charitable Institution registered under section 12AA – Exempt Sec. 56(2)(x)	9	Nil	

Gift from a friend in foreign currency		50,001	
Gift in Indian currency		500	50,501
Winnings from Lottery (gross)	10		1,00,000
Debenture Interest on 10% debentures of ABC Ltd. of Face Value of ₹ 1 lakh.	11		10,000
Taxable income from other sources			2,40,851

Notes:

- Agricultural income derived from land situated in India is exempt from income tax u/s. 10(1).
- Agricultural income from land situated outside India is not covered by exemption u/s. 10(1) and therefore, ₹ 10,000 agricultural income from Sri Lanka is taxable.
- Agricultural income derived in India is exempt. However, sale of agricultural land in a specified area is covered by definition of capital asset u/s. 2(14). Therefore, such gains shall be subject to tax under the head "Capital gains". As it is not taxable under the head "Income from other sources" it is not included in the computation.
- Rent received from letting out of land and sub-lease is not chargeable to tax under the head "Income from House Property". However, it is taxable under income from other sources. Accordingly, expenses in connection with earning this income have been claimed as deduction u/s. 57.
- Interest on postal saving bank account is exempt u/s. 10(15)
- Interest of ₹ 6,000 is claimed **as exemption u/s 10(11)**.
- Dividend from domestic companies are now subject to tax.** The **related interest expenditure only** is allowable as deduction u/s. 57. No Deduction for Bank charges.
- Dividend from foreign companies is subject to tax. **The related interest expenditure is allowable as deduction u/s. 57 to the extent of 20% of such dividend income.**
- Gift received from charitable institutions/associations which are covered by exemption u/s. 10(23C) or Sec.11, are exempt- Sec. 56(2)(x).
- Gift received from non-relatives aggregate of which does not exceed ₹ 50,000 are not chargeable to tax. In the given case, the amount of gift received is ₹ 50,501. Therefore, the whole of such gift is chargeable without any exemption.
- Any expenditure incurred in relation to lottery winnings are not allowable as deduction u/s. 58. Therefore, ₹ 5,300 is not allowable as a deduction.
- Interest accrued and due on NSC and debentures are taxable even though assessee has not received such interest, since she is following mercantile system of accounting.

14.

Computation of Gross Total Income of Radha (amounts in ₹)

Income from Salaries (15,000 x 12 – 50,000)	130,000
Income from House Property (Rent of 3,000 x 12 - 30% Standard deduction)	25,200
Income from other sources :	
Interest on 8% ICICI Bonds (20,000 x 8%)	1,600
Dividend on 12% Preference shares of Rosa Ltd. (1,000 x 100 x 12%)	12,000
Dividend on 18% equity shares of X Ltd. (1,000 x 10 x 18%)	1,800
Composite rent of Building, Plant and Machinery etc. (12,000 x 12)	144,000
Less : Expenses on repairs and insurance of the factory	(20,000)
Less: Depreciation allowable	(50,000)
	74,000
Gross Total Income	<u>230,800</u>

15. Hint: ₹ 46,020 – ₹ 15,000 = ₹ 31,020.

- The family pension of ₹ 90,000 (₹ 7,500*12) received by the widow is exempt by virtue of section 10(19) as the death has occurred in course of operational duties and assuming that he died in prescribed circumstances. If he does not die in prescribed circumstances, family pension shall be chargeable to tax to the extent of ₹ 75,000 (₹ 90,000 - ₹15,000, by virtue of section 57).

According to CBDT Circular, any lump sum ex-gratia payment by the Central or state Government or local authority or public sector undertaking, to the widow or other legal heirs of an employee, who dies while in active service will not be taxable as income. Hence, ₹ 1,00,000 is not taxable.

17. Section 2(24) treats the maturity proceeds of the Keyman insurance policy as income in the hands of the recipient. Exemption provided u/s.10(10D) for life insurance policy maturity proceeds is not available to Keyman insurance policy proceeds.

The tax consequence in all the 3 cases shall be as under:

- i) If the maturity proceeds are received by Mr. Rakesh, the same will be treated as profits in lieu of salary u/s. 17(3) and chargeable to tax under the head "Salaries".
- ii) If the maturity proceeds are realized by the company it is treated as business income and chargeable to tax u/s. 28.
It requires mention that, the company is entitled to deduction in respect of premium paid every year as business expenditure in the respective year.
- iii) If the maturity proceeds are received by Mrs. Rakesh, the same will be treated as her income and charged to tax under the head 'Income from other sources' by virtue of Sec. 56.

PRACTICAL QUESTIONS (SET B)

1. Rahul holding 28% of equity shares in a company, took a loan of ₹ 5,00,000 from the same company. On the date of granting the loan, the company had accumulated profit of ₹ 4,00,000. The company is engaged in some manufacturing activity.
- Is the amount of loan taxable as deemed dividend, if the company is a company in which the public are substantially interested?
 - What would be your answer, if the lending company is a private limited company (i.e. a company in which the public are not substantially interested)?

Answer:

Any payment by a company, other than a company in which the public are substantially interested, of any sum by way of advance or loan to an equity shareholder, being a person who is the beneficial owner of shares holding not less than 10% of the voting power, **is deemed as dividend under section 2(22)(e), to the extent the company possesses accumulated profits.**

- The provisions of section 2(22)(e), however, will not apply where the loan is given by a company in which public are substantially interested. In such a case, the loan would not be taxable as deemed dividend.
- However, if the loan is taken from a private company (i.e. a company in which the public are not substantially interested), which is a manufacturing company and not a company where lending of money is a substantial part of the business of the company, then, the provisions of section 2(22)(e) would be attracted, since Rahul holds more than 10% of the equity shares in the company.

The amount chargeable as deemed dividend cannot, however, exceed the accumulated profits held by the company on the date of giving the loan. Therefore, the amount taxable as deemed dividend would be limited to the accumulated profit i.e., ₹ 4,00,000 and not the amount of loan which is ₹ 5,00,000.

2. Discuss the taxability or otherwise of the following in the hands of the recipient under section 56(2)(x) the Income-tax Act, 1961 -
- Akhil HUF received ₹ 75,000 in cash from niece of Akhil (i.e., daughter of Akhil's sister). Akhil is the Karta of the HUF.
 - Nitisha, a member of her father's HUF, transferred a house property to the HUF without consideration. The stamp duty value of the house property is ₹ 9,00,000.
 - Mr. Akshat received 100 shares of A Ltd. from his friend as a gift on occasion of his 25th marriage anniversary. The fair market value on that date was ₹ 100 per share. He also received jewellery worth ₹ 45,000 (FMV) from his nephew on the same day.
 - Kishan HUF gifted a car to son of Karta for achieving good marks in XII board examination. The fair market value of the car is ₹ 5,25,000.

Answer:

- (i) **Taxable - 75,000**

Sum of money exceeding ₹ 50,000 received without consideration from a non-relative is taxable under section 56(2)(x). Daughter of Mr. Akhil's sister is not a relative of Akhil HUF, since she is not a member of Akhil HUF.

- (ii) **Non- taxable - Nil:**

Immovable property received without consideration by a HUF from its relative is not taxable under section 56(2)(x). Since Nitisha is a member of the HUF, she is a relative of the HUF. **However, income from such asset would be included in the hands of Nitisha under 64(2).**

(iii) Taxable - 55,000

As per provisions of section 56(2)(x), in case the aggregate fair market value of property, other than immovable property, received without consideration exceeds ₹ 50,000, the whole of the aggregate value shall be taxable. In this case, the aggregate fair market value of shares (₹ 10,000) and jewellery (₹ 45,000) exceeds ₹ 50,000. Hence, the entire amount of ₹ 55,000 shall be taxable.

(iv) Non- taxable - Nil

Car is not included in the definition of property for the purpose of section 56(2)(x), therefore, the same shall not be taxable.

3. Mr. A, a dealer in shares, received the following without consideration during the P.Y. 2020-21 from his friend Mr. B, -

- (1) Cash gift of ₹ 75,000 on his anniversary, 15th April, 2020.
- (2) Bullion, the fair market value of which was ₹ 60,000, on his birthday, 19th June, 2020.
- (3) A plot of land at Faridabad on 1st July, 2020, the stamp value of which is ₹ 5 lakh on that date. Mr. B had purchased the land in April, 2009.

Mr. A purchased from his friend Mr. C, who is also a dealer in shares, 1000 shares of X Ltd. @ ₹ 400 each on 19th June, 2020, the fair market value of which was ₹ 600 each on that date. Mr. A sold these shares in the course of his business on 23rd June, 2020.

Further, on 1st November, 2020, Mr. A took possession of property (building) booked by him two years back at ₹ 20 lakh. The stamp duty value of the property as on 1st November, 2020 was ₹ 32 lakh and on the date of booking was ₹ 23 lakh. He had paid ₹ 1 lakh by account payee cheque as down payment on the date of booking.

On 1st March, 2021, he sold the plot of land at Faridabad for ₹ 7 lakh.

Compute the income of Mr. A chargeable under the head "Income from other sources" and "Capital Gains" for A.Y. 2021-22.

Answer:

Computation of "Income from other sources" of Mr. A for the A.Y. 2021-22

SN.	Particulars	₹
(1)	Cash gift is taxable under section 56(2)(x), since it exceeds ₹ 50,000	75,000
(2)	Since bullion is included in the definition of property, therefore, when bullion is received without consideration, the same is taxable, since the aggregate fair market value exceeds ₹ 50,000	60,000
(3)	Stamp value of plot of land at Faridabad, received without consideration, is taxable under section 56(2)(x)	5,00,000
(4)	Difference of ₹ 2 lakh in the value of shares of X Ltd. purchased from Mr. C, a dealer in shares, is not taxable as it represents the stock-in-trade of Mr. A. Since Mr. A is a dealer in shares and it has been mentioned that the shares were subsequently sold in the course of his business, such shares represent the stock-in-trade of Mr. A.	NIL
(5)	Difference between the stamp duty value of ₹ 23 lakh on the date of booking and the actual consideration of ₹ 20 lakh paid is taxable under section 56(2)(x) since the difference exceeds ₹ 1,00,000 being, the higher of ₹ 50,000 and 10% of consideration	3,00,000
	Income from Other Sources	9,35,000

Computation of "Capital Gains" of Mr. A for the A.Y. 2021-22

Particulars	₹
Sale Consideration	7,00,000
Less: Cost of acquisition [deemed to be the stamp value charged to tax under section 56(2)(x) as per section 49(4)]	5,00,000
Short-term capital gains	2,00,000

Note – The resultant capital gains will be short-term capital gains since for calculating the period of holding, the period of holding of previous owner is not to be considered.

4. Mr. Hari, a property dealer, sold a building in the course of his business to his friend Rajesh, who is a dealer in automobile spare parts, for ₹ 90 lakh on 1.1.2021, when the stamp duty value was ₹ 150 lakh. The agreement was, however, entered into on 1.9.2020 when the stamp duty value was ₹ 140 lakh. Mr. Hari had received a down payment of ₹ 15 lakh by a crossed cheque from Rajesh on the date of agreement. Discuss the tax implications in the hands of Hari and Rajesh, assuming that Mr. Hari has purchased the building for ₹ 75 lakh on 12th July, 2019.

Would your answer be different if Hari was a share broker instead of a property dealer?

Answer:

Case 1: Tax implications if Mr. Hari is a property dealer

In the hands of the seller, Mr. Hari	In the hands of the buyer, Mr. Rajesh
<p>In the hands of Hari, the provisions of section 43CA would be attracted, since the building represents his stock-in-trade and he has transferred the same for a consideration less than the stamp duty value; and the stamp duty value exceeds 110% of consideration.</p> <p>Under section 43CA, the option to adopt the stamp duty value on the date of agreement can be exercised only if whole or part of the consideration has been received on or before the date of agreement by way of account payee cheque or draft or by use of ECS through a bank account or through credit card, debit card, net banking, IMPS (Immediate payment Service), UPI (Unified Payment Interface), RTGS (Real Time Gross Settlement), NEFT (National Electronic Funds Transfer), and BHIM (Bharat Interface for Money) Aadhar Pay on or before the date of agreement.</p> <p>In this case, since the down payment of ₹ 15 lakh is received on the date of agreement by crossed cheque and not account payee cheque, the option cannot be exercised.</p> <p>Therefore, ₹ 75 lakh, being the difference between the stamp duty value on the date of transfer i.e., ₹ 150 lakh, and the purchase price i.e., ₹ 75 lakh, would be chargeable as business income in the hands of Mr. Hari, since stamp duty value exceeds 110% of the consideration</p>	<p>Since Mr. Rajesh is a dealer in automobile spare parts, the building purchased would be a capital asset in his hands. The provisions of section 56(2)(x) would be attracted in the hands of Mr. Rajesh who has received immovable property, being a capital asset, for inadequate consideration and the difference between the consideration and stamp duty value exceeds ₹ 9,00,000, being the higher of ₹ 50,000 and 10% of consideration.</p> <p>Therefore, ₹ 60 lakh, being the difference between the stamp duty value of the property on the date of registration (i.e., ₹ 150 lakh) and the actual consideration (i.e., ₹ 90 lakh) would be taxable under section 56(2)(x) in the hands of Mr. Rajesh, since the payment on the date of agreement is made by crossed cheque and not account payee cheque/draft or ECS or through credit card, debit card, net banking, IMPS (Immediate payment Service), UPI (Unified Payment Interface), RTGS (Real Time Gross Settlement), NEFT (National Electronic Funds Transfer), and BHIM (Bharat Interface for Money) Aadhar Pay.</p>

Case 2: Tax implications if Mr. Hari is a stock broker

In the hands of the seller, Mr. Hari	In the hands of the buyer, Mr. Rajesh
<p>In case Mr. Hari is a share broker and not a property dealer, the building would represent his capital asset and not stock-in-trade.</p> <p>In such a case, the provisions of section 50C would be attracted in the hands of Mr. Hari, since building is transferred for a consideration less than the stamp duty value; and the stamp duty value exceeds 110% of consideration.</p> <p>Thus, ₹ 75 lakh, being the difference between the stamp duty value on the date of registration (i.e., ₹ 150 lakh) and the purchase price (i.e., ₹ 75 lakh) would be chargeable as short-term capital gains.</p> <p>It may be noted that under section 50C, the option to adopt the stamp duty value on the date of agreement can be exercised only if whole or part of the consideration has been received on or before the date of agreement by way of account payee cheque or draft or by use of ECS through a bank account or through credit card, debit card, net banking, IMPS (Immediate payment Service), UPI (Unified Payment Interface), RTGS (Real Time Gross Settlement), NEFT (National Electronic Funds Transfer), and BHIM (Bharat Interface for Money) Aadhar Pay on or before the date of agreement. In this case, since the down payment of ₹ 15 lakhs has been received on the date of agreement by crossed cheque and not account payee cheque, the option cannot be exercised.</p>	<p>There would be no difference in the taxability in the hands of Mr. Rajesh, whether Mr. Hari is a property dealer or a stock broker.</p> <p>Therefore, the provisions of section 56(2)(x) would be attracted in the hands of Mr. Rajesh who has received immovable property, being a capital asset, for inadequate consideration and the difference between the consideration and stamp duty value exceeds ₹ 9,00,000, being the higher of ₹ 50,000 and 10% of consideration.</p> <p>Therefore, ₹ 60 lakh, being the difference between the stamp duty value of the property on the date of registration (i.e., ₹ 150 lakh) and the actual consideration (i.e., ₹ 90 lakh) would be taxable under section 56(2)(x) in the hands of Mr. Rajesh.</p>

5. Interest on enhanced compensation received by Mr. G during the previous year 2020-21 is ₹ 5,00,000. Out of this interest, ₹ 1,50,000 relates to the previous year 2017-18, ₹ 1,65,000 relates to previous year 2018-19 and ₹ 1,85,000 relates to previous year 2019-20. Discuss the tax implication, if any, of such interest income for A.Y. 2021-22.

Answer:

The entire interest of ₹ 5,00,000 would be taxable in the year of receipt, namely, P.Y. 2020-21

Particulars	₹
Interest on enhanced compensation taxable u/s 56(2)(viii)	5,00,000
Less: Deduction under section 57(iv) @50%	2,50,000
Interest chargeable under the head "Income from other sources"	2,50,000

6. Examine whether the following are chargeable to tax and the amount liable to tax :

- (i) A sum of ₹ 1,20,000 was received as gift from non-relatives by Raj on the occasion of the marriage of his son Pravin.
- (ii) Interest on enhanced compensation of ₹ 96,000 received on 12-3-2021 for acquisition of urban land, of which 40% relates to P.Y. 2019-20.

Answer:

S.No.	Taxable /Not Taxable	Answer Amount liable to tax (₹)	Reason
(i)	Taxable	1,20,000	The exemption from applicability of section 56(2)(x) would be available if, inter alia, gift is received from a relative or gift is received on the occasion of marriage of the individual himself . In this case, since gift is received by Mr. Raj from a non- relative on the occasion of marriage of his son, it would be taxable in his hands under section 56(2)(x).
(ii)	Taxable	48,000	As per section 145B(1) , interest received by the assessee on enhanced compensation shall be deemed to be the income of the year in which it is received, irrespective of the method of accounting followed by the assessee. Interest of ₹ 96,000 on enhanced compensation is chargeable to tax in the year of receipt i.e. P.Y. 2020-21 under section 56(2)(viii) after providing deduction of 50% under section 57(iv). Therefore, ₹ 48,000 is chargeable to tax under the head "Income from other sources" .

7. Examine under which heads the following incomes are taxable:

- (i) Rental income in case property held as stock-in-trade for 3 years
- (ii) Dividend on shares in case of a dealer in shares
- (iii) Salary received by a partner from his partnership firm
- (iv) Rental income of machinery
- (v) Winnings from lotteries by a person having the same as business activity
- (vi) Salaries payable to a Member of Parliament
- (vii) In case of retirement, interest on employee's contribution if provident fund is unrecognized.
- (viii) Rental income in case of a person engaged in the business of letting out of properties.

Answer:

	Particulars	Head of Income
(i)	Rental income in case property held as stock-in-trade for 3 years	Income from house property
(ii)	Dividend on shares in case of a dealer in shares	Income from other sources
(iii)	Salary by partner from his partnership firm	Profits and gains of business or profession

(iv)	Rental income of machinery (See Note below)	Income from other sources/ Profits and gains of business or profession
(v)	Winnings from lotteries by a person having the same as business activity	Income from other sources
(vi)	Salaries payable to a Member of Parliament	Income from other sources
(vii)	In case of retirement, interest on employee's contribution if provident fund is unrecognized	Income from other sources
(viii)	Rental income in case of a person engaged in the business of letting out of properties	Profits and gains from business or profession

Note - As per section 56(2)(ii), rental income of machinery would be chargeable to tax under the head "Income from Other Sources", if the same is not chargeable to income-tax under the head "Profits and gains of business or profession".

8. On 10.10.2020, Mr. Govind (a bank employee) received ₹ 5,00,000 towards interest on enhanced compensation from State Government in respect of compulsory acquisition of his land effected during the financial year 2014-15.

Out of this interest, ₹ 1,50,000 relates to the financial year 2015-16; ₹ 1,65,000 to the financial year 2016-17; and ₹ 1,85,000 to the financial year 2017-18. He incurred ₹ 50,000 by way of legal expenses to receive the interest on such enhanced compensation.

How much of interest on enhanced compensation would be chargeable to tax for the assessment year 2021-22?

Answer:

Section 145B provides that interest received by the assessee on enhanced compensation shall be deemed to be the income of the assessee of the year in which it is received, **irrespective of the method of accounting followed by the assessee and irrespective of the financial year to which it relates.**

Section 56(2)(viii) states that such income shall be taxable as 'Income from other sources'. 50% of such income shall be allowed as deduction by virtue of section 57(iv) and no other deduction shall be permissible from such Income.

Therefore, legal expenses incurred to receive the interest on enhanced compensation would not be allowed as deduction from such income.

Computation of interest on enhanced compensation taxable as "Income from other sources" for the A.Y 2021-22:

Particulars	₹
Interest on enhanced compensation taxable under section 56(2)(viii)	5,00,000
Less: Deduction under section 57(iv) (50% x ₹ 5,00,000)	2,50,000
Taxable interest on enhanced compensation	2,50,000

9. The following details have been furnished by Mrs. Hemali pertaining to the year ended 31.3.2021:

- (i) Cash gift of ₹ 51,000 received from her friend on the occasion of her “Shastiaptha Poorthi”, a wedding function celebrated on her husband completing 60 years of age.

This was also her 25th wedding anniversary.

- (ii) On the above occasion, a diamond necklace worth ₹ 2 lacs was presented by her sister living in Dubai.

- (iii) When she celebrated her daughter's wedding on 21.2.2021, her friend assigned in Mrs. Hemali's favour, a fixed deposit held by the said friend in a scheduled bank; the value of the fixed deposit and the accrued interest on the said date was ₹ 52,000.

Compute the income, if any, assessable as income from other sources.

Answer:

- (i) Any sum of money received by an individual on the occasion of the marriage of the individual is exempt. This provision is, however, not applicable to a cash gift received during a wedding function celebrated on completion of 60 years of age.

The gift of ₹ 51,000 received from a non-relative is, therefore, chargeable to tax under section 56(2)(x) in the hands of Mrs. Hemali, since the same exceeds ₹ 50,000.

- (ii) The provisions of section 56(2)(x) are not attracted in respect of any sum of money or property received from a relative. Thus, the gift of diamond necklace received from her sister is not taxable under section 56(2)(x), even though jewellery falls within the definition of “property”.

- (iii) To be exempt from applicability of section 56(2)(x), the property should be received on the occasion of the marriage of the individual, not that of the individual's son or daughter. Therefore, this exemption provision is not attracted in this case.

Any sum of money received without consideration by an individual is chargeable to tax under section 56(2)(x), if the aggregate value exceeds ₹ 50,000 in a year. **“Sum of money” has, however, not been defined under section 56(2)(x).**

Therefore, there are two possible views in respect of the value of fixed deposit assigned in favour of Mrs. Hemali-

- (1) The first view is that fixed deposit does not fall within the meaning of “sum of money” and therefore, the provisions of section 56(2)(x) are not attracted. **It may be noted that fixed deposit is also not included in the definition of “property”.**

- (2) However, another possible view is that fixed deposit assigned in favour of Mrs. Hemali **falls within the meaning of “sum of money” received.**

Income assessable as “Income from other sources”

If the first view is taken, the total amount chargeable to tax as “Income from other sources” would be ₹ 51,000, being cash gift received from a friend on her Shastiaptha Poorthi.

As per the second view, the provisions of section 56(2)(x) would also be attracted in respect of the fixed deposit assigned and the “Income from other sources” of Mrs. Hemali would be ₹ 1,03,000 (₹ 51,000 + ₹ 52,000).

10. Examine the following transactions in the context of Income-tax Act, 1961:

- (i) Mr. B transferred 500 shares of R (P) Ltd. to M/s. B Co. (P) Ltd. on 10.10.2020 for ₹ 3,00,000 when the market price was ₹ 5,00,000. The indexed cost of acquisition of shares for Mr. B was computed at ₹ 4,45,000. The transfer was not subjected to securities transaction tax.

Determine the income chargeable to tax in the hands of Mr. B and M/s. B Co. (P) Ltd. because of the above said transaction.

- (ii) Mr. Chezian is employed in a company with taxable salary income of ₹ 5,00,000. He received a cash gift of ₹ 1,00,000 from Atma Charitable Trust (registered under section 12AA) in December 2020 for meeting his medical expenses.

Is the cash gift so received from the trust chargeable to tax in the hands of Mr. Chezian?

Answer:

- (i) Any movable property received for inadequate consideration by any person is chargeable to tax under section 56(2)(x), if the difference between aggregate Fair Market Value of the property and consideration exceeds ₹ 50,000.

Thus, share received by M/s B. Co. (P) Ltd. from Mr B for inadequate consideration is chargeable to tax under section 56(2)(x) to the extent of ₹ 2,00,000.

As per section 50CA, since, the consideration is less than the fair market value of unquoted shares of R (P) Ltd., fair market value of shares of the company would be deemed to be the full value of consideration. It is presumed that the shares of R (P) Ltd are unquoted shares.

The full value of consideration (₹ 5,00,000) less the indexed cost of acquisition (₹ 4,55,000) would result in a long term capital gains of ₹ 55,000 in the hands of Mr. B.

- (ii) The provisions of section 56(2)(x) would not apply to any sum of money or any property received from any trust or institution registered under section 12AA. Therefore, the cash gift of ₹ 1 lakh received from Atma Charitable Trust, being a trust registered under section 12AA, for meeting medical expenses would not be chargeable to tax under section 56(2)(x) in the hands of Mr. Chezian.

11. MNO (P) Ltd. is a company in which the public are not substantially interested. K is a shareholder of the company holding 15% of the equity shares. The accumulated profits of the company as on 1.10.2020 amounted to ₹ 10,00,000. The company lent ₹ 1,00,000 to K by an account payee bank draft on 1.10.2020. The loan was not connected with the business of the company. K repaid the loan to the company by an account payee bank draft on 30.3.2021. Examine the effect of the borrowal and repayment of the loan by K on the computation of his total income for the assessment year 2021-22.

Answer:

As per section 2(22)(e), any payment by a company, in which the public are not substantially interested, by way of advance or loan to a shareholder, being a person who is the beneficial owner of shares holding not less than 10% of the voting power, shall be treated as dividend to the extent to which the company possesses accumulated profits.

In the instant case, MNO (P) Ltd. is a company in which the public are not substantially interested. The company has accumulated profits of ₹ 10,00,000 on 1.10.2020. The loan given by the company to K was not in the course of its business. K holds more than 10% of the equity shares in the company. Therefore, assuming that K has voting power equivalent to his shareholding, section 2(22)(e) comes into play. Deemed dividend of ₹ 1,00,000 under section 2(22)(e) would be taxable in the hands of Mr. K at normal rate of tax.

Under section 2(22)(e), the liability arises the moment the loan is borrowed by the shareholder and it is immaterial whether the loan is repaid before the end of the accounting year or not. Therefore, the repayment of loan by K to the company on 30.3.2021 will not affect the taxability of the sum of ₹ 1,00,000 as deemed dividend.

12. Sunder died on 31st July 2020 while being in Central Government service. In terms of rules governing his service, his widow Mrs. Sunder is paid a family pension of ₹ 10,000 p.m. and dearness allowance of 40% thereof. State whether the amount of family pension is assessable in her hands, and if so, under what head of income. Can she claim any relief/deduction on such receipt? Compute taxable income for the assessment year 2021-22 and tax thereon.

Answer:

Computation of gross total income of Mrs. Sunder for the A.Y. 2021-22

Particulars	Details	Amount
Income from other sources		
Family pension [(₹ 10,000 + ₹ 4,000) x 8] [From 01-08-2020 to 31-03-2021]		1,12,000
Less: deduction under Section 57: being minimum of the following:		
a) 1/3rd of the pension	37,333	
b) Statutory limit	15,000	15,000
Total Income		97,000
Tax on above		Nil

It is assumed that other income of Mrs. Sunder is nil.

13. Examine the applicability of sec. 56(2)(viib) in the following situation:

Shares Issued by	Shares Issued to	Per share			Remarks/Applicability
		Face Value	Fair Market Value	Consideration	
P (P) Ltd	Mr. A	10/-	12/-	11/-	Sec. 56(2)(viib) is not applicable
Q (P) Ltd	Mr. B	10/-	12/-	9/-	Sec. 56(2)(viib) is not applicable
R (P) Ltd	Mr. C	10/-	5/-	10/-	Sec. 56(2)(viib) is not applicable
S (P) Ltd	Mr. D	10/-	15/-	20/-	₹ 5/- per share shall be considered as income in hands of S (P) Ltd. u/s 56(2)(viib)
T (P) Ltd	Mr. E, non-resident	10/-	16/-	25/-	Sec. 56(2)(viib) is not applicable
U (P) Ltd	Mr. F, non-resident at the time of issue of shares. However, later on during the P.Y. he became resident	10/-	20/-	35/-	₹ 15/- per share shall be considered as income in hands of U (P) Ltd. u/s 56(2)(viib)

14. Compute taxable income under the head Income from other sources of Mrs. X from the following data:

Particulars	Amount
Private tuition fee received	10,000
Winning from lottery	2,000
Award from KBC (a TV show) [Gross]	3,20,000
Pension from employer of deceased husband	25,000
Interest on bank deposit	25,000
Directors fee (Gross)	5,000
Letting out of vacant land	25,000
Remuneration for checking the examination copy of employer's school	10,000
Remuneration for checking the examination copy of C.A	10,000
Income tax refund	5,000
Interest on income tax refund	100
Composite rent (related expenditures are ₹ 5,000)	10,000
Rent on sub-letting of house property (rent paid to original owner ₹ 12,000)	20,000
Income tax paid	2,000
Payment made for personal expenses	18,000
Payment made to LIC as premium	2,000

Answer:

Computation of income of Mrs. X under the head Income from other source for the A.Y. 2021-22

Particulars	Details	Amount
Private tuition fee received		10,000
Casual income		
Winning from lottery		2,000
Award from KBC (a TV show) [Gross]		3,20,000
Pension	25,000	
Less: Standard deduction (Lower of the two)		
a) 1/3rd of amount received (i.e. ₹ 8,333)		
b) ₹ 15,000	8,333	16,667
Interest on bank deposit		25,000
Directors fee		5,000
Letting out of vacant land		25,000
Remuneration for checking the examination copy of employer school	Taxable as Salary	-
Remuneration for checking examination copy of CA		10,000
Income tax refund	Not an income	-
Interest on income tax refund		100
Composite rent	10,000	
Less: Expenditure	5,000	5,000
Rent on sub-letting of house property	20,000	
Less: Rent paid to original owner	12,000	8,000
Income from Other Source		4,26,767

Note: Payment of income tax and personal expenses is not deductible in any case.

15. Shri Anil follows **cash basis of accounting** and has furnished the Receipts & Payment A/c of previous year 2020-21 for computing his income:

Particulars	Receipts	Payments
Interest on listed debenture of A Ltd.	16,200	
Letting of building & machinery @ ₹ 15,000 p.m. under a composite lease	1,50,000	
Collection charges		1,000
Repairs		5,000
Capital repairs		16,000
Interest paid outside India without deducting tax on loan taken for construction of building		8,000
Gift from father	6,000	
Ground rent received (related to financial year 2019-20)	600	

The following additional information are also provided - Allowable depreciation on Building and Machinery - ₹ 4,000. Fire Insurance on Building and Machinery (not paid) - ₹ 1,000

Answer:

Computation of income from other sources of Anil for A.Y. 2021-22

Particulars	Details	Details	Amount	Amount
Interest on debenture of A Ltd. (gross income)	₹ 16,200 / 90%			18,000
Interest received on letting of assets			1,50,000	
Less: Expenses paid				
Collection charges		1,000		
Repair		5,000		
Capital repairs		Nil		
Depreciation		4,000	10,000	1,40,000
Gift from father [As received from relative]				Nil
Ground rent received				600
Income from other source				1,58,600

Notes

1. Since assessee follows cash basis of accounting, hence, income shall be chargeable and expenditure shall be allowed on cash basis.
2. Debenture income required to be grossed up.
3. Capital repairs are not allowed.
4. Interest paid outside India without deducting tax at source shall not be deductible expenditure.

16. X receives the following gifts during the PY 2020-21:

1. On the occasion of marriage of X, he gets ₹ 2,90,000 as gift on April 2, 2020 (out of which ₹ 2,00,000 is received from friends of X and Mrs. X and remaining amount is received from close relatives of X and Mrs. X).
2. On June 22, 2020, he gets a gift of ₹ 23,000 from C, who is cousin of his father.
3. On August 18, 2020, he gets a gift of ₹ 15,000 from D, who is elder brother of his grandfather.
4. On September 20, 2020, he gets a gift of ₹ 7,00,000 from his grandmother.
5. A computer received from his employer (it was purchased for ₹ 65,000 by the employer on May 1, 2020 and given as gift to X on October 20, 2020).
6. On November 30, 2020, X gets a gift of a plot of land from his grandfather (stamp duty value is ₹ 15,00,000).
7. On December 30, 2020, X gets by gift a commercial flat from the elder brother of his father-in-law (stamp duty value is ₹ 25,00,000).
8. On January 6, 2021, he gets a gift of ₹ 2,00,000 (cash gift of ₹ 25,000 and gift of a work of art whose market value is ₹ 1,75,000) from a notified public charitable institution.
9. X receives on January 11, 2021 a house property under will of a person known to him. The stamp duty value is ₹ 15,40,000.
10. On January 20, 2021, he gets a wrist watch by gift (fair market value : ₹ 40,000) from his friend B.
11. On January 25, 2021, he purchases a work of art for ₹ 16,00,000 from an exhibition in New York (the fair market value of the work of art on the date of purchase is ₹ 17,00,000).
12. On February 5, 2021, he gets a birthday gift of a gold chain (fair market value : ₹ 11,000) from his friend.
13. On February 10, 2021, X gets by way of gift a plot of land in Pune from a partnership firm. The partnership firm has only two partners- father of X and Mrs. X. The stamp duty value of the plot of land is ₹ 19,00,000.
14. On February 16, 2021, X purchases 500 shares in Tata Chemicals from his friend D at ₹ 90 per share (outside stock exchange). The lowest market quotation in the Bombay Stock Exchange and the National Stock Exchange on the date of purchase is ₹ 300 and ₹ 310 respectively.
15. On March 1, 2021, X gets a gift of gold ring from a cousin of his mother-in-law. The fair market value is ₹ 20,000.
16. On March 20, 2021, X gets a painting by way of gift from C Ltd. Mrs. X holds 70 per cent shares in C Ltd. The fair market value of painting is ₹ 19,000.
17. On March 25, 2021, X gets a small plot of land by way of gift from a cousin of Mrs. X (stamp duty value is ₹ 44,000).
18. On March 31, 2021, X receives a shop (situated in Jammu) by way of gift from a friend (stamp duty value is ₹ 50,000).

Compute the amount chargeable to tax in the hands of X under the head "Income from other sources" from the AY 2021-22.

Answer:

	Cash gift	Gift of immovable property	Gift of movable property	Purchase movable property for inadequate consideration
	₹	₹	₹	₹
1. Gift on occasion of marriage of X (not taxable)	Nil	-	-	-
2. Cash gift from C (C is not "relative")	23,000	-	-	-
3. Cash gift from D (elder brother of grandfather is not "relative")	15,000	-	-	-
4. Cash gift from grandmother (gift from a "relative" is not taxable)	Nil	-	-	-
5. Gift from employer	-	-	-	-

(it is taxable under the head Salary)				
6. Gift of immovable property from grandfather [gift from "relative" is not taxable]		Nil	.	-
7. Gift of commercial property (elder brother of 'other for is not "relative")	-	25,00,000	-	-
8. Gift from notified public charitable institute [Not Taxable]	Nil	-	Nil	-
9. Gift under a will [not taxable even if received from on-emotive]	-	Nil	-	-
10. Gift of a wrist watch [wrist watch is not "property" for the purpose of section 56(2)(x) and not taxable]	-	-	-	-
11. Purchase of a work of art for inadequate consideration	-	-	-	1,00,000
12. Gift of gold chain			11,000	-
13. Gift from a partnership firm [partnership firm is not "relative" even if relatives of X are partners]	-	19,00,000	-	-
14. Purchase of shares for inadequate consideration [(₹ 300 - ₹ 90) x 500]	-	-	-	1,05,000
15. Gift of gold ring (cousin of mother-in-law is not "relative" of X)	-	-	20,000	-
16. Gift from a company (company is not a "relative" even if Mrs. X is a major shareholder)	-	-	19,000	-
17. Gift of plot of land (not taxable as stamp duty value does not exceed ₹ 50,000)	-	Nil	-	-
18. Gift of shop (not taxable as stamp duty value does not exceed ₹ 50,000)	-	Nil	-	-
Total	38,000	44,00,000	50,000	2,05,000

Amount taxable under section 56(2)(x) under the head "Income from other sources" will be calculated as follows-

	₹
Cash gift (not taxable as the aggregate amount of cash gift does not exceed ₹ 50,000)	Nil
Gift of immovable properties	44,00,000
Gift of movable properties (not taxable as the aggregate amount does not exceed ₹ 50,000)	Nil
Purchase of movable properties for inadequate consideration	2,05,000
Amount taxable	46,05,000

INCOME UNDER THE HEAD OF “CAPITAL GAINS”

[Sections: 45 to 55A]

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

SECTION 45(1) – CHARGING SECTION

Any **profits or gains** arising from the **TRANSFER** of a **CAPITAL ASSET** effected in the **PREVIOUS YEAR** shall be chargeable to income tax under the head “Capital Gain” and shall be **deemed to be the income of Previous Year in which the transfer took place.**

DEFINITION OF CAPITAL ASSET [Section 2(14)]

Capital asset **includes**

- (a) **property of any kind** held by an assessee, whether or not connected with his business or profession,
- (b) any **securities held by a Foreign Institutional Investor (FII)** which has invested in such securities as per SEBI Regulations

but excludes

- **any stock-in-trade (other than securities referred in (b) above)**, consumable stores or raw materials held for the purpose of the business or profession of the assessee;
- **PERSONAL EFFECTS**, that is to say, movable property (including wearing apparel and furniture) held for personal use by the assessee or any member of his family dependent on him,

Excluding (i.e. these are capital Assets):

a) Jewellery	b) Drawings	c) Sculptures
d) Archaeological Collections	e) Paintings	f) Any work of art

→ **Agricultural land situated in Rural Area**

→ **Specified Gold Bonds, Special Bearer Bonds 1991, Gold Deposit Bonds 1999 or Deposit Certificates issued under the Gold Monetisation Scheme 2015 notified by the CG**

Definition of Rural Area:

Rural area means any area which is outside the jurisdiction of a municipality or cantonment board having a population of 10,000 or more **and also which does not fall within distance given below –**

Shortest aerial distance from the local limits of municipality/ cantonment board	Population according to the last preceding census of which the relevant-figures have been published before the first day of the previous year
2 km	If the population is more than 10,000 but not more than 1 lakh
6 km	If the population is more than 1 lakh but not more than 10 lakh
8 km	If the population is more than 10 lakh

For Section 50 (CG on Depreciable Assets) – Refer Depreciation Notes/Class

Amendment: Section 50B, Section 50C, Section 55(2) – COA are amended by Finance Act 2020.

About Finance Act 2020 & TOLA, 2020 - <https://youtu.be/2QTeK8S3BDE>

20 New Practical Questions added in ‘SET B’

Examine the taxability under the head CG in following independent cases for AY 2021-22:

- (a) Mr. A sells gold deposit bonds on 1-7-2020 for ₹ 11 lakh. The bonds were acquired on 1-3-2007 for ₹ 7,50,000.
- (b) Mrs. B, a painter, sells the paintings made by him for ₹ 45 lakhs on 1-10-2020.
- (c) Mr. X, a jewellery dealer, sells jewellery on 1-7-2020 for ₹ 15,30,000, which was acquired on 1-5-2011 for ₹ 9,35,000.
- (d) Mr. Y sells his personal furniture on 1-6-2020 for ₹ 40,000, which was acquired on 1-7-2010 for ₹ 90,000. The expenses on transfer are 2% of selling price.
- (e) Mr. Z sells his personal residential house on 01-04-2021 for ₹ 12,50,000, which was acquired by him on 1-4-2007 for ₹ 7,50,000.

Treatment of Agricultural Land

The Explanation to Section 2(1A) clarifies that Capital Gains arising from transfer of any agricultural land situated in any non-rural area (Urban Area) will not constitute agricultural revenue within the meaning of Section 2(1A) for the purpose of exemption under section 10(1). Hence, such gains would be liable to tax under Section 45.

DEFINITION OF TRANSFER [SECTION 2(47)]

“TRANSFER”, IN RELATION TO A CAPITAL ASSET, INCLUDES:

- i) Sale, Exchange or Relinquishment of the asset or Extinguishment of any rights therein; or
- ii) Reduction of Share Capital; or
- iii) Compulsory Acquisition thereof under any law; or
- iv) Conversion of Capital Asset into Stock In Trade [SIT] of a business; or
- v) Maturity or Redemption of a Zero Coupon Bond; or
- vi) Allowing of the possession of any immovable property in part performance of a contract u/s. 53A of the Transfer of property Act; 1882 [**Part-performance of the contract**]; or
- vii) Any transaction (*whether by way of becoming a member of, or acquiring shares in, a co-operative society, company or other AOPs or by way of any agreement or any arrangement or in any other manner whatsoever*) which has the effect of transferring or enabling the enjoyment of any immovable property.

[POH will be counted from date of allotment of shares/membership and not from the date of allotment of immovable property]

TAX POINTS:**✚ Redemption of Preference Shares:**

- a) Redemption of Preference Shares by the Company is a relinquishment of ownership by the Shareholder and the same is regarded as Transfer u/s 2(47).
- b) The nature of Capital Gain on such redemption depends upon the holding period of the Shareholder.

NATURE OF CAPITAL ASSETS

→ **Section 2(42A)** defines **Short-Term Capital Asset** as a capital asset held by an assessee for **not more than 36 months (Period of Holding)** *immediately preceding the date of its transfer*.

However, in case of following financial assets the above period of 36 months is replaced by 12 months:

- a) A Securities (other than Unit) listed in a recognized stock exchange in India;
- b) Units of an Equity Oriented Fund;
- c) Units of UTI / Zero Coupon Bond;

In case of **Unlisted equity or preference shares**; Land or Building or Both, period of 36 months is replaced by 24 Months.

→ **Section 2(29A)** defines **Long Term Capital Asset** as a capital asset which is not Short Term Capital Asset. Therefore, a capital asset held by an assessee for **more than 36 months (or 24 months/12 months as the case may be)** *immediately preceding the date of its transfer* is a **long-term capital asset**.

Tax Points:

- a) An asset **held exactly for 36/24/12 months will be a STCA**.
- b) For computing the period of 36/24/12 months, the date on which the asset was acquired is to be included while the date on which the asset is transferred is to be excluded.
- c) In the case of transfer of a depreciable asset (WDV Method), Capital Gain (if any) **is taken as STCG, irrespective of period of holding**.

TYPE OF CAPITAL GAINS

Short-Term Capital Gains: Gain arising on transfer of STCA [Section 2(42B)]

Long-Term Capital Gains: Gain arising on transfer of LTCA [Section 2(29B)]

Cost of Acquisition:

Cost of Acquisition of assets is the value for which it was acquired by the assessee. Expenses of capital nature for completing or acquiring the capital assets are includible in the COA. COA will include the followings:

- | | |
|--|--|
| (a) Purchase Price | (b) Registration charges |
| (c) Brokerage/Commission paid on acquisition of assets | (d) any other expenses of similar nature |

Cost of Improvement:

COI is capital expenditure incurred by an assessee in making any additions/improvement to the capital assets. It also includes any expenditure to protect or complete the title to the capital assets or to cure such title. In other words, any expenditure incurred to increase the value of the capital asset is treated as COI.

COST INFLATION INDEX

<u>FY</u>	<u>CII</u>	<u>FY</u>	<u>CII</u>
2001-02	100	2011-12	184
2002-03	105	2012-13	200
2003-04	109	2013-14	220
2004-05	113	2014-15	240
2005-06	117	2015-16	254
2006-07	122	2016-17	264
2007-08	129	2017-18	272
2008-09	137	2018-19	280
2009-10	148	2019-20	289
2010-11	167	2020-21	301

SECTION 48 - MODE OF COMPUTATION OF CAPITAL GAINS

<u>Computation of Short Term Capital Gains</u>		
Full value of Consideration		XXXX
Less: Expenditure incurred wholly and exclusively in connection with such a transfer [Cost of Transfer - COT]		XXXX
Net Sales Consideration		XXXX
Less: Cost of Acquisition (as defined in Section 49, 51 and 55) [COA]	XXXX	
Less: Cost of Improvement [COI]	XXXX	XXXX
Gross Short Term Capital Gain		XXXX
Less: Exemption u/s 54B		Xxxx
Taxable STCG		<u>XXXX</u>

<u>Computation of Long Term Capital Gains [Indexation]</u>		
Full value of Consideration		Xxxx
Less: Expenditure incurred wholly and exclusively in connection with such a transfer [COT]		Xxxx
Net Sales Consideration		Xxxx
Less: Indexed Cost of Acquisition [ICOA]	XXXX	
Less: Indexed Cost of Improvement [ICOI]	XXXX	Xxxx
Gross Long Term Capital Gain		Xxxx
Less: Exemption U/s 54 / 54B / 54EC /54EE / 54F etcd		Xxxx
Taxable LTCG		<u>Xxxx</u>

Note: Benefit of Indexation is available only in case of Long-Term Capital Assets.

$$\text{ICOA means} = \text{COA} \times \frac{\text{CII for the year in which asset is transferred}}{\text{CII for the P.Y. in which the asset was first held by the assessee or CII for the year of 2001-02, whichever is later.}}$$

However as per the view expressed by Bombay High Court in CIT v. Manjula J. Shah, in case the cost of acquisition of the capital asset in the hands of the assessee is taken to be cost of such asset in the hands of the previous owner, the indexation benefit would be available from the year in which the capital asset is acquired by the previous owner.

$$\text{ICOI means} = \text{COI} \times \frac{\text{CII for the year in which asset is transferred}}{\text{CII for the year in which the improvement to the asset took place}}$$

Cases where Benefit of Indexation is Not Available even in case of Long-Term Capital Assets:

- Transfer of a bond or a debenture **other than Capital Indexed Bonds issued by the Government OR Sovereign Gold Bond issued by the RBI under the Sovereign Gold Bond Scheme 2015.** (Index benefit is available on transfer on sovereign gold bond)
- Transfer of undertaking or division in a **Slump Sale under Section 50B.**
- Transfer of shares/debentures of an Indian company **purchased by a Non-Resident in foreign currency.**
- Transfer of Depreciation Assets** (other than an asset used by a power generating unit eligible for depreciation on SLM basis),

COA IN CASE OF FOLLOWING INTANGIBLE ASSETS [SECTION 55(2)(a)]:

a) Goodwill of a business	d) Tenancy rights
b) Right to carry on any business	e) Trade mark or brand name associated with a business
c) Right to manufacture, produce / process any article or thing	f) Stage carriage permits (Route Permits)
	g) Loom Hours

If above assets are Self Generated:

COA shall be NIL

IMPORTANT

If any other case:

COA shall be purchase price.

In case of any other intangible assets:

If the assets are Self Generated	COA of self generated assets will be <u>INDERMINATE</u> . Therefore, no capital gains will arise. Example: On sale of Goodwill of Profession <i>[Supreme Court - B. C. Srinavasa Setty]</i>
If any other case	COA shall be purchase price.

Example:

On January 31, 2021, Mr. A has transferred self-generated goodwill of his profession for a sale consideration of ₹ 70,000 and incurred expenses of ₹ 5,000 for such transfer. You are required to compute the capital gains chargeable to tax in the hands of Mr. A for the A.Y. 2021-22.

Solution

The transfer of self-generated goodwill of profession is not chargeable to tax. It is based upon the Supreme Court's ruling in CIT vs. B.C. Srinivasa Shetty.

COA WHEN THE ASSET IS ACQUIRED BEFORE 01/04/2001 [SECTION 55(2)(b)]

When an asset has been acquired by the

(a) assessee or

(b) by the previous owner from whom the asset was acquired by the assessee u/s 49(1),

before 01/04/2001, the assessee **has an option** to take either **the actual COA** or **FMV of the asset as on 01/04/2001** to be the COA for computation of CG. [Higher will be preferred]

However, in case of capital asset, being land or building or both, the fair market value of such asset on 1-4-2001 shall not exceed the stamp duty value, wherever available, of such asset as on 1-4-2001.

[Added by Finance Act 2020 – w.e.f. AY 2021-22]



The option is however not available in respect of the following items:

(a) Goodwill of a Business or Trade Mark/Brand name associated with a business or Right to Manufacture, produce or process any article or thing or Right to carry on any Business, Tenancy Rights, Stage Carriage Permits or Loom Hours (Hours granted by govt. to weave yarn or thread) &

(b) Depreciable Assets

COST OF IMPROVEMENT [COI] - [SECTION 55(1)]

a) Any COI incurred by the Assessee/Previous Owner is to be considered.

b) Any COI incurred before 01-04-2001 is to be completely ignored.

c) **COI in respect of following assets is taken at NIL:**

- Goodwill of Business;
- Right to manufacture, produce or process any article or thing;
- Right to carry on any business.

IMPORTANT

SECTION 51 - ADVANCE MONEY RECEIVED & FORFEITED

Where any capital asset was, on any previous occasion, the subject matter of negotiations for its transfer and any **advance or other money** received is forfeited (retained) **by the Assessee**, then the amount so forfeited shall be deducted from,

- ✓ The cost for which the asset was acquired, or
- ✓ The FMV as on 1.4.2001 where FMV as on 1.4.2001 has been taken as COA, or
- ✓ The WDV in case of depreciable assets

as the case may be, in computing the COA.

NOTES:

- **Amount forfeited either before or on/after 1.4.2001 is to be deducted as per section 51**
- **Amount forfeited on or after 01/04/2014, will not be deducted under this Section, but it will be taxable as IOS as per New Section 56(2)(ix)**
- **Amount forfeited by previous owner is not to be deducted as per 51**
- **Travancore Rubber & tea Co. Ltd (SC):** if the money forfeited exceeds the cost, the cost shall be reduced to the extent it becomes NIL, the **excess shall be a Capital Receipt not taxable.**

Advance forfeited due to failure of negotiations for transfer of a capital asset to be taxable as “Income from other sources” [Section 56(2)(ix)]

- (i) With effect from A.Y. 2015-16, new clause (ix) has been inserted in section 56(2) to provide for the taxability of any sum of money, received as an advance or otherwise in the course of negotiations for transfer of a capital asset. **Such sum shall be chargeable to income-tax under the head ‘Income from other sources’, if such sum is forfeited and the negotiations do not result in transfer of such capital asset.**
- (ii) Section 51 has been amended to provide that where any sum of money received as an advance or otherwise in the course of negotiations for transfer of a capital asset, has been included in the total income of the assessee for any previous year, in accordance with section 56(2)(ix), such amount **shall not be deducted from the cost for which the asset** was acquired or the written down value or the fair market value, as the case may be, in computing the cost of acquisition.

Question:

Mr. K purchases a house property on April 10, 1998 for ₹ 35,000. The FMV of the house property on April 1, 2001 was ₹ 70,000. On August 31, 2004, Mr. K enters into an agreement with Mr. J for sale of such property for ₹ 1,20,000 and received an amount of ₹ 10,000 as advance. However, as Mr. J did not pay the balance amount, Mr. K forfeited the advance. In May 2007, Mr. K constructed the first floor by incurring a cost of ₹ 50,000. Subsequently, in September 2007, Mr. K gifted the house to his friend Mr. D. On February 10, 2020, Mr. D sold the house for ₹ 30,00,000.

You are required to compute the capital gains taxable in the hands of Mr. D for the AY 2020-21.

Question:

Mr. X purchases a house property in December 1995 for ₹ 1,25,000 and an amount of ₹ 75,000 was spent on the improvement and repairs of the property in March 2001. The property was proposed to be sold to Mr. Z in the month of May 2003 and an advance of ₹ 40,000 was taken from him. As the entire money was not paid in time, Mr. X forfeited the advance and subsequently sold the property to Mr. Y in the month of October 2020 for ₹ 54,00,000. The fair value of the property on April 1, 2001 was ₹ 3,90,000.

What is the capital gain chargeable in the hands of Mr. X for the AY 2021-22?

Section 50D – FMV as a Full Value of Consideration


Fair market value of the capital asset on the date of transfer to be taken as sale consideration, **in cases where the consideration is not determinable.**

SECTION 50C – SALE CONSIDERATION IN SPECIAL CASES

Where the consideration received (as declared) for **LAND OR BUILDING OR BOTH** is **LESS THAN** the value adopted or assessed or assessable by **Stamp Valuation Authority (SVA)** **then, sales consideration shall be taken to be the value so adopted or assessed or assessable by SVA.**

Where the date of the agreement fixing the amount of consideration and the date of registration for the transfer of the capital asset **are not the same**, the value adopted or assessed or assessable by the stamp valuation authority **on the date of agreement** may be taken for the purposes of computing full value of consideration for such transfer **if** amount of consideration, or a part thereof, has been received by way of an account payee cheque or account payee bank draft or by use of electronic clearing system through a bank account or through such other electronic modes as may be prescribed, on or before the date of the agreement for transfer.

The prescribed electronic modes notified are credit card, debit card, net banking, IMPS (Immediate payment Service), UPI (Unified Payment Interface), RTGS (Real Time Gross Settlement), NEFT (National Electronic Funds Transfer), and BHIM (Bharat Interface for Money) Aadhar Pay as other electronic modes of payment [CBDT Notification No. 8/2020 dated 29.01.2020].

Where the value adopted or assessed or assessable by the stamp valuation authority does not exceed **110% of the consideration** ~~105% of the consideration~~ **(amended by Finance Act 2020)** received or accruing as a result of the transfer, the consideration so received or accruing as a result of the transfer shall, for the purposes of section 48, be deemed to be the full value of the consideration. 

REFERENCE TO VALUATION OFFICER:

- ✓ **Where the assessee can claim** that the value adopted or assessed or assessable by stamp valuation authority is greater than the FMV of the property as on the date of transfer;
- ✓ and value so adopted / assessed or assessable by the Stamp Valuation Authority is **not disputed** (i.e. challenged) in any appeal / revision before any authority or Court.,
- ✓ **then A.O. may refer the case to a Valuation Officer for valuation of the capital asset.**

	Different situation	Consideration
<u>Where value ascertained by a valuation officer</u>	>	Value adopted / assessed or assessable by the SVA
	<	<u>Value adopted or assessed or assessable by the SVA but more than 110% of declared value</u>
	<	Declared value in the ROI or 110% of declared value
		Value adopted / assessed or assessable by the SVA
		<u>Value ascertained by a valuation officer Under Section 55A</u>
		Section 50C is not attracted. Therefore, declared value in the ROI will be sales consideration.

SECTION 50CA – SALE CONSIDERATION IN CASE OF TRANSFER OF UNLISTED SHARES

Where the consideration received or accruing as a result of the transfer by an assessee of a capital asset, ***being share of a company other than a quoted share***, is less than the fair market value of such share determined in such manner as may be prescribed, the **value so determined** shall, for the purposes of section 48, **be deemed to be the full value of consideration** received or accruing as a result of such transfer.

Explanation-

For the purposes of this section, "**quoted share**" means the share quoted on any recognised stock exchange with regularity from time to time, where the quotation of such share is based on current transaction made in the ordinary course of business.

The provisions of this section would, however, not be applicable to any consideration received or accruing as a result of transfer by such class of persons and subject to such conditions as may be prescribed.

EXEMPTED TRANSFER [Section 47] – SOME SPECIAL CASES**HUF - Taxability of Distribution of Capital Assets on the Total / Partial Partition of HUF**

1. Distribution of Capital Asset in total or partial partition of HUF is not considered as transfer and not chargeable to capital gain tax. [Section 47(i)]
2. **Holding Period in the hands of the Transferee for the purpose of subsequent transfer [Sec 2(42A)]:**
Previous owner's holding period shall be included.
3. **Cost in the hands of Transferee [Sec 49]:** Cost to Previous owner

Example: Mr. X & sons, HUF, purchased a land for ₹ 40,000 in 2004-05. In 2009-10, a partition takes place when Mr. A, a coparcener, is allotted this plot valued at ₹ 80,000. In 2012-13, he had incurred expenses of ₹ 1,85,000 towards fencing of the plot. Mr. A sells this plot of land for ₹ 15,00,000 in PY 2020-21 after incurring expenses to the extent of ₹ 20,000. You are required to compute the capital gain for the A.Y. 2021-22.

Financial year	Cost Inflation Index
2004-05	113
2009-10	148
2012-13	200
2020-21	301

Solution: Computation of taxable capital gains for the A.Y. 2021-22

Particulars	₹	₹
Sale consideration		15,00,000
Less: Expenses incurred for transfer		<u>20,000</u>
Less:		14,80,000
(i) Indexed cost of acquisition (₹ 40,000 × 301/148)	81,351	
(ii) Indexed cost of improvement (₹ 1,85,000 × 301/200)	2,78,425	3,59,776
Long term capital gains		11,20,224

Note - As per the view expressed by Bombay High Court in CIT v. Manjula J. Shah, in case the cost of acquisition of the capital asset in the hands of the assessee is taken to be cost of such asset in the hands of the previous owner, the indexation benefit would be available from the year in which the capital asset is acquired by the previous owner. If this view is considered, the indexed cost of acquisition would have to be calculated by considering the Cost Inflation Index of F.Y. 2004-05.

GIFT - Taxability of Transfer of Capital Assets under Gift / Will/ Irrevocable Trust

(A) Transfer of Capital Asset under Gift / Will/ Irrevocable Trust is not considered as transfer and not chargeable to capital gain tax Under Section 47(iii) in the hands of Transferor.

- a) **Conditions to be fulfilled:** Capital Assets other than Shares, Debentures or Warrants allotted directly or indirectly under ESOP shall be transferred.
- b) **Holding Periods in hands of the Transferee in case of subsequent transfer [Sec 2(42A)]:** Previous owner's holding period **shall be included**.
- c) **Cost in the hands of Transferee [Sec. 49]:** Cost to Previous Owner.

(B) COA/POH for Transferee where GIFT is taxable u/h IOS:

COA [Section 49(4)]: However where the capital gain arises from the transfer of a property, the value which has been **subject to Income-Tax under section 56(2)(x) in the hands of recipient**, the **COA** of such property shall be deemed to be the value [FMV/SDV] which has been taken into account for the purpose of the said **Section 56(2)(x)**. [**Previous owner cost has to be ignored**]

POH: Further, POH in the hands of transferee will be started from the date of Gift in the hands of transferee.

TAXABILITY OF TRANSFER BY WAY OF CONVERSION OF BONDS/DEBENTURES ETC. OF A COMPANY INTO SHARES/DEBENTURES OF THAT COMPANY:

- Such transfer is exempted transfer u/s 47(x).
- COA** of such shares / debenture for subsequent transfer: Cost of that part of the debenture, bond, debenture stock or deposits certificate, which is so converted.
- POH** of such converted shares or debentures shall include the period for which the bond, debentures etc was held by the assessee before conversion.

Example: Mr. B purchased convertible debentures for ₹ 5,00,000 during August 2008. The debentures were converted into shares in September 2012. These shares were sold for ₹ 15,00,000 in August, 2020. The brokerage expenses is ₹ 50,000. You are required to compute the capital gains in case of Mr. B for the assessment year 2021-22.

Financial Year	Cost Inflation Index
2008-09	137
2012-13	200
2020-21	301

Solution:

Computation of Capital Gains of Mr. B for the A.Y. 2021-22

Particulars	₹
Sale consideration	15,00,000
Less: Expenses on transfer i.e. Brokerage paid	<u>50,000</u>
Net consideration	14,50,000
Less: Indexed cost of acquisition (₹ 5,00,000 × 301/200)	<u>7,52,500</u>
Long term capital gain	6,97,500

Note : For the purpose of computing capital gains, the holding period is considered from the date of purchase of convertible debenture.

Taxability of Transfer of artistic work etc to the Government etc [Section 47(ix)]

Any Transfer of artistic work, scientific work or art collection, book, manuscript, drawing, painting photographs printings etc., to the Govt. or University or National Museums Or National Art Gallery or any other notified public museum / institution is EXEMPTED TRANSFER.

ESOP: TAXABILITY OF TRANSFER OF SPECIFIED SECURITY/SWEAT SHARES ALLOTTED

- COA:** Where the capital gain arises from the transfer of specified security or sweat equity shares allotted under ESOP Scheme as referred to section 17(2)(vi), the COST OF ACQUISITION of such SECURITY or SHARES Shall be the FMV which has been taken into account for the purposes of section 17(2)(vi) **[Section 49(2AA)]**
- POH:** From the date of allotment or transfer of such specified security or sweat equity shares.

ASCERTAINMENT OF COST IN SPECIFIED CIRCUMSTANCES

SECTION 49(1) : DEEMED COST OF ACQUISITION

If the asset was acquired from the previous owner under any of the following mode, then the **cost to the previous owner shall be deemed COA of the asset** in the hands of the assessee:

- (a) On the total / partial partition of a HUF;
- (b) Under Gift / Will
- (c) By way of Succession / Inheritance / Devolution;
- (d) Under a transfer to a revocable or an irrevocable trust;
- (e) On a transfer by a 100% Indian Subsidiary Co. to its Holding Co. or vice versa;
- (f) In a scheme of amalgamation of two Indian / foreign companies;
- (g) On conversion of self acquired property of a member of a HUF to the joint family property.
- (h) On any Transfer in a scheme of conversion of Private / Unlisted Public Co. into LLP which comes u/s 47(xiiib)

NOTE:

- a) **POH**: **If asset acquired by the Assessee u/s. 49(1), then, include the POH for which the asset was held by the previous Owner**
- b) Previous owner means the last previous owner of the capital asset, who acquired it through the mode of acquisition other than referred above.

COA IN CASE OF FINANCIAL ASSETS

Capital asset	Cost Of Acquisition	POH Will Start From
Shares/securities originally purchased from: <ul style="list-style-type: none"> ➤ Primary Market (Direct from Company) ➤ Secondary Market <ul style="list-style-type: none"> • Transaction through brokers • Transaction between parties directly 	<ul style="list-style-type: none"> ➤ Allotment price ➤ Purchase price + Brokerage ➤ Purchase price 	<ul style="list-style-type: none"> ➤ Date of Allotment ➤ Date of Broker's note ➤ Date of Contract of sale
Right Share / Securities	➤ Offer price by the Co.	➤ Date of Allotment
Renouncement of right: <ul style="list-style-type: none"> ➤ For the person who renounces the right. ➤ For the person who purchased the right. 	<ul style="list-style-type: none"> ➤ Nil ➤ Offer price + Amount paid for Renouncement 	<ul style="list-style-type: none"> ➤ Date of offer ➤ Date of Allotment
Bonus shares / Securities	➤ Nil	➤ Date of Allotment

Note:

The option to take FMV as on 01-04-2001 as COA is available if such assets were acquired before 01-04-2001. [Even in case of Bonus shares]

Example:

Ms. Usha purchases 1,000 equity shares in X Ltd. at a cost of ₹ 15 per share (brokerage 1%) in January 1998. She gets 100 bonus shares in August 2000. She again gets 1100 bonus shares by virtue of her holding on February 2005. Fair market value of the shares of X Ltd. on April 1, 2001 is ₹ 25. In January 2021, she transfers all her shares @ ₹ 150 per share (brokerage 2%). Compute the capital gains taxable in the hands of Ms. Usha for the A.Y. 2021-22 assuming X Ltd is an unlisted company and securities transaction tax was not applicable at the time of sale.

Cost Inflation Index for F.Y.2001-02 : 100, F.Y. 2004-05 : 113 & F.Y. 2020-21: 301

Solution**Computation of capital gains for the A.Y. 2021-22**

Particulars	₹
1000 Original shares	
Sale proceeds (1000 × ₹ 150)	1,50,000
Less : Brokerage paid (2% of ₹ 1,50,000)	<u>3,000</u>
Net sale consideration	1,47,000
Less : Indexed cost of acquisition [₹ 25 × 1000 × 301/100]	<u>75,250</u>
Long term capital Gain (A)	<u>71,750</u>
100 Bonus shares	
Sale proceeds (100 × ₹ 150)	15,000
Less : Brokerage paid (2% of ₹ 15,000)	<u>300</u>
Net sale consideration	14,700
Less : Indexed cost of acquisition [₹ 25 × 100 × 301/100] [See Note below]	<u>7,525</u>
Long term capital Gain (B)	<u>7,175</u>
1100 Bonus shares	
Sale proceeds (1100 × ₹ 150)	1,65,000
Less: Brokerage paid (2% of ₹ 1,65,000)	<u>3,300</u>
Net sale consideration	1,61,700
Less: Cost of acquisition	<u>NIL</u>
Long term capital gain (C)	1,61,700
Long term capital gain (A+B+C)	2,40,625

Note: Cost of acquisition of bonus shares acquired before 1.4.2001 is the FMV as on 1.4.2001 (being the higher of the cost or the FMV as on 1.4.2001).

Example:

Mr. R holds 1000 shares in Star Minus Ltd., an unlisted company, acquired in the year 2001- 02 at a cost of ₹ 25,000. He has been offered right shares by the company in the month of August, 2020 at ₹ 140 per share, in the ratio of 2 for every 5 held. He retains 50% of the rights and renounces the balance right shares in favour of Mr. Q for ₹ 25 per share in September 2020. All the shares are sold by Mr. R for ₹ 300 per share in January 2021 and Mr. Q sells his shares in December 2020 at ₹ 280 per share. What are the capital gains taxable in the hands of Mr. R and Mr. Q?

Financial Year	Cost Inflation Index
2001-02	100
2020-21	301

Solution**Computation of capital gains in the hands of Mr. R for the A.Y. 2021-22**

Particulars	₹
1000 Original shares	
Sale proceeds (1000 × ₹ 300)	3,00,000
Less : Indexed cost of acquisition [₹ 25,000 × 301/100]	<u>75,250</u>
Long term capital gain (A)	<u>2,24,750</u>
200 Right shares	
Sale proceeds (200 × ₹ 300)	60,000
Less : Cost of acquisition [₹ 140 × 200] [Note 1]	<u>28,000</u>
Short term capital gain (B)	<u>32,000</u>

Sale of Right Entitlement	
Sale proceeds (200 × ₹ 25)	5,000
Less : Cost of acquisition [Note 2]	<u>NIL</u>
Short term capital gain (C)	<u>5,000</u>
Capital Gains (A+B+C)	2,61,750

Note 1: Since the holding period of these shares does not exceed 2 years, they are short term capital assets and hence cost of acquisition will not be indexed.

Note 2: The cost of the rights renounced in favour of another person for a consideration is taken to be nil. The consideration so received is taxed as short-term capital gains in full. The period of holding is taken from the date of the rights offer to the date of the renouncement.

Computation of capital gains in the hands of Mr. Q for the A.Y. 2021-22

Particulars	₹
200 shares :	
Sale proceeds (200 × ₹ 280)	56,000
Less: Cost of acquisition [200 shares × (₹ 25 + ₹ 140)] [See Note below]	<u>33,000</u>
Short term capital gain	<u>23,000</u>

Note: The cost of the rights is the amount paid to Mr. R as well as the amount paid to the company. Since the holding period of these shares does not exceed 2 years, they are short term capital assets.

Taxability on conversion of Inventory into Capital Asset**Section 28(via)**

The fair market value of inventory as on the date on which it is converted into, or treated as, a capital asset determined in the prescribed manner shall be chargeable to tax as business income.

Explanation 1A to Section 43(1)

Where a capital asset referred to in clause (via) of section 28 is used for the purposes of business or profession, the actual cost of such asset to the assessee shall be the fair market value which has been taken into account for the purposes of the said clause.

Section 49(9)

Where the capital gain arises from the transfer of a capital asset referred to in clause (via) of section 28, the cost of acquisition of such asset shall be deemed to be the fair market value which has been taken into account for the purposes of the said clause.

Explanation 1 to Section 2(42A)

In the case of a capital asset referred to in clause (via) of section 28, the period shall be reckoned from the date of its conversion or treatment.

SECTION 45 - SCOPE AND YEAR OF CHARGEABILITY OF CAPITAL GAINS

Section 45(1)

Any **profits or gains** arising from the **TRANSFER** of a **CAPITAL ASSET** effected in the **PREVIOUS YEAR** shall be chargeable to income tax under the head “**Capital Gain**” and Shall be **deemed to be the income of Previous Year in which the transfer took place.**

- **For Immovable Property:** The date on which conveyance deed is executed is considered
- **For Movable Property:** The date of delivery is important.

SECTION 45(1A)–COMPENSATION RECIEVED FROM INSURANCE COMPANY

Where any person receives any money or other assets from an **INSURER** on account of damage or destruction of any capital asset, **as a result of** –

1. **Flood, Typhoon, Hurricane, Cyclone, Earthquake or Other convulsion of nature; or**
2. **Riot or Civil Disturbance; or**
3. **Accidental Fire or Explosion; or**
4. **Action by an enemy/action taken in combating an enemy (whether with/without a declaration of war)**

Then, any profits or gains arising from receipt of such money or other assets shall be chargeable to income-tax under the head “Capital gains” **and shall be deemed to be the income of the such person for the previous year in which money or other asset was received.**

For the purposes of section 48, the value of any money or the FMV of other assets on the date of such receipt shall be deemed to be the full value of the consideration received or accruing as a result of the transfer of such capital assets.

Capital Gains = Money received and/or FMV of assets on the date of receipt	xxx
Less: [COT + COA/COA + COI/COI]	xxx

Note: if compensation is received for depreciable assets, then provisions of Section 50 shall apply.

SECTION 45(2)–CONVERSION OF A CAPITAL ASSET IN TO STOCK-IN-TRADE

Capital gains arising from the transfer, by way of **conversion of a capital asset in to stock in trade** of a business carried on by assessee, **Shall be charged to tax as his income of the Previous Year in which such stock in trade is sold or otherwise transferred by him.**

Capital gains = FMV of assets as on the Date of Conversion	xxx
Less: [COT + COA/COA + COI/COI]	xxx

PGBP = [Consideration Received on Sale (-) FMV of assets on the date of conversion]

Important Notes:

1. Amount recorded in the books of account of the business as the value of stock-in-trade is not relevant for computing capital gain as well as PGBP.
2. Capital gain shall be computed as per provision applicable in the Previous Year in which Stock in Trade is sold.

Example:

ABC Ltd., converts its capital asset acquired for an amount of ₹ 50,000 in June, 2003 into stock-in-trade in the month of November, 2012. The fair market value of the asset on the date of conversion is ₹ 2,50,000. The stock-in-trade was sold for an amount of ₹ 3,50,000 in the month of December 2020. What will be the tax treatment?

Financial year	Cost Inflation Index
2003-04	109
2012-13	200
2020-21	301

Solutions:

The capital gains on the sale of the capital asset converted to stock-in-trade is taxable in the given case. It arises in the year of conversion (i.e. P.Y. 2012-13) but will be taxable only in the year in which the stock-in-trade is sold (i.e. P.Y. 2020-21). Profits from business will also be taxable in the year of sale of the stock-in-trade (P.Y. 2020-21). The long-term capital gains and business income for the A.Y. 2021-22 are calculated as under:

Particulars	₹	₹
Profits and Gains from Business or Profession		
Sale proceeds of the stock-in-trade	3,50,000	
Less: Cost of the stock-in-trade (FMV on the date of conversion)	2,50,000	1,00,000
Long Term Capital Gains		
Full value of the consideration (FMV on the date of the conversion)	2,50,000	
Less: Indexed cost of acquisition (₹ 50,000 x 200/109)	91,743	1,58,257

Note: For the purpose of indexation, the cost inflation index of the year in which the asset is converted into stock-in-trade should be considered.

Section 45(2A) – TRANSFER OF BENEFICIAL INTEREST IN SECURITIES

- ✓ **CAPITAL GAIN IS CHARGEABLE IN THE HANDS OF BENEFICIAL OWNER OF SECURITIES HELD IN DEMAT FORM** (and not be regarded as income of the depository who is deemed to be the registered owner of the securities)
- ✓ **COST OF ACQUISITION & PERIOD OF HOLDING:**

For the purposes of computing Capital Gain, the COA and the POH of securities shall be determined on the basis of the first-in-first-out (FIFO) method. In FIFO Method, the date of entry in "Demat Account" is important and not the date of purchase of security in physical form.

SECTION 45(3) – INTRODUCTION OF CAPITAL ASSET AS CAPITAL CONTRIBUTION

- ✓ Where a person transfers a capital asset to a Firm, AOP or BOI in which he is already a partner/member or is to become a partner/member by way of **Capital Contribution or otherwise**, the profits or gains arising from such transfer will be chargeable to tax as income of the previous year in which such transfer takes place.
- ✓ For this purpose, the **value of the consideration will be the amount recorded in the books of account** of the firm, AOP or BOI as the value of the capital asset.

SECTION 45(4) – Distribution of A Capital Asset By A Firm / AOPs / BOIs

- ✓ The profits or gains arising from the transfer of capital assets by way of distribution of capital assets on the **dissolution of a Firm / AOPs / BOIs or otherwise** shall be chargeable to tax as the income of the Firm / AOPs / BOIs of the previous year in which such transfer takes place.
- ✓ **For this purpose, the FMV of the asset on the date of such transfer shall be the full value of consideration.**

NOTE:

Amount received by a retiring partner in respect of his share in the partnership including goodwill is not assessable as Capital Gain in his hands.

Since the tax treatment accorded to a LLP and a general partnership is the same, the conversion from a general partnership firm to an LLP will have no tax implications if the rights and obligations of the partners remain the same after conversion and if there is no transfer of any asset or liability after conversion. However, if there is a change in rights and obligations of partners or there is a transfer of asset or liability after conversion, then the provisions of section 45 would get attracted.

SECTION 45(5) – COMPULSORY ACQUISITION OF CAPITAL ASSET

In case of the transfer of capital asset by way of compulsory acquisition **OR** the transfer is the one for which, consideration is determined or approved by CG or RBI, then, capital gain shall be computed as under:

IN RESPECT OF ORIGINAL COMPENSATION

- Taxable in the Previous Year in which such compensation is **FIRST RECEIVED by the assessee (even part thereof)**.
- POH shall be taken up to the date when asset is compulsorily acquired

IN RESPECT OF ENHANCED / ADDITIONAL COMPENSATION

- Taxable in the Previous Year in which such compensations **received by the assessee**.
- Amount of Capital Gain shall be Compensation Received **less Litigation Expenses**, if any.
- Nature of capital gain shall be the same as the nature of capital gain w.r.t. the original compensation.
- The COA & COI shall be taken to be **NIL**.

Tax Note:

1. Where the Original / Enhanced Compensation is received subsequently to the death of assessee **then it is taxable in the hands of his legal heirs**.
2. Amount of compensation received in pursuance of an interim order of the court etc shall be deemed to be income chargeable under the head 'Capital Gains' in the PY in which the final order of such courts etc is made.
3. Any interest received on delayed receipt of compensation or enhanced compensation, as the case may be, shall be subject to tax under the head 'Income from Other Sources' on receipt basis.
[50% deduction is allowed u/s 57]

Question:

Mr. X, who follows the accrual system of accounting, purchased land for ₹ 25,00,000/- in June 2012. This asset was transferred to the Government by way of compulsory acquisition in September 2018 for an immediate compensation of ₹ 75,00,000/- . However, Mr. X disputed the compensation and an enhanced compensation of ₹ 20,00,000 was awarded to him by the court in November 2019. Interest accrued on this compensation as on 31st March 2020 was ₹ 4,00,000/- . The enhanced compensation was received by him in Dec 2020 along with an interest of ₹ 5,00,000, which has accrued till date. **Discuss the year of chargeability and appropriate heads of income under which the above transactions would be taxed.**

SECTION 45(5A) – Transfer under Specified Agreement

1. Notwithstanding anything contained in Sub-section (1), where the capital gain arises to an assessee, being an **Individual or a HUF**, from the transfer of a capital asset, being land or building or both, under a specified agreement, the capital gains shall be chargeable to income-tax as income of the previous year **in which the certificate of completion for the whole or part of the project is issued by the competent authority.**
2. For the purposes of section 48, the stamp duty value, on the date of issue of the said certificate, **of his share, being land or building or both in the project, as increased by the consideration received in cash**, if any, shall be deemed to be the full value of the consideration received or accruing as a result of the transfer of the capital asset
3. The provisions of this sub-section **shall not apply** where the assessee transfers his share in the project on or **before the date of issue of said certificate of completion**, and the capital gains shall be deemed to be the income of the previous year in which such transfer takes place and the provisions of this Act, other than the provisions of this sub-section, shall apply for the purpose of determination of full value of consideration received or accruing as a result of such transfer
4. "Competent Authority" means the authority empowered to approve the building plan by or under any law for the time being in force;
5. "Specified Agreement" means a registered agreement in which a person owning land or building or both, **agrees to allow another person to develop a real estate project on such land or building or both**, in consideration of a **share, being land or building or both in such project**, whether with or without payment of part of the consideration in cash;
6. "Stamp Duty Value" means the value adopted or assessed or assessable by any authority of Government for the purpose of payment of stamp duty in respect of an immovable property being land or building or both

Consequential amendments due to Section 45(5A):**(A) Cost of acquisition of the share in the project [Section 49(7)]:**

COA of the share in the project being land or building or both, in the hands of the Individual or HUF who was the owner of land or building or both **shall be the amount which is deemed as full value of consideration under section 45(5A) mentioned above**

(B) TDS on monetary consideration – Section 194-IC:

Notwithstanding anything contained in Section 194-IA, any person responsible for paying **to a Resident** any sum by way of consideration, **not being consideration in kind**, under the agreement referred in Section 45(5A), shall at the time of credit of such sum to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, **whichever is earlier**, **deduct an amount equal to 10% of such sum** as income tax thereon.

[The rate of TDS u/s 194-IC has been reduced from 10% to 7.5% (i.e., $\frac{3}{4}$ th of the specified rate) for the period from 14th May, 2020 to 31st March, 2021 (Section 197B)]



EXEMPTION OF CAPITAL GAINS**CAPITAL GAINS ON SALE OF RESIDENTIAL HOUSE [SECTION 54]****ELIGIBLE ASSESSEE – INDIVIDUAL & HUF****CONDITIONS**

- ✓ There should be a transfer of **Residential House Property** (buildings or lands appurtenant thereto)
- ✓ It must be a **Long -Term Capital Asset**
- ✓ Income from such house should be chargeable under the head “**Income from house property**”
- ✓ **Where the amount of capital gains exceeds ₹ 2 crore**

Where the amount of capital gain exceeds ₹ 2 crore, one residential house in India should be

- *purchased within 1 year before or 2 years after the date of transfer (or)*
- *constructed within a period of 3 years after the date of transfer.*

- ✓ **Where the amount of capital gains does not exceed ₹ 2 crore**

Where the amount of capital gains does not exceed ₹ 2 crore, the assessee i.e., individual or HUF, may at his option,

- *purchase two residential houses in India within 1 year before or 2 years after the date of transfer (or)*
- *construct two residential houses in India within a period of 3 years after the date of transfer.*

IMP: Where during any assessment year, the assessee has exercised the option to purchase or construct two residential houses in India, he shall not be subsequently entitled to exercise the option for the same or any other assessment year.

However, he can continue to claim exemption on purchase or construct of one house.

QUANTUM OF EXEMPTION – LOWER OF THE TWO

- ✓ Amount invested in Residential House or houses or Capital Gain **whichever is lower.**

UNUTILISED AMOUNT – CAPITAL GAIN ACCOUNT SCHEME APPLICABLE

- a) The amount not utilized before the due date of filing ROI shall be deposited before the due date of filing ROI in Capital gain Accounts Scheme.
- b) The amount should be utilized within the prescribed period.
- c) Amount not utilized within the prescribed period (3 years from the date of transfer of the original asset) shall be treated as **LT CG** of the P/Y in which the prescribed period expires.

POH OF NEW ASSET - 3 YEARS

3 years from the date of acquisition or construction

CONSEQUENCES OF TRANSFER OF NEW ASSET BEFORE 3 YEARS

If the new asset is transferred before 3 years from the date of its acquisition/Construction, then cost of the asset will be reduced by capital gains exempted earlier **for computing capital gains.**

CAPITAL GAINS ON TRANSFER OF AGRICULTURE LAND [SECTION 54B]**ELIGIBLE ASSESSEE – INDIVIDUAL & HUF****CONDITIONS**

- ✓ There should be a transfer of URBAN Agricultural Land.
- ✓ Such land must have been used for agricultural purposes either by the assessee **himself or his parents** or by HUF in the **2 immediately preceding years**.
- ✓ Another agricultural land (urban or rural) should be purchased **within 2 years** from the date of transfer.

QUANTUM OF EXEMPTION – LOWER OF THE TWO

- ✓ Cost of the new agricultural land or Capital Gain **whichever is lower**.

UNUTILISED AMOUNT – CAPITAL GAIN ACCOUNT SCHEME APPLICABLE

- a) The amount not utilized before the due date of filing ROI shall be deposited before the due date of filing ROI in Capital gain Accounts Scheme.
- b) The amount should be utilized within the prescribed period.
- c) Amount not utilized within the prescribed period (2 years from the date of transfer of the original asset) shall be treated as CG of the P/Y in which the prescribed period expires.

POH of NEW ASSET - 3 YEARS

3 years from the date of acquisition.

CONSEQUENCES ON TRANSFER OF NEW AGRICULTURE LAND BEFORE 3 YEARS

- ✓ If the new agricultural land is transferred before 3 years from the date of its acquisition, then **cost of the land will be reduced by capital gains** exempted earlier for computing capital gains.
- ✓ However, if the new agricultural land is a rural agricultural land, there would be **no capital gains on transfer of such land**.

Example:

Mr. Z had purchased certain urban agricultural land on 26.12.2006 for ₹ 7,50,000. The land was being used for agricultural purpose by him. This land is sold by him on 15.09.2020 for ₹ 78,50,000. He has spent ₹ 5,00,000 for acquiring an urban agricultural land on 15.10.2020 and has deposited ₹ 3,00,000 under the capital gains account scheme on 03.05.2021. Out of the spent amount deposited in Capital Gains Account Scheme, he withdrew ₹ 1,00,000 for purchasing agricultural land on 30.03.2022. The remaining amount could not be utilized by him for purchase of agricultural land upto 14.09.2022. Compute the taxable capital gain for the AY 2021-22, AY 2022-23 & AY 23-24.

SEC. 10(37) – Exemption on CG from Agricultural Land

Eligible Assessee: Individual & HUF

Eligible Asset: Agricultural Land Situated in Urban Area

Conditions:

1. If such land, during the period of **2 years immediately preceding the date of transfer**, was being used for **agricultural purposes** by such HUF or individual **or a parent** of individual,
2. The transfer is **by way of compulsory acquisition** under any law, or a transfer the consideration for which is determined or approved by the **CG or the RBI**.
3. Compensation must have been received **on or after 01/04/2004**.
4. Compensation as well as Enhanced Compensation both will be exempt.

**CAPITAL GAINS NOT CHARGEABLE ON INVESTMENT IN CAPITAL BONDS
[Section 54EC]****ELIGIBLE ASSESSEE – ANY ASSESSEE****CONDITIONS**

- ✓ There should be transfer of a ***LTCA being Land or building or both.***
- ✓ Such asset **can also be a depreciable asset** held for more than **36 months or 24 months as the case may be.**
- ✓ The capital gains arising from such transfer should be invested in a long-term specified asset **within 6 months** from the date of transfer.
- ✓ **LONG-TERM SPECIFIED ASSET** means specified bonds, redeemable after 5 years, issued by the
 - National Highways Authority of India (NHAI) or
 - Rural Electrification Corporation Limited (RECL)**OR any bond redeemable 5 years which is to be notified by the CG in this behalf.**

For this purpose, bond issued by

 - ***Power Finance Corporation Limited &***
 - ***Indian Railway Finance Corporation Limited is considered as long term specified asset.***

Further, there is no TDS on interest payable from these 2 bonds.
- ✓ The assessee should **not transfer or convert or avail loan or advance** on the security of such bonds for a period of **5 years** from the date of acquisition of such bonds.
- ✓ **NOTE:** In case of conversion of capital asset into stock in trade and subsequent sale of stock in trade - period of 6 months to be reckoned from the date of sale of stock in trade for the purpose of section 54EC exemption [**CBDT Circular**].

QUANTUM OF EXEMPTION – LOWER OF THE TWO

- ✓ Capital gains or amount invested in specified bonds, whichever is lower.
- ✓ ***Investment made during the PY in which the original assets are transferred and in the subsequent financial year does not exceed ₹ 50,00,000.***

ON VIOLATION OF CONDITIONS

In case of transfer or conversion of such bonds or availing loan or advance on security of such bonds **before the expiry of 5 years**, the **capital gain exempted earlier shall be taxed as LTCG** in the year of violation of condition.

CAPITAL GAINS NOT CHARGEABLE ON INVESTMENT IN NOTIFIED UNITS OF SPECIFIED FUND [Section 54EE]**THIS SECTION IS NOW NOT RELEVANT FOR EXAM**

1. Where the capital gain arises from the transfer of a long-term capital asset (original asset) and the assessee has, at any time within a period of 6 months after the date of such transfer, invested the whole or any part of capital gains in the long-term specified asset, the capital gain shall be exempt as follows:

QUANTUM OF EXEMPTION

If Cost of the long-term specified asset > Capital Gains

Entire Capital Gain is exempt.

If Cost of the long-term specified asset < Capital Gains

Capital Gain to the extent of Cost of new Asset

2. Investment made during the PY in which the original assets are transferred and in the subsequent financial year does not exceed ₹ 50,00,000.
3. "long-term specified asset" means a unit or units, **issued before the 1st day of April, 2019**, of such fund as may be notified by the Central Government in this behalf.
4. **POH of NEW ASSET - 3 YEARS**
3 years from the date of acquisition.
5. **ON VIOLATION OF CONDITIONS**
In case of transfer or conversion of such notified units or availing loan or advance on security of such Units before the expiry of 3 years, the capital gain exempted earlier shall be taxed as LTCG in the year of violation of condition.

CAPITAL GAINS IN CASES OF INVESTMENT IN RESIDENTIAL HOUSE [SECTION 54F]**ELIGIBLE ASSESSEE – INDIVIDUAL / HUF****CONDITIONS**

1. There must be transfer of a **LONG-TERM CAPITAL ASSET, NOT BEING A RESIDENTIAL HOUSE**
2. Transfer of plot of land is also eligible for exemption
3. **The assessee should -**
 - **Purchase a residential house** within a period of 1 year before or 2 years after the date of transfer; or
 - **Construct a residential house** within 3 years from the date of transfer.
4. **Exemption under this section is available if the investment is made in One Residential House and that too the house is situated in India.**
5. The assessee should **not own more than one residential house** on the date of transfer.
6. **The assessee should not –**
 - purchase any other residential house within a period of 2 year or
 - construct any other residential house within a period of 3 years from the date of transfer of the original asset.

QUANTUM OF EXEMPTION**If Cost of New Residential House = Net Sale Consideration of Original Asset,**

Entire Capital Gain is exempt.

If cost of new residential house < Net sale consideration of original asset, only proportionate capital gains is exempt i.e.

$$\text{LTCG} \times \text{Amount invested in RESIDENTIAL HOUSE} / \text{Net consideration}$$

UNUTILISED AMOUNT – CAPITAL GAIN ACCOUNT SCHEME APPLICABLE

- a) The amount not utilized before the due date of filing ROI shall be deposited before the due date of filing ROI in Capital gain Accounts Scheme.
- b) The amount should be utilized within the prescribed period.
- c) Amount not utilized within the prescribed period shall be treated as LTCG of the P/Y in which the prescribed period expires.

$$\text{LTCG} = \text{Unutilized Amount} \times \text{Amount of LTCG} / \text{Net Consideration}$$

POH of NEW ASSET - 3 YEARS

3 years from the date of acquisition.

CONSEQUENCES OF TRANSFER OF NEW ASSET BEFORE 3 YEARS

- ✓ Capital gain on new asset shall be taxed separately.
- ✓ LTCG exempted u/s. 54F shall be chargeable to tax as LTCG in the year of transfer.

RELIEF FROM LTCGs TAX ON TRANSFER OF RESIDENTIAL PROPERTY IF INVESTED IN A NEW ELIGIBLE START-UP COMPANY [SECTION 54GB]

EXEMPTION UNDER THIS SECTION WAS EXTENDED FROM 31.03.2019 TO 31.03.2021

ELIGIBLE ASSESSEE – INDIVIDUAL / HUF

CONDITIONS

1. There must be transfer of a **LONG-TERM CAPITAL ASSET BEING A RESIDENTIAL PROPERTY** (a house or a plot of land)
2. The eligible assessee should utilise the net consideration for subscription in the **equity shares of an Eligible Company (being eligible start-up) on or before the due date of furnishing ROI u/s 139(1)**.
3. The **Eligible Company** has to utilise this amount **for purchase of new asset within 1 year** from the date of subscription in equity shares by the assessee

4. **QUANTUM OF EXEMPTION**

If Cost of New Asset = Net Sale Consideration of Original Asset,
Entire Capital Gain is exempt.

If cost of New Asset < Net sale consideration of original asset, only proportionate capital gains is exempt i.e.

LTCG X Amount invested in New Asset / Net consideration

5. The amount of the net consideration, as received by the eligible company, to the extent it is not utilised **for the purchase of the new asset before the due date of furnishing ROI by the assessee u/s 139**, shall be deposited by the company, before the said due date in an account as per CGAS.
Note: The amount, if any, already utilised by the company for the purchase of the new asset together with the amount deposited in CGAS shall be deemed to be the cost of the new asset for exemption purpose.
6. If the amount so deposited is not utilised, wholly or partly, by the eligible company for the purchase of the new asset **within 1 year** from the subscription in equity shares by the assessee, the amount of exemption given earlier u/s 54GB shall be chargeable to tax as LTCG **for the previous year in which the period of one year from the date of the subscription in equity shares by the assessee expires**
7. If the **equity shares** of the company or the **new asset acquired** by the company are sold or otherwise transferred **within a period of 5 years (in case of computer & computer software – 3 years)** from the date of their acquisition, the amount of exemption given earlier u/s 54GB shall be chargeable to tax as LTCG in the year of transfer.

8. "eligible company" means a company which fulfils the following conditions, namely:—

- i. it is a company incorporated in India during the period from the 1st day of April of the previous year relevant to the assessment year in which the capital gain arises to the due date of furnishing of return of income under sub-section (1) of [section 139](#) by the assessee;
- ii. it is engaged in **an eligible business**;
- iii. it is a company in which the assessee has **more than 25% share capital or more than 25% voting rights** after the subscription in shares by the assessee; and
- iv. it is a company which is **an eligible start-up**.

9. **Eligible Startup Company** means a company engaged in **eligible business** which fulfils the following conditions, namely:—

- i. it is incorporated **on or after the 1st day of April, 2016 but before the 1st day of April, 2021**;
- ii. **[Amended by FA 2020]** the **total turnover** of its business **does not exceed ₹ 100 crores** ~~25 crore rupees~~ in any of the previous year **relevant to the Assessment year for which deduction is claimed under section 80-IAC**; and
- iii. it holds a certificate of **eligible business** from the **Inter-Ministerial Board of Certification** as notified in the Official Gazette by the Central Government

10. **"Eligible Business"** means a business **engaged in innovation, development or improvement of products or processes or services, or a scalable business model with a high potential of employment generation or wealth creation**;

11. **"New Asset"** means **new plant and machinery but does not include**:

- i. any machinery or plant which, before its installation by the assessee, was used either within or outside India by any other person;
- ii. any machinery or plant installed in any office premises or any residential accommodation, including accommodation in the nature of a guest-house;
- iii. any office appliances;
- iv. any vehicle; or
- v. any plant/machinery, where 100% deduction of cost is allowed (by way of depreciation or otherwise) under the head "PGBP".

Provided that in the case of an eligible start-up, being a technology driven start-up so certified by the Inter-Ministerial Board of Certification notified by the Central Government in the Official Gazette, the new asset shall include computers or computer software.

CAPITAL GAINS ACCOUNT SCHEME (CGAS)

LEGAL HEIRS: CBDT clarifies that in the event of death of an individual before the stipulated period, the unutilized amount is not chargeable to tax in the hands of the legal heirs of the deceased individual. Such unutilized amount is not income but is a part of the estate devolving upon them.

Extension of time for acquiring new asset or depositing or investing amount of Capital Gain [Section 54H]

In case of compulsory acquisition of the original asset, where the compensation is not received on the date of transfer, the period available for acquiring a new asset or making investment in CGAS under sections 54, 54B, 54EC and 54F would be considered from the date of receipt of such compensation and not from the date of the transfer.

Surcharge on Individual / HUF / AOP / BOI / Artificial Juridical Person

Total Income	Surcharge Rate
Total Income (including dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 50 Lakhs but not exceeding ₹ 1 crores	10% of income-tax
Total Income (including dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 1 crores but not exceeding ₹ 2 crores Or Total Income (including dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 2 crores but not covered below	15% of income-tax
Total Income (excluding dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 2 crores but not exceeding ₹ 5 crores	25% of income-tax (15% of income tax related to dividend income & Income covered u/s 111A & 112A)
Total Income (excluding dividend income & capital gains chargeable to tax under Section 111A & 112A) exceeds ₹ 5 crores	37% of income-tax (15% of income tax related to dividend income & Income covered u/s 111A & 112A)



TAX ON STCG ON SHARES/UNITS [SECTION 111A]

- This Section provides for a **concessional rate of tax (i.e. 15%)** on the STCG on transfer of
 - ✓ **Equity Share of a company or**
 - ✓ **Unit of an Equity Oriented Mutual Fund or**
 - ✓ **Unit of Business Trust**
 on or after 1.10.2004 where **transaction is subjected to STT.**
- Concessional Tax rate is also applicable in the case of STCG which arises from a transaction undertaken **in foreign currency** on a recognized stock exchange **located in an International Financial Services Centre located in SEZ (evenif STT is not applicable).**
- **RESIDENT IND/HUF:** STCG will be reduced by the **unexhausted basic exemption limit.**
- **No Deductions under Chapter VI-A.**

TAX ON LONG TERM CAPITAL GAINS OTHER THAN THOSE COVERED UNDER SECTION 112A [SECTION 112]

- ✓ Where the Total Income of an assessee includes LTCG, tax is payable by the assessee **@20% on such LTCG.**
- ✓ **RESIDENT IND/HUF:** LTCG will be reduced by the unexhausted basic exemption limit.
- ✓ **Deductions under Chapter VI-A** cannot be availed in respect of such LTCG

PROVISO TO SECTION 112:

The tax on LTCG from transfer of **Listed Securities (other than Units) / Zero Coupon Bond** shall be the **lower of the following:**

- ➔ Tax on LTCG (computed normally with Indexation & Basic Exemption, if applicable), @20% OR
- ➔ Tax on LTCG (computed normally without indexation & without Basic Exemption), @ 10%

EXEMPTION u/s SEC 10(38) - LTCG ON TRANSFER OF SECURITIES FULLY EXEMPT:**Conditions:**

- ✓ The asset transferred is a LTCA
 - ✓ Such asset is **Equity Share of a company or Units of a Equity Oriented Mutual Fund or a Unit of Business Trust**
 - ✓ Such transaction takes place **on or after 1.10.2004**
 - ✓ at the time of transfer, the transaction is **chargeable to STT.**
- Exemption is also applicable in the case of LTCG which arises from a transaction undertaken **in foreign currency** on a recognized stock exchange **located in an International Financial Services Centre located in SEZ (evenif STT is not applicable).**
 - Exemption u/s 10(38) may **not be available** if the following conditions are satisfied:
 - (a) Transfer of equity shares
 - (b) Shares were acquired **on or after 01/10/2004**
 - (c) **STT was not chargeable at the time of Purchase**
 - (d) The transaction is **not covered by a negative list** notified by CG (list of acquisitions)

[In other words, exemption shall be available only if Acquisition & transfer both is subjected to STT in case equity shares are acquired on or after 01/10/2004]

Benefit of Exemption under Section 10(38) is now not available from AY 2019-20 as amended by FA 2018

Section 112A – Inserted by Finance Act 2018**Taxation of long-term Capital Gain on sale of listed equity shares etc.**

1. Notwithstanding anything contained in Section 112, the tax payable **by an assessee** on his total income shall be determined in accordance with the provisions of sub-section (2), if—
 - i. the total income includes capital gains arise from the transfer of a long-term capital asset being an **equity share** in a company or a **unit of an equity oriented fund** or a **unit of a business trust**;
 - ii. **securities transaction tax** has
 - a. in a case where the long-term capital asset is in the nature of an equity share in a company, **been paid on acquisition and transfer** of such capital asset; or
 - b. in a case where the long-term capital asset is in the nature of a unit of an equity oriented fund or a unit of a business trust, **been paid on transfer** of such capital asset.
2. The tax payable by the assessee on the total income referred to in sub-section (1) shall be the aggregate of—
 - i. the amount of income-tax calculated on such **long-term capital gains exceeding one lakh rupees at the rate of 10%**; and
 - ii. the amount of income-tax payable on the total income as reduced by the amount of long-term capital gains referred to in sub-section (1) as if the total income so reduced were the total income of the assessee:
3. **RESIDENT IND/HUF:** Such LTCG will be **reduced by the unexhausted basic exemption limit**.
4. Requirement of STT payment **shall not apply** to a transfer undertaken on a recognised stock exchange **located in any International Financial Services Centre** and where the consideration for such transfer is received or receivable in foreign currency.
5. The Central Government may notify the **nature of acquisition** where STT is not required to be paid.
6. **Deductions under Chapter VI-A cannot** be availed in respect of such LTCG.
7. **Indexation is not permitted** to compute LTCG chargeable to tax under Section 112A
8. **Rebate under Section 87A is not available** against tax computed under Section 112A.

Section 55(2)(ac) - COA

Cost of Acquisition, In relation to a long-term capital asset, being an equity share in a company or a unit of an equity oriented fund or a unit of a business trust referred to in section 112A, **acquired before the 1st day of February, 2018** shall be **higher of-**

- i. the cost of acquisition of such asset; and
- ii. lower of –
 - a. the **fair market value** of such asset as on 31.01.2018; and
 - b. the **full value of consideration** received or accruing as a result of the transfer of the capital asset.

Meaning of Fair Market value (IMP):

S.No.	Circumstance	Fair Market Value
(i)	In a case where the capital asset is listed on any recognized stock exchange as on 31.01.2018	<p><u>If there is trading in such asset on such exchange on 31.01.2018</u> The highest price of the capital asset quoted on such exchange on the said date</p> <p><u>If there is no trading in such asset on such exchange on 31.01.2018</u> The highest price of such asset on such exchange on a date immediately preceding 31.01.2018 when such asset was traded on such exchange.</p>
(ii)	In a case where the capital asset <i>is a unit which is not listed</i> on any recognized stock exchange as on 31.01.2018	The net asset value of such unit as on the said date
(iii)	<p>In a case where the capital asset is an equity share in a company which is</p> <ul style="list-style-type: none"> - not listed on a recognized stock exchange as on 31.01.2018 but listed on such exchange on the date of transfer - listed on a recognized stock exchange on the date of transfer and which became the property of the assessee in consideration of share which is not listed on such exchange as on 31.01.2018 by way of transaction not regarded as transfer under section 47 	An amount which bears to the cost of acquisition the same proportion as CII for the financial year 2017-18 bears to the CII for the first year in which the asset was held by the assessee or on 01.04.2001, whichever is later.

TREATMENT OF SECURITIES TRANSACTION TAX**If Shares/Units are treated as Investment:**

The securities transaction tax (STT) paid on sale of shares / units shall **not be reduced** from the sale consideration and the STT paid on purchase of shares / units shall **not be added** to the COA.

If Shares/Units are treated as Stock-In-Trade:

If Shares/units are held as stock-in-trade then LTCG/STCG shall not arise. The profits/loss on sale of such shares/units shall be assessable as business income/business loss taxable normally. **In such a case the STT paid on purchase and sale of securities shall be allowed as deduction** under section 36(xv) of the Income Tax Act while computing PGBP.

DIVIDEND STRIPPING

Section 94(7) provides that where any person buys or acquires any securities or unit **within a period of 3 months prior** to the record date and such person sells or transfers –

- (a) **such securities** within a period of **3 months** after such date, **OR**
(b) **such unit** within a period of **9 months** after such date

and the dividend or income on such securities or unit received or receivable by such person is exempted, **then**, the loss, if any, arising therefrom shall be ignored to the extent of exempted income for the purposes of computing his income chargeable to tax.

BONUS STRIPPING – APPLICABLE ONLY ON UNITS

Sec. 94(8) provides that Where-

- a) any person acquires any units (i.e., **original units**) within a period of **3 months prior to the record date**;
- b) such person is allotted **additional units** without any payment on the basis of holding of such units on such date;
- c) **such person transfers**
- all or any of the **original units** within a period of **9 months after such date**,
 - while continuing to hold all or any of the additional units,

then,

- ✓ the loss, if any, arising to him on account of such purchase and sale of all or any such units shall be ignored for the purposes of computing his income chargeable to tax **AND**
- ✓ the amount of loss so ignored shall be deemed to be the **cost of purchase or acquisition** of such additional units as are held by him on the date of such sale or transfer.

Question:

Mr. A buys 2000 shares of RIL @ ₹ 600 per share on 30.05.2020. RIL declares a dividend of 200% and fix the record data for dividend as 01.07.2020. Mr. A receives dividend of ₹ 40,000, which is exempt u/s 10(34). Mr. A sells the shares of RIL on 30.08.2020.

Case-I: @ ₹ 620 per share; **Case-II** @ ₹ 540 per share; **Case-III** @ ₹ 580 per share

Discuss tax implications.

Question:

Reliance Mutual Fund declares 1:1 bonus units on its units on 30.5.2020. The Fund fixed the record date for bonus entitlement to be 30.6.2020 Mr. A purchases 1,000 units of Fund on 20.6.2020 @ ₹20 per unit. A sells 1000 original units on 11.12.2020 for ₹9 per unit. **Discuss the tax implications.**


SECTION 46 - CAPITAL GAINS ON DISTRIBUTION OF ASSETS BY COMPANIES IN LIQUIDATION

TAXABILITY IN THE HANDS OF COMPANY [EXEMPT]

- 1) Where the assets of a company are distributed to **its shareholders on its liquidation**, such distribution shall **not be regarded as a transfer** by the company for the purposes of section 45 [Section 46(1)].
- 2) If, however, the **liquidator sells the assets of the company resulting in a capital gain** and distributes the funds so collected, **the company will be liable to pay tax on such gains**.

TAXABILITY IN THE HANDS OF SHAREHOLDERS [CG + DIVIDEND]

- 1) Shareholders **receive money or other assets** from the company on its liquidation against its shares. They will be chargeable to tax under the head 'capital gains' **in respect of the MARKET VALUE of the assets received on the date of distribution, or the moneys so received by them**.

- 2) The **portion of the distribution which is attributable to the accumulated profits** of the company is to be treated as **DIVIDEND INCOME** of the shareholder under section 2(22)(c) & **taxable in the hands of shareholders under the head "Income from Other sources"**. 

The same will be **deducted from the amount received/FMV of the assets received** for the purpose of determining the consideration for computation of capital gains.

- 3) **POH:** In the case of a share held in a company in liquidation, the period subsequent to the date on which the company goes into liquidation **should be excluded while calculating CG in the hands of shareholders**.

- 4) **Capital Gains Tax on subsequent sale of the Capital Assets by the shareholders:**

As per Section 55(2)(b)(iii), if the asset other than cash acquired by the shareholder, then for the purpose of computation of Capital Gain of transfer of such Asset, the COA shall be the market value of the asset on the date of acquisition. POH will start from the date on which such assets are received by the shareholder.

Note: In case where an assessee, who is a shareholder, receives assets from company under liquidation, it is always subject matter of Tax u/s 46(2). It is irrelevant at this point of time to ascertain the nature of asset distributed to the shareholder. Even in a case where the asset distributed is an agricultural land outside the specified Area, which is not a capital asset, the shareholder shall be subject to tax by virtue of Section 46(2) as distribution in Kind.

TAXABILITY ON PURCHASE OF OWN SECURITIES [SECTION 46A] – BUY BACK

1. Any consideration received by a holder of other specified securities (Other than shares) from any company on purchase of its specified securities shall be chargeable to tax on the difference between the cost of acquisition and the value of consideration received by the holder of securities, as the case may be, as capital gains.
2. The computation of capital gains shall be made in accordance with the provisions of section 48. Such capital gains shall be chargeable in the year in which such securities were purchased by the company.
3. However, in case of buyback of **unlisted or listed shares by domestic companies**, additional income tax @ 20% (plus surcharge @ 12% and cess @ 4%) is leviable in the hands of the company **u/s 115QA**.

Consequently, the income arising to the shareholders in respect of such buyback of **unlisted or listed shares** by the domestic company would be exempt under section 10(34A), where the company is liable to pay additional income-tax on the buyback of shares.

SECTION 50B – SPECIAL PROVISIONS FOR COMPUTATION OF GAINS IN CASE OF SLUMP SALE

SECTION 2(42C) – SLUMP SALE means The transfer of **one or more undertakings** as a result of the sale *for a lump sum consideration without values being assigned to the individual assets* and liabilities in such sales. However, the values can be assigned to the assets for the limited purpose of payment of stamp duty, registration fees etc. This must be clarified in the agreement of slump sale.

Charge of Capital Gains: Profit or gains arising from slump sale shall be taxable as Capital Gains in the previous year in which slump sale is effected.

NATURE OF CAPITAL GAINS: If the capital asset, being one or more undertakings, was owned and held by the assessee for **not more than 36 months**, the capital gains will be 'Short Term Capital Gains'. In any other case, it shall result into Long-Term Capital Gains.

Mode of computation of capital gains: The capital Gains shall be computed in the following manner -

Full Value of consideration	XXXX
Less: Expenses wholly and exclusively in connection with such transfer	XXXX
Less: Cost of acquisition and cost of improvement being net worth of the undertaking (no indexation benefit even in case of long-term capital asset)	XXXX
Short Term/Long Term Capital gains	XXXX

For calculating the Net Worth, the Aggregate VALUE of total assets, ignoring revaluation effect, shall be-

- In case of depreciable assets:** the WDV of block of assets as per IT Act.
- In case of capital Assets for which the whole of the expenditure has been allowed or is allowable as a deduction u/s. 35AD:** NIL; AND
- In the case of any other assets:** The book value of such assets

Less: Value of liability (as appearing in the books of a/c on the date of transfer of undertaking)

Report of a Chartered Accountant:

Every assessee, in the case of slump sale, shall furnish in the prescribed form a report of an accountant as defined in the Explanation below sub-section (2) of section 288 **before the specified date referred to in section 44AB [i.e., the date one month prior to the due date for filing return of income under section 139(1)]** indicating the computation of the net worth of the undertaking or division, as the case may be, and certifying that the net worth of the undertaking or division, as the case may be, has been correctly arrived at in accordance with the provisions of this section. **[Amended by Finance Act 2020]**

Question:

Axel Ltd. has two industrial undertakings. Unit-I is engaged in the production of refrigerators. The company has as part of its restructuring program, decided to sell (on 1st April 2020) Unit-II as a going concern by way of slump sale for ₹ 260 lakhs to a new company called Gamma Ltd., in which it holds 85% equity shares. The following is the extract of the balance sheet of Axel Ltd. as on 31st March 2020:

	(₹ In lakhs)	
	Unit-I	Unit-II
Fixed Assets	112	158
Debtors	88	67
Inventories	60	23
Liabilities	33	45
Paid-up share capital	231	
General Reserve	160	
Share premium	39	
Revaluation Reserve	105	

The company set up Unit-II on 1st April, 2007. The written down value of blocks of assets for the tax purpose as on 31st March, 2020 is ₹ 150 lakhs of which ₹ 60 lakhs are attributable to Unit-II. Determine what would be the tax liability of Axel Ltd. on account of slump sale.

Answer:

Capital Gains = "Slump sale consideration" **minus** "Net worth of the Undertaking or division"

"Net worth" = Aggregate value of total assets of the undertaking or division transferred **minus** Value of liabilities of the undertaking or division transferred as appearing in its books of accounts.

Revaluation of assets shall not be considered while computing the "net worth", i.e., revaluation of assets shall be ignored for computing the "net worth", irrespective of the fact that revaluation is done in the current year or in past years. For computing the "net worth", non depreciable assets are to be taken at their books values.

For computing the "net worth", in case of depreciable assets, the written down value of such assets shall be WDV.

Period of holding: 01.04.2007 to 31.03.2020 (Long Term)

Sale price: ₹ 260 lakhs

Net worth shall be computed as under:

Particulars	Amount
(i) Fixed Assets WV for Unit-II	60 Lakhs
(ii) Debtors	67 Lakhs
(iii) Investments	23 Lakhs
Total assets	150 Lakhs
Less: Liability	45 lakhs
Net Worth	105 lakhs

LONG Term Capital Gains = Sale Price – Net Worth
 = ₹ 260 Lakhs – ₹ 105 lakhs
 = ₹ 155 Lakhs

Note: It is assumed that Fixed Assets of ₹ 158 Lakhs are all depreciable assets whose WDV as per the Income Tax Act in 60 lakhs. It is further assumed that WDV is as per Income Tax Act after excluding the impact of revaluation.

Concept of Reverse Mortgage**Applicability:**

- (a) Reverse Mortgage is as scheme **for the benefit of senior citizens** who **own a residential house property**.
- (b) The Senior Citizens **can mortgage their house property** with a scheduled bank or housing finance company, **in return for a lump-sum amount or for a regular monthly/quarterly/annual income**.

Tax implication:

1. Any transfer of a capital asset in a transaction of reverse mortgage under a scheme made and notified by the Central Government **would not amount to a transfer** for the purpose of capital gains. [Section 47(xvi)]
2. Further, the amount received by the senior citizen as a loan, either in lump sum or in installments, in a transaction of reverse mortgage **would be exempt** from income-tax. [Section 10(43)]

Section 47 – Few Transaction not regarded as a transfer

1. Any transfer of Capital asset, being **government securities** carrying a periodic payment of interest, made **outside India** through an intermediary dealing in settlement of securities, **by a NR to another NR** shall not be considered as transfer.
2. Any transfer of a Capital asset, **being share of a Special Purpose Vehicle (Company)**, to a **Business Trust in exchange of units** allotted by that Trust to the transferor shall not be regarded as transfer.
3. Any transfer by a **unit holder** of a capital asset, being a unit or units, held by him in the **consolidating scheme of a mutual fund**, made in consideration of the allotment to him of a capital asset, being a unit or units, in the consolidated scheme of the mutual fund:
4. Any transfer by a **unit holder** of a capital asset, being a unit or units, held by him in the **consolidating plan of a mutual fund scheme**, made in consideration of the allotment to him of a capital asset, being a unit or units, in the consolidated plan of that scheme of the mutual fund.
5. Any transfer of **Sovereign Gold Bond** issued by the Reserve Bank of India under the Sovereign Gold Bond Scheme, 2015, **by way of redemption, by an assessee being an individual** [Indexation benefit is available in case of LTCG arising from transfer of such bond]
6. **Transfer of Rupee Denominated Bond outside India by a Non-Resident to another Non-Resident:** Any transfer, made outside India, of a Capital Asset being rupee denominated bond **of an Indian Company** issued outside India, by a non-resident to another non-resident.
7. **Conversion of Preference Shares into Shares:**
Section 47(xb) - Any Transfer by way of conversion of preference shares of a company into equity shares of that company shall not be regarded as a Transfer.

ZERO COUPON BOND [ZCB]

1. **ZCB means a Bond Issued By:** (i) Any Infrastructure Capital Company, or (ii) Infrastructure Capital Fund, or (iii) Public Sector Company, (iv) **Scheduled Banks.**
2. **Payment only on redemption:** No payment and benefit is received or receivable before maturity or redemption.
3. **The income on transfer of a ZCB (not being held as stock-in-trade) is to be treated as capital gains.**
4. **Section 2(47)(iva)** provides that maturity or redemption of a ZCB shall be treated as a transfer for the purposes of capital gains tax. ZCBs held for not more than 12 months would be treated as short term capital assets.

SECTION 55A - REFERENCE TO VALUATION OFFICER - NEW

The AO may refer the valuation of a capital asset to a Valuation Officer in the following circumstances with a view to ascertaining the FMV of the capital asset for the purposes of capital gains –

- 1) In a case where the value of the asset **as claimed by the assessee is in accordance with the estimate made by a registered valuer:**
“if the AO is of the opinion that the value so claimed is **at variance with its Fair Market Value.**”
- 2) **In other case, If** the AO is of the opinion that the FMV of the asset exceeds the value of the asset as claimed by the assessee by **more than 15% of the value of asset as claimed or by more than ₹ 25,000 of the value of the asset** as claimed by the assessee.
- 3) Further, if the AO is of the opinion that, having regard to the nature of asset and other relevant circumstances, it is necessary to make the reference.

AMALGAMATION – SECTION 2 (1B)

Amalgamation in relation to companies, means the merger of one or more companies with another company or the merger of two or more companies to form one company in such a manner that-

- (a) **All the property** of the amalgamating company or companies immediately before the amalgamation becomes the property of the amalgamated company by the virtue of amalgamation.
- (b) **All the liabilities** of the amalgamating company or companies immediately before the amalgamation become the liabilities of the amalgamated company by virtue of amalgamation.
- (c) Shareholders **holding not less than 75% in the value of** shares in amalgamating company or companies become shareholders of the amalgamated company by virtue of the amalgamation.

DEMERGER [SECTION 2 (19AA)]

“Demerger” in relation to company’s means

- the transfer, pursuant to a scheme of arrangement under sections 391 to 394 of the Companies Act, 1956 **by a demerged company**
- Of its one or more undertakings to any resulting company.
- and **all the following conditions** are fulfilled :-

- (i) **All the property** of the undertaking, being transferred by the demerged company immediately before the demerger, becomes the property of the resulting company by virtue of the demerger.
- (ii) **All the liabilities** relating to the undertaking, being transferred by the Demerged Co., immediately before the demerger, becomes the liabilities of the resulting company by virtue of the demerger.
- (iii) The property and the liabilities of the undertaking or undertakings being transferred by the demerged company are **transferred at the values [ignoring revaluation] appearing in the books of account immediately** before demerger.

However, this provision does not apply where, in compliance to the Indian Accounting Standards specified in Annexure to the Companies (Indian Accounting Standards) Rules, 2015, the resulting company records the value of the property and the liabilities of the undertaking or undertakings at a value different from the value appearing in the books of account of the demerged company, immediately before the demerger.

[Added by Finance (No. 2) Act 2019]

- (iv) The resulting company issues, in consideration of the demerger, **its shares** to the shareholders of the demerged company **on a proportionate basis**.
- (v) The shareholders holding **not less than 75% in value** of the shares in the demerged company becomes the shareholders of resulting company or companies by virtue of demerger.
- (vi) The transfer of undertaking is on a **going concern basis**.

SECTION 47 – OTHER TRANSACTIONS NOT REGARDED AS TRANSFER

Taxability of Transfer of Capital Assets under Scheme of Amalgamation of Companies

- **Transfer of Capital Asset**, in a scheme of amalgamation, by the Amalgamating Company to the *Indian* Amalgamated Company is not considered as transfer and not chargeable to capital gain tax. [Sec 47(vi)]
- Condition to be fulfilled:** Scheme approved by CG.
 - Holding Period** in the hands of the transferee in case of subsequent transfer: Previous Owner's holding period shall be included.
 - Cost in the hands of Transferee [Sec 49]:** Cost to the Amalgamating Company.
- **Transfer of shares by Shareholder** in a scheme of Amalgamation is not considered as transfer and not chargeable to capital gain tax. [Sec 47(vii)]
- Condition to be fulfilled:**
 - Asset Transferred:** Shares held in Amalgamating Company.
 - Consideration received: Only** Shares of Amalgamated Company.
 - The amalgamated company is an **Indian Company**
 - Holding Period in the hands of the transferee in case of subsequent transfer:** Period of holding of Amalgamating Company's Shares shall be included.
 - Cost in the hands of Transferee [Sec 49]:** Cost to original shares in Amalgamating Company.

Taxability of Transfer of Capital Assets under Scheme of Demerger of Companies

- Transfer of capital asset**, by a demerged company to the resulting company is not considered as transfer and not chargeable to capital gain tax. [sec. 47(vib)]
 - Condition:** Resulting company shall be an Indian company.
 - Holding Period in the hands of the transferee in case of subsequent transfer:** Previous Owner's holding period shall be included.
 - Cost in the hands of transferee [Sec. 49]:** Cost to the demerged company.
- Transfer of shares**, by the Resulting Company to the shareholders of the demerged company if the transfer is made in consideration of Demerger [Sec 47(vid)]
 - Holding Period in the hands of the transferee for subsequent transfer:** Period of holding of Demerged Company's Shares shall be included.
 - Cost of acquisition of Resulting Company's Shares on demerger [Sec. 49(2C)]**

$$\frac{\text{Cost of acquisition of Demerged Co's Shares} \times \text{Net book value of Assets transferred to resulting company}}{\text{net worth of the demerged company before demerger}}$$

[Net Worth of demerged Company = Paid up share Capital and General reserve before demerger.]

- Cost of Acquisition of Demerged Company's Shares after demerger [Sec. 49(2D)]**

Original Cost of Acquisition of shares in Demerged Company	XXX
Less: Cost of acquisition of resulting company shares as per Section 49(2C)	(XXX)

Taxability of Transfer of Capital Assets between Holding and 100% Subsidiary Companies

1. **Transfer of Capital Asset (not by way of Stock in Trade) by Holding Company to its subsidiary is not considered as transfer and not chargeable to capital gain tax [Sec 47(iv)]**
 - a) **Conditions to be fulfilled:**
 - Holding Company or its Nominees shall hold 100% Shares in Subsidiary Company.
 - Subsidiary Company should be an Indian Company.
 - b) **Holding period in the hands of the Transferee in case of subsequent transfer Sec. 2(42A):** Previous owner's holding periods shall be included.
 - c) **Cost in the hands of Transferee [Sec 49]:** Cost to Previous Owner.

2. **Transfer of Capital Asset (not by way of SIT) by Subsidiary Company to its Holding Company is not considered as transfer and not chargeable to capital gain tax [Sec. 47(v)]**
 - a) **Conditions to be fulfilled:**
 - Whole of the Share Capital of the subsidiary Company shall be held by Holding Company
 - Holding Company should be an Indian Company.
 - b) **Holding period in the hands of the Transferee in case of subsequent transfer Sec. 2(42A):** Previous owner's holding periods shall be included.
 - c) **Cost in the hands of Transferee [Sec 49]:** Cost to Previous Owner.

Conversion of a partnership firm/sole proprietor concern into company is not considered as transfer and not chargeable to capital gain tax. [Sec. 47(xiii)/(xiv)]

a) Conditions to be fulfilled:

- i. **All the assets and liabilities** of the proprietary concern/firm shall become the Assets & Liabilities of the company.
- ii. The **aggregate Shareholding** of the proprietary / partners **should not be less than 50% of the total voting power, for a period of 5 consecutive years** from the date of the succession.
- iii. The proprietary / partners **should not receive any consideration or benefit other than by way of allotment of Shares** in the company
- iv. **All the partners** of the firm immediately before the succession become the shareholders of the company in the ratio of their Capital Balance in the Firm's books.

b) Withdrawal of exemption [Sec 47A]:

Where Conditions laid down in proviso to sec. 47 (xiii)/ (xiv) are not complied with, Profits and gains arising from transfer of such Capital Asset or Intangible Asset in this transaction is deemed to be Profits and Gains chargeable to tax **in the hands of Successor Company** in the Previous year in which such conditions are not complied with.

c) Carry forward of loss of proprietor firm / firm by company [Section 72A(6)]

According to section 72A(6), where there has been reorganisation of business, whereby, a firm is succeeded by a company fulfilling the conditions laid down in clause (xiii) of section 47 or a proprietary concern is succeeded by a company fulfilling the conditions laid down in clause (xiv) of section 47, then, notwithstanding anything contained in any other provisions of this Act,

the accumulated loss and the unabsorbed depreciation of the predecessor firm or the proprietary concern, as the case may be, **shall be deemed to be the loss or allowance** for depreciation of the successor company for the purpose of previous year in which business reorganization was effected and other provisions of this Act relating to set off and carry forward of loss and allowance for depreciation shall apply accordingly.

In other words, the accumulated loss and unabsorbed depreciation of the predecessor proprietor/firm shall become the accumulated loss and unabsorbed depreciation of the successor company of the previous year in which business reorganization was effected ***and such business loss can be carried forward for fresh 8 assessment years and the unabsorbed depreciation will be carried forward indefinitely.***

Consequences if the conditions laid down under section 47(xiii) and (xiv) are not complied with [Proviso to section 72A(6)]:

If any of the conditions laid down under section 47(xiii) and (xiv) are not complied with, the set off of loss or allowance of depreciation made in any previous year in the hands of the successor company, **shall be deemed to be the income of the company chargeable to tax in the year in which such conditions are not complied with.**

COST OF ACQUISITION IN CASE OF CERTAIN TRANSFERS [SEC. 49(1)]

Section 49 has been amended to provide that the COA of the various capital assets in the hands of successor company in such cases shall be taken to be the cost of acquisition of the respective asset in the hands of the sole proprietorship or the firm, as the case may be.

Further, in case the asset becomes the property of the company on account of succession of a sole proprietorship concern or firm by the company, then, in order to determine the POH of such asset in the hands of the company, the period for which such asset was held by the sole proprietorship concern or the firm, as the case may be, shall also be considered.

Example

Amber was carrying on the textile business under a proprietorship concern, Amber Textiles. On 21.07.2020 the business of Amber Textiles was succeeded by New Look Textile Private Limited and all the assets and liabilities of Amber Textiles on that date became the assets and liabilities of New Look Textile Private Limited and Amber was given 52% share in the share capital of the company. No other consideration was given to Amber on account of this succession.

The assets and liabilities of Amber Textiles transferred to the company included an urban land which was acquired by Amber on 19.7.2013 for ₹ 9,80,000. The company sold the same on 30.03.2021 for ₹ 15,00,000.

Discuss the tax implication of the above mentioned transaction and compute the income chargeable to tax in such case(s).

Answer

As per provisions of section 47(xiv), in case a proprietorship concern is succeeded by a company in the business carried by it and as a result of which any capital asset is transferred to the company, **then the same shall not be treated as transfer and will not be chargeable to capital gain tax in case the following conditions are satisfied:**

1. all the assets and liabilities of sole proprietary concern becomes the assets and liabilities of the company.
2. the shareholding of the sole proprietor in the company is not less than 50% of the total voting power of the company and continues to so remain as such for a period of 5 years from the date of succession.
3. the sole proprietor does not receive any consideration or benefit in any form from the company other than by way of allotment of shares in the company.

In the present case, all the conditions mentioned above are satisfied therefore, the transfer of capital asset by Amber Textiles to New Look Textiles Private Limited shall not attract capital gain tax **provided Amber continues to hold 50% or more of voting power of New Look Textiles Private Limited for a minimum period of 5 years.**

Taxability in case of transfer of land by New Look Textiles Private Limited

As per the provisions of section 49(1) and Explanation 1 to section 2(42A), in case a capital asset is transferred in the circumstances mentioned in section 47(xiv), the **cost of the asset in the hands of the company shall be the cost of the asset in the hands of the sole proprietor. Consequently, for the determining the period of holding of the asset, the period for which the asset is held by the sole proprietor shall also be considered.**

Therefore, in the present case, the urban land shall be a long-term capital asset since it is held for more than 36 months by New Look Textile Private Limited and Amber Textiles taken together. Cost of acquisition of land in the hands of the company shall be ₹ 9,80,000 i.e., the purchase cost of the land in the hands of Amber.

Computation of capital gain chargeable to tax in the hands of New Look Textile Private Limited

Particulars	₹
Net sale consideration	15,00,000
Less: Indexed cost of acquisition 9,80,000 x CII of F.Y 2020-21 / CII of F.Y 2020-21	9,80,000
Long-term capital gain	5,20,000

Note: The year of transfer and the year in which the company **first held the asset** are the same in this case.

However as per the view expressed by Bombay High Court in CIT v. Manjula J. Shah, in case the cost of acquisition of the capital asset in the hands of the assessee is taken to be cost of such asset in the hands of the previous owner, the indexation benefit would be available from the year in which the capital asset is acquired by the previous owner. If this view is considered, the indexed cost of acquisition would have to be calculated by taking the CII of FY 2013-14, being the year in which the capital asset was acquired by the previous owner Amber, as the denominator, in which case, the capital gains chargeable to tax would undergo a change.

Cost with reference to certain modes of acquisition [Section 49]**1. Section 49(1): Refer Page No. 8.20****2. Section 49(2):**

Where the capital asset being a share or shares in an amalgamated company which is an Indian company became the property of the assessee in consideration of a transfer referred to in Section 47(vii), the cost of acquisition of the asset shall be deemed to be the cost of acquisition to him of the share or shares in the amalgamating company.

3. Section 49(2A):

Where the capital asset, being a share or debenture of a company, became the property of the assessee in consideration of a transfer referred to in Section 47(x), the cost of acquisition of the asset to the assessee shall be deemed to be that part of the cost of debenture, debenture-stock, bond or deposit certificate in relation to which such asset is acquired by the assessee.

4. Section 49(2AA):

Where the capital gain arises from the transfer of specified security or sweat equity shares referred to Section 17(2)(vi), the cost of acquisition of such security or shares shall be the FMV which has been taken into account for the purposes of the said sub-clause.

5. Section 49(2AE):

Where the capital asset, being equity share of a company, became the property of the assessee in consideration of a transfer **referred to in Section 47(xb)**, the cost of acquisition of the asset shall be deemed to be that part of the cost of the preference share in relation to which such asset is acquired by the assessee

6. Section 49(2C):

The cost of acquisition of the shares in the resulting company shall be the amount which bears to the cost of acquisition of shares held by the assessee in the demerged company the same proportion as the net book value of the assets transferred in a demerger bears to the net worth of the demerged company immediately before such demerger.

7. Section 49(2D):

The cost of acquisition of the original shares held by the shareholder in the demerged company shall be deemed to have been reduced by the amount as so arrived at under sub-section (2C).

8. Section 49(4):

Where the capital gain arises from the transfer of a property, the value of which has been subject to income-tax under Section 56(2)(x), the cost of acquisition of such property shall be deemed to be the value which has been taken into account for the purposes of the said clause (x).

EXEMPTIONS FROM CAPITAL GAINS IN RESPECT OF INDUSTRIAL UNDERTAKINGS**[SECTIONS 54D, 54G AND 54GA]**

Provisions	Compulsory acquisition of land & buildings [Section 54D]	Shifting of undertaking to rural area [Section 54G]	Shifting of undertaking to SEZ [Section 54GA]
1. Assessee	Any person	Any person	Any person
2. Asset transferred	Compulsory acquisition of land or building which was used in the business of industrial undertaking during 2 years prior to date of transfer.	Transfer of plant, machinery or land or building for shifting industrial undertaking from urban area to other area [Furniture not included]	Transfer of plant, machinery or land or building for shifting industrial undertaking from urban area to SEZ [Furniture not included]
3. Nature of Asset	Short term / Long term	Short term / Long term	Short term / Long term
4. New Asset to be purchased/ constructed	New land or building for the industrial undertaking.	(a) Purchase/ Construction of NEW plant, machinery, land or building in such rural area or, (b) Shifting original assets to that area or, (c) Incurring notified expenses. [Furniture not included]	(a) Purchase/ construction of plant, machinery, land or building in such SEZ or, (b) Shifting the original assets to SEZ or, (c) Incurring notified expenses. [Furniture not included]
5. Time-limit for purchase/ construction of new asset.	Within 3 years from date of receipt of initial compensation.	Within 1 year before or 3 years after the date of transfer.	Within 1 year before or 3 years after the date of transfer.
6. Deposit scheme	Applicable	Applicable	Applicable
7. Amount of Exemption	Lower of capital gains or investment in new asset.	Lower of - Capital gains, or Cost incurred for (a) to (c) of point 4.	Lower of - Capital gains, or Cost incurred for (a) to (c) of point 4.
8. Exemption -will be withdrawn on -	Transfer of new asset within a period of 3 years from the date of its acquisition or construction.	Transfer of new or shifted asset within a period of 3 years from the date of its acquisition or construction or shifting	Transfer of new or shifted asset within a period of 3 years from the date of its acquisition or construction or shifting
9. Taxability on Withdrawal of Exemption	Amount of exemption claimed earlier shall be reduced from the cost of acquisition of new asset.	Exemption claimed earlier shall be reduced from cost of acquisition of new or shifted asset.	Exemption claimed earlier shall be reduced from cost of acquisition of new or shifted asset

SURAJ AGRAWAL TAX CLASSES

COST INFLATION INDEX

<u>F/Y</u>	<u>CII</u>	<u>F/Y</u>	<u>CII</u>
2001-02	100	2011-12	184
2002-03	105	2012-13	200
2003-04	109	2013-14	220
2004-05	113	2014-15	240
2005-06	117	2015-16	254
2006-07	122	2016-17	264
2007-08	129	2017-18	272
2008-09	137	2018-19	280
2009-10	148	2019-20	289
2010-11	167	2020-21	301

PRACTICAL QUESTIONS – SET A

1. Kaif purchased a commercial building in Udaipur for ₹ 3,31,000 on 27.11.2004. She gifted the property to her friend Salman on 18.12.2007. On 15.1.2021 Salman sold this house for ₹ 18,50,000. The expenses on transfer were ₹ 48,000. **Compute capital gains in hands of Salman and state in which year it shall be chargeable to tax.**
2. Rekha purchases a house property for ₹ 6,50,000 on 28.12.1998. She paid registration fees of ₹ 65,000. The fair market value of the property as on 1st April, 2001 was ₹ 7,25,000 **and Stamp duty value was ₹ 7,50,000.** She constructed first floor on 10.12.2009 and spent ₹ 3,89,000 on the said construction. On 15.12.2020, She sold this house for ₹ 96,00,000. The expenses on transfer were ₹ 96,000. **Compute his capital gain.**
3. Mr. F sells a plot of land on 1-8-2020 for ₹ 30,00,000. He inherited the plot from his father on 1-4-2004. His father had acquired the plot on 1-3-2001 for ₹ 30,000. His father had incurred land development charges ₹ 10,000 on 31-3-2001 and ₹ 20,000 on 1-5-2003. Mr. F had incurred land development charges ₹ 50,000 on 1-9-2007. The sale stamp deed expenses were 1% of the selling price. The FMV of the plot as on 1-4-2001 was ₹ 29,000 **and Stamp duty value was ₹ 29,500. Compute the capital gains.**

4. **Mr. I, a manufacturer of bricks since 2005, sells the following assets on 12-3-2021 - [Intangible Assets]**

Name of asset	Goodwill	Trademark	Tenancy rights in respect of business premises	Manufacturing licence
Mode of acquiring	Self-generated	Purchased	Self-generated	Purchased
Purchase price & date thereof	N.A.	₹ 1,00,000 11-3-2007	N.A.	₹ 30,000 12-3-2018
Cost of improvement and date thereof	₹ 2,00,000 1-4-2009	₹ 10,000 1-5-2009	₹ 20,000 31-3-2010	NIL
Sale price	18,00,000	500,000	500,000	200,000

Compute the capital gains for AY 2020-21.

5. What is the cost of acquisition of self-generated assets, for the purpose of computation of capital gains?
6. Mr. Rakesh purchased a house property on 14th April, 1999 for ₹ 1,05,000. He entered into an agreement with Mr. B for the sale of house on 15th September, 2004 and received an advance of ₹ 25,000. However, since Mr. B did not remit the balance amount, Mr. Rakesh forfeited the advance. Later on, he gifted the house property to his friend Mr. A on 15th June, 2006. Following renovations were carried out by Mr. Rakesh and Mr. A to the house property:

Particulars	₹
By Mr. Rakesh during FY 2000-01	10,000
By Mr. Rakesh during FY 2005-06	50,000
By Mr. A during FY 2008-09	1,90,000

The fair market value of the property as on 1.4.2001 is ₹ 1,50,000 **and Stamp duty value was ₹ 1,70,000.** Mr. A entered into an agreement with Mr. C for sale of the house on 1st June, 2009 and received an advance of ₹ 80,000. The said amount was forfeited by Mr. A, since Mr. C could not fulfil the terms of the agreement. Finally, the house was sold by Mr. A to Mr. Sanjay on 2nd January, 2021 for a consideration of ₹ 12,00,000.

Compute the capital gains chargeable to tax in the hands of Mr. A for the assessment year 2021-22. Cost inflation indices are as under:

Financial Year	Cost inflation index
2001-02	100
2005-06	117
2006-07	122
2008-09	137
2020-21	301

7. Ms. Vasudha contends that sale of a work of art held by her is not exigible to capital gains tax. **Is she correct?**
8. Mrs. X, an individual resident woman, wanted to know whether income-tax is attracted on sale of gold and jewellery gifted to her by her parents on the occasion of her marriage in the year 1979 which was purchased at a total cost of ₹ 2,00,000?
9. Ms. Chhaya transferred a vacant site to Ms. Dayama for ₹ 4,25,000. The stamp valuation authority fixed the value of vacant site for stamp duty purpose at 6,00,000. The total income of Chhaya and Dayama before considering the transfer of vacant site are ₹ 50,000 and ₹ 2,05,000, respectively. The indexed cost of acquisition for Ms. Chhaya in respect of vacant site is ₹ 4,00,000 (computed). **Determine the total income of both Ms. Chhaya and Ms. Dayama taking into account the above said transaction.**
10. Mr. Raj Kumar sold a house to his friend Mr. Dhuruv on 1st November, 2020 for a consideration of ₹ 25,00,000. The Sub-Registrar refused to register the document for the said value, as according to him, stamp duty had to be paid on ₹ 45,00,000, which was the Government guideline value. Mr. Raj Kumar preferred an appeal to the Revenue Divisional Officer, who fixed the value of the house as ₹ 32,00,000 (₹ 22,00,000 for land and the balance for building portion). The differential stamp duty was paid, accepting the said value determined. **Assuming that the fair market value is ₹ 32,00,000, what are the tax implications in the hands of Mr. Raj Kumar and Mr. Dhuruv for the assessment year 2021-22? Mr. Raj Kumar had purchased the land on 1st June, 2011 for ₹ 5,19,000 and completed the construction of house on 1st October, 2019 for ₹ 14,00,000.**
11. **Mr. Y submits the following information pertaining to the year ended 31st March, 2021:**
- On 30.11.2020, when he attained the age of 60, his friends in India gave a flat at Surat as a gift, each contributing a sum of ₹ 20,000 in cash. The cost of the flat purchased using the various gifts was ₹ 3.40 lacs.
 - His close friend abroad sent him a cash gift of ₹ 75,000 through his relative for the above occasion.
 - Mr. Y sold the above flat on 30.1.2021 **for ₹ 3.2 lacs**. The Registrar's valuation for stamp duty purposes was ₹ 3.7 lacs. Neither Mr. Y nor the buyer, questioned the value fixed by the Registrar.
 - He had purchased some equity shares in X Pvt. Ltd., on 5.2.2007 for ₹ 3.5 lacs. These shares were sold on 15.3.2021 for ₹ 2.8 lacs.
- You are requested to calculate the total income of Mr. Y for the assessment year 2021-22. [Cost Inflation Index for F.Y. 2006-07 – 122, F.Y. 2011-12 – 184, 2020-21: 301]**
12. Dinesh received a vacant site as gift from his friend in November 2007. The site was acquired by his friend for ₹ 3,00,000 in April 2002. Dinesh constructed a residential building during the year 2008-09 in the said site for ₹ 15,00,000. He carried out some further extension of the construction in the year 2011-12 for ₹ 5,00,000. Dinesh sold the residential building for ₹ 55,00,000 in January 2021 but the State stamp valuation authority adopted ₹ 65,00,000 as value for the purpose of stamp duty.

Compute his long term capital gain, for the assessment year 2021-22 based on the above information. The cost inflation indices are as follows:

Financial Year	Cost inflation index
2002-03	105
2007-08	129
2008-09	137
2011-12	184
2020-21	301

13. Mr. Thomas inherited a house in Jaipur under will of his father in May, 2005. The house was purchased by his father in January, 2000 for ₹ 2,50,000. He invested an amount of ₹ 7,00,000 in construction of one more floor in this house in June, 2007. The house was sold by him in November, 2020 for ₹ 37,50,000. The valuation adopted by the registration authorities for charge of stamp duty was ₹ 47,25,000 which was not contested by the buyer, but as per assessee's request, the Assessing Officer made a reference to Valuation officer. The value determined by the Valuation officer was ₹ 47,50,000. Brokerage @ 1% of sale consideration was paid by Mr. Thomas to Mr. Sunil. The fair market value of house as on 01.04.2001 was ₹ 2,70,000 **and Stamp duty value was ₹ 3,70,000.**
- You are required to compute the amount of capital gain chargeable to tax for A.Y. 2021-22 with the help of given information and by taking CII for the F.Y. 2005-06 : 117, F.Y. 2007-08: 129 and for F.Y. 2020-21: 301.**

14. X owns a piece of land situated in Noida (date of acquisition: March 1, 2003, cost of acquisition: ₹ 70,503, value adopted by Stamp duty authority at the time of purchase: ₹ 80,000). On March 30, 2021, the piece of land is transferred for ₹ 4 lakh. Find out the capital gains chargeable to tax in the following situations:
1. The value adopted by Stamp duty authority is ₹ 5.5 lakh. X does not dispute it.
 2. The value adopted by the Stamp duty authority is ₹ 5.75 lakh. X files on appeal under the Stamp Act and Stamp duty valuation has been reduced to ₹ 4.90 lakh by the Allahabad High Court.
 3. The value adopted by the Stamp duty authority is ₹ 5.60 lakh. X does not challenge it under the Stamp Act. However, he claims before the Assessing Officer that ₹ 5.60 lakh is more than the fair market value of the land. The Assessing Officer refers it to the Valuation Officer who determines ₹ 5.25 lakh as fair market value.
 4. In Situation (3), suppose the value adopted by the Valuation Officer is ₹ 6.10 lakh.
15. Amin is the holder of 1,000 debentures of Amin Ltd. having a face value of ₹ 1,000 each. The company has offered an option to the debenture - holder either to redeem the debenture at ₹ 1,200 each or to convert the debentures into equity shares of equivalent value. The market value of the shares on the date of exercising the option is ₹ 1,200 per share [face value ₹ 1,000]. **What will be the tax consequences of the two options in the hands of the debenture-holder Amin?**
16. X holds 1,000 equity shares (unlisted) in A Ltd. since 1998 (cost of acquisition: ₹ 10,000, fair market value on April 1, 2001: ₹ 14,000). A Ltd. offers 2,000 rights shares of ₹ 10 each to X on May 1, 2020 at a premium of ₹ 50. X subscribes for 800 rights shares and renounces 1,200 shares in favour of C by transferring the right entitlement for a consideration of ₹ 4,800. X sells 1,800 shares in A Ltd. on March 30, 2021 @ ₹ 90 per share. **Compute CG**
17. In April, 2004, 'S' subscribed to the first issue to Convertible Debentures of a listed public limited company (face value of each Debentures was ₹ 100) to the extent of ₹ 25,000. In May 2008, the company converted the same into Shares with face value of ₹ 10 each. Half of the holdings of the shares held by S was sold by him in September 2020 for ₹ 50,000. S had to pay a brokerage of 2% on sale. **What is the nature of gains-realised and compute the same?**
18. Ms. Paulomi has transferred 1,000 shares (unlisted) of Hetal Ltd., (which she acquired at a cost of ₹ 10,000 in the financial year 2002-03) to Dhaval, her brother, at a consideration of ₹ 3,12,934 on 15.5.2020 privately.

During the financial year 2020-21, she has paid through e-banking ₹ 15,000 towards medical premium, ₹ 50,000 towards life insurance premium and ₹ 25,000 towards PPF. **Assuming she has no other source of income, compute her total income and tax payable for the Assessment Year 2021-22.**

19. Mr. C inherited from his father 8 plots of land in 2000. His father had purchased the plots in 1980 for ₹ 5 lakhs. The fair market value of the plots as on 1-4-2001 was ₹ 8 lakhs. (₹ 1 lakh for each plot) On 1st June 2006, C started a business of dealer in plots and converted the 8 plots as stock-in-trade of his business. He recorded the plots in his books at ₹ 45 lakhs being the fair market value on that date. In June 2010, C sold the 8 plots for ₹ 50 lakhs. **In the same year, he acquired a residential house property for ₹ 35 lakhs. He invested an amount of ₹ 5 lakhs in construction of one more floor in his house in June 2012. The house was sold by him in June 2020 for ₹ 68,50,000.**

The valuation adopted by the registration authorities for charge of stamp duty was ₹ 94,50,000. As per the assessee's request, the Assessing Officer made a reference to a Valuation Officer. The value determined by the Valuation Officer was ₹ 95,20,000. Brokerage of 1 % of sale consideration was paid by C.

The relevant Cost Inflation Indices are :

F.Y. 2001-02	100
F.Y. 2006-07	122
F.Y. 2010-11	167
F.Y. 2012-13	200
F.Y. 2020-21	301

Give the tax computation for the Assessment Year 2021-22.

20. For the AY 2021-22, Mrs. X (29 years), a resident individual, gives the following information. Compute the tax liability-

	₹
Short-term capital gain which satisfies conditions given in Section 111A	1,27,000
Other income	2,53,000
Amount deductible under section 80G	1,000
PPF contribution	6,000
Net income	3,73,000

21. X a resident HUF, has the following income for the PY 2020-21:

	₹
Business income	(-) 15,000
Short-term capital gain	63,000
Long-term capital gain on sale of land	8,41,000

Find out the tax liability for the AY 2021-22 assuming that the family pays life insurance premium of ₹ 65,000 (sum assured: ₹ 8,00,000)

22. Discuss the tax implications arising consequent to conversion of a capital asset into stock-in trade of business and its subsequent sale.
23. Mr. X purchased gold and diamond jewellery on 1.11.1998 for ₹ 1,33,000. The FMV of jewellery on 1.4.2001 was ₹ 2,00,000. Mr. X commence the business of trading in gold and diamond jewellery w.e.f. 1.4.2005. The above said jewellery was brought into the business and the amount recorded in the books was ₹ 15,00,000 whereas its FMV on the date of conversion i.e. 31.10.2020 was ₹ 25,00,000. The said stock was sold in the business on 31.3.2021 for ₹ 40,00,000. **Compute the amount chargeable to capital gains tax.**
24. Sri Rishi and Manish formed a partnership firm. Just after formation of the partnership, Shri Rishi brought the following assets into the firm on 15th July 2020 as his capital contribution –

	House property (₹)	Ornaments of gold (₹)
Market value of the property on the date of transfer	1,080,000	25,000
Amount recorded in the books of firm	900,000	36,000
Actual cost	60,000	15,000
Year of acquisition	2004-05	2018-19

What tax consequences will Mr. Rishi have to face in respect of the above transaction? What will be your answer if Mr. Rishi brings the above assets otherwise than by way of his capital contribution?

25. Shri Suresh and X Ltd. are member 'SM Associates', an association of persons. SM Associates was dissolved on 16th August 2020 and following assets were distributed to the members (all amounts in ₹)

	House property (given to Suresh)	Listed Govt. securities (given to X Ltd.)
FMV as on 16th August 2020	1,200,000	600,000
Amount recorded in agreement of sale	600,000	700,000
Cost of acquisition	40,000	500,000
Date of acquisition	1-4-1997	16-8-2019
FMV of the asset as on 1-4-2001	100,000	
SDV of the asset as on 1-4-2001	120,000	

What are the tax implications of these transactions? What will be your answer if 'SM Associates' is a cooperative society?

26. In May 2012 a partnership firm has been formed in which Mr. Vimal became a partner by introducing land as his capital contribution. In the books of account of the firm the value of the asset was adopted at ₹ 3,98,000. The fair market value of the land as on that date was ₹ 5 lakhs. Mr. Vimal bought that land for ₹ 1,25,000 in May 2002. Subsequently the firm was dissolved in May 2020 when the land was transferred to Mr. Mihir, another partner, towards settlement of his capital account which had a credit balance of ₹ 7,50,000. The fair market value as on the date of such transfer was ₹ 9,50,000. **Compute the capital gains in the hands of Partner as well as firm.**

27. The house property of Abhinav is compulsorily acquired by the Government for ₹ 10,00,000 vide Notification issued on 12th March 2008. Abhinav has purchased the house in 2002-03 for ₹ 2,00,000. The compensation is received on 15th April 2020. The compensation is further enhanced by an order of the court on 5th April 2021 and a sum of ₹ 2,00,000 is received as enhanced compensation on 25th May 2021. **Compute the capital gains and determine the year in which it is taxable.**
28. S, an owner of 3 houses, sells a residential house property in Chennai for ₹ 12,40,000 on 23-5-2020. This house was purchased by him in April 2004 for ₹ 2,80,000. On 30-5-2020, **he purchased a flat in Mumbai of ₹ 8,70,000 for the purpose of the residence of his son-in-law.** On 1-3-2021, S sells the flat in Mumbai for ₹ 12,10,000. **Compute the capital gains arising on the two transactions. Is S eligible for exemption under section 54 in respect of the second sale? S, has an other income of ₹ 10,00,000.**

29. 'X' give the following information

Residential house property situated of Kolkata	X ₹
Date of transfer	December 30, 2020
Date of purchase	June 30, 2002
Sale consideration	35,00,000
Cost of acquisition	2,00,000
Expenses on transfer	40,000
Amount deposited in capital gains deposit account scheme on July 20, 2021	21,00,000
To get the exemption under section 54, the following residential house properties are purchased in Chennai by X by withdrawing from the deposit account	
Date of purchase	June 20, 2022
Cost of acquisition	15,00,000

Find out the following In the case of X—

- capital gain chargeable to tax for different assessment years;
 - X does not want to purchase or construct another property, what is the earliest date when he can withdraw the unutilised amount from the deposit account; and
 - is it possible to take back the exemption given under section 54 in a subsequent year.
30. Mr. Pranav, a resident individual had purchased a plot of land at a cost of ₹ 75,000 in June, 2003. He constructed a house for his residence on that land at a cost of ₹ 1,25,000 in August, 2007. He sold that house in May, 2020 at ₹ 16,50,000 and purchased another residential house in June, 2020 for ₹ 8,00,000. He furnishes other income and investment as follows :

Particulars	₹
Interest on fixed deposit with a bank (Net of TDS ₹ 5,000)	45,000
Investment in PPF	20,000

Cost inflation index for financial year 2003-2004, 2007-08 and 2020-21 are 109, 129 and 301 respectively.

You are required to compute taxable income and tax payable by Mr. Pranav for the AY 2021-22.

31. X Sells agricultural land situated within the municipal limits of Calcutta for ₹ 50,00,000 on July 1, 2020, which was purchased by him on March 1, 2003 for ₹ 4,00,000. On July 15, 2021, he purchases agricultural land in rural area for ₹ 4,30,000 and deposits ₹ 10,80,000 in a deposit account for availing exemption under section 54B. He purchases another agricultural land (situated within the limit of Delhi Municipal Corporation) on June 30, 2022 for ₹ 8,47,000 by withdrawing from the deposit account. Amount left in the deposit account is withdrawn on July 10, 2022. The agricultural land in rural area is transferred on April 1, 2023 for ₹ 4,90,000 and the land in Delhi is transferred on July 17, 2023 for ₹ 8,70,000. **Determine the amount of capital gains.**

32. During the previous year ending on March 31, 2021, X sells the following:

Assets	Date of sale	Sale proceeds ₹	Cost of acquisition ₹	Year of purchase	Fair Market value on April 1, 2001 ₹
Shares (non-listed)	April 10, 2020	4,60,000	1,70,000	2004-05	1,80,000
Agricultural land					
in rural area (outside the municipal limits)	May 25, 2020	17,00,000	2,30,000	1993-94	3,40,000
Agricultural land in urban area	June 10, 2020	8,00,000	2,50,000	1999-00	2,00,000
Debentures (non-listed)	April 10, 2020	2,90,000	1,70,000	2005-06	1,80,000
Personal car	July 1, 2020	1,25,000	70,000	2006-07	NA

On July 31, 2021 (being the due date of furnishing return of income), X deposits ₹ 1,00,000 under section 54B for claiming exemption in future by purchasing agricultural land. By withdrawing from the deposit account, he purchases agricultural land for ₹ 40,000 till June 9, 2022. Assuming that the income of X from the other sources for the previous years 2020-21 and 2022-23 is ₹ 5,86,000 and ₹ 2,92,000, respectively. **Find out the taxable income of X for the AYs 2021-22 and 2023-24.**

33. Mr. Roy, aged 55 years owned a Residential House in Ghaziabad. It was acquired by Mr. Roy on 10-10-2006 for ₹ 6,00,000. He sold it for ₹ 30,00,000 on 4-11-2020. The stamp valuation authority of the State fixed value of the property at ₹ 35,00,000. The assessee paid 2% of the sale consideration as brokerage on the sale of the said property.

Mr. Roy acquired a residential house property at Kolkata on 10-12-2020 for ₹ 10,00,000 and deposited ₹ 3,00,000 on 10-4-2021 and ₹ 5,00,000 on 15-6-2021 in the capital gains bonds of Rural Electrification Corporation Ltd. He deposited ₹ 4,00,000 on 6-7-2021 and ₹ 5,00,000 on 1-11-2021 in the capital gain deposit scheme in a Nationalized Bank for construction of an additional floor on the residential house property in Kolkata.

Compute the Capital Gain chargeable to tax for the Assessment Year 2021-22 and income-tax chargeable thereon assuming Mr. Roy has no other income. Cost Inflation Index for Financial Year 2006-07: 122 and Financial Year 2020-21: 301

34. Ms. Anshu transfers land and building on 02-01-2021 and furnishes the following information:

Particulars	(₹)
(a) Net consideration received	22,00,000
(b) Value adopted by Stamp Valuation Authority	25,00,000
(c) Value ascertained by Valuation Officer on reference by the Assessing Officer	27,00,000
(d) This land was acquired by Anshu on 1-04-2001. Fair Market Value of the land as on 01-04-2001 was (FMV was lower than SDV)	1,10,000
(e) Anshu constructed a residential building on the land at a cost of ₹ 3,20,000 (construction completed on 01-12-2008 during the financial year 2008-09)	
(f) Brought forward short term capital loss incurred on sale of shares during financial year 2011-12 ₹ 1,50,000,	

Anshu seeks your advice regarding the amount to be invested in NHAI bonds so as to be exempt from capital gain tax under the Income-tax Act, 1961.

Cost inflation index for FY 2001-2002 : 100

Cost inflation index for FY 2008-2009 : 137

Cost inflation index for FY 2020-2021 : 301

35. Mr. Selvan, acquired a residential house in April, 2005 for ₹ 10,00,000 and made some improvements by way of additional construction to the house, incurring expenditure of ₹ 2,00,000 in October, 2009. He sold the house property in October, 2020 for ₹ 72,00,000. The value of property was adopted as ₹ 80,00,000 by the State stamp valuation authority for registration purpose.

He acquired a residential house in January, 2021 for ₹ 25,00,000. He deposited ₹ 20,00,000 in capital gains bonds issued by National Highways Authority of India (NHAI) in June, 2021.

Compute the capital gain chargeable to tax for the assessment year 2021-22. What would be the tax consequence and in which assessment year it would be taxable, if the house property acquired in January, 2021 is sold for ₹ 40,00,000 in March, 2022?

Cost inflation index : F.Y. 2005-2006 = 117
F.Y. 2009-2010 = 148
F.Y. 2020-2021 = 301

36. Mr. Chandru transferred a vacant site on 28.10.2020 for ₹ 100 lakhs. The site was acquired for ₹ 9,99,300 on 30.6.2005. He invested ₹ 50 lakhs in eligible bonds issued by Rural Electrification Corporation Ltd. (RECL) on 20.3.2021. Again, he invested ₹ 20 lakhs in eligible bonds issued by National Highways Authority of India (NHAI) on 16.4.2021.

Compute the chargeable capital gain in the hands of Chandru for the A.Y. 2021-22.

Financial year Cost Inflation Index

2005-06	117
2020-21	301

37. X Ltd. sells the following assets -

	Agricultural land	Bonus shares (unlisted)	House prp (let out)
Date of sale	January 31, 2021	November 7, 2020	March 25, 2021
Date of acquisition	May 9, 2003	April 4, 2004	June 6, 2002
	₹	₹	₹
Sale consideration	9,00,000	3,50,000	10,40,000
Purchase consideration	70,000	Nil	1,00,000

The agricultural land is situated in on urban area and used for agricultural purpose since 2003

X Ltd. invests in the following assets on April 2, 2021

- Bonds of the National Highways Authority of India (redeemable on June 1, 2026): ₹ 4,00,000.
- Bonds (redeemable on May 10, 2026) of the Rural Electrification Corporation : ₹ 5,00,000
- Agricultural land: ₹ 75,000.

Find out the capital gain chargeable to tax.

38. X, sells the following long-term capital assets on January 11, 2021:

	Residential house property	Gold	Silver	Diamonds
	₹	₹	₹	₹
Sale consideration	3,90,000	8,10,000	2,96,000	6,40,200
Indexed cost of acquisition	70,000	1,15,000	1,78,000	4,30,000
Expenses on Transfer	10,000	81,000	6,000	32,000

The due date of filing return of income for the AY 2021-22 is July 31, 2021. For claiming exemption under sections 54 and 54EC, X purchases the following assets —

Assets	Date of acquisition	Amount ₹
Land (for constructing a residential house)	April 2, 2021	1,00,000
Bank deposit (for constructing house)	August 5, 2021	60,000
Bonds of Rural Electrification Corporation (redeemable on July 6, 2026)	July 5, 2021	7,50,000
Bonds of National Highways Authority of India (redeemable on August 10, 2029)	July 10, 2021	3,05,000

Find out the amount of capital gain chargeable to tax for the AY 2021-22.

39. Arjun furnishes the following particulars and requests your advice as to liability to capital gains for the assessment year 2021-22:

- i. Jewellery purchased by him on 10.3.2003, for ₹ 1,05,000 was sold by him for a consideration of ₹ 3,85,000 on 2.11.2020.
- ii. He incurred expenses:
 - a. at the time of purchase ₹ 2,000
 - b. at the time of sale (for brokerage) ₹ 4,000
- iii. He invested ₹ 70,000 in bonds with National Highway Authority of India out of sale consideration.

On these facts:

- a. Compute the capital gains chargeable to tax.
- b. Whether Arjun would be entitled to any exemption?

40. Compute the net taxable capital gains of Smt. Megha on the basis of the following information- A house was purchased on 1.5.2007 for ₹ 4,50,000 and was used as a residence by the owner. The owner had contracted to sell this property in June, 2011 for ₹ 10 lacs and had received an advance of ₹ 70,000 towards sale. The intending purchaser did not proceed with the transaction and the advance was forfeited by the owner. The property was sold in April, 2020 for ₹ 17,00,000. The owner, from out of sale proceeds, invested ₹ 4 lacs in a new residential house in January, 2021.

Cost inflation index :- 2007-08 - 129
2020-21 - 301

41. Mr. Malik owns a factory building on which he had been claiming depreciation for the past few years. It is the only asset in the block. The factory building and land appurtenant thereto were sold during the year. The following details are available:

Particulars	₹
Building completed in September, 2008 for	10,00,000
Land appurtenant thereto purchased in April, 2002 for	12,00,000
Advance received from a prospective buyer for land in May, 2003, forfeited in favour of assessee, as negotiations failed	50,000
WDV of the building block as on 1.4.2020	8,74,800
Sale value of factory building in November, 2020	8,00,000
Sale value of appurtenant land in November, 2020	40,00,000

The assessee is ready to invest in long-term specified assets under section 54EC, within specified time.

Compute the amount of taxable capital gain for the assessment year 2021-22 and the amount to be invested under section 54EC for availing the maximum exemption. Cost inflation indices are as under :

Financial Year Cost inflation index

2002-03	105
2003-04	109
2020-21	301

42. Mr. A who transfers land and building on 02.01.2021, furnishes the following information:

- (i) Net consideration received ₹ 12 lakhs.
- (ii) Value adopted by stamp valuation authority, which was not contested by Mr. A ₹ 21.5 lakhs.
- (iii) Value ascertained by Valuation Officer on reference by the Assessing Officer ₹ 22 lakhs.
- (iv) This land was distributed to Mr. A on the partial partition of his HUF on 1.4.2001. Fair market value of the land as on 1.4.2001 was ₹ 1,10,000 and Stamp duty value was ₹ 1,70,000.
- (v) A residential building was constructed on the above land by Mr. A at a cost of ₹ 3,20,000 (construction completed on 1.12.2003) during the financial year 2003-04.
- (vi) Brought forward unabsorbed short-term capital loss (incurred on sale of shares during the financial year 2013-14) ₹ 75,000.

Mr. A seeks your advice as to the amount to be invested in NHA/RECL bonds so as to be exempt from clutches of capital gain tax. Cost inflation indices for the financial years 2001-02, 2003-04 & 2020-21 are 100, 109 and 301, respectively.

43. Mr. X is in possession of agricultural land situated within urban limits, which is used for agricultural purposes during the preceding 3 years by his father. On 4.4.2020, this land is compulsorily acquired by the Central Government of India on a compensation fixed and paid by it for ₹ 10 lakhs. Advise X as to the tax consequences, assuming that the entire amount is invested in purchase of shares.

44. Mr. Sagar, a resident individual acquired a plot of land at a cost of ₹ 75,000 in June, 2009. He constructed a house for his residence on that land at a cost of ₹ 1,25,000 in the financial year 2011-12. He transferred the house for ₹ 15,00,000 in May, 2020 and acquired another residential house in June, 2020 for ₹ 8,00,000.

He furnishes other particulars as under

Insurance agency commission earned (Net of TDS of ₹ 5,000)	45,000
Investment in NSC (i.e. on 20-3-2021)	20,000

Cost inflation index details are given below:

Financial Year	Cost Inflation Index
2009 – 2010	148
2011 – 2012	184
2020 – 2021	301

Compute the total income of Mr. Sagar for the assessment year 2021-22.

45. Mr. A owns a residential house, which is self-occupied, and also a plot of land (He has no other house). He sells the house on January 31, 2021 and the plot on February 15, 2021 for ₹ 12,00,000 and ₹ 7,00,000 respectively. The house was purchased on January 30, 2004 for ₹ 4,00,000 and the plot on March 30, 2004 for ₹ 2,00,000. A has purchased a new residential house on April 25, 2021 for ₹ 5,00,000 and claims exemption in respect of such house. On 31-1-2022, he transfers the said residential house for ₹ 8,00,000 and purchases a new house on 31-3-2023 for ₹ 11,00,000. **Compute the capital gains for relevant years.**

46. Mr. A sold share of a public limited company for ₹ 5,00,000 on 1.9.2020, which had been acquired by him in October, 2004 for ₹ 50,000. He wants to utilize the said amount of sale consideration for purchase or construction of a new residential house. He already owns one residential house at the time of sale of shares i.e., on 1.9.2020. He had deposited ₹ 4,00,000 under the Capital Gains Deposit Account Scheme with a specified Bank on 30.4.2021. **Ascertain the capital gain taxable in A's hands for AY 2021-22 and advise him as to what further action he has to take to avail the exemption.**

47. X sells (non-listed) shares in a private sector company on July 10, 2020 for ₹ 8,05,000 (cost of acquisition on June 16, 2004 : ₹ 60,000, expenses on sale : ₹ 5,000). On July 10, 2020, he owns one residential house property. To get the benefit of exemption under section 54F, X deposits on May 30, 2021 ₹ 6,00,000 in Capital Gains Deposit Account Scheme. By withdrawing from the Deposit Account, he purchases a residential house properly at Delhi on July 6, 2022 for ₹ 4,80,000. Ascertain -

a. The amount of CG chargeable to tax for the AY 2021-22

b. Tax treatment of the unutilized amount,

c. When can be withdraw the unutilized amount and

d. What X has to do to ensure that the exemption under section 54F is never taken back.

48. X sells agricultural land situated in an urban area for ₹ 10,31,000 (brokerage paid @ 2 percent) on March 31, 2021 (cost of acquisition : ₹ 1,05,000 on March 1, 2003; it was used for agricultural purposes since 2006). On March 31, 2021, he owns one residential house property. On April 6, 2021, he purchases the following assets

a. agricultural land : ₹ 1,50,000 ; and

b. a residential house property : ₹ 5,00,000.

Find out the capital gains chargeable to tax for the AY 2021-22.

49. Mr. 'X' furnishes the following data for the previous year ending 31.3.2021:

(a) Unlisted Equity Shares of AB Ltd., 10,000 in number were sold on 31.5.2020, at ₹ 200 for each share.

(b) The above shares of 10,000 were acquired by 'X' in the following manner:

(i) Received as gift from his father on 1.6.2000 (5,000 shares) the fair market value on 1.4.2001 ₹ 50 per share.

(ii) Bonus shares received from AB Ltd. on 21.7.2005 (2,000 shares).

(iii) Purchased on 1.2.2007 at the price of ₹ 125 per share (3,000 shares).

(c) Purchased one residential house at ₹ 10 lakhs, on 1.5.2021 from the sale proceeds of shares.

(d) 'X' is already owning a residential house, even before the purchase of above house.

You are required to compute the taxable capital gain. He has no other source of income chargeable to tax.

(Cost Inflation Index – Financial year 2005-06: 117; 2006-07: 122; Financial year 2020-21: 301)

50. Mr. A is a proprietor of Akash Enterprises having 2 units. He transferred on 1.4.2020 his Unit 1 by way of slump sale for a total consideration of ₹ 25 lacs. Unit 1 was started in the year 2003-04. The expenses incurred for this transfer were ₹ 28,000. His Balance Sheet as on 31.3.2020 is as under:

Liabilities	Total (₹)	Assets	Unit 1 (₹)	Unit 2 (₹)	Total (₹)
Own Capital	15,00,000	Building	12,00,000	2,00,000	14,00,000
Revaluation Reserve (for building of unit 1)	3,00,000	Machinery	3,00,000	1,00,000	4,00,000
Bank loan (70% for unit 1)	2,00,000	Debtors	1,00,000	40,000	1,40,000
Trade creditors (25% for unit 1)	1,50,000	Other assets	1,50,000	60,000	2,10,000
Total	21,50,000	Total	17,50,000	4,00,000	21,50,000

Other information:

- (i) Revaluation reserve is created by revising upward the value of the building of Unit 1.
(ii) No individual value of any asset is considered in the transfer deed.
(iii) Other assets of Unit 1 include patents acquired on 1.7.2017 for ₹ 50,000 on which no depreciation has been charged.

Compute the capital gain for the assessment year 2021-22.

51. Shri Aniket purchased 1,00,000 shares of Nahar Spinning mills Limited (50% of total shares of the company) in 2002-03 for ₹ 8,00,000. The company was liquidated on 17.12.2020 and on liquidation he received ₹ 20 per share and immovable property whose market value worth ₹ 25,50,000. **On liquidation the company possessed accumulated profits of ₹ 8,00,000. Find out the capital gains in hands of Aniket for the assessment year 2021-22.**
52. Ms. Vasumathi purchased 10,000 equity shares of ABC Co. Pvt. Ltd. on 28.2.2005 for ₹ 1,20,000. The company was wound up on 31.7.2020. The following is the summarized financial position of the company as on 31.7.2020:

Liabilities	₹	Assets	₹
60,000 Equity shares	6,00,000	Agricultural lands	42,00,000
General reserve	40,00,000	Cash at bank	6,50,000
Provision for taxation	2,50,000		
	48,50,000		48,50,000

The tax liability was ascertained at ₹ 3,00,000. The remaining assets were distributed to the shareholders in the proportion of their shareholding. The market value of 6 acres of agricultural land (in an urban area) as on 31.7.2020 is ₹ 10,00,000 per acre. The agricultural land received above was sold by Ms. Vasumathi on 28.2.2021 for ₹ 15,00,000.

Discuss the tax consequences in the hands of the company and Ms. Vasumathi. The cost inflation indices are: F.Y. 2004-05: 113; F.Y. 2020-21: 301

53. Mr. Abhishek a senior citizen, pledged his residential house with a bank, under a notified reverse mortgage scheme. He was getting loan from bank in monthly installments. Mr. Abhishek did not repay the loan on maturity and hence gave possession of the house to the bank, to discharge his loan. **How will the treatment of long-term capital gain be on such reverse mortgage transaction?**
54. Sachin received ₹ 15,00,000 on 23.01.2021 on transfer of his residential building in a transaction of reverse mortgage under a scheme notified by the Central Government. The building was acquired in March 2003 for ₹ 8,00,000.

Is the amount received on reverse mortgage chargeable to tax in the hands of Sachin under the head 'Capital gains'?

Cost inflation index for the

Financial year 2002-03 - 105

Financial year 2020-21 - 301

55. Mr. Kumar, aged 50 years, is the owner of a residential house which was purchased in September, 2003 for ₹ 5,00,000. He sold the said house on 5th August, 2020 for ₹ 24,00,000. Valuation as per stamp valuation authority of the said residential house was ₹ 30,50,000. He invested ₹ 5,00,000 in NHAI Bonds on 12th January, 2021. He purchased a residential house on 5th July, 2021 for ₹ 10,00,000. He gives other particulars as follows:

Interest on Bank Fixed Deposit ₹ 32,000

Investment in public provident fund ₹ 50,000

You are requested to calculate the taxable income for the assessment year 2021-22 and the tax liability, if any. Cost inflation index for F.Y. 2003-04 and 2020-21 are 109 and 301, respectively.

SOLUTION – SET A

1. Computation of capital gain of Salman for the Assessment Year 2021-22 (amounts in ₹)	
Full value of consideration	18,50,000
Less: Expenses in connection with transfer	48,000
Less: Indexed cost of acquisition (3,31,000 x 301 ÷ 129)	7,72,333
Long term Capital Gains	8,20,333
[If HC Ruling is followed: CII of PY 2007-08 will be used]	10,29,667

2. Computation of Taxable Capital Gains of Ms. Rekha for A.Y. 2021-22 (amounts in ₹) :	
Full value of consideration	96,00,000
Less: Expenses in connection with transfer	96,000
Less: Indexed cost of acquisition (725,000 x 301 ÷ 100)	21,82,250
Less: Indexed cost of improvement (3,89,000 x 301 ÷ 148)	7,91,142
Long term Capital Gains	30,69,392
	65,30,608

COA shall be higher of

(a) Actual Cost (6,50,000 + 65,000) = 7,15,000 or

(b) Lower of Fair market value i.e., ₹ 7,25,000 and Stamp duty value i.e., ₹ 7,50,000, on April 1, 2001

3. In case of property acquired in modes specified under section 49(1) (here, inheritance), **higher of cost to the previous owner or FMV as on 1-4-2001 will be taken. Further, FMV should not exceeds SDV of property as on 1.4.2001.** Cost of improvement incurred after 1-4-2001 by previous owner or the assessee, is deductible.

For determining long-term or short-term nature of land, the period of holding of Mr. F's father will be included, as a result of which, the plot of land becomes long-term capital asset for Mr. F.

For indexation purposes, CII of the year in which property was held by the assessee i.e. year of inheritance being 2004-05 will be taken as denominator.

Full value of consideration	30,00,000
Less; Expenses on transfer being sale stamp deed expenses @ 1% of 30,00,000	30,000
Net consideration	29,70,000
Less: Indexed cost of acquisition (30,000 x 301 ÷ 113)	79,912
Less: Cost of improvement incurred after 1-4-2001	
Mr. F's father (20,000 x 301 ÷ 109 = 55,229) + Mr. F (50,000 x 301 ÷ 129 = 116,667)	1,71,896
Long-term capital gains	2,51,808
	27,18,192

4.				
Name of asset	Goodwill	Trademark	Tenancy rights	Mfg. licence
Full value of consideration	18,00,000	5,00,000	5,00,000	2,00,000
Less: Cost of Acquisition	0	2,46,721*	0	30,000
Less: Cost of Improvement	0	20,338**	40,676***	0
Long-term capital gains	18,00,000	2,32,941	4,59,327	
Short-term capital gains				1,70,000

* 100000 x 301 / 122

** 10000 x 301 / 148

*** 20000 x 301 / 148

Notes:

- Trademark is a long-term capital asset as it was held for more than 36 months before date of transfer. However, manufacturing license was held for exactly 36 months (i.e. not more than 36 months) before date of transfer, hence, it is short-term capital asset. Goodwill and tenancy rights are long-term capital assets as they were held since 2005.
- In case of goodwill of a business, cost of improvement is always NIL.

- 5.
- Cost of acquisition of a capital asset, being goodwill of a business or a trade mark or brand name associated with a business or a right to manufacture, produce or process any article or thing, or right to carry on any business, tenancy rights, stage carriage permits and loom hours [Section 55(2)(a)]**
 - If the above capital assets have been purchased by the assessee, the cost of acquisition is the amount of the purchase price. For example, if Mr. A purchases a stage carriage permit from Mr. B for ₹ 2 lacs, that will be the cost of acquisition for Mr. A.

(ii) If the above capital assets are self-generated, the cost of acquisition shall be taken as nil.

(iii) In case the capital asset is acquired by any mode given under clauses (i) to (iv) of section 49(1), the cost of acquisition will be the cost to the previous owner if the previous owner paid for it. However, if it was self-generated by the previous owner, the cost of acquisition will be taken as nil.

2. **Cost of acquisition of other self-generated assets not covered under section 55(2)(a):** In respect of self-generated goodwill of a profession and other self-generated assets not specifically covered under section 55(2)(a), the decision of the Supreme Court in CIT v. B.C. Srinivasa Setty will apply. In that case, the Supreme Court held that if the cost of acquisition of a self-generated asset is incapable of determination, then transfer of such asset is not taxable and consequently the gains thereon cannot be brought to charge.

6.

Computation of capital gains chargeable to tax in the hands of Mr. A

Particulars	₹
Sale consideration	12,00,000
Less: Indexed cost of acquisition (Note 1)	1,72,705
Indexed cost of improvement (Note 2)	5,46,077
Long term capital Gain	4,81,218

Note 1

Indexed cost of acquisition is determined as under:

Cost to the previous owner i.e. Mr. Rakesh is ₹ 1,05,000

Fair Market Value on 1st April, 2001 is ₹ 1,50,000

(SDV as on 01/04/2001 is 170,000 & FMV is lower)

Cost to the previous owner or FMV on 1st April, 2001, whichever is more, is to be taken as cost of acquisition of Mr. A ₹ 1,50,000

Less: Advance money forfeited by Mr. A (as per section 51)

(Note : Advance forfeited by Mr. Rakesh, the previous owner, should, however, not be deducted)

Cost of acquisition ₹ 80,000
₹ 70,000

Indexed cost of acquisition (₹ 70,000 × 301/122) ₹ 1,72,705

122 is the Cost Inflation Index for F.Y. 2006-07, being the first year in which property is held by Mr. A and 301 is the Cost Inflation Index for F.Y. 2020-21, being the year in which the property is sold.

Alternative view: In the case of CIT v. Manjula J. Shah, the Bombay High Court held that the indexed cost of acquisition in case of gifted asset can be computed with reference to the year in which the previous owner first held the asset. As per this view, the indexation cost of acquisition of house would be ₹ 2,10,700 taking Cost Inflation Index of 100 for the F.Y. 2001-02 since F.M.V. as on 1st April, 2001 is taken as cost of acquisition of Mr. A.

Note: Clause (ix) of Section 56(2) provides that the advance which is forfeited on or after 01/04/2014 would be chargeable to tax under the head "Income from Other sources" and hence, such forfeited amount shall not be reduced from the cost of acquisition of the transferred capital asset. **In the present case, the advance was forfeited in a previous year prior to P.Y. 2014-15. Therefore, such amount would be deductible from the cost of acquisition while determining the Capital gains on transfer of such asset.**

Note 2

Indexed cost of Improvement is determined as under:

Expenditure incurred before 1st April, 2001 should not be considered

NIL

Expenditure incurred on or after 1st April, 2001

- During 2005-06 Indexed cost of Improvement [₹ 50,000 × 301/117]

₹ 1,28,632

- During 2008-09 Indexed cost of Improvement [₹ 1,90,000 × 301/137]

₹ 4,17,445

Total indexed cost of improvement

₹ 5,46,077

7. As per section 2(14)(ii), the term "personal effects" excludes any work of art. As a result, any work of art will be considered as a capital asset and sale of the same will attract capital gains tax. Thus, the contention of Ms. Vasudha is not correct.

8. The definition of capital asset under section 2(14) includes jewellery. Therefore, capital gains is attracted on sale of jewellery, since jewellery is excluded from personal effects. The cost to the previous owner or the fair market value as on 1.4.2001, whichever is more beneficial to the assessee, would be treated as the cost of acquisition. Accordingly, in this case, long term capital gain @ 20% will be attracted in the year in which the gold and jewellery is sold by Mrs. X.
9. Transfer of immovable property for inadequate consideration will have any tax implication in the hands of transferee under section 56(2)(x) as difference **exceeds higher of ₹ 50,000 or 10% of sales consideration**. Therefore, in the hands of transferee, i.e., Ms. Dayama, Income under the head IOS will be ₹ 1,75,000. Further, for the transferor, Ms. Chhaya, the value adopted for stamp duty purpose will be taken as the deemed sale consideration under section 50C for computation of capital gains.

Particulars	Chhaya (Transferor) ₹	Dayama (Transferee) ₹
Capital gains		
Deemed sale consideration under section 50C	6,00,000	
Less: Indexed cost of acquisition	<u>4,00,000</u>	
LTCG	2,00,000	
Income from other sources		
Difference between stamp duty value and sale consideration of immovable property, taxable under section 56(2)(x)		1,75,000
Other income (computed)	<u>50,000</u>	<u>2,05,000</u>
Total income	2,50,000	3,80,000

10. In the hands of the seller, Mr. Raj Kumar

As per section 50C(1), where the consideration received or accruing as a result of transfer of land or building or both, is less than the value adopted or assessed or assessable by the stamp valuation authority, the value adopted or assessed or assessable by the stamp valuation authority shall be deemed to be the full value of consideration received or accruing as a result of transfer **if such value exceeds 110% of the actual sales consideration**.

Where the assessee appeals against the stamp valuation and the value is reduced in appeal by the appellate authority (Revenue Divisional Officer, in this case), such value will be regarded as the consideration received or accruing as a result of transfer.

In the given problem, land has been held for a period exceeding 24 months and building for a period less than 24 months immediately preceding the date of transfer. So land is a long-term capital asset, while building is a short-term capital asset.

Particulars	₹
Long term capital gain on sale of land	
Consideration received or accruing as a result of transfer of land	22,00,000
Less: Indexed cost of acquisition ₹ 5,19,000 x 301/184	<u>8,49,016</u>
Long-term capital gain (A)	13,50,984
Short-term capital loss on sale of building	
Consideration received or accruing from transfer of building	10,00,000
Less: Cost of acquisition	<u>14,00,000</u>
Short term capital loss (B)	<u>4,00,000</u>

As per section 70, short-term capital loss can be set-off against long-term capital gains. Therefore, the net taxable long-term capital gains would be ₹ 9,50,984 (i.e., ₹ 13,50,984 – ₹ 4,00,000).

In the hands of the buyer Mr. Dhuruv

As per section 56(2)(x), where an individual or HUF receives from a non-relative, any immovable property for a consideration which is less than the stamp value (or the value reduced by the appellate authority, as in this case) by an amount exceeding ₹ 50,000 **or 10% of the sales consideration, whichever is higher**, then the difference between such value and actual consideration of such property is chargeable to tax as income from other sources. Therefore, ₹ 7,00,000 (i.e. ₹ 32,00,000 - ₹ 25,00,000) would be charged to tax as income from other sources under section 56(2)(x) in the hands of Mr. Dhuruv.

11.

Computation of total income of Mr. Y for A.Y. 2021-22

Particulars	₹	₹	₹
Capital Gains			
Short term capital gains (on sale of flat)			
(i) Sale consideration	3,20,000		
(ii) Stamp duty valuation	<u>3,70,000</u>		
Consideration for the purpose of capital gains as per section 50C (stamp duty value, since it is higher than sale consideration)		3,70,000	
Less: Cost of acquisition [As per section 49(4), cost to be taken into consideration for 56(2)(x) will be the cost of acquisition]		<u>3,40,000</u>	30,000
Long term capital loss on sale of equity shares of X Pvt. Ltd			
Sale consideration		2,80,000	
Less: Indexed cost of acquisition (₹ 3,50,000 × 301/122)		<u>8,63,526</u>	
Long term capital loss to be carried forward (See Note 1 below)		5,83,526	
Income from other sources:			
Gift from friends by way of immovable property on 30.11.2020 [See Note 3 below].			3,40,000
Gift received from a close friend (unrelated person) [See Note 2 below]			<u>75,000</u>
Total income			<u>4,45,000</u>

Notes:

- In the given problem, unlisted shares of X Pvt. Ltd. have been held for more than **24 months** and hence, constitute a long term capital asset. The loss arising from sale of such shares is, therefore, a long-term capital loss. As per section 70(3), long term capital loss can be set-off only against long-term capital gains. Therefore, long-term capital loss cannot be set-off against short-term capital gains. However, such long-term capital loss can be carried forward to the next year for set-off against long-term capital gains arising in that year.
- Any sum received from an unrelated person will be deemed as income and taxed as income from other sources if the aggregate sum received exceeds ₹ 50,000 in a year [Section 56(2)(x)].
- Receipt of immovable property without consideration would attract the provisions of section 56(2)(x).

12.

Computation of long term capital gain of Dinesh for the A.Y. 2021-22

Particulars	₹	₹
Full value of consideration (Note 1)		65,00,000
Less: Indexed cost of acquisition-land (₹ 3,00,000 × 301/129) (Note 2 & 3)	7,00,000	
Indexed Cost of acquisition-building (₹ 15,00,000 × 301/137) (Note 3)	32,95,620	
Indexed Cost of improvement-building (₹ 5,00,000 × 301/184)	<u>8,17,935</u>	
Long-term capital gain		<u>48,13,555</u>
		<u>16,86,445</u>

Notes:

- As per section 50C, where the consideration received or accruing as a result of transfer of a capital asset, being land or building or both, **is less than the value adopted by the Stamp Valuation Authority and Value exceeds 110% of the consideration**, such value adopted by the Stamp Valuation Authority shall be deemed to be the full value of the consideration received or accruing as a result of such transfer. Accordingly, full value of consideration will be ₹ 65 lakhs in this case.
- Since Dinesh has acquired the asset by way of gift, therefore, as per section 49(1), cost of the asset to Dinesh shall be deemed to be cost for which the previous owner acquired the asset i.e., ₹ 3,00,000, in this case.
- Indexation benefit is available since both land and building are long-term capital assets. However, as per the definition of indexation cost of acquisition, indexation benefit for land will be available only from the previous year in which Mr. Dinesh first held the asset i.e., P.Y. 2007-08.

Alternative view: In the case of CIT v. Manjula J. Shah 16 Taxmann 42 (Bom.), the Bombay High court held that indexation cost of acquisition in case of gifted asset can be computed with reference to the year in which the previous owner first held the asset. As per this view, the indexation cost of acquisition of land would be ₹ 8,60,000 (Based on PY 2002-03).

13.

Computation of Long term Capital Gain for A.Y. 2021-22

Particulars	₹	₹
Sale consideration as per section 50C (Note-1)		47,25,000
Less: Expenses incurred on transfer being brokerage @ 1% of sale consideration of ₹ 37.50 lacs		<u>37,500</u>
		46,87,500
Less: Indexed cost of acquisition (Note-2) (₹ 2,70,000 × 301/117)	6,94,615	
Indexed cost of improvement (₹ 7,00,000 × 301/129)	<u>16,33,333</u>	<u>23,27,948</u>
Long term capital gain		23,59,552

Notes:

1. As per section 50C, where the consideration received or accruing as a result of transfer of a capital asset, being land or building or both, is less than the valuation by the stamp valuation authority, such value adopted or assessed by the stamp valuation authority shall be deemed to be the full value of consideration **if value exceeds 110% of the sales consideration**. Where a reference is made to the valuation officer, and the value ascertained by the valuation officer exceeds the value adopted by the stamp valuation authority, the value adopted by the stamp valuation authority shall be taken as the full value of consideration.

Sale consideration	₹ 37,50,000
Valuation made by registration authority for stamp duty	₹ 47,25,000
Valuation made by the valuation officer on a reference	₹ 47,50,000

Applying the provisions of section 50C to the present case, ₹ 47,25,000, being, the value adopted by the registration authority for stamp duty, shall be taken as the sale consideration for the purpose of charge of capital gain.

2. The house was inherited by Mr. Thomas under the will of his father and therefore, the cost incurred by the previous owner shall be taken as the cost. Fair market value as on 01.04.01, accordingly, shall be adopted as the cost of acquisition of the house property. **Here, FMV as on 01.04.2001 does not exceeds SDV of the same**. However, indexation benefit will be given from the year in which Mr. Thomas first held the asset i.e. P.Y. 2005-06

Alternative view: In the case of CIT v. Manjula J. Shah 16 Taxmann 42 (Bom.), the Bombay High Court held that the indexed cost of acquisition in case of gifted asset can be computed with reference to the year in which the previous owner first held the asset. As per this view, the indexation cost of acquisition of house would be ₹ 8,12,700

14.

	Situations			
	(1) ₹	(2) ₹	(3) ₹	(4) ₹
Full value of consideration	5,50,000	4,90,000	5,25,000	5,60,000
Less: Indexed cost of acquisition [₹ 70,503 × 301 ÷ 105]	2,02,109	2,02,109	2,02,109	2,02,109
Long-term capital gains	3,47,891	2,87,891	3,22,891	3,57,891

Note : Value adopted by the Stamp duty authority at the time of acquisition cannot be taken as cost off acquisition.

15.

- (1) **Redemption:** The first option of redemption of debentures will result in the levy of capital gains tax. Capital gains = (1200 - 1000) × 1000 debentures = ₹ 2 lakh. Indexation benefit is not allowed.
- (2) **Conversion :** There will be no capital gain on conversion of debentures into equity shares, as the conversion of debenture into shares is not 'transfer' as per section 47(x).

16.

Assessment of X for the assessment year 2021-22	₹
Sale proceeds of 1,000 original shares	90,000
Less : Indexed cost of acquisition [₹ 14,000 × 301/100]	42,140
Long-term capital gain	47,860

Sale proceeds of 800 rights shares [₹ 90 x 800]	72,000
Less : Cost of acquisition [i.e., ₹ 60 x 800]	48,000
Short-term capital gain	24,000
Sale proceeds of right entitlement of 1,200 shares	4,800
Less: Cost of acquisition	Nil
Short-term capital gain	4,800

17.

Computation of Capital gain :	₹
Sale proceeds of half holding	50,000
Less: Brokerage (2% of 50,000)	(1,000)
Less: Indexed cost of acquisition [₹ 12,500 x 301/137]	(27,464)
Long term Capital gain	<u>21,536</u>

18.

Computation of total income and tax liability of Ms. Paulomi for A.Y. 2021-22

Particulars	₹
Sale consideration	3,12,934
Less: Indexed cost of acquisition (₹ 10,000 x 301/105)	<u>28,667</u>
Long term capital gain	2,84,267
Total income	2,84,270
Tax liability	
Income-tax @ 20% on ₹ 34,270 (₹ 2,84,270 – ₹ 2,50,000)	6,854
Less: Rebate under section 87A	<u>6,854</u>
Tax after Rebate	NIL

Notes :

- As per section 112, deductions under Chapter VI-A are not allowable against long term capital gain. Therefore, Paulomi is not entitled to deduction under section 80C in respect of payment of life insurance premium and contribution to PPF. She is also not entitled to deduction under section 80D in respect of medical insurance premium paid by her.
- She is, however, entitled to reduce the long-term capital gain by the unexhausted basic exemption limit and pay tax on the balance @20% as per section 112. In this case, since she has no other source of income, the entire basic exemption limit of ₹ 2,50,000 to the extent of long-term capital gain can be reduced from the long-term capital gain.

19.

Computation of total income and tax liability of Mr. C for A.Y. 2021-22

Particulars	₹	₹
Capital Gains on sale of residential house property Value declared by Mr. C	₹ 68,50,000	
Value adopted by Stamp Valuation Authority	₹ 94,50,000	
Valuation as per Valuation Officer	₹ <u>95,20,000</u>	
Gross Sale consideration (See Note 1)		94,50,000
Less: Brokerage @1% of sale consideration		<u>68,500</u>
Net Sale consideration		93,81,500
Less: Indexed cost of acquisition (₹ 35,00,000 x 301/167)	63,08,383	
Indexed cost of improvement (₹ 5,00,000 x 301/200)	<u>7,52,500</u>	<u>70,60,883</u>
Long-term capital gains (Total Income)		23,20,617
		Or, 23,20,620
Tax on total income (See Note 2)		
Long-term capital gain taxable @20% (₹ 23,20,620 – ₹ 2,50,000)		4,14,124
Less: Rebate u/s 87A		Nil
Tax before cess		4,14,124
Add: Health & Education cess @ 4%		<u>16,565</u>
Total tax liability		4,30,689
Tax liability (rounded off)		4,30,690

Notes:

1. As per section 50C, in case the value of sale consideration declared by the assessee is less than the value adopted by the Stamp Valuation Authority for the purpose of charging stamp duty, then, the value adopted by the Stamp Valuation Authority shall be taken to be the full value of consideration **if it exceeds 10% of the sales consideration**. In case the valuation is referred to the Valuation Officer and the value determined is more than the value adopted by the Stamp Valuation Authority, the value determined by the Valuation Officer shall be ignored. Therefore, in the present case, the **full value of consideration** would be the stamp valuation of ₹ 94,50,000, since the same is more than the sale value declared by Mr. C and less than the value determined by the Valuation Officer.
 2. As per section 112, the unexhausted basic exemption limit can be exhausted against the long-term capital gains. Since Mr. C does not have any other income in the current year, the whole of the basic exemption limit of ₹ 2,50,000 is exhausted against the long-term capital gains and the balance long-term capital gains shall be taxable@20%. It is assumed that Mr. C is a resident individual below the age of 60 years.
20. In this case, the two conditions of section 111A are satisfied [i.e., the taxpayer is a resident individual and NI-ST is ₹ 2,46,000 (which is lower than the exemption limit of ₹ 2,50,000). Consequently, from the short-term capital gain the following shall be deducted—
- Compilation of net income and tax**

	Short-term capital gain under section 111A	Other incomes
	₹	₹
Income	1,27,000	2,53,000
Less: Deduction under section 80C		6,000
Under section 80G		1,000
Net income	<u>1,27,000</u>	<u>2,46,000</u>
Income-tax on net income [15% of ₹ 1,23,000 (i.e., ₹ 1,27,000 — ₹ 4,000 (Unexhausted Limit)]	18,450	Nil
Less: Rebate	<u>12,500</u>	Nil
Tax after Rebate	<u>5,950</u>	
Add: H&EC – 4%	238	Nil
Tax liability	<u>6,190</u>	<u>Nil</u>

21.

	Long-term Capital gain	Short-term Capital gain
	₹	₹
Capital gain	8,41,000	63,000
Less: Business loss	<u>(-) 15,000</u>	
Gross total income	<u>8,26,000</u>	<u>63,000</u>
Less: Deduction under section 80C	—	65,000
Net income	<u>8,26,000</u>	<u>Nil</u>
Tax [i.e., 20% of (₹ 8,26,000 - ₹ 2,50,000)]		1,15,200
Add: Health & Education Cess – 4%		4,608
Tax liability		<u>1,19,808</u>

Note : If the net income (other than long-term capital gain) is below the amount of first slab which is not taxable (i.e., ₹ 2,50,000), then the long-term capital gain shall be reduced by the amount by which the total income (other than long-term capital gain) falls short of the maximum amount which is net chargeable to tax. In this case, net income (other than long-term capital gain) is nil. Therefore, long-term capital gain shall be reduced by ₹ 2,50,000.

22. The conversion of a capital asset into stock-in-trade is treated as a transfer under section 2(47). It would be treated as a transfer in the year in which the capital asset is converted into stock-in-trade. However, as per section 45(2), the profits or gains arising from the transfer by way of conversion of capital assets into stock-in-trade will be chargeable to tax only in the year in which the stock-in-trade is sold.

For the purpose of computing capital gains in such cases, the fair market value of the capital asset on the date on which it was converted into stock-in-trade shall be deemed to be the full value of consideration received or accruing as a result of the transfer of the capital asset. Indexation benefit is available upto the year of conversion of capital asset in stock-in-trade.

On subsequent sale of such stock-in-trade, business profits would arise. The business income chargeable to tax would be the difference between the price at which the stock-in-trade is sold and the fair market value on the date of conversion of the capital asset into stock-in-trade.

23. Computation of taxable capital gain

Period of holding: 1.11.1998 to 31.10.2020 = More than 36 months. Therefore, long term	₹
Full value of consideration	25,00,000
Less: Expenses on transfer	Nil
<i>Net sale consideration</i>	<u>25,00,000</u>
Less : Indexed cost of acquisition ₹ 2,00,000 × 301 / 100	<u>6,02,000</u>
Long term capital gain	18,98,000

Business income:

Actual selling price	40,00,000
Less : FMV as on the date of conversion	<u>25,00,000</u>
Business income	15,00,000

24. Transfer of capital asset by a partner to his firm, by way of his capital contribution or otherwise, is eligible to capital gains tax u/s 45(3) in the hands of the partner in the year in which transfer takes place.

Computation of capital gains of Mr. Rishi

	House property	Gold ornaments
Full value of consideration (amount recorded in books of the firm)	9,00,000	36,000
Less: Cost of acquisition (Indexed cost of house = 60,000 × 301 ÷ 113)	<u>1,59,823</u>	<u>15,000</u>
Long-term capital gains	7,40,177	
Short-term capital gains		21,000

Note: If Mr. Rishi brings the above assets otherwise than by way of capital contribution, then also, he will be liable to capital gains tax as above.

25. Any distribution of capital asset by a firm/AOP/BOI (other than company or co-operative society) on dissolution or otherwise is eligible to capital gains in the hands of such firm/AOP/BOI.

Computation of capital gains of SM Associates (amounts in ₹)

	House property	Listed Govt. securities
Full value of consideration (FMV as on the date of transfer)	12,00,000	6,00,000
Less: Cost of acquisition (1,00,000 × 301 ÷ 100)	<u>3,01,000</u>	<u>5,00,000</u>
Long-term capital gains	8,99,000	
Short-term capital gains		1,00,000

Note: If SM Associates were a co-operative society, then section 45(4) would not have applied to it.

COA shall be higher of

(c) Actual Cost = 40,000 or

(d) Lower of Fair market value i.e., ₹ 1,00,000 and Stamp duty value i.e., ₹ 1,20,000, on April 1, 2001

26. Computation of Capital Gains**Capital gains for the Partner Mr. Vimal for the AY 2013-14**

Sale consideration-value of the asset recorded in the books of the firm [Sec 45(3)]	₹ 3,98,000
Less : Indexed cost of acquisition (1,25,000 × 200/105)	<u>2,38,095</u>
Long term capital gains	1,59,905

Capital gains for the firm for the AY 2021-22

Sale consideration - Fair Market Value on the date of distribution	9,50,000
Less : Indexed cost of acquisition (3,98,000 × 301/ 200)	<u>5,98,990</u>
Long term capital gain	3,51,010

27. The compulsory acquisition of Mr. Abhinav's house property took place in the financial year 2007-08. Accordingly, the year of transfer is the financial year 2007-08. However, by virtue of specific provisions of section 45(5), the capital gains so computed shall be charged to tax in the year in which the compensation or part thereof is first received i.e. in the financial year 2020-21 or assessment year 2021-22.

Computation of long term capital gain for the assessment year 2021-22

Full value of consideration	10,00,000
Less: Indexed cost of acquisition (2,00,000 × 129 ÷ 105)	<u>2,45,714</u>
Long term capital gains	7,54,286

Taxability of enhanced compensation : LTCG due to enhanced compensation = ₹ 2,00,000, which will be chargeable to tax in the previous year 2021-22 (Assessment year 2022-23).

28. Computation of capital gains of Mr. S for the AY 2021-22 (amounts in ₹)

Sale proceeds of the property located in Chennai	12,40,000
Less : Indexed Cost of Acquisition (₹ 2,80,000 x 301 ÷ 113)	<u>7,45,841</u>
Long Term Capital Gain (1)	4,94,159
Sales Consideration from the flat	12,10,000
Less : Cost of Acquisition	<u>8,70,000</u>
Short Term Capital Gain (2)	3,40,000
Total Capital Gains (1 + 2)	8,34,159

Note : In this case, after transfer of residential house, Mr. S has purchased a new flat during the previous year 2020-21 and sold the same in the previous year 2020-21 itself. If Mr. S claims exemption in respect of the flat while computing long-term capital gains, then, on sale of the flat, the cost of the flat will be reduced by the amount of exemption claimed. This will have the effect of decreasing the amount of long-term capital gains and increasing the amount of short-term capital gains. While long-term capital gains are taxable @ 20%; short-term capital gains are taxable as per normal rates (highest slab being 30% due to other income of ₹ 10,00,000).

Therefore, in order to avoid higher tax liability, Mr. S should not claim exemption in respect of the flat. It is assumed that Mr. S has other incomes also, so as to take his tax rate at highest slab of 30%.

Further, no exemption is available in respect of sale of new house, as the same is a short-term capital asset.

29.

Assessment year 2021-22	₹
Sale consideration (being stamp duty value)	35,00,000
Less: Indexed cost of acquisition [₹ 2,00,000 x 301 ÷ 105]	5,73,333
Expenses on transfer	<u>40,000</u>
Balance	28,86,667
Less: Exemption under section 54 [amount deposited in capital gain deposit account scheme, i.e., ₹ 21,00,000 or amount of capital gain, i.e., ₹ 28,86,667, whichever is lower]	21,00,000
Long -term capital gains chargeable to tax for the assessment year 2021-22	7,86,667
Assessment Year 2023-24	
Amount deposited in capital gains deposit account scheme	21,00,000
Less: Amount utilized by purchasing a new residential property at Chennai	<u>15,00,000</u>
Unutilized amount	6,00,000

Notes:

- In this case, X can purchase a new residential property, by withdrawing from the deposit account, up to December 29, 2022 or he can complete construction of a residential property up to December 29, 2023. If he does not want to purchase or complete construction of another property, he can withdraw the unutilized amount of ₹ 6,00,000 in the deposit account at any time after December 29, 2023.
- ₹ 6,00,000 would be taxable as long-term capital gains of the previous year 2023-24, i.e., assessment year 2024-25.
- The new residential property purchased at Chennai should not be transferred before 3 years from the date of its purchase (in other words, the new residential property should not be transferred up to June 19, 2025). If the new residential property is transferred **before June 20, 2025**, then the exemption given under section 54 (i.e., ₹ 21,00,000 minus ₹ 6,00,000) would be taken back.

Computation of taxable income and tax payable by Mr. Pranav for the A.Y. 2021-22

Particulars		₹	₹
1.	Income from Capital Gains		
	Full value of consideration		16,00,000
	Less : Indexed cost of acquisition of land (₹ 75,000 × 301/109)		<u>2,07,110</u>
			13,92,890
	Less : Indexed cost of construction of house (₹ 1,25,000 × 301/129)		<u>2,91,667</u>
			11,01,223
	Less : Deduction under section 54 - Cost of new residential house		<u>8,00,000</u>
	Long term capital gains		3,01,223
2.	Income from other sources		
	Interest on Bank deposit (Net)	45,000	
	Add : Tax deducted at source	<u>5,000</u>	<u>50,000</u>
	Gross total income		3,51,223
	Less: Deduction under section 80C :		
	Investment in PPF		<u>20,000</u>
	Taxable income		3,31,223
	Components of Total income		
	Special income - Long-term Capital gains	3,01,220	
	Normal Income (₹ 50,000 – ₹ 20,000)	<u>30,000</u>	
		<u>3,31,220</u>	
	Tax on normal income of ₹ 30,000		
	Tax on LTCG		Nil
	[LTCG (Maximum amount not chargeable to tax - Normal Income) @ 20% under section 112 = {₹ 3,01,220 – (2,50,000 – 30,000)} x 20%]		16,244
	Less: Rebate under section 87A		<u>12,500</u>
	Tax before cess		3,744
	Add: Health & Education cess@4%		150
	Total Tax		3,894
			3,890

31. Assessment Year 2021-22

Sale proceeds	50,00,000
Less : Indexed cost acquisition [₹ 4,00,000 × 301 ÷ 105]	<u>11,46,667</u>
Balance	38,53,333
Less : Exemption under section 54B	
Cost of agricultural land purchased on July 15, 2021	4,30,000
Amount deposited in the deposit account	<u>10,80,000</u>
Long-term capital gains	23,43,333

Assessment year 2023-24 (i.e., relevant to the previous year in which 2 years from the date of sale of agricultural land expires)

Amount deposited in the deposit account	10,80,000	₹
Less : Amount utilized in purchasing agricultural land up to June 30, 2022	8,47,000	
Long-term capital gains	2,33,000	

Assessment year 2024-25 (i.e., relevant to the previous year 2023-24 in which the new assets are transferred before the expiry of 3 years)

	Agricultural land in rural area ₹	Agricultural land in urban area ₹
Sale proceeds	4,90,000	8,70,000
Less : Cost of acquisition offer deduction of the amount of exemption under section 54B as the new assets are transferred within 3 years [i.e., ₹ 4,30,000-₹ 4,30,000, ₹ 8,47,000 - ₹ 8,47,000]	Nil	Nil
Short-term capital gain	Not taxable*	8,70,000

*As the agricultural land is situated in rural area, it is not a "capital asset" and, consequently, capital gain arising on its transfer is not chargeable to tax.

32. Previous year 2020-21 (assessment year 2021-22)

	Urban agricultural land	Shares	Debentures
	₹	₹	₹
Capital gains			
Sale proceeds	8,00,000	4,60,000	2,90,000
Less : Cost of acquisition	—	—	1,70,000
Indexed cost of acquisition [₹ 1,70,000 x 301 ÷ 113 ₹ 2,50,000 x 301 ÷ 100]	7,52,500	4,52,832	
Capital gain			
- Short-term	—	—	—
- Long-term	47,500	7,168	1,20,000
Less: Exemption under section 54B	47,500	—	—
Balance	NIL	7,168	1,20,000
Capital gains			1,27,168
Income from other sources			<u>5,86,000</u>
Net income (rounded off)			<u>7,13,170</u>

Previous year 2022-23 (assessment year 2023-24)

Amount deposited in bank account on July 31, 2021 (to extent of exemption claimed)		1,00,000
Less : Amount utilised for purchase of agricultural land within 2 years from sale of agricultural land (i.e., up to June 9, 2022)		40,000
Long-term capital gain		60,000
Income from other sources		<u>2,92,000</u>
Net income		3,52,000

Note : Agricultural land in rural area is not a capital asset. Surplus arising on sale of such land is not taxable at all. Likewise, personal car is not a capital asset and, consequently, nothing is taxable in respect of sale of car.

33. Computation of Capital Gains chargeable to tax in the hands of Mr. Roy for the A.Y. 2021-22

Particulars	₹	₹
Gross Sale Consideration on transfer of residential house [As per section 50C, in case the actual sale consideration is lower than the stamp duty value fixed by the stamp valuation authority, the stamp duty value shall be deemed as the full value of consideration if it exceeds 110% of the sale consideration]		35,00,000
		<u>60,000</u>
Less: Brokerage@2% of actual sale consideration of ₹ 30,00,000		34,40,000
Net Sale Consideration		<u>14,80,328</u>
Less: Indexed cost of acquisition [₹ 6,00,000 x 301/122]		19,59,672
Long-term capital gain		
Less: Exemption under section 54		
➤ Acquisition of residential house property at Kolkata on 10.12.2020 (i.e., within the prescribed time of two years from 4.11.2020, being the date of transfer of residential house at Ghaziabad).	10,00,000	
➤ Amount deposited in Capital Gains Accounts Scheme on or before the due date of filing return of income for construction of additional floor on the residential house property at Kolkata. Since Mr. Roy has no other source of income, his due date for filing return of income is 31st July, 2021		
[Therefore, ₹ 4,00,000 deposited on 6.7.2021 will be eligible for exemption whereas ₹ 5,00,000 deposited on 1.11.2021 will not be eligible for exemption under section 54]	<u>4,00,000</u>	14,00,000
Exemption under section 54EC		
➤ Amount deposited in capital gains bonds of RECL within six months from the date of transfer (i.e., on or before 3.5.2021) would qualify for exemption. [Therefore, in this case, ₹ 3,00,000 deposited in capital gains bonds of RECL on 10.4.2021 would be eligible for exemption under section 54EC, whereas ₹ 5,00,000 deposited on 15.6.2021 would not qualify for exemption]		3,00,000
Long-term capital gain		2,59,672

Computation of tax liability of Mr. Roy for A.Y. 2021-22

Particulars	₹
Tax on ₹ 9,672 (i.e Long term capital gain ₹ 2,59,672 less basic exemption limit of ₹ 2,50,000) is charged @ 20% [Section 112] (Since long-term capital gains is the only source of income, the entire basic exemption limit can be exhausted against this income)	1,934
Less: Rebate under section 87A	<u>1,934</u>
Tax before Cess	NIL

34.

Computation of Capital Gains of Ms. Anshu for the A.Y. 2021-22

Particulars	₹	₹
Full value of consideration [See Notes (i) & (ii) below]		25,00,000
Less: Indexed Cost of acquisition [See Note (iii) below]		
Indexed cost of land (₹ 1,10,000 × 301/100)	3,31,100	
Indexed cost of building (₹ 3,20,000 × 301/137)	<u>7,03,066</u>	<u>10,34,166</u>
Long-term capital gain		14,65,834
Less: Brought forward short-term capital loss set off [See Note (iv) below]		<u>1,50,000</u>
Taxable capital gains (Amount to be invested in NHAI bonds to get full exemption from tax on capital gains) [See Note (v) below]		13,15,834

Notes:

- (a) As per section 50C(1), where the consideration received or accruing as a result of transfer of a capital asset, being land or building or both, is less than the value adopted by the Stamp Valuation Authority for the purpose of payment of stamp duty, such value adopted by the Stamp Valuation Authority shall be deemed to be the full value of the consideration **received if it exceeds 110% of the actual sales consideration**. Accordingly, full value of consideration would be ₹ 25 lacs in this case.
- (b) As per section 50C(3), where the valuation is referred by the Assessing Officer to Valuation Officer and the value ascertained by such Valuation Officer exceeds the value adopted by the Stamp Valuation Authority for the purpose of payment of stamp duty, the value adopted by the Stamp Valuation Authority shall be taken as the full value of the consideration received or accruing as a result of the transfer. Since the value ascertained by the Valuation Officer (i.e. ₹ 27 lakhs), is higher than the value adopted by the Stamp Valuation Authority (i.e. ₹ 25 lakhs), the full value of consideration in this case would be ₹ 25 lakhs.
- (c) Since the cost of land acquired by Anshu on 1.4.2001 is not given in the question, the fair market value as on 1.4.2001 is taken as the cost of acquisition. Indexation benefit is available since land and building are both long-term capital assets, as they are held by Anshu for more than 24 months.
- (d) As per section 74, brought forward unabsorbed short term capital loss can be set off against any capital gains, short term or long term, for 8 assessment years immediately succeeding the assessment year for which the loss was first computed. Therefore, short term capital loss on sale of shares during the F.Y. 2011-12 can be set-off against the current year long-term capital gains on sale of land and building.
- (e) As per section 54EC, an assessee can avail exemption in respect of long-term capital gains, if such capital gains are invested in the bonds issued by the NHAI **redeemable after 5 years**. Such investment is required to be made within a period of 6 months from the date of transfer of the asset. The exemption shall be the amount of capital gains or the amount of such investment made, whichever is less. Therefore, in this case, if Anshu invests the entire capital gains in bonds of NHAI, she can get full exemption from tax on capital gains.

35.

Computation of Capital Gains Chargeable to tax for A.Y. 2021-22

Particulars	₹	₹
Sale consideration (i.e. Stamp Duty Value) (Note-1)		80,00,000
Less: Indexed Cost of Acquisition (₹ 10,00,000 × 301/117)	25,72,650	
Indexed Cost of Improvement (₹ 2,00,000 × 301/148)	<u>4,06,757</u>	<u>29,79,407</u>
		50,20,593
Less: Capital Gains exemption under section 54 (Note-2)		<u>25,00,000</u>
Taxable Capital Gains		25,20,593

Notes -

- As per the provisions of section 50C, in case the stamp duty value adopted by the stamp valuation authority is **higher than 110% of the actual sale consideration**, the stamp duty value shall be deemed as the full value of consideration.
- Exemption under section 54 is available if a new residential house is purchased within one year before or two years after the date of transfer. Since the cost of new residential house is less than the capital gain, capital gain to the extent of cost of new asset is exempt under section 54.
- Exemption under section 54EC is available in respect of investment in bonds of National Highways Authority of India only if the investment is made within a period of six months after the date of such transfer. In this case, since the investment is made after six months, exemption under section 54EC would not be available.
- If the new asset purchased by the assessee on the basis of which exemption under section 54 is claimed, is transferred within 3 years from the date of its acquisition, then for computing the taxable short-term capital gain on such transfer, the cost of acquisition of such asset shall be reduced by the amount of exemption taken in section 54 i.e. cost will be Nil. Such CG will be taxable in the PY in which such new asset is **transferred i.e. AY 22-23**

Particulars	₹
Sale consideration	40,00,000
Less: Cost of acquisition	NIL
Short-term Capital Gains	40,00,000

36. Computation of chargeable capital gain of Mr. Chandru for the A.Y. 2021-22

Particulars	₹
Sale consideration	1,00,00,000
Less: Indexed cost of acquisition (₹ 9,99,300 × 301/117)	25,70,849
Less: Deduction under section 54EC 20.03.2021 RECL bonds	74,29,151
	50,00,000
Long term capital gain	24,29,151

Note:

- Since the site was held for more than 24 months prior to the date of transfer, it is a long-term capital asset and the capital gain arising upon its transfer is long-term capital gain.
- In order to claim exemption under section 54EC, Mr. Chandru has to invest in specified bonds of RECL or NHAI or PFCL or IRFCL within a period of 6 months from the date of transfer of the asset.
- As per second proviso to section 54EC(1), out of capital gains arising from transfer of one or more capital assets in a financial year, the investment eligible for exemption, cannot exceed ₹ 50 lakhs, whether such investment is made in the same financial year or in the subsequent financial year or in both the years.

In this case, Mr. Chandru has invested ₹ 50 lakhs in RECL bonds in the F.Y. 2020-21 and ₹ 20 lakhs in NHAI bonds in the F.Y. 2021-22, both within six months from the date of transfer. However, he would be eligible for exemption of only ₹ 50 lakhs for investment made in such bonds.

37.

	Land ₹	Bonus shares ₹	House property ₹
Sale consideration (a)	9,00,000	3,50,000	10,40,000
Indexed cost of acquisition (b)	1,93,303	Nil	2,86,667
Long-term capital gain [before any exemption] (c)	7,06,697	3,50,000	7,53,333
Less : Exemption under section 54EC [Note]	7,06,697	NIL	1,93,303
Income under the head "Capital gains"	Nil	3,50,000	5,60,030

38.

	House property ₹	Gold ₹	Silver ₹	Diamonds ₹
Sale consideration	3,90,000	8,10,000	2,96,000	6,40,200
Less : Expenses on transfer	10,000	81,000	6,000	32,000
Net sale consideration (a)	3,80,000	7,29,000	2,90,000	6,08,200
Less : Indexed cost of acquisition	70,000	1,15,000	1,78,000	4,30,000
Long-term capital gain (b)	3,10,000	6,14,000	1,12,000	1,78,200
Exemption under section 54 [Note 1] (c)	1,00,000	—	—	—
Exemption under section 54EC [Note 2] (d)	2,10,000	NIL	NIL	NIL
Capital gain chargeable to tax [(b) —(c)—(d)]	Nil	6,14,000	1,12,000	1,78,200

Notes :

- Exemption under section 54 - Since the due date of filing return of income is July 31, 2021, the deposit made on August 5, 2021 is not considered. Exemption under section 54 is limited to amount utilised for constructing residential house up to July 31, 2021 [i.e., ₹ 1,00,000].
- Exemption under section 54EC - The amount of exemption available under section 54EC is ₹ 10,55,000 [i.e., ₹ 7,50,000 + ₹ 3,05,000] **but it cannot be claimed against transfer of Capital asset other than land or building.**

39. Computation of capital gain for the AY 2021-22 (amounts in ₹)

Sale consideration	3,85,000
Less: Expenses on Transfer	<u>4,000</u>
Net Sale Consideration	3,81,000
Less: Indexed cost of acquisition (₹ 1,07,000 x 301/105)	<u>3,06,733</u>
Long-term capital gain	74,267
Less: Exemption u/s 54EC (not available now against transfer of jewellery)	<u>NIL</u>
Taxable long-term capital gain	74,267

Note : It is assumed that the expense of ₹ 2,000 at the time of purchase is of capital nature.

40.**Computation of net taxable capital gains of Smt. Megha for the A.Y. 2021-22**

Particulars	₹
Full value of consideration	17,00,000
Less: Expenses on transfer	<u>Nil</u>
Net sale consideration	17,00,000
Less: Indexed cost of acquisition (See Working note below)	<u>8,86,667</u>
Long term capital gain (since the period of holding is more than 3 years)	8,13,333
Less: Exemption under section 54 (See Note 1 below)	<u>4,00,000</u>
Taxable long term capital gain	4,13,333

Working Note:**Indexed cost of acquisition**

	₹
Purchase price	4,50,000
Less: Amount forfeited (See Note 2 below)	<u>70,000</u>
Cost of acquisition	<u>3,80,000</u>
Indexed cost of acquisition	
<u>3,80,000×301</u>	8,86,667
129	

Notes:

- Exemption under section 54 is available if a new residential house is purchased within two years from the date of transfer of existing residential house, which is a long-term capital asset. Since the cost of new residential house is less than the long-term capital gains, capital gains to the extent of cost of new house, i.e., ₹ 4 lakh, is exempt under section 54.
- As per section 51, any advance received and retained by the assessee, as a result of earlier negotiations for sale of the asset, shall be deducted from the purchase price for computing the cost of acquisition of the asset.

41.**Computation of taxable capital gain of Mr. Malik for AY 2021-22**

Particulars	₹	₹
Factory building		
Sale price of building	8,00,000	
Less: WDV as on 1.4.2020	8,74,800	
Short-term capital loss on sale of building		(-) 74,800
Land appurtenant to the above building		
Sale value of land	40,00,000	
Less: Indexed cost of acquisition (₹ 11,50,000 × 301/105)	32,96,667	
Long-term capital gains on sale of land		<u>7,03,333</u>
Chargeable long term capital gain		6,28,533

Investment under section 54EC: In this case, both land and building have been held for more than 24 months and hence, are long-term capital assets. Exemption under section 54EC is available if the capital gains arising from transfer of a long-term capital asset are invested in specified long-term specified assets within 6 months from the date of transfer. As per section 54EC, the amount to be invested for availing the maximum exemption is the net amount of capital gain arising from transfer of long-term capital asset, which is ₹ 6,28,533 in this case.

Notes:-

1. Where advance money has been received by the assessee, and retained by him, as a result of failure of the negotiations, section 51 will apply. The advance retained by the assessee will go to reduce the cost of acquisition. Indexation is to be done on the cost of acquisition so arrived at after reducing the advance money forfeited i.e. ₹ 12,00,000 – ₹ 50,000 = ₹ 11,50,000. It may be noted that in cases where the advance money is forfeited during the previous year 2014-15 or thereafter, the amount forfeited would be taxable under the head "Income from Other Sources" and such amount will not be deducted from the cost of acquisition of such asset while calculating capital gains.
2. Factory building on which depreciation has been claimed, is a depreciable asset. Profit / loss arising on sale is deemed to be short-term capital gain/loss as per section 50, and no indexation benefit is available.
3. Land is not a depreciable asset, hence section 50 will not apply. Being a long-term capital asset (held for more than 24 months), indexation benefit is available.
4. As per section 74, short term capital loss can be set-off against any income under the head "Capital gains", long term or short-term. Therefore, in this case, short-term capital loss of ₹ 74,800 can be set-off against long-term capital gain

42.

Computation of Capital Gains of Mr. A for the Assessment Year 2021-22

Particulars	₹	₹
Full value of consideration (deemed) (See Note-1&2) (Indexation benefit is available since land and buildings are long-term capital assets)		21,50,000
Less: Indexed cost of land (₹ 1,10,000 × 301/100)	3,31,100	
Indexed cost of building (₹3,20,000 × 301/ 109)	<u>8,83,670</u>	<u>12,14,770</u>
Long-term capital gain		9,35,230
Less: Brought forward short-term capital loss set off(See Note-4)		<u>75,000</u>
Amount to be invested in NHAI / RECL / PFCL / IRFCL bonds		8,60,230

Notes :

- (1) Where the consideration received or accruing as a result of transfer of a capital asset, being land or building or both, is less than the value adopted or assessed by any authority of a State Government (Stamp Valuation Authority) for the purpose of payment of stamp duty in respect of such asset and the same is not contested by the assessee, such value adopted or assessed shall be deemed to be the full value of the consideration received or accruing as a result of such transfer **if SDV exceeds 110% of the actual sales consideration** [Section 50C(1)]. Accordingly, the full value of consideration will be ₹ 21.5 lakhs in this case.
- (2) It is further provided in section 50C(3) that where the valuation is referred by the Assessing Officer to Valuation Officer and the value ascertained by such Valuation Officer exceeds the value adopted or assessed by the Stamp Valuation Authority, the value adopted or assessed by the Stamp Valuation Authority shall be taken as the full value of the consideration received or accruing as a result of the transfer. **Since the value ascertained by the valuation officer (i.e. ₹ 22 lakhs) is higher than the value adopted by the stamp valuation authority (i.e. ₹ 21.5 lakhs), the full value of consideration in this case is ₹ 21.5 lakhs.**
- (3) Cost of land which is acquired on partition of HUF is the cost to the previous owner. Since date and cost of acquisition to the previous owner are not given, fair market value as on 1.4.2001 is taken as the cost and indexed. Here, FMV does not exceeds SDV of the land as on 01.04.2001.
- (4) Brought forward unabsorbed short term capital loss can be set off against any capital gains, short term or long term, for 8 assessment years immediately succeeding the assessment year for which the loss was first computed.
- (5) As per section 54EC, an assessee can avail exemption in respect of long-term capital gains, if such capital gains are invested in the bonds issued by the NHAI / RECL / PFCL / IRFCL redeemable after 5 years. Such investment is required to be made within a period of 6 months from the date of transfer of the asset. The exemption shall be the amount of capital gain or the amount of such investment made, whichever is less.

43. Section 10(37) exempts the capital gains arising to an individual or a Hindu Undivided Family from transfer of agricultural land by way of compulsory acquisition, or a transfer, the consideration for which is determined or approved by the RBI or the Central Government. Such exemption is available where the compensation or the enhanced compensation or consideration, as the case may be, is received on or after 1st April, 2004 and the land has been used for agricultural purposes during the preceding two years by such individual or a parent of his or by such Hindu undivided family. Since all the above conditions are fulfilled in this case, X is entitled to exemption under section 10(37) of the entire capital gains arising on sale of agricultural land.

44. Computation of total income of Mr. Sagar for the A.Y. 2021-22

Particulars	₹	₹
Capital Gains:		15,00,000
Sale consideration		
Less: Indexed cost of land (₹ 75,000 X 301/148)	1,52,534	
Indexed cost of building (₹ 1,25,000 X 301/184)	<u>2,04,484</u>	<u>3,57,018</u>
		11,42,982
Less: Exemption under section 54 (See Note 2 below)		<u>8,00,000</u>
Long-term capital gain		3,42,982
Profit and gains from business or profession/Income from other sources		
Insurance agency commission earned (Gross) (₹ 45,000 + ₹ 5,000)		<u>50,000</u>
Gross Total Income		3,92,982
Less: Deduction under Chapter VI-A		
Section 80C - Investment in NSC VIII		<u>20,000</u>
Total Income		3,72,982

Notes:

- (1) Since the building and the land are held for more than 24 months, the same are long-term capital assets and the capital gain arising on sale of such assets is a long-term capital gain.
- (2) As per the provisions of section 54, the capital gain arising on transfer of a long-term residential property shall not be chargeable to tax to the extent such capital gain is invested in the purchase of a residential house property one year before or two years after the date of transfer of original asset or constructed a residential house property within three years after such date. Since Mr. Sagar has purchased another residential house in June, 2020 for ₹ 8,00,000, the capital gain arising on transfer of residential house property in May, 2020 is exempt under section 54 to that extent.

45. A can claim exemption u/s 54 in respect of capital gains on sale of residential house and exemption u/s 54F in respect of capital gains on sale of plot. Since the exemption u/s 54 is available in on investment of capital gains, therefore, first of all, exemption u/s 54 will be claimed. Thereafter, exemption u/s 54F, which is available on investment of net consideration, shall be claimed. The exemption u/s 54F will be available only in respect of balance cost of new house i.e. **Original cost of new house - Exemption u/s 54.**

Computation of Capital Gains for AY 2021-22 (amounts in ₹)

	Residential house	Plot
Full Value of consideration	12,00,000	7,00,000
Less: Indexed cost [(4,00,000 × 301 ÷ 109); (2,00,000 × 301 ÷ 109)]	<u>11,04,587</u>	<u>5,52,294</u>
Long term capital gains	95,413	1,47,806
Less: Exemption u/s 54	95,413	
Exemption u/s 54F i.e.		
Capital gain – ₹ 1,47,806 x (Cost of new house – Exemption u/s 54) i.e. {5,00,000 – 95,413}		
Net consideration of plot = 700000		<u>85,429</u>
Taxable capital gains	NIL	62,377

Computation of capital gains on sale of residential house for assessment year 2022-23 (amounts in ₹)

Sale price of the residential house (acquired on 25-4-2021)	8,00,000
Less: Cost of Acquisition (5,00,000 - exemption claimed u/s 54 ₹ 95,413)	<u>4,04,587</u>
Short-term capital gains for assessment year 2022-23	3,95,413

Long-term capital gains (Exemption claimed u/s 54F shall be chargeable as long-term capital gains of the year in which the house is transferred i.e. assessment year 2022-23) 85,429

Note: No exemption will be available in respect of second new house acquired on 31-3-2023. Exemption u/s 54 or 54F cannot be claimed because the house transferred on 31-1-2022 is a short-term capital asset.

46. If A has transferred these share in a recognized stock exchange in India he will be subject to securities transaction tax and consequently, the long term capital gain will be exempt from tax. Otherwise if these shares are transferred outside a recognized stock exchange the manner of income computation will be as under:-

Sales Consideration	5,00,000
Less: Indexed cost of acquisition (₹ 50,000 x 301/113)	<u>1,33,186</u>
Long Term Capital Gain	3,66,814
Less: Exemption under Section 54F	
(₹ 4,00,000 x 3,66,814 / ₹ 5,00,000)	<u>2,93,451</u>
Long term capital gain	73,363

47.

Assessment year 2021-22

Sale consideration	₹ 8,05,000
Less :	
Expenses	5,000
Indexed cost of acquisition [₹ 60,000 x 301/113]	<u>1,59,823</u>
Balance	6,40,177
Less : Exemption under section 54F [₹ 6,00,000, being the amount deposited in Deposit Account x ₹ 6,40,177 being the amount of capital gain / ₹ 8,00,000 being net sale consideration]	<u>4,80,133</u>
Long-term capital gain	<u>1,60,044</u>

Notes:

1. In this case, X has not fully utilised the deposit account for acquiring the residential house property. Out of ₹ 6 lakh deposited in the deposit account, ₹ 4.80 lakh is utilised for purchasing the house. Tax treatment of ₹ 1.20 lakh (being the unutilised amount) will be as follows —

₹

Unutilised amount (a)	1,20,000,
Net sale consideration (b)	8,00,000
Original capital gain (c)	6,40,177
Notional long-term capital gain [i.e., (a)/(b) x (c)]	<u>96,027</u>
Effective exemption under section 54F [i.e., ₹ 4,80,133 — ₹ 96,027]	3,84,106

₹ 96,027 will be chargeable to tax as long-term capital gain after the expiry of 3 years from date of transfer of shares (i.e., July 9, 2023). Consequently, it will be taxable for the assessment year 2024-25.

2. The unutilised amount of ₹ 1.20 lakh can be withdrawn by X at any time after July 9, 2023.
3. If X sells the new house at Delhi before July 6, 2025, then ₹ 3,84,106 (exemption under section 54F) will be taken as long-term capital gains of the year in which the house is sold.
4. If X purchases any other residential house before July 10, 2022 or constructs any other residential house before July 10, 2023, then ₹ 3,84,106 (exemption under section 54F) will be deemed as long-term capital gains of the year in which another house is purchased or constructed.

48.

Sale consideration	₹ 10,31,000
Less: Brokerage (2% of ₹ 10,31,000)	(20,620)
Indexed cost of acquisition (i.e., ₹ 1,05,000 x 301/105)	(3,01,000)
Long-term capital gain	7,09,380
Less : Exemptions	
Under section 54B	1,50,000
Under section 54F [i.e., ₹ 7,09,380 x ₹ 5,00,000/(₹ 10,31,000- ₹ 20,620)]	<u>3,51,046</u>
Long-term capital gains	<u>2,08,334</u>

49.

Computation of taxable capital gain of Mr. 'X' for A.Y. 2021-22

Particulars	₹	₹
Sale consideration received on sale of 10,000 shares @ ₹ 200 each		20,00,000
Less: Indexed cost of acquisition		
(a) 5,000 shares received as gift from father on 1.6.2000 Indexed cost 5,000 x ₹ 50 x 301/100	7,52,500	
(b) 2,000 bonus shares received from AB Ltd Bonus shares are acquired on 21.7.2005 i.e after 01.04.2001. Hence, the cost is Nil.	Nil	
(c) 3000 shares purchased on 1.2.2007 @ ₹ 125 per share. The indexed cost is 3000 x 125 x 301/122	<u>9,25,205</u>	<u>16,77,705</u>
Long term capital gain		3,22,295
Less : Exemption under section 54F (See Note below) ₹ 3,22,295 x ₹ 10,00,000 / ₹ 20,00,000		<u>1,61,148</u>
Taxable long term capital gain		<u>1,61,147</u>

Note: Exemption under section 54F can be availed by the assessee subject to fulfillment of the following conditions :

- (a) The assessee should not own more than one residential house on the date of transfer of the long-term capital asset;
- (b) The assessee should purchase a residential house within a period of 1 year before or 2 years after the date of transfer or construct a residential house within a period of 3 years from the date of transfer of the long-term capital asset.

In this case, the assessee has fulfilled the two conditions mentioned above. Therefore, he is entitled to exemption under section 54F.

50. Computation of capital gains on slump sale of Unit 1

Particulars	₹
Sale value	25,00,000
Less: Expenses on sale	<u>28,000</u>
Net sale consideration	24,72,000
Less: Net worth (See Note 1 below)	<u>12,43,594</u>
Long term capital gain	<u>12,28,406</u>

Notes:

1. Computation of net worth of Unit 1 of Akash Enterprises

Particulars	₹	₹
Building (excluding ₹ 3 lakhs on account of revaluation)		9,00,000
Machinery		3,00,000
Debtors		1,00,000
Patents (See Note 2 below)		21,094
Other assets (₹1,50,000 – ₹ 50,000)		<u>1,00,000</u>
Total assets		14,21,094
Less: Creditors	37,500	
Bank Loan	<u>1,40,000</u>	<u>1,77,500</u>
Net worth		12,43,594

2. Written down value of patents as on 1.4.2020

Value of patents:	₹
Cost as on 1.7.2017	50,000
Less: Depreciation @ 25% for Financial Year 2017-18	<u>12,500</u>
WDV as on 1.4.2018	37,500
Less: Depreciation for Financial Year 2018-19	<u>9,375</u>
WDV as on 1.4.2019	28,125
Less: Depreciation for financial Year 2019-20	<u>7,031</u>
WDV as on 1.4.2020	21,094

For the purposes of computation of net worth, the written down value determined as per section 43(6) has to be considered in the case of depreciable assets. **The problem has been solved assuming that the Balance Sheet values of ₹ 3 lakh and ₹ 9 lakh (₹ 12 lakh – ₹ 3 lakh) represent the written down value of machinery and building, respectively, of Unit 1.**

3. Since the Unit is held for more than 36 months, capital gain arising would be long term capital gain. **However, indexation benefit is not available in case of slump sale.**

51. Computation of capital gains in case of Shri Aniket for the Assessment Year 2021-22

Amount received on liquidation (₹ 20 x 1,00,000 + ₹ 25,50,000)	₹ 45,50,000
Less: Amount taxable as deemed dividend i.e. share in accumulated profits (50% of 8,00,000)	<u>4,00,000</u>
Full value of consideration	41,50,000
Less: Indexed cost of acquisition (₹ 8,00,000 x 301 ÷ 105)	<u>22,93,333</u>
Long term capital Gain	18,56,667

52. In the hands of the company

As per section 46(1), distribution of capital assets amongst the shareholders on liquidation of the company is not regarded as "transfer" in the hands of the company. Consequently, there will be no capital gains in the hands of the company.

In the hands of Ms. Vasumathi (shareholder) Section 46(2) provides that such capital gains would be chargeable in the hands of the shareholder.

Particulars	₹
Ms. Vasumathi holds 1/6th of the shareholding of the company	10,00,000
Market value of agricultural land received (1 acre @ ₹ 10 Lakhs) Cash at bank [1/6th of (₹ 6,50,000 – ₹ 3,00,000)]	<u>58,333</u>
	10,58,333
Less: Deemed dividend under section 2(22)(c) - 1/6th of (₹ 40,00,000- ₹ 50,000)	<u>6,58,333</u>
Consideration for computing Capital Gain	4,00,000
Less: Indexed cost of acquisition of Shares (₹ 1,20,000 x 301/ 113)	<u>3,19,646</u>
Long term capital gains	80,354

Notes:

1. Where the capital asset became the property of the assessee on the distribution of the capital assets of a company on its liquidation and the assessee has been assessed to capital gains in respect of that asset under section 46, the cost of acquisition means the fair market value of the asset on the date of distribution. Hence, the short-term capital gains in the hands of Ms. Vasumathi (shareholder) at the time of sale of urban agricultural land should be computed as follows:

Particulars	₹
Sale consideration	15,00,000
Less: Fair market value of the agricultural land on the date of distribution	<u>10,00,000</u>
Short term capital gain	5,00,000

2. Dividend under section 2(22)(c) amounting to ₹ 6,58,333 will be **taxable in the hands of shareholder under the head "income from other sources exempt under section 10(34)**.
3. The tax liability ascertained at ₹ 3,00,000 has to be reduced from bank balance while computing full value of consideration under section 46(2). ₹ 50,000, being the difference between ₹ 3,00,000 and ₹ 2,50,000, has to be reduced from General Reserve for calculating deemed dividend under section 2(22)(c).
53. Section 47(xvi) provides that any transfer of a capital asset in a transaction of reverse mortgage under a scheme made and notified by the Central Government shall not be considered as a transfer for the purpose of capital gain.

Accordingly, the pledging of residential house with bank by Mr. Abhishek will not be regarded as a transfer. Therefore, no capital gain will be charged on such transaction.

Further, section 10(43) provides that the amount received by the senior citizen as a loan, either in lump sum or in installment, in a transaction of reverse mortgage would be exempt from income-tax. Therefore, the monthly installment amounts received by Mr. Abhishek would not be taxable.

However, capital gains tax liability would be attracted at the stage of alienation of the mortgaged property by the bank for the purposes of recovering the loan.

54. As per section 47(xvi), any transfer of a capital asset in a transaction of Reverse Mortgage under a scheme made and notified by the Central Government will not be regarded as a transfer. Therefore, capital gains tax liability is not attracted.

Section 10(43) provides that the amount received by a senior citizen as a loan, either in lump sum or in installments, in a transaction of Reverse Mortgage would be exempt from income tax. Therefore, the amount received by Sachin in a transaction of Reverse Mortgage of his residential building is exempt under section 10(43).

PRACTICAL QUESTIONS – SET B

1. How will you calculate the period of holding in case of the following assets?
- Shares held in a company in liquidation
 - Bonus shares
 - Flat in a co-operative society

Solution:

Shares held in a company in liquidation - The period after the date on which the company goes into liquidation shall be excluded while calculating the period of holding. Therefore, the period of holding shall commence from the date of acquisition and end with the date on which the company goes into liquidation.

Bonus shares - The period of holding shall be reckoned from the date of allotment of bonus shares and will end with the date of transfer.

Flat in a co-operative society - The period of holding shall be reckoned from the date of allotment of shares in the society and will end with the date of transfer.

2. A is the owner of a car. On 1-4-2020, he starts a business of purchase and sale of motor cars. He treats the above car as part of the stock-in-trade of his new business. He sells the same on 31-3-2021 and gets a profit of ₹ 1 lakh. Discuss the tax implication in his hands under the head "Capital gains".

Solution:

Since car is a personal asset, conversion or treatment of the same as the stock-in-trade of his business will not be trapped by the provisions of section 45(2). Hence, A is not liable to capital gains tax.

3. X converts his capital asset (acquired on June 10, 2003 for ₹ 60,000) into stock-in-trade on March 10, 2020. The fair market value on the date of the above conversion was ₹ 5,50,000. He subsequently sells the stock-in-trade so converted for ₹ 6,00,000 on June 10, 2020. Discuss the year of chargeability of capital gain.

Solution:

Since the capital asset is converted into stock-in-trade during the previous year relevant to the A.Y. 2020-21, it will be a transfer under section 2(47) during the P.Y. 2019-20. However, the profits or gains arising from the above conversion will be chargeable to tax during the A.Y. 2021-22, since the stock-in-trade has been sold only on June 10, 2020. For this purpose, the fair market value on the date of such conversion (i.e. 10th March, 2020) will be the full value of consideration.

4. M held 2000 shares in a company ABC Ltd. This company amalgamated with another company during the previous year ending 31-3-2021. Under the scheme of amalgamation, M was allotted 1000 shares in the new company. The market value of shares allotted is higher by ₹ 50,000 than the value of holding in ABC Ltd. The Assessing Officer proposes to treat the transaction as an exchange and to tax ₹ 50,000 as capital gain. Is he justified?

Solution:

In the above example, assuming that the amalgamated company is an Indian company, the transaction is squarely covered by the exemption explained above and the proposal of the Assessing Officer to treat the transaction as a transfer is not justified.

5. In which of the following situations capital gains tax liability does not arise?
- Mr. A purchased gold in 1970 for ₹ 25,000. In the P.Y. 2020-21, he gifted it to his son at the time of marriage. Fair market value (FMV) of the gold on the day the gift was made was ₹ 1,00,000.
 - A house property is purchased by a Hindu undivided family in 1945 for ₹ 20,000. It is given to one of the family members in the P.Y. 2020-21 at the time of partition of the family. FMV on the day of partition was ₹ 12,00,000.
 - Mr. B purchased 50 convertible debentures for ₹ 40,000 in 1995 which are converted into 500 shares worth ₹ 85,000 in November 2020 by the company.

Solution:

We know that capital gains arise only when we transfer a capital asset. The liability of capital gains tax in the situations given above is discussed as follows:

- (i) As per the provisions of section 47(iii), transfer of a capital asset under a gift is not regarded as transfer for the purpose of capital gains. Therefore, capital gains tax liability does not arise in the given situation.
- (ii) As per the provisions of section 47(i), transfer of a capital asset (being in kind) on the total or partial partition of Hindu undivided family is not regarded as transfer for the purpose of capital gains. Therefore, capital gains tax liability does not arise in the given situation.
- (iii) As per the provisions of section 47(x), transfer by way of conversion of bonds or debentures, debenture stock or deposit certificates in any form of a company into shares or debentures of that company is not regarded as transfer for the purpose of capital gains. Therefore, capital gains tax liability does not arise in the given situation.

6. **Mr. Abhishek a senior citizen, mortgaged his residential house with a bank, under a notified reverse mortgage scheme. He was getting loan from bank in monthly installments. Mr. Abhishek did not repay the loan on maturity and hence gave possession of the house to the bank, to discharge his loan. How will the treatment of long-term capital gain be on such reverse mortgage transaction?**

Solution:

Section 47(xvi) provides that any transfer of a capital asset in a transaction of reverse mortgage under a scheme made and notified by the Central Government shall not be considered as a transfer for the purpose of capital gain.

Accordingly, the mortgaging of residential house with bank by Mr. Abhishek will not be regarded as a transfer. Therefore, no capital gain will be charged on such transaction.

Further, section 10(43) provides that the amount received by the senior citizen as a loan, either in lump sum or in installment, in a transaction of reverse mortgage would be exempt from income-tax. Therefore, the monthly installment amounts received by Mr. Abhishek would not be taxable.

However, capital gains tax liability would be attracted at the stage of alienation of the mortgaged property by the bank for the purposes of recovering the loan.

7. **Examine, with reasons, whether the following statements are True or False.**
1. **Alienation of a residential house in a transaction of reverse mortgage under a scheme made and notified by the Central Government is treated as "transfer" for the purpose of capital gains.**
 2. **Zero coupon bonds of eligible corporation, held for 14 months, will be long-term capital assets.**
 3. **Zero Coupon Bond means a bond on which no payment and benefits are received or receivable before maturity or redemption.**

Solution:

1. **False:** As per section 47(xvi), such alienation in a transaction of reverse mortgage under a scheme made and notified by the Central Government is not regarded as "transfer" for the purpose of capital gains.
2. **True:** Section 2(42A) defines the term 'short-term capital asset'. Under the proviso to section 2(42A), zero coupon bond held for not more than 12 months will be treated as a short-term capital asset. Consequently, such bond held for more than 12 months will be a long-term capital asset.
3. **True:** As per section 2(48), 'Zero Coupon Bond' means a bond issued by any infrastructure capital company or infrastructure capital fund or a public sector company, or Scheduled Bank on or after 1st June 2005, in respect of which no payment and benefit is received or receivable before maturity or redemption from such issuing entity and which the Central Government may notify in this behalf.

8. Mr. A converts his capital asset acquired for an amount of ₹ 50,000 in June, 2003 into stock-in-trade in the month of November, 2016. The fair market value of the asset on the date of conversion is ₹ 4,50,000. The stock-in-trade was sold for an amount of ₹ 6,50,000 in the month of September, 2020. What will be the tax treatment?

Financial year	Cost Inflation Index
2003-04	109
2016-17	264
2020-21	301

Solution:

The capital gains on the sale of the capital asset converted to stock-in-trade is taxable in the given case. It arises in the year of conversion (i.e. P.Y. 2016-17) but will be taxable only in the year in which the stock-in-trade is sold (i.e. P.Y. 2020-21). Profits from business will also be taxable in the year of sale of the stock-in-trade (P.Y. 2020-21).

The long-term capital gains and business income for the A.Y. 2021-22 are calculated as under:

Particulars	₹	₹
Profits and Gains from Business or Profession		
Sale proceeds of the stock-in-trade	6,50,000	
Less: Cost of the stock-in-trade (FMV on the date of conversion)	4,50,000	2,00,000
Long Term Capital Gains		
Full value of the consideration (FMV on the date of the conversion)	4,50,000	
Less: Indexed cost of acquisition (₹ 50,000 x 264/109)	1,21,101	3,28,899

Note: For the purpose of indexation, the cost inflation index of the year in which the asset is converted into stock-in-trade should be considered.

9. On January 31, 2021, Mr. A has transferred self-generated goodwill of his profession for a sale consideration of ₹ 70,000 and incurred expenses of ₹ 5,000 for such transfer. You are required to compute the capital gains chargeable to tax in the hands of Mr. A for the A.Y. 2021-22.

Solution:

The transfer of self-generated goodwill of profession is not chargeable to tax. It is based upon the Supreme Court's ruling in CIT vs. B.C. Srinivasa Shetty.

10. [Refer Depreciation Chapter] Singhania & Co., a sole proprietorship own six machines, put in use for business in March, 2019. The depreciation on these machines is charged @15%. The written down value of these machines as on 1st April, 2020 was ₹ 8,50,000. Three of the old machines were sold on 10th June, 2020 for ₹ 11,00,000. A second hand plant was bought for ₹ 8,50,000 on 30th November, 2020.

You are required to:

- determine the claim of depreciation for Assessment Year 2021-22.
- compute the capital gains liable to tax for Assessment Year 2021-22.
- If Singhania & Co. had sold the three machines in June, 2020 for ₹ 21,00,000, will there be any difference in your above workings? Explain.

Solution:

(a) Computation of depreciation for A.Y. 2021-22

Particulars	₹
W.D.V. of the block as on 1.4.2020	8,50,000
Add: Purchase of second hand plant during the year	8,50,000
	17,00,000
Less: Sale consideration of old machinery during the year	11,00,000
W.D.V of the block as on 31.03.2021	6,00,000

Since the value of the block as on 31.3.2021 comprises of a new asset which has been put to use for less than 180 days, depreciation is restricted to 50% of the prescribed percentage of 15% i.e. depreciation is restricted to 7½%. Therefore, the depreciation allowable for the year is ₹ 45,000, being 7½% of ₹ 6,00,000.

(b) The provisions under section 50 for computation of capital gains in the case of depreciable assets can be invoked only under the following circumstances:

- (i) When one or some of the assets in the block are sold for consideration more than the value of the block.
- (ii) When all the assets are transferred for a consideration more than the value of the block.
- (iii) When all the assets are transferred for a consideration less than the value of the block.

Since in the first two cases, the sale consideration is more than the written down value of the block, the computation would result in short term capital gains.

In the third case, since the written down value of the block exceeds the sale consideration, the resultant figure would be a short-term capital loss of the block.

In the given case, capital gains will not arise as the block of asset continues to exist, and some of the assets are sold for a price which is lesser than the written down value of the block.

- (c) If the three machines are sold in June, 2020 for ₹ 21,00,000, then short term capital gains would arise, since the sale consideration is more than the aggregate of the written down value of the block at the beginning of the year and the additions made during the year.

Particulars	₹	₹
Sale consideration		21,00,000
Less: W.D.V. of the machines as on 1.4.2020	8,50,000	
Purchase of second plant during the year	8,50,000	17,00,000
Short term capital gains		4,00,000

11. Calculate the income-tax liability for the assessment year 2021-22 in the following cases:

	Mr. A (age 45)	Mrs. B (age 62)	Mr. C (age 81)	Mr. D (age 82)
Status	Resident	Non- resident	Resident	Non- resident
Total income other than long- term capital gain	2,40,000	2,80,000	5,90,000	4,80,000
Long-term capital gain	15,000 from sale of vacant site	10,000 from sale of listed equity shares (STT paid on sale and purchase of shares)	60,000 from sale of agricultural land in rural area	Nil

Note - Assume that Mr. A, Mrs. B, Mr. C and Mr. D do not opt for section 115BAC.

Solution:

Computation of income-tax liability for the A.Y.2021-22

	Mr. A (age 45)	Mrs. B (age 62)	Mr. C (age 81)	Mr. D (age 82)
Residential Status	Resident	Non-resident	Resident	Non- resident
Applicable basic exemption limit	₹ 2,50,000	₹ 2,50,000	₹ 5,00,000	₹ 2,50,000
Asset sold	Vacant site	Listed equity shares (STT paid on both sale and purchase of shares)	Rural agricultural land	-
Long-term capital gain (on sale of above asset)	₹ 15,000 [Taxable@20% u/s 112]	₹ 10,000 [exempt u/s 112A since it is less than ₹ 1,00,000]	₹ 60,000 (Exempt – not a capital asset)	-

Other income	₹ 2,40,000	₹ 2,80,000	₹ 5,90,000	₹ 4,80,000
Tax liability				
On LTCG (after adjusting Basic Exemption limit)	₹ 1,000	-	-	-
On Other income	Nil	₹ 1,500	₹ 18,000	₹ 11,500
Less: Rebate u/s 87A	₹ 1,000			
	₹ Nil	₹ 1,500	₹ 18,000	₹ 11,500
Add: Health and education cess @4%	Nil	₹ 60	₹ 720	₹ 460
Total tax liability	Nil	₹ 1,560	₹ 18,720	₹ 11,960

Notes:

- Since Mrs. B and Mr. D are non-residents, they cannot avail the higher basic exemption limit of ₹ 3,00,000 and ₹ 5,00,000 for persons over the age of 60 years and 80 years, respectively.
 - Since Mr. A is a resident whose total income does not exceed ₹ 5 lakhs, he is eligible for rebate of ₹ 12,500 or the actual tax payable, whichever is lower, under section 87A.
12. Mr. Mithun purchased 100 equity shares of M/s Goodmoney Co. Ltd. on 01-04-2005 at rate of ₹ 1,000 per share in public issue of the company by paying securities transaction tax.

Company allotted bonus shares in the ratio of 1:1 on 01.12.2019. He has also received dividend of ₹ 10 per share on 01.05.2020.

He has sold all the shares on 01.10.2020 at the rate of ₹ 4,000 per share through a recognized stock exchange and paid brokerage of 1% and securities transaction tax of 0.02% to celebrate his 75th birthday.

Compute his total income and tax liability for Assessment Year 2021-22, assuming that he is having no income other than given above. Fair market value of shares of M/s Goodmoney Co. Ltd. on 31.1.2018 is ₹ 2,000.

Solution:**Computation of total income and tax liability of Mr. Mithun for A.Y. 2021-22**

Particulars	₹
Long term capital gains on sale of original shares	
Gross sale consideration (100 x ₹ 4,000)	4,00,000
Less: Brokerage@1%	4,000
Net sale consideration	3,96,000
Less: Cost of acquisition (100 x ₹ 2,000) (Refer Note 2)	2,00,000
Long term capital gains (Taxable u/s 112A)	1,96,000
Short term capital gains on sale of bonus shares	
Gross sale consideration (100 x ₹ 4,000)	4,00,000
Less: Brokerage@1%	4,000
Net sale consideration	3,96,000
Less: Cost of acquisition of bonus shares	NIL
Short term capital gains (Taxable u/s 111A)	3,96,000
Income from other sources	
Dividend received from M/s Goodmoney Co. Ltd. is taxable in the hands of shareholders [200 shares x 10 per share]	2,000

Total Income	5,94,000
Tax Liability	
Tax on dividend	Nil
15% of (₹ 3,96,000-₹ 2,98,000, being unexhausted basic exemption limit)	14,700
10% of (₹ 1,96,000 - ₹ 1,00,000)	9,600
	24,300
Add: Health and education cess @4%	972
Tax payable	25,272
Tax payable (rounded off)	25,270

Notes:

- Long-term capital gains exceeding ₹ 1 lakh on sale of original shares through a recognized stock exchange (STT paid at the time of acquisition and sale) is taxable under section 112A at a concessional rate of 10%, without indexation benefit.
 - Cost of acquisition of such equity shares acquired before 1.2.2018 is higher of
 Cost of acquisition i.e., ₹ 1,000 per share and
lower of
 Fair market value of such asset i.e., ₹ 2,000 per share
 and Full value of consideration i.e., ₹ 4,000 per share.
So, the cost of acquisition of original share is ₹ 2,000 per share.
 - Since bonus shares are held for less than 12 months before sale, the gain arising there from is a short-term capital gain chargeable to tax@15% as per section 111A after adjusting the unexhausted basic exemption limit. Since Mr. Mithun is over 60 years of age, he is entitled for a higher basic exemption limit of ₹ 3,00,000 for A.Y. 2021-22.
 - Brokerage paid is allowable since it is an expenditure incurred wholly and exclusively in connection with the transfer. Hence, it qualifies for deduction under section 48(i).
 - Cost of bonus shares will be Nil as such shares are allotted after 1.04.2001.
 - Securities transaction tax is not allowable as deduction.
13. Aarav converts his plot of land purchased in July, 2003 for ₹ 80,000 into stock-in-trade on 31st March, 2020. The fair market value as on 31.3.2020 was ₹ 3,00,000. The stock-in-trade was sold for ₹ 3,25,000 in the month of January, 2021.

Find out the taxable income, if any, and if so under which head of income and for which Assessment Year?

Cost Inflation Index: F.Y. 2003-04:109; F.Y. 2019-20: 289; F.Y. 2020-21: 301.

Solution:

Conversion of a capital asset into stock-in-trade is a transfer within the meaning of section 2(47) in the previous year in which the asset is so converted. However, the capital gains will be charged to tax only in the year in which the stock-in-trade is sold.

The cost inflation index of the financial year in which the conversion took place should be considered for computing indexed cost of acquisition. Further, the fair market value on the date of conversion would be deemed to be the full value of consideration for transfer of the asset as per section 45(2). The sale price less the fair market value on the date of conversion would be treated as the business income of the year in which the stock-in-trade is sold.

Therefore, in this problem, both capital gains and business income would be charged to tax in the A.Y. 2021-22.

Particulars	₹
Capital Gains	
Sale consideration (Fair market value on the date of conversion)	3,00,000
Less: Indexed cost of acquisition (₹ 80,000 × 289/109)	2,12,110
Long-term capital gain	87,890
Profits & Gains of Business or Profession	
Sale price of stock-in-trade	3,25,000
Less: Fair market value on the date of conversion	3,00,000
	25,000

Computation of taxable income of Mr. Aarav for A.Y. 2021-22

Particulars	₹
Profits and gains from business or profession	25,000
Long term capital gains	87,890
Taxable Income	1,12,890

14. [Section 45(2) + Section 54EC] Mrs. Harshita purchased a land at a cost of ₹ 35 lakhs in the financial year 2003-04 and held the same as her capital asset till 31st March, 2020.

She started her real estate business on 1st April, 2020 and converted the said land into stock-in-trade of her business on the said date, when the fair market value of the land was ₹ 210 lakhs.

She constructed 15 flats of equal size, quality and dimension. Cost of construction of each flat is ₹ 10 lakhs. Construction was completed in February, 2021. She sold 10 flats at ₹ 30 lakhs per flat in March, 2021. The remaining 5 flats were held in stock as on 31st March, 2021.

She invested ₹ 50 lakhs in bonds issued by National Highways Authority of India on 31st March, 2021 and another ₹ 50 lakhs in bonds of Rural Electrification Corporation Ltd. in April, 2021.

Compute the amount of chargeable capital gain and business income in the hands of Mrs. Harshita arising from the above transactions for Assessment Year 2021-22 indicating clearly the reasons for treatment for each item.

[Cost Inflation Index: F.Y. 2003-04: 109; F.Y. 2020-21: 301].

Solution:

Computation of capital gains and business income of Harshita for A.Y. 2021-22

Particulars	₹
Capital Gains	
Fair market value of land on the date of conversion deemed as the full value of consideration for the purposes of section 45(2)	2,10,00,000
Less: Indexed cost of acquisition [₹ 35,00,000 × 301/109]	96,65,138
	1,13,34,862
Proportionate capital gains arising during A.Y. 2021-22 [₹ 1,13,34,862 × 2/3]	75,56,575
Less: Exemption under section 54EC	50,00,000
Capital gains chargeable to tax for A.Y.2021-22	25,56,575
Business Income	
Sale price of flats [10 × ₹ 30 lakhs]	3,00,00,000
Less: Cost of flats	
Fair market value of land on the date of conversion [₹ 210 lacs × 2/3]	1,40,00,000
Cost of construction of flats [10 × ₹ 10 lakhs]	1,00,00,000
Business income chargeable to tax for A.Y. 2021-22	60,00,000

Notes:

- (1) The conversion of a capital asset into stock-in-trade is treated as a transfer under section 2(47). It would be treated as a transfer in the year in which the capital asset is converted into stock-in-trade.
- (2) However, as per section 45(2), the capital gains arising from the transfer by way of conversion of capital assets into stock-in-trade will be chargeable to tax only in the year in which the stock-in-trade is sold.
- (3) The indexation benefit for computing indexed cost of acquisition would, however, be available only up to the year of conversion of capital asset into stock-in-trade and not up to the year of sale of stock-in-trade.
- (4) For the purpose of computing capital gains in such cases, the fair market value of the capital asset on the date on which it was converted into stock-in-trade shall be deemed to be the full value of consideration received or accruing as a result of the transfer of the capital asset.

In this case, since only 2/3rd of the stock-in-trade (10 flats out of 15 flats) is sold in the P.Y.2020-21, only proportionate capital gains (i.e., 2/3rd) would be chargeable to tax in the A.Y.2021-22.

- (5) On sale of such stock-in-trade, business income would arise. The business income chargeable to tax would be the difference between the price at which the stock-in-trade is sold and the fair market value on the date of conversion of the capital asset into stock-in-trade.
- (6) In case of conversion of capital asset into stock-in-trade and subsequent sale of stock-in-trade, the period of 6 months is to be reckoned from the date of sale of stock-in-trade for the purpose of exemption under section 54EC [CBDT Circular No.791 dated 2.6.2000]. In this case, since the investment in bonds of NHAI has been made within 6 months of sale of flats, the same qualifies for exemption under section 54EC.

With respect to long-term capital gains arising on land or building or both in any financial year, the maximum deduction under section 54EC would be ₹ 50 lakhs, whether the investment in bonds of NHAI or RECL are made in the same financial year or next financial year or partly in the same financial year and partly in the next financial year.

Therefore, even though investment of ₹ 50 lakhs has been made in bonds of NHAI during the P.Y. 2020-21 and investment of ₹ 50 lakhs has been made in bonds of RECL during the P.Y. 2021-22, both within the stipulated six month period, the maximum deduction allowable for A.Y. 2021-22, in respect of long-term capital gain arising on sale of long-term capital asset(s) during the P.Y. 2020-21, is only ₹ 50 lakhs.

15. **[Refer Depreciation/PGBP chapter also]** Mr. A is an individual carrying on business. His stock and machinery were damaged and destroyed in a fire accident.

The value of stock lost (total damaged) was ₹ 6,50,000. Certain portion of the machinery could be salvaged. The opening WDV of the block as on 1-4-2020 was ₹ 10,80,000.

During the process of safeguarding machinery and in the fire fighting operations, Mr. A lost his gold chain and a diamond ring, which he had purchased in April, 2004 for ₹ 1,20,000. The market value of these two items as on the date of fire accident was ₹ 1,80,000.

Mr. A received the following amounts from the insurance company:

(a) Towards loss of stock	₹ 4,80,000
(b) Towards damage of machinery	₹ 6,00,000
(c) Towards gold chain and diamond ring	₹ 1,80,000

You are requested to briefly comment on the tax treatment of the above three items under the provisions of the Income-tax Act, 1961.

Solution:

- (a) Compensation towards loss of stock: Any compensation received from the insurance company towards loss/damage to stock in trade is to be construed as a trading receipt. Hence, ₹ 4,80,000 received as insurance claim for loss of stock has to be assessed under the head "Profit and gains of business or profession".

Note - The assessee can claim the value of stock destroyed by fire as revenue loss, eligible for deduction while computing income under the head "Profits and gains of business or profession".

- (b) Compensation towards damage to machinery: The question does not mention whether the salvaged machinery is taken over by the Insurance company or whether there was any replacement of machinery during the year. Assuming that the salvaged machinery is taken over by the Insurance company, and there was no fresh addition of machinery during the year, the block of machinery will cease to exist.

Therefore, ₹ 4,80,000 being the excess of written down value (i.e. ₹ 10,80,000) over the insurance compensation (i.e. ₹ 6,00,000) will be assessable as a short-term capital loss.

Note – If new machinery is purchased in the next year, it will constitute the new block of machinery, on which depreciation can be claimed for that year.

- (c) Compensation towards loss of gold chain and diamond ring: Gold chain and diamond ring are capital assets as envisaged by section 2(14). They are not "personal effects", which alone are to be excluded. If any profit or gain arises in a previous year owing to receipt of insurance claim, the same shall be chargeable to tax as capital gains. The capital gains has to be computed by reducing the indexed cost of acquisition of jewellery from the insurance compensation of ₹ 1,80,000.

16. **[VERY IMP. FOR EXAM]** Mr. Sarthak entered into an agreement with Mr. Jaikumar to sell his residential house located at Kanpur on 16.08.2020 for ₹ 1,50,00,000.

The sale proceeds were to be paid in the following manner:

- (i) 20% through account payee bank draft on the date of agreement.
- (ii) 60% on the date of the possession of the property.
- (iii) Balance after the completion of the registration of the title of the property.

Mr. Jaikumar was handed over the possession of the property on 15.12.2020 and the registration process was completed on 14.01.2021. He paid the sale proceeds as per the sale agreement.

The value determined by the Stamp Duty Authority-

- (a) on 16.08.2020 was ₹ 1,70,00,000;
- (b) on 15.12.2020 was ₹ 1,71,00,000; and
- (c) on 14.01.2021 was ₹ 1,71,50,000.

Mr. Sarthak had acquired the residential house at Kanpur on 01.04.2001 for ₹ 30,00,000. After recovering the sale proceeds from Jaikumar, he purchased two residential house properties, one in Kanpur for ₹ 20,00,000 on 24.3.2021 and another in Delhi for ₹ 35,00,000 on 28.5.2021.

Compute the income chargeable under the head "Capital Gains" of Mr. Sarthak for the Assessment Year 2021-22.

Cost Inflation Index for Financial Year(s): 2001-02 - 100; 2020-21 - 301

Solution:

Computation of income chargeable under the head "Capital Gains" of Mr. Sarthak for A.Y. 2021-22

Particulars	₹
Capital Gains on sale of residential house	
Actual sale consideration	₹ 1,50,00,000
Value adopted by Stamp Valuation Authority on the date of agreement	₹ 1,70,00,000

[As per section 50C, where the actual sale consideration is less than the value adopted by the Stamp Valuation Authority for the purpose of charging stamp duty, and such stamp duty value exceeds 110% of the actual sale consideration , then, the value adopted by the Stamp Valuation Authority shall be taken to be the full value of consideration.	
In a case where the date of agreement is different from the date of registration , stamp duty value on the date of agreement can be considered provided the whole or part of the consideration is paid by way of account payee cheque/bank draft or by way of ECS through bank account or through such other electronic mode as may be prescribed, on or before the date of agreement.	
In this case, since 20% of ₹ 150 lakhs is paid through account payee bank draft on the date of agreement, stamp duty value on the date of agreement would be considered for determining the full value of consideration]	1,70,00,000
Full value of sale consideration [Stamp duty value on the date of agreement, since it exceeds 110% of the actual sale consideration]	
Less: Indexed cost of acquisition of residential house [₹ 30 lakhs x 301/100]	90,30,000
Long-term capital gains [Since the residential house property was held by Mr. Sarthak for more than 24 months immediately preceding the date of its transfer]	79,70,000
Less: Exemption u/s 54	55,00,000
Since, long-term capital gains does not exceed ₹ 2 crore, he would be eligible for exemption in respect of both the residential house properties purchased in India. The capital gain arising on transfer of a long-term residential property shall not be chargeable to tax to the extent such capital gain is invested in the purchase of these residential house properties in India within one year before or two years after the date of transfer of original asset. Thus, he would be eligible for exemption of ₹ 55,00,000 being ₹ 20,00,000 and ₹ 35,00,000 invested on acquisition of residential house property in Kanpur and Delhi, respectively.	
Long term capital gains chargeable to tax	24,70,000

17. **[VERY IMP. FOR EXAM]** Mrs. Yuvika bought a vacant land for ₹ 80 lakhs in May 2004. Registration and other expenses were 10% of the cost of land. She constructed a residential building on the said land for ₹ 100 lakhs during the financial year 2006-07.

She entered into an agreement for sale of the above said residential house with Mr. Johar (not a relative) in April 2015. The sale consideration was fixed at ₹ 700 lakhs and on 23-4-2015, Mrs. Yuvika received ₹ 20 lakhs as advance in cash by executing an agreement. However, due to failure on part of Mr. Johar, the said negotiation could not materialise and hence, the said amount of advance was forfeited by Mrs. Yuvika.

Mrs. Yuvika, again entered into an agreement on 01.08.2020 for sale of this house at ₹ 810 lakhs. She received ₹ 80 lakhs as advance by RTGS. The stamp duty value on the date of agreement was ₹ 890 lakhs. The sale deed was executed and registered on 14-1-2021 for the agreed consideration. However, the State stamp valuation authority had revised the values, hence, the value of property for stamp duty purposes was ₹ 900 lakhs. Mrs. Yuvika paid 1% as brokerage on sale consideration received.

Subsequent to sale, Mrs. Yuvika made following investments:

- Acquired two residential houses at Delhi for ₹ 130 lakhs and ₹ 50 lakhs on 31.1.2021 and 15.5.2021
- Acquired a residential house at UK for ₹ 180 lakhs on 23.3.2021.
- Subscribed to NHA capital gains bond (approved under section 54EC) for ₹ 50 lakhs on 29-3-2021 and for ₹ 40 lakhs on 12-5-2021.

Compute the income chargeable under the head 'Capital Gains' of Mrs. Yuvika for A.Y. 2021-22. The choice of exemption must be in the manner most beneficial to the assessee.

Cost Inflation Index: F.Y. 2004-05 – 113; F.Y. 2006-07 – 122; F.Y. 2020-21 - 301.

Solution:

**Computation of income chargeable under the head "Capital Gains"
of Mrs. Yuvika for A.Y.2021-22**

Particulars	₹ (in lakhs)	₹ (in lakhs)
Capital Gains on sale of residential building		
Actual sale consideration ₹ 810 lakhs		
Value adopted by Stamp Valuation Authority ₹ 890 lakhs		
[Where the actual sale consideration is less than the value adopted by the Stamp Valuation Authority for the purpose of charging stamp duty, and such stamp duty value exceeds 110% of the actual sale consideration , then, the value adopted by the Stamp Valuation Authority shall be taken to be the full value of consideration as per section 50C.		
However, where the date of agreement is different from the date of registration, stamp duty value on the date of agreement can be considered provided the whole or part of the consideration is received by way of account payee cheque/bank draft or by way of ECS through bank account or through prescribed electronic modes on or before the date of agreement.		
In this case, since advance of ₹ 80 lakh is received by RTGS, i.e., one of the prescribed modes, stamp duty value on the date of agreement can be adopted as the full value of consideration. However, in the present case since stamp duty value on the date of agreement does not exceed 110% of the actual consideration , actual sale consideration would be taken as the full value of consideration)		
Gross Sale consideration (actual consideration, since stamp duty value on the date of agreement does not exceed 110% of the actual consideration)		810.00
Less: Brokerage @1% of sale consideration (1% of ₹ 810 lakhs)		8.10
Net Sale consideration		801.90
Less: Indexed cost of acquisition		
<ul style="list-style-type: none"> ➤ Cost of vacant land, ₹ 80 lakhs, plus registration and other expenses i.e., ₹ 8 lakhs, being 10% of cost of land [₹ 88 lakhs x 301/113] 	234.41	
<ul style="list-style-type: none"> ➤ Construction cost of residential building (₹ 100 lakhs x 301/122) 	246.72	481.13
Long-term capital gains		320.77
Since the residential house property was held by Mrs. Yuvika for more than 24 months immediately preceding the date of its transfer, the resultant gain is a long-term capital gain]		
Less: Exemption under section 54		130.00
Where long-term capital gains exceed ₹ 2 crore, the capital gain arising on transfer of a long-term residential property shall not be chargeable to tax to the extent such capital gain is invested in the purchase of one residential house property in India, one year before or two years after the date of transfer of original asset.		
Therefore, in the present case, the exemption would be available only in respect of the one residential house acquired in India and not in respect of the residential house in UK. It would be more beneficial for her to claim the cost of acquisition of residential house at Delhi, i.e., ₹ 130 lakhs as exemption.		

Less: Exemption under section 54EC		50.00
Amount invested in capital gains bonds of NHAI within six months after the date of transfer (i.e., on or before 13.7.2021), of long-term capital asset, being land or building or both, would qualify for exemption, to the maximum extent of ₹ 50 lakhs, whether such investment is made in the current financial year or subsequent financial year. Therefore, in the present case, exemption can be availed only to the extent of ₹ 50 lakh out of ₹ 90 lakhs, even if the both the investments are made on or before 13.7.2021(i.e., within six months after the date of transfer).		
Long term capital gains chargeable to tax		140.77

Note: Advance of ₹ 20 lakhs received from Mr. Johar, would have been chargeable to tax under the head "Income from other sources", in the A.Y. 2016-17, as per section 56(2)(ix), since the same was forfeited on or after 01.4.2014 as a result of failure of negotiation. Hence, the same should not be deducted while computing indexed cost of acquisition.

18. **[VERY IMP. FOR EXAM]** Mr. Shiva purchased a house property on February 15, 1979 for ₹ 3,24,000. In addition, he has also paid stamp duty value @10% on the stamp duty value of ₹ 3,50,000.

In April, 2007, Mr. Shiva entered into an agreement with Mr. Mohan for sale of such property for ₹ 14,35,000 and received an amount of ₹ 1,11,000 as advance. However, the sale consideration did not materialize and Mr. Shiva forfeited the advance.

In May 2014, he again entered into an agreement for sale of said house for ₹ 20,25,000 to Ms. Deepshikha and received ₹ 1,51,000 as advance. However, as Ms. Deepshikha did not pay the balance amount, Mr. Shiva forfeited the advance. In August, 2014, Mr. Shiva constructed the first floor by incurring a cost of ₹ 3,90,000.

On November 15, 2020, Mr. Shiva entered into an agreement with Mr. Manish for sale of such house for ₹ 30,50,000 and received an amount of ₹ 1,50,000 as advance through an account payee cheque.

Mr. Manish paid the balance entire sum and Mr. Shiva transferred the house to Mr. Manish on February 20, 2021. Mr. Shiva has paid the brokerage @1% of sale consideration to the broker.

On April 1, 2001, fair market value of the house property was ₹ 11,85,000 and Stamp duty value was ₹ 10,70,000. Further, the Valuation as per Stamp duty Authority of such house on 15th November, 2020 was ₹ 35,00,000 and on 20th February, 2021 was ₹ 37,00,000.

Compute the capital gains in the hands of Mr. Shiva for A.Y. 2021-22.

CII for F.Y. 2001-02: 100; F.Y. 2007-08: 129; F.Y. 2014-15: 240; F.Y. 2020-21: 301

Solution:

Computation of Capital gains in the hands of Mr. Shiva for A.Y. 2021-22

Particulars	Amount (₹)	Amount (₹)
Actual sale consideration	30,50,000	
Valuation as per Stamp duty Authority on the date of agreement	35,00,000	

(Where the actual sale consideration is less than the value adopted by the Stamp Valuation Authority for the purpose of charging stamp duty, and such stamp duty value exceeds 110% of the actual sale consideration (Amended) then, the value adopted by the Stamp Valuation Authority shall be taken to be the full value of consideration as per section 50C.		
However, where the date of agreement is different from the date of registration, stamp duty value on the date of agreement can be considered provided the whole or part of the consideration is received by way of account payee cheque/bank draft or by way of ECS through bank account or such other electronic mode as may be prescribed on or before the date of agreement.		
In the present case, since part of the payment is made by account payee cheque on the date of agreement, the stamp duty value on the date of agreement would be considered as full value of consideration)		
Deemed Full value of consideration [Since stamp duty value on the date of agreement exceeds 110% of the actual consideration , stamp duty value would be deemed as Full Value of Consideration]		35,00,000
Less: Expenses on transfer (Brokerage @1% of ₹ 30,50,000)		30,500
Net sale consideration		34,69,500
Less: Indexed cost of acquisition (Note 1)	28,86,590	
Less: Indexed cost of improvement (Note 2)	4,89,125	33,75,715
Long term capital gain		93,785

Notes:**(1) Computation of indexed cost of acquisition**

Particulars	Amount (₹)	Amount (₹)
Cost of acquisition, Being the higher of		10,70,000
(i) Lower of Fair market value i.e., ₹ 11,85,000 and Stamp duty value i.e., ₹ 10,70,000, on April 1, 2001 (Amendment)	10,70,000	
(ii) Actual cost of acquisition (₹ 3,24,000 + ₹ 35,000, being stamp duty @10% of ₹ 3,50,000)	3,59,000	
Less: Advance money taken from Mr. Mohan and forfeited		1,11,000
Cost of acquisition for indexation		9,59,000
Indexed cost of acquisition (₹ 9,59,000 x 301/100)		28,86,590

(2) Computation of indexed cost of improvement

Particulars	Amount (₹)
Cost of construction of first floor in August, 2014	3,90,000
Indexed cost of improvement (₹ 3,90,000 x 301/240)	4,89,125

- (3)** Where advance money has been received by the assessee, and retained by him, as a result of failure of the negotiations, section 51 will apply. The advance retained by the assessee will go to reduce the cost of acquisition. **Indexation is to be done on the cost of acquisition so arrived at after reducing the advance money forfeited i.e. ₹ 10,70,000 – ₹ 1,11,000 = ₹ 9,59,000.**

However, where the advance money is forfeited during the previous year 2014-15 or thereafter, the amount forfeited would be taxable under the head "Income from Other Sources" and such amount will not be deducted from the cost of acquisition of such asset while calculating capital gains. Hence, ₹ 1,51,000, being the advance received from Ms. Deepshikha and **retained by him, is taxable under the head "Income from other sources" in PY 2014-15.**

19. Mr. Cee purchased a residential house on July 20, 2018 for ₹ 10,00,000 and made some additions to the house incurring ₹ 2,00,000 in August 2018. He sold the house property in April 2020 for ₹ 20,00,000. Out of the sale proceeds, he spent ₹ 5,00,000 to purchase another house property in September 2020.

What is the amount of capital gains taxable in the hands of Mr. Cee for the A.Y.2021-22?

Solution:

The house is sold before 24 months from the date of purchase. Hence, the house is a short-term capital asset and no benefit of indexation would be available.

Particulars	₹
Sale consideration	20,00,000
Less: Cost of acquisition	10,00,000
Cost of improvement	2,00,000
Short-term capital gains	8,00,000

Note: The exemption of capital gains under section 54 is available only in case of long-term capital asset. As the house is short-term capital asset, Mr. Cee cannot claim exemption under section 54. Thus, the amount of taxable short-term capital gains is ₹ 8,00,000.

20. Long term capital gain of ₹ 75 lakh arising from transfer of building on 1.5.2020 will be exempt from tax if such capital gain is invested in the bonds redeemable after five years, issued by NHAI under section 54EC. Examine with reasons whether the given statement is true or false having regard to the provisions of the Income-tax Act, 1961.

Solution:

False: The exemption under section 54EC has been restricted, by limiting the maximum investment in long term specified assets (i.e. bonds of NHAI or RECL or any other bond notified by Central Government in this behalf, redeemable after 5 years) to ₹ 50 lakh, whether such investment is made during the relevant previous year or the subsequent previous year, or both.

Therefore, in this case, the exemption under section 54EC can be availed only to the extent of ₹ 50 lakh, provided the investment is made **before 1.11.2020** (i.e., within six months from the date of transfer).

DEDUCTIONS FROM GROSS TOTAL INCOME

[Section 80C to 80U]

FROM 18th EDITION – CMA INTER EXAM (JUNE & DEC 2021)

GENERAL FEATURES RELATING TO DEDUCTIONS UNDER CHAPTER VI-A:

1. Deductions to be made [Section 80A]

The **Total Income** of an assessee is to be computed after making deductions permissible under sections 80C to 80U. But,

Aggregate Amount of Deductions \leq Gross Total Income
--

2. No Double Deduction

Where any deduction is allowed to AOPs/BOIs (at Entity level), the same will not be allowed as deduction while computing the **income of the members** of the AOPs/BOIs (in their Individual Capacity).

3. No deduction u/s 10AA & u/s 80-IA to 80-RRB, if not claimed in the return of income

Where the assessee **fails to make a claim in his return of income** for any deduction u/s 10AA or under any provision of sections 80-IA to 80-RRB, no deduction shall be allowed to him thereunder.

Further, Benefit of deduction from 80-IA to 80RRB will not be available if return is not filed within due date of Section 139(1).

4. No deduction from certain Incomes: Examples (not an exhaustive list)

(a) Long Term Capital Gains referred u/s 112 [20% or 10% (in specified cases)] or u/s 112A, and Short Term Capital gains referred u/s 111A [15%].

(b) Winnings from lotteries, races, etc. as referred to in Section 115BB [30%].

5. If Individual/HUF has opted for the provisions of Sec 115BAC (new section – Optional):

No Deduction under chapter VIA is available except

- a. Employer's contribution towards NPS under Section 80CCD(2)
- b. Deduction under section 80JJAA
- c. Deduction under Section 80LA (IFSC Units)

For Section 80GGA (Amended), 80GGB & 80GGC – Refer PGBP Notes/Class

Amendment: Section 80EEA, 80-IAC, 80-IBA & Section 80JJAA are amended by Finance Act 2020 & Section 80G is amended by "The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 (TOLA, 2020).

New Section 80M is inserted by Finance Act 2020.

About Finance Act 2020 & TOLA, 2020 - <https://youtu.be/2QTeK8S3BDE>

20 New Practical Questions added in 'SET B'

Deduction in respect of investment in specified assets [Section 80C]

Applicability: Individual or HUF

Maximum Qualifying Amount: ₹ 150,000

The following are the investments/contributions eligible for deduction –

<u>Name of the investment / payment</u>	Payment made by the	
	Individual	HUF
<u>Subscription to NSC</u> (including Interest Accrued thereon) Note: Interest will first added as Income u/h IOS)	Self	Any member
<u>Tuition Fees (only)</u> paid at the time of Admission or otherwise to any university/college/educational institution <u>in India</u> for <u>full time education</u> .	Maximum up to two children	NA
Contribution to Unit-Linked Insurance Plan (ULIP) of UTI Contribution to Unit-Linked Insurance Plan (ULIP) of LIC-Mutual Fund	Self, Spouse & Child	Any member
Contribution to Units of Mutual Funds or UTI	Self	Any member
Contribution to Notified Annuity Plan of LIC or other approved insurer.	Self	Any member
Life Insurance Premium on Life Policy or Endowment Policy <u>Maximum Amount of Deduction:</u> <ul style="list-style-type: none"> • 10% of Sum Assured in case of policy issued on or after April 1, 2012 [15% of sum assured in case of policy issued on or after April 1, 2013 on life of any person with disability (u/s 80U) or any person suffering from specified disease (u/s 80DDB)] • 20% of Sum Assured in case of policies issued before April 1, 2012. 	Self, Spouse & child	Any member
<u>Contribution towards</u> <ul style="list-style-type: none"> ▪ Statutory Provident Fund/Recognized Provident Fund ▪ PPF – Minimum: ₹ 500 & Maximum: ₹ 150,000 ▪ Approved Superannuation Fund (ASF) 	Self Self, Spouse & Child Self	NA Any member NA

Contribution to Notified Pension Fund of Mutual fund or UTI	Self	NA
Term Deposit of 5 year or more with a scheduled bank;	Self	N A
Subscription to 5 year Time Deposit in an a/c under the Post Office;	Self	Any member
Subscription to an account under the Senior Citizens Saving Scheme;	Self	Any member
Subscription to notified NABARD Bonds	Self	Any member
Any sum paid to any scheme of-		
<ul style="list-style-type: none"> ▪ PSU/PSC engaged in providing Long Term finance for construction of residential houses in India 	Self	Any member
<ul style="list-style-type: none"> ▪ Housing board for the purpose of planning, development or improvement 	Self	Any Member
Any payment towards the cost of purchase/construction of a residential property where loan is taken from	Self	Any Member
<ul style="list-style-type: none"> ▪ Govt., bank, co-operative bank, LIC, NHB ▪ Assessee's employer where such employer is public Co./public sector Co./university/co-operative society 		
Note:		
1. Income from such property should be chargeable to tax under the head House Property.		
2. Payment through installment under Self financing scheme is also covered.		
3. STAMP DUTY & REGISTRATION FEE PAID IS ALSO ELIGIBLE		
Amount invested in	Self	Any Member
<ul style="list-style-type: none"> ▪ Approved debentures/ equity shares in a public Co. engaged in infrastructure facility; or 		
<ul style="list-style-type: none"> ▪ Units of MF proceeds of which are utilized for the developing, maintaining, etc., of a new infrastructure facility. 	Self	Any Member
Amount deposited in Sukanya Samridhi Account Scheme (No Deduction to HUF)	Self, Girl Child or Girl Child for whom Individual is a Legal Guardian.	

Contribution to additional account under NPS
Inserted by Finance (No. 2) Act 2019 – W.e.f. AY 20-21
(No Deduction to HUF)

There are two types of NPS account i.e., Tier I and Tier II, to which an individual can contribute.

Section 80CCD provides deduction in respect of contribution to individual pension account [Tier I account] under the NPS [referred to in section 20(2)(a) of the Pension Fund Regulatory and Development Authority Act, 2013 (PFRDA)] **whereas deduction under section 80C is allowable in respect of contribution by Central Government employee to additional account [Tier II account] of NPS [referred to in section 20(3) of the PFRDA], which does not qualify for deduction under section 80CCD.**

Thus, Tier II account is the additional account under NPS, contribution to which would qualify for deduction under section 80C **only in the hands of a Central Government employee.**

Contribution by a Central Government employee to additional account under NPS (specified account) referred to in section 80CCD for a fixed period of not less than 3 years and which is in accordance with the scheme notified by the Central Government for this purpose qualifies for deduction under section 80C.

It may be noted that **only the contribution to the additional account under NPS will qualify for deduction under section 80C.**

Note: Child may be Dependent/Independent/Male/Female/Minor/Major/Married/Unmarried.

Amount paid on Life Insurance Policies – Exempt [Section 10(10D)]

- 1) As per section 10(10D), any sum received on maturity of life insurance policy (including bonus) is not chargeable to tax.
- 2) **Exemption is not available in respect of:**
 - a) Any Sum received under Section 80DD
 - b) Any Sum received under a Keyman Insurance Policy
- 3) Exemption u/s 10(10D) for insurance policies *issued on or after 1.4.2012* would only be available for policies where the premium payable for any of the years during the term of the policy does not exceed 10% of the actual capital sum assured (as against 20% upto 31.03.2012)

[If the premium payable during any PY for a policy issued on or after 1.4.2012 exceeds 10% of the actual capital sum assured, the entire amount received under such policy shall be taxable.]

*However, the above provision shall not apply to any sum received **on the death of a person.***

- 4) **The limit of 10% has been increased to 15 per cent for insurance (if policy is issued on or after 1.4.2013) on the life of any person who is**
 - a. a person with disability or a person with severe disability as referred to in section 80U; or
 - b. suffering from disease or ailment as specified in the rules made under section 80DDB.

Contribution to certain pension funds [Section 80CCC]

- 1) Applicability: **ANY INDIVIDUAL** Maximum Limit: ₹ 150,000
- 2) Amount paid or deposited for **any annuity plan** of LIC/ Any other Insurer for **receiving Pension from the Pension Fund**,
- 3) **Taxable as Income on Withdrawal:**
 - ✓ Where any amount standing to the credit of the assessee in a PENSION FUND in respect of which a deduction has been allowed,
 - ✓ together with interest or bonus accrued or credited to the assessee's account is **received by the assessee or his nominee**
 - ✓ on **account of the surrender** of the annuity plan in any previous year or as **pension received from the annuity plan**,
 - ✓ such amount will be **deemed to be the income of the assessee or the nominee** in that previous year in which such withdrawal is made or pension is received.

Deduction in respect of contribution to NPS of CG [Sec 80CCD]

(ATAL PENSION YOJNA IS ALSO ELIGIBLE FOR DEDUCTION U/S 80CCD)

- 1) Applicability: **ANY INDIVIDUAL [Employed (CG or any other employer) or Self Employed]**
- 2) **Nature of Payment:** Employee's Contribution (including Self employed) as well as Employer Contributions to New Pension Scheme [NPS]

3) Quantum of Deduction:

(A) In Case of Employment:

- a. Contribution made by the employee **or 10% of Salary whichever is lower [80CCD(1)] &**
- b. Contribution made by the employer **or 10% of Salary (14% of salary, in case of contribution made by the Central Government - NEW) whichever is lower [80CCD(2)]**

(B) In Case of Self Employment: Contribution made or 20% of GTI, whichever is less [80CCD(1)]

- 4) The **entire employer's contribution would be included in the Salary** of the employee. However, deduction under section 80CCD would be restricted to 10% of salary.
- 5) "**Salary**" includes **Dearness Allowance**, if the terms of employment so provide, but excludes all other allowances and perquisites **[Basic Salary + DA (R)]**
- 6) **80CCD(1B) –** An Individual is eligible for **additional deduction of upto ₹ 50,000** in respect of the whole of the amount paid or deposited under NPS, **whether or not any deduction is allowed under section 80CCD(1)**.
- 7) Any amount received from Pension account shall be taxed as income in the year of receipt **in the hands of the assessee**. However, amount received by nominee **on the death** of the assessee shall not be taxable.
- 8) However, **amount received on maturity will not be taxable if the same is used for purchasing an annuity plan in the same previous year**. Pension received from such annuity plan will be taxable to assessee/nominee
- 9) **Any payment from NPS to assessee on closure of account/scheme as referred in Section 80CCD, to the extent of 60% amount payable is Exempt. [Sec 10(12A)]**
- 10) **Any payment from NPS to an Employee on partial withdrawal made out of his account, to the extent it does not exceed 25% of the amount of contributions made by him is Exempt. [Section 10(12B)]**

**Limit on deductions under sections 80C, 80CCC & 80CCD
[Section 80CCE]**

This section restricts the aggregate amount of deduction under section 80C, 80CCC and 80CCD (1) to ₹ 1,50,000 lakh.

Consequently, deduction to assessee in relation to employer's contribution to pension scheme shall be available over and above ₹ 1,50,000 lakh limit.

Further, Assessee's contribution to CG Pension fund as per section 80CCD(1B) is also not covered in limit specified in Section 80CCE.

Deduction in respect of Health insurance premium [Section 80D]

1. Applicability: **INDIVIDUAL** or **HUF**

2. **Nature of payment:**

(a) Premium towards **Mediclaim Health Insurance Policy** taken

a. **In case of an Individual:** In the name of Individual, Spouse, Parents and **dependent** children

b. **In case of HUF:** In the name of any Member

(b) In case of **Senior Citizen**, Medical expenditure incurred **if no payment is made for health insurance premium. (HUF – Any Member being Senior Citizen)**

(c) Contribution to Central Government Health Scheme [CGHS] **or other health scheme as notified by CG** is also eligible for deduction if it is taken in the name of Individual, Spouse or Dependent Children.

(d) Any payment made by an individual on account of preventive health check up of self, spouse, dependent children or parent(s) during the PY [maximum amount – 5,000 within overall limit]

3. Maximum Amount of Deduction:

<u>Particulars</u>	<u>Individual</u>		<u>HUF</u>
Premium/Contribution for	Individual, Spouse & Dependent Children	Parents (Whether dependent or not)	Any Member
Deduction being lower of	a. Premium Paid, or b. ₹ 25,000 p.a.	a. Premium Paid, or b. ₹ 25,000 p.a.	a. Premium Paid, or b. ₹ 25,000 p.a.
Additional Deduction for Senior Citizen [The person who is insured]	₹ 25,000	₹ 25,000	₹ 25,000

4. Senior Citizen means an **Individual + Resident in India + the age of 60 years or more**

5. Payment shall be made

a. **by any mode, including cash, in respect of any sum paid on account of preventive health check up (maximum limit – ₹ 5,000);**

b. **by any mode, other than cash, in all other cases.**

6. In case of single premium health insurance policies having cover of more than one year, Deduction under section 80D shall be allowed on proportionate basis for the number of years for which health insurance cover is provided, subject to the specified monetary limit.

Example:

Mr. Arjun (42 years old) furnishes the following particulars in respect of the following payments:

S. No.	Particulars	Amount (₹)
1.	Premium paid for insuring the health of - <ul style="list-style-type: none"> ➤ Self ➤ spouse ➤ dependant son ➤ mother 	10,000 8,000 4,000 18,000
2.	Paid for Preventive Health Check up of <ul style="list-style-type: none"> ➤ himself ➤ spouse ➤ mother 	2,000 1,500 4,000
3.	Incurred medical expenditure of ₹ 25,000 and ₹ 15,000 for his mother, aged 61 years and father, aged 65 years. Both mother and father are resident in India.	

Compute the deduction available to Mr. Arjun under section 80D for the A.Y. 2021-22

Solution:**Computation of deduction under section 80D for the A.Y. 2021-22**

S. No.	Particulars	Amount (₹)	Amount (₹)
1.	In respect of premium paid for insuring the health of - <ul style="list-style-type: none"> ➤ Self ➤ spouse ➤ dependant son Paid for Preventive Health Check up of <ul style="list-style-type: none"> ➤ self ➤ spouse Restricted to [₹ 25,000 – ₹ 22,000, since maximum deduction is ₹ 25,000] Aggregate of deduction (I+II) under (1) restricted to	10,000 8,000 4,000 <hr/> 22,000 2,000 1,500 <hr/> 3,500 3,000	 25,000
2.	(i) In respect of payment towards health insurance premium for his mother (ii) In respect of preventive health check up of his mother [₹ 4,000, restricted to ₹ 2,000, (₹ 5,000 – ₹ 3,000), since maximum deduction for preventive health check up under section 80D is ₹ 5,000] (iii) Medical expenditure for father would only be eligible for deduction [See Note below] Amount of deduction under (2) restricted to	18,000 2,000 15,000 <hr/> 35,000	 35,000
	Total deduction under section 80D [(1) + (2)]		60,000

Note: Irrespective of the fact that the mother of Arjun is a senior citizen the deduction under section 80D would not be available to him in respect of the medical expenditure incurred for his mother, **since Mr. Arjun has taken a health insurance policy for his mother.**

Deduction in respect of maintenance including medical treatment of a dependent disabled [Section 80DD]

1) Applicability: **Resident INDIVIDUAL OR RESIDENT HUF.**

2) Assessee must have a Dependent Disabled Relative:

Situation	Relative Includes
In case of Individual	Spouse, Children, Parents, Brothers & Sisters of the Individual
In case of HUF	Any Member

1. Dependents means who is **wholly or mainly** dependent on the assessee and **has not claimed any deduction under section 80U** in the computation of his income.

2. Disability includes Blindness, Low Vision, Hearing impairment, mental illness etc.

3) **Nature of Expenditure on Such Relative:** Assessee has

- ✓ paid any amount for the medical treatment (including nursing), training and rehabilitation of a dependant, being a person with disability, or
- ✓ any amount paid or deposited under a scheme of LIC or any other insurer for the maintenance of a dependant, being a person with disability, qualifies for deduction.

4) **Quantum of Deduction:**

Relative suffering with Disability	₹ 75,000
Relative suffering with Severe Disability [80% or more]	₹ 125,000
<i>Tax Point: Deduction shall be irrespective of actual expenditure incurred.</i>	

5) **CERTIFICATE:** The assessee shall have to furnish a copy of the certificate issued by the medical authority in respect of the assessment year for which the deduction is claimed. Where the condition of **disability requires reassessment, a fresh certificate** is required.

6) **Where the Assessee has deposited any amount in annuity plan of LIC or UTI etc for the benefit of disabled person and such person predeceases** – than any amount received from such annuity plan shall be deemed to be income of the assessee of the previous year in which such amount is received by the assessee.

Deduction in the case of a Person with Disability [Section 80U]

1) **ELIGIBLE ASSESSEE:** Applicable to a **RESIDENT INDIVIDUAL**, who, at any time during the previous year, is certified by the medical authority to be a person **with disability** (Blindness, Low Vision, Hearing impairment etc.).

2) **FIXED DEDUCTION:** In case of

Person with Disability	-	₹ 75,000
Person with severe disability	-	₹ 1,25,000

[Irrespective of any expenditure]

3) **Individuals also include** persons suffering from autism, cerebral palsy and multiple disabilities.

4) **CERTIFICATE:** The assessee shall have to furnish a copy of the certificate issued by the medical authority in respect of the assessment year for which the deduction is claimed. Where the condition of **disability requires reassessment, a fresh certificate** is required.

Deduction in respect of medical treatment etc. [Section 80DDB]

1) **Applicability:** RESIDENT INDIVIDUAL & RESIDENT HUF

2) **Nature of Expenditure:**

The assessee **has actually paid** any amount for the medical treatment of such disease or ailment as may be specified in the rules made in this behalf by the Board [**Specified Disease – Rule 11DD**] for

Situation	Relative Includes
In case of Individual	<u>Himself/Herself or for dependent relative being Spouse, Children, Parents, Brothers & Sisters</u> of that Individual
In case of HUF	Any Member

Dependents means who is **wholly or mainly** dependent on the assessee for his support and maintenance

3) **Quantum of Deduction:** Lower of the Two:

(a) Amount actually paid or

(b) ₹ 40,000 / In case of Senior Citizen – ₹ 100,000

4) Senior Citizen means an **Individual + Resident in India + the age of 60 years or more**

5) **Certificate:** No such deduction shall be allowed unless the assessee furnishes a **certificate** from specialist ~~working in a Government hospital~~

6) The **final deduction under this section** shall be **reduced by the amount received, if any, under insurance from an insurer, or reimbursed by an employer**, for the medical treatment of the assessee or the dependent. [Amount derived as above Less Insurance claim received]

Question Find the amount of deduction u/s 80DDB for the following cases:

Name of the Assessee	P	Q	R	S	T
Residential status of the assessee	Ordinarily resident	Not ordinarily resident	Non Resident	Resident but not Indian Citizen	Resident
Expenditure incurred for medical treatment (specified disease) of dependent brother	₹ 6000	₹ 80000	₹ 100000	₹ 72000	₹ 80000
Age of Brother	28	62	62	64	52
Residential status of dependent	Resident	Non resident	Resident	Resident	Resident
Medical Insurance claim received.	-	-	-	-	₹ 8000

Solution:

Amount of deduction available u/s 80DDB shall be as under:

Particulars	P	Q	R	s	T
Deduction u/s 80DDB	6000	40000 ¹	-- ²	72000 ³	32000 ⁴

Notes

- As the brother is non-resident, therefore, senior citizen benefit is not available.
- As the assessee himself is a non-resident, hence no deduction u/s 80DDB is available.
- As the brother is resident having age of 64 years, hence he is a senior citizen. However, actual expenditure incurred by the assessee is less than ₹ 100,000, therefore deduction shall be restricted to actual expenditure incurred.
- As the medical insurance claim is received, hence the amount of deduction (i.e. ₹ 40,000) shall be reduced by the amount of claim received.

Interest on loan taken for higher education [Section 80E]

- 1) **Applicability:** Individual
- 2) **Nature of Payment:**
He has paid **any interest** on loan taken by him from any **Financial Institution or Approved Charitable Institution**.
- 3) **Purpose of Loan:**
The loan must have been taken for the purpose of pursuing his/her own **higher education** or for **higher education** of his or her relative. Relative means:
 - (a) Spouse or
 - (b) Children (Dependent or Independent) or
 - (c) the student for whom the individual is the legal guardian.
- 4) **Quantum of Deduction:** Amount of Interest paid during the PY
- 5) **Maximum Permissible Period: 8 Assessment Years**
Deduction is available for 8 Assessment years starting from the AY in which the assessee starts paying the interest on loan OR until the interest is paid by the assessee in full, whichever is earlier.
- 6) **“Higher Education”** means any course of study (including vocational studies) pursued after passing the Senior Secondary Examination or its equivalent.

Deduction in respect of interest on loan taken for residential house property [Sec. 80EE] w.e.f. AY 2017-18

- **Conditions - The following conditions should be satisfied in order to claim deduction under section 80EE -**
 1. The assessee is **an Individual**. He may be resident or non-resident.
 2. He has taken a loan.
 3. Loan is taken for acquisition of residential house property.
 4. Loan is taken from **Financial Institution** (includes Banks/Housing finance Companies).
 5. **Loan has been sanctioned during April 1, 2016 and March 31, 2017.**
 6. The amount of loan sanctioned for residential house property **does not exceed ₹ 35 lakh**.
 7. The value of residential house property **does not exceed ₹ 50 lakh**.
 8. The assessee does **not own any residential house property** on the date of sanction of loan.
- **Amount of Deduction:**
Deduction will be available in respect of interest payable on the above loan or ₹ 50,000, whichever is less.
- **Double deduction not possible** - If deduction is claimed under section 80EE, no deduction will be allowed in respect of such income under any other provision of the Act for the same or any other assessment year.

NO DEDUCTION FROM AY 18-19 IN RESPECT ON NEW LOAN

[If loan is sanctioned in PY 16-17 & above conditions are satisfied then assessee is eligible for deduction in PY 17-18 or other succeeding years.]

Deduction in respect of interest payable on loan taken for acquisition of residential house property [Section 80EEA]

Inserted by Finance (No. 2) Act 2019 – W.e.f. AY 20-21 (Amended by Finance Act 2020)

Eligible assessee: An **individual** who has taken a loan for acquisition of residential house property from any financial institution. **Interest payable** on such loan would qualify for deduction under this section.

Conditions: The conditions to be satisfied for availing this deduction are as follows –

- 1) **the loan has been sanctioned by the financial institution during the period beginning on the 1st day of April, 2019 and ending on the 31st day of March, 2020 March, 2021;**
- 2) **the stamp duty value of residential house property does not exceed 45 lakh rupees;**
- 3) **the assessee does not own any residential house property on the date of sanction of loan.**
- 4) **The individual is not eligible to claim deduction under section 80EE.**

Period of benefit: The benefit of deduction under this section would be available from A.Y. 2020-21 and subsequent assessment years till the repayment of loan continues.

Quantum of deduction: **The maximum deduction allowable is ₹ 1,50,000.**

The deduction of upto ₹ 1,50,000 under section 80EEA is over and above the deduction available under section 24(b) in respect of interest payable on loan borrowed for acquisition of a residential house property.

In respect of self-occupied house property, interest deduction under section 24(b) is restricted to ₹ 2,00,000. In case of let out or deemed to be let out property, even though there is no limit under section 24(b), section 71(3A) restricts the amount of loss from house property to be set-off against any other head of income to ₹ 2,00,000.

Accordingly, if interest payable in respect of acquisition of eligible house property is more than ₹ 2,00,000, the excess can be claimed as deduction under section 80EEA, subject to fulfilment of conditions.

No deduction under any other provision:

The interest allowed as deduction under section 80EEA will not be allowed as deduction under any other provision of the Act for the same or any other assessment year.

Meaning of “Financial Institution”

- A **banking company** to which the Banking Regulation Act, 1949 applies; or
- Any **bank or banking institution** referred to in section 51 of the Banking Regulation Act, 1949; or
- **A housing finance company.**
A public company formed or registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes.

Deduction in respect of interest payable on loan taken for purchase of electric vehicle [Section 80EEB]

Inserted by Finance (No. 2) Act 2019 – W.e.f. AY 20-21

Eligible Assessee:

An **Individual** who has taken a loan for purchase of an electric vehicle from any financial institution, Interest payable on such loan would qualify for deduction under this section.

Conditions:

- The assessee should be an individual.
- Loan should be taken for purchase of an electric vehicle
- **loan has been sanctioned by the financial institution during the period beginning on the 1st day of April, 2019 and ending on the 31st day of March, 2023.**

Period of benefit: The benefit of deduction under this section would be available from A.Y.2020-21 and subsequent assessment years till the repayment of loan continues.

Quantum of deduction: Interest payable, subject to a maximum of ₹ 1,50,000.

No deduction under any other provision:

The interest allowed as deduction under section 80EEB will not be allowed as deduction under any other provision of the Act for the same or any other assessment year.

Financial institution

- A **banking company** to which the Banking Regulation Act, 1949 applies;
- Any **bank or banking institution** referred to in section 51 of the Banking Regulation Act, 1949;
- Any **deposit taking NBFC**; or
- A **systemically important non-deposit taking NBFC** i.e., a NBFC which is not accepting or holding public deposits and having total assets of not less than ₹ 500 crore as per the last audited balance sheet and is registered with the RBI.

Electric Vehicle

A vehicle which is powered exclusively by an electric motor whose traction energy is supplied exclusively by traction battery installed in the vehicle. The vehicle should have electric regenerative braking system, which during braking provides for the conversion of vehicle kinetic energy into electrical energy.

Example:

The following are the particulars relating to Mr. A, Mr. B, Mr. C and Mr. D, salaried individuals, for A.Y. 2021-22:

Particulars	Mr. A	Mr. B	Mr. C	Mr. D
Amount of loan taken	43 lakhs	45 lakhs	20 lakhs	15 lakhs
Loan taken from	HFC	Deposit taking NBFC	Deposit taking NBFC	Public sector bank
Date of sanction of Loan	1.4.2020	1.4.2019	1.4.2019	30.3.2019
Date of disbursement of loan	1.5.2020	1.5.2019	1.5.2019	1.5.2019
Purpose of loan	Acquisition of residential house property for self occupation	Acquisition of residential house property for self occupation	Purchase of electric vehicle for personal use	Purchase of electric vehicle for personal use
Stamp duty value of house property	45 lakhs	48 lakhs		
Cost of electric Vehicle			22 lakhs	18 lakhs
Rate of interest	9% p.a.	9% p.a.	10% p.a.	10% p.a.

Compute the amount of deduction, if any, allowable under the provisions of the Income-tax Act, 1961 for A.Y. 2021-22 in the hands of Mr. A, Mr. B, Mr. C and Mr. D. Assume that there has been no principal repayment during the P.Y. 2020-21.

SOLUTION:**Mr. A**

Interest deduction for A.Y. 2021-22

Deduction allowable while computing income under the head "Income from house property"

Deduction u/s 24(b) ₹ 3,54,750

[₹ 43,00,000 × 9% × 11/12]

Restricted to ₹ 2,00,000

Deduction under Chapter VI-A from Gross Total Income

Deduction u/s 80EEA ₹ 1,54,750

(₹ 3,54,750 – ₹ 2,00,000)

Restricted to ₹ 1,50,000

Mr. B

Interest deduction for A.Y. 2021-22

Deduction allowable while computing income under the head "Income from house property"

Deduction u/s 24(b)

₹ 4,05,000

Restricted to ₹ 2,00,000

[₹ 45,00,000 × 9%]

[Loan was taken in last PY – hence 12 months here]

Deduction under Chapter VI-A

Deduction u/s 80EEA is **not permissible** since:

- i. loan is taken from NBFC
- ii. stamp duty value exceeds ₹ 45 lakh.

Deduction under section 80EEA **would not be permissible** due to either violation listed above.

Mr. C**Deduction under Chapter VI-A**

Deduction u/s 80EEB for interest payable on loan taken for purchase of electric vehicle ₹ 20 lakhs x 10% (**12 months**, as loan was taken in last year) = **₹ 2,00,000** restricted to ₹ 1,50,000, being the maximum permissible deduction.

Mr. D**Deduction under Chapter VI-A**

Deduction u/s 80EEB is **not permissible** since loan was sanctioned **before 01/04/2019**

Donation [Section 80G] Applicability: All assesseeNature: Donation in Kind is **not eligible**.No deduction shall be allowed u/s 80G in respect of donation **exceeding ₹ 2,000 if paid in cash.****A. No ceiling limit for amount of donation and deduction of such donation**

(1) Deduction = 100% of donation	(2) Deduction = 50% of donation
<ol style="list-style-type: none"> 1. The National Defence Fund 2. Prime Minister's National Relief Fund 3. The National Foundation for Communal Harmony 4. Approved University or educational institution of national eminence 5. Maharashtra Chief Minister's Earthquake Relief Fund 6. Gujarat Relief Fund for earthquake victims 7. Zila Saksharta Samiti 8. National Blood Transfusion Council 9. Any State Government Fund set up to provide medical relief to the poor 10. The National illness Assistance Fund 11. The Chief Minister's Relief Fund or Lieutenant Governor's Relief Fund 12. National Sports Fund 13. National Cultural Fund 14. Fund for Technology Development and Application 15. National Trust for welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities 16. The National Children's Fund 17. National Fund for Control of Drug Abuse 18. Swachh Bharat Kosh 19. Clean Ganga Fund [Point 18 & 19: Donation does not qualify for deduction if it is a Part of CSR Expenses] 20. Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM Cares Fund) [W.r.e.f. AY 2020-21] 	<ol style="list-style-type: none"> 1. The Jawaharlal Nehru Memorial Fund 2. Prime Minister's Drought Relief Fund 3. Indira Gandhi Memorial Trust 4. Rajiv Gandhi Foundation



B. Deduction of some donation is subject to QUALIFYING AMOUNT [In aggregate]

<p>3) 100% deduction shall be allowed subject to the qualifying amount if the donation are made –</p> <ul style="list-style-type: none"> To Govt., or any approved association / institution for promoting family planning; By company to the Indian Olympic Association or Notified association / institution in India for the development of Infrastructure for sports & games or the sponsorship for sports & games in India. 	<p>4) 50% deduction shall be allowed subject to the qualifying amount if the donation are made-</p> <ul style="list-style-type: none"> To Govt., or local authority, for charitable purpose except for promoting family planning; To Approved Charitable Institution u/s. 80G. To any authority or corporation for the benefit of minority community. For renovation or for repair of any temple, mosque, Gurudwara, church, or other place notified to be of historic / archeological / artistic importance or as a place of public worship of renown; To housing development authority constituted in India.
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QUALIFYING AMOUNT: It means **10% of Adjusted GTI** or the Donations given [in Aggregate] whichever is less.

Adjusted GTI means:

Gross Total Income – LTCG – STCG u/s 111A – All deduction of Chapter VIA except 80G – Few Sections related to Non-Residents/Foreign Companies

WORKING FORMAT:

Donation to -	Qualifying Sum	% Eligible	Deduction
(A) Donation without any qualifying limit:			
1. PMNRF		100%	
2. Zila Saksharta Samiti		100%	
3. Indra Gandhi Memorial Trust		50%	

(B) Donation subject to qualifying limit of total donation of 10% of Adjusted GTI:

1. Government for the promotion of family planning.		100%	
2. An approved charitable institution (the qualifying amount = 10% of Adj. GTI - Donation for family planning, which is eligible for 100% deduction)		50%	
Qualifying amount under (B) = 10% of Adj. GTI			
Total Deduction u/s 80G			

Deduction in respect of Rent paid [Section 80GG]

- 1) **Applicability:** In respect of RENT paid by an Individual.
- 2) **The following conditions have to be satisfied for claiming deduction under section 80GG:**
 - a) **No House Rent Allowances [HRA] or No Rent Free Accommodation [RFA]:** The assessee should not be receiving any HRA exempt u/s 10(13A) and also should not be provided with RFA.
 - b) **No House at Place of Employment:**
The **Individual or his spouse or his minor child or an HUF of which he is a member** should not own any accommodation at the place where he ordinarily resides or perform duties of his office or employment or carries on his business or profession.
 - c) **No Claim for the benefit of Self-occupied House Property:**
Assessee should not treat any residential house situated at other places as Self-occupied Property u/s 23 i.e. **Annual Value = NIL.**
 - d) **Rent:** The assessee must be paying rent for the Residential Accommodation occupied by him for the purposes of **his own residence.**
 - e) **Proof of Rent Payment is required to file.**
- 3) **Quantum of deduction:** **Least of the following**
 - a) **Actual rent paid minus 10% of the Adjusted GTI, or**
 - b) **25% of the Adjusted GTI, or**
 - c) **₹ 5,000 p.m.**

**DON'T
FORGET ME**

<u>Adjusted GTI means</u>	Gross Total Income	XXX
	Less: LTCG u/s 112 or 112A	(XXX)
	Less: STCG u/s 111A	(XXX)
	Less: Deduction u/s 80C to 80U <u>except</u> 80GG	(XXX)

Question:

Rohit, a Doctor in Delhi, furnishes following particulars relevant to PY 2020-21

(a) Income from Profession	1,26,000
(b) Short-Term Capital Gains on sale of Shares (listed & STT Paid)	20,000
(c) Long-Term Capital Gains on sale of Land	25,000
(d) Interest on Government securities (Gross)	14,000
(e) Repayment of loan (Principal Only) taken from a Bank for higher studies	15,000
(f) Payment made for Mediclaim Policy on his health and the health of his wife	6,000
(g) Rent paid for a house in Delhi	25,000

Determine his Total Income for the AY 2021-22

Assessee: Rohit .

Previous Year: 2020-21 Assessment Year: 2021-22

Computation of Total Income

Particulars	₹	₹
Profits and Gains of Business or Profession: Profession of Medicine		1,26,000
Capital Gains: Short-term	20,000	
Long-term	25,000	45,000
Income from Other Sources: Interest on Government Securities		14,000
Gross Total Income		1,85,000
Less: Deduction under Chapter VI-A		
80D Medical Insurance Premium	6,000	
80E Repayment of Education Loan (Repayment of Principal not eligible)	Nil	
80GG Deduction for Rent Paid (See W.N. 2)	11,600	(17,600)
Total Income		1,67,400

Computation of Deduction u/s 80GG:**1. Computation of Adjusted Total Income:**

Particulars	₹	₹
Gross Total Income		1,85,000
Less: Long-Term Capital Gain	25,000	
Short-Term Capital Gain on Sale of Shares	20,000	
Deduction u/s 80CCC to 80U	6,000	(51,000)
Adjusted Total Income		1,34,000

2. Deduction u/s 80GG

Particulars	₹
(a) Rent paid Less 10% Adjusted Total Income = ₹ 25,000 Less 10% of ₹ 1,34,000	11,600
(b) 25% of Adjusted Total Income = ₹ 1,34,000 x 25%	33,500
(c) ₹ 5,000 p.m. x 12 Months	60,000
Permissible Deduction = Least of the above	11,600

Note: STCG on sale of shares assumed to be covered u/s 111A.

Deduction in respect of profits and gains from business of collecting and processing of bio-degradable waste [Sec 80JJA]**1) Applicability: ALL ASSESSEES****2) Conditions: The deduction is allowable where the assessee is engaged in business of collecting and processing or treating of bio-degradable waste for:**

- Generating Power, or
- Producing bio-fertilizers, bio-pesticides or other biological agents, or
- Producing bio-gas, or
- Making pellets or briquettes for fuel or organic manure.

100%
for 5 AYs

3) Quantum & Period of Deduction: [100% for 5 AYs]

100% of the profits derived from such business for a period of 5 consecutive previous year in which the business commences.

4) No deduction shall be allowed if the deduction has not been claimed in the ROI.

DEDUCTION IN RESPECT OF ROYALTY INCOME ON BOOKS [Sec 80QCB]**1. ELIGIBLE ASSESSEE:**

Resident individual being an author who's GTI includes INCOME in the nature of

(a) **Lump sum consideration** for his interests in the copyright of any book being a work of literary, artistic, scientific nature or

(b) **Royalty or copyright fees** in respect of such book.

2. **Books** shall **not include** brochures, guides, journal, diaries, commentaries, magazines, newspapers, pamphlets, textbooks for schools / tracts & other publications of similar nature.

3. DEDUCTION: LOWER OF

a) 100% of such lump sum income [15% of the value of books in case of Royalty]
(Less: Related Expenses)

OR

b) ₹ 3,00,000

RESIDENT INDIVIDUAL BEING AUTHORS (Royalty Income)

DEDUCTION IN RESPECT OF ROYALTY INCOME ON PATENTS**[Sec 80RRB]****1. ELIGIBLE ASSESSEE:**

RESIDENT Individual whose GTI includes Royalty Income from Patent.

2. The deduction shall not be available on

a. any capital sum received for sale of patent, which is chargeable u/h Capital Gains

b. any consideration for sale of product manufactured with the use of the patented article

3. DEDUCTION: lower of

a. 100% of such income; or

b. ₹ 3,00,000

RESIDENT INDIVIDUAL BEING PATENTEE (Royalty Income)

COMMON FOR 80QCB/80RRB BOTH

If income earned from foreign sources: Deduction is allowed to the extent the income is brought into India in Convertible Foreign Exchange **within 6 months from end of Previous Year** or such extended period as allowed by RBI / competent authority.

Claim in Return of Income: Mandatory for deduction

Deduction in respect of interest on deposits in saving accounts to the extent of ₹ 10,000 [Section 80TTA]


1. **Applicability:** Individual or HUF
(Other than senior citizen covered u/s 80TTB)
2. **Maximum Qualifying Amount of deduction under section 80TTA:** ₹ 10,000
3. GTI includes ***interest on deposits (not being time deposit)*** in a ***Saving Bank Account*** with
 - a) Banks,
 - b) Co-operative society into Banking Business or
 - c) Post Office.
4. However, where **such income is derived by Firm/AOPs/BOIs**, no deduction shall be allowed to any partner/member as the case may be.

Deduction in respect of interest on deposits to the extent of ₹ 50,000 [Section 80TTB]

1. **Applicability:** Senior Citizen
2. **Maximum Qualifying Amount of deduction under section 80TTB:** ₹ 50,000
3. GTI includes ***interest on deposits*** with
 - a) Banks,
 - b) Co-operative society into Banking Business or
 - c) Post Office.
4. However, where **such income is derived by Firm/AOPs/BOIs**, no deduction shall be allowed to any partner/member as the case may be.

Note: Senior citizen who is eligible for deduction u/s 80TTB will not be able to claim deduction u/s 80TTA.


Deduction in respect of employment of new Workmen/Employees [Section 80JJAA]

1. Where the GTI of an assessee (any person) to whom section 44AB applies, includes any profits and gains derived from business, a deduction of an amount equal to **30% of additional employee cost** incurred in the course of such business in the previous year shall be allowed, **for 3 assessment years** including the assessment year relevant to the previous year in which such employment is provided.
2. **No deduction under sub-section (1) shall be allowed:**
 - (a) **if the business is formed by splitting up, or the reconstruction, of an existing business:**
Provided that nothing contained in this clause shall apply in respect of a business which is formed as a result of re-establishment, reconstruction or revival by the assessee of the business in the circumstances and within the period specified in **Section 33B**;
 - (b) **if the business is acquired by the assessee by way of transfer from any other person or as a result of any business reorganisation;**
 - (c) ~~unless the assessee furnishes alongwith the return of income the report of the accountant the report [Form No. 10DA] of the accountant, as defined in the Explanation below sub-section (2) of section 288, before the specified date (date one month prior to the due date of furnishing return under Section 139) referred to in section 44AB i.e. 30th Sept of the AY (W.r.e.f. AY 2020-21) giving such particulars in the report as may be prescribed~~ 

NOTE:

- A. "Additional Employee Cost" means total emoluments paid or payable to additional employees employed during the previous year:

Provided that in the case of an existing business, the additional employee cost shall be NIL, if-

- (a) there is **no increase in the number of employees** from the total number of employees employed **as on the last day** of the preceding year;
- (b) emoluments are paid **otherwise than by an account payee cheque or account payee bank draft or by use of electronic clearing system through a bank account or through any other prescribed electronic mode;** 
The prescribed electronic modes notified are credit card, debit card, net banking, IMPS (Immediate payment Service), UPI (Unified Payment Interface), RTGS (Real Time Gross Settlement), NEFT (National Electronic Funds Transfer), and BHIM (Bharat Interface for Money) Aadhar Pay as other electronic modes of payment [CBDT Notification No. 8/2020 dated 29.01.2020].

Provided further that in the **first year of a new business**, emoluments paid or payable to employees employed during that previous year **shall be deemed to be the additional employee cost**;

- B. "Additional Employee" means an employee who has been employed during the previous year and whose employment has the effect of increasing the total number of employees employed by the employer as on the last day of the preceding year, **but does not include,-**
- (a) an employee whose total emoluments are **more than ₹ 25,000 per month**; or
 - (b) an employee for whom the **entire contribution is paid by the Government** under the Employees' Pension Scheme; or
 - (c) an employee employed for a period of **less than 240 days** during the previous year (150 days in case of Apparel, footwear or leather products); or
 - (d) an employee who **does not participate in the recognised provident fund**;

where an employee is employed during the previous year for a period of less than two hundred and forty days or one hundred and fifty days, as the case may be, but is employed for a period of two hundred and forty days or one hundred and fifty days, as the case may be, in the immediately succeeding year, he shall be deemed to have been employed in the succeeding year and the provisions of this section shall apply accordingly

- C. "emoluments" means any sum paid or payable to an employee in lieu of his employment by whatever name called, but does not include-
- (a) any contribution paid or payable by the employer to any pension fund or provident fund or any other fund for the benefit of the employee under any law for the time being in force; and
 - (b) any lump-sum payment paid or payable to an employee at the time of termination of his service or superannuation or voluntary retirement, such as gratuity, severance pay, leave encashment, voluntary retrenchment benefits, commutation of pension and the like.
- D. From A.Y. 2017-18, it is not necessary that the employee should qualify as a "workman" under the Industrial Disputes Act, 1947 for the employer to avail benefit under section 80JJAA.

Section 80PA - Deduction in respect of certain income of Producer Companies

1. *Where the gross total income of an assessee, being a **Producer Company** having a total turnover of less than ₹ 100 crores in any previous year, includes any profits and gains derived from eligible business, there shall, in accordance with and subject to the provisions of this section, be allowed, in computing the total income of the assessee, a deduction of an amount equal to 100% of the profits and gains attributable to such business for the previous year relevant to an assessment year commencing on or after the 1st day of April, 2019, but before the 1st day of April, 2025.*

2. *In a case where the assessee is also entitled to deduction under any other provision of this Chapter, the deduction under this section shall be allowed with reference to the income, if any, as referred to in this section included in the gross total income as reduced by the deductions under such other provision of this Chapter.*

3. **"eligible business" means—**
 - a) *the marketing of agricultural produce grown by the members; or*
 - b) *the purchase of agricultural implements, seeds, livestock or other articles intended for agriculture for the purpose of supplying them to the members; or*
 - c) *the processing of the agricultural produce of the members;*

Deduction in respect of certain income of Offshore Banking Units and International Financial Services Centre [Section 80LA]

A. Eligible assessee:

This section is applicable to the following assessees -

- a. a scheduled bank having an Offshore Banking Unit in a SEZ; or
- b. any bank, incorporated by or under the laws of a country outside India, and having an Offshore Banking Unit in a SEZ; or
- c. a Unit of an International Financial Services Centre (IFSC).

B. Eligible income qualifying for deduction:

The deduction will be allowed on account of the following income included in the gross total income of such assessees -

- a. income from an Offshore Banking Unit in a SEZ; or
- b. income from the business referred to in section 6(1) of the Banking Regulation Act, 1949, with -
 1. an undertaking located in a SEZ or
 2. any other undertaking which develops, develops and operates or develops, operates and maintains a SEZ; or
- c. income from any Unit of the IFSC from its business for which it has been approved for setting up in such a Centre in a SEZ.

C. Quantum and period of deduction:

S. No.	<i>Eligible assessee</i>	<i>Quantum and period of deduction</i>	<i>Relevant previous year from which deduction is allowed</i>
(a)	<i>a scheduled bank having an Offshore Banking Unit in a SEZ, whose GTI includes any income referred to in (ii) above</i>	<i>100% of such income for 5 consecutive AYs.</i> <i>Thereafter, 50% of such income for the next 5 consecutive AYs.</i>	<i>Beginning with the assessment year relevant to the previous year in which:</i>
(b)	<i>any bank, incorporated by or under the laws of a country outside India, and having an Offshore Banking Unit in a SEZ, whose GTI includes any income referred to in (ii) above</i>		<i>1. the permission under section 23(1)(a) of the Banking Regulation Act, 1949 was obtained; or</i> <i>2. the permission or registration under the SEBI Act, 1992 was obtained; or</i>
(c)	<i>Unit of an International Financial Services Centre (IFSC), whose GTI includes any income referred to in (ii) above</i>	<i>100% of such income for any 10 consecutive AYs at the option of the assessee, out of 15 years.</i>	<i>3. the permission or registration under any other relevant law was obtained.</i>

D. Conditions:

The following conditions have to be fulfilled for claiming deduction under this section-

- a. The report of a Chartered Accountant in the prescribed form certifying that the deduction has been correctly claimed in accordance with the provisions of this section, **should be submitted along with the return of income (no amendment).**
- b. A copy of the permission obtained under section 23(1)(a) of the Banking Regulation Act, 1949 should also be furnished along with the return of income.

SECTION 80M - Deduction in respect of certain inter-corporate dividends

New Section inserted by Finance Act 2020 (w.e.f. AY 2021-22)



1. *Where the gross total income of a domestic company in any previous year includes any income by way of dividends from any other domestic company or a foreign company or a business trust, there shall, in accordance with and subject to the provisions of this section, be allowed in computing the total income of such domestic company, a deduction of an amount equal to so much of the amount of income by way of dividends received from such other domestic company or foreign company or business trust as does not exceed the amount of dividend distributed by it on or before the due date.*

2. *Where any deduction, in respect of the amount of dividend distributed by the domestic company, has been allowed under sub-section (1) in any previous year, no deduction shall be allowed in respect of such amount in any other previous year.*

Explanation: *For the purposes of this section, the expression "due date" means the date one month prior to the date for furnishing the return of income under sub-section (1) of section 139.*

Tax incentives for new start-ups [Section 80-IAC]**Amended w.e.f. AY 2021-22 (vide Finance Act 2020)****➤ Objective:**

In order to provide an incentive to start-ups and aid their growth in the early phase of their business, Section 80-IAC has been inserted w.e.f. AY 2017-18.

➤ Quantum of deduction:

Accordingly, a deduction of 100% of the profits and gains derived by an eligible start-up from an eligible business is allowed **for any 3 consecutive assessment years out of 10 years** ~~7 Years~~ beginning from the year in which the eligible start up is incorporated. **[Amended by FA 2020]** ★

➤ Eligible Startup means a company or a LLP engaged in eligible business which fulfils the following conditions, namely:—

- i. it is incorporated **on or after the 1st day of April, 2016 but before the 1st day of April, 2021;**
- ii. **[Amended by FA 2020]** the **total turnover** of its business **does not exceed ₹ 100 crores** ~~25 crore~~ in any of the previous year **relevant to the Assessment year for which deduction is claimed under section 80-IAC;** and ★
- iii. it holds a certificate of **eligible business** from the **Inter-Ministerial Board of Certification** as notified in the Official Gazette by the Central Government

➤ "Eligible Business" means a business engaged in innovation, development or improvement of products or processes or services, or a scalable business model with a high potential of employment generation or wealth creation;**➤ Conditions to be fulfilled:**

This incentive is available to an eligible start-up which fulfils the following conditions:

i. It is not formed by splitting up, or the reconstruction, of a business already in existence.

However, this condition shall not apply in respect of a start-up which is formed as a result of the re-establishment, reconstruction or revival by the assessee of the business of any such undertaking as referred to in **Section 33B**, in the circumstances and within the period specified in that section;

ii. It is not formed by the transfer to a new business of machinery or plant previously used for any purpose.

- (a) 20% old machinery is permitted
- (b) Second-hand imported machinery is treated as new:

iii. Eligible business to be considered as the only source of income:

For the purpose of computing deduction under this section, the profits and gains of the eligible business shall be computed as if such eligible business were the only source of income of the assessee during the relevant previous years.

iv. Audit of Accounts:

The deduction shall be allowed only if the accounts of the start-up for the relevant previous year have been audited by a chartered accountant **and the assessee furnishes the audit report in the prescribed form, duly signed and verified by such accountant before the specified date referred to in section 44AB** ~~along with his return of income.~~

v. Transfer of goods/services between eligible business and other business of the assessee:

Where any goods or services held for the purposes of the eligible business are transferred to any other business carried on by the assessee, or vice versa, and if the consideration for such transfer does not correspond with the market value of the goods or services, then, the profits and gains of the eligible business shall be computed as if the transfer was made at market value. However, if, in the opinion of the Assessing Officer, such computation presents exceptional difficulties, the Assessing Officer may compute the profits on such reasonable basis as he may deem fit.

vi. Deduction not to exceed profits of eligible business:

The deduction claimed and allowed under this section shall not exceed the profits and gains of the eligible business.

Further, where deduction is claimed and allowed under this section for any assessment year, no deduction in respect of such profits will be allowed under any other section under this chapter.

vii. Assessing Officer empowered to make adjustment in case any transaction produces excessive profits to eligible business:

The Assessing Officer is empowered to make an adjustment while computing the profit and gains of the eligible business on the basis of the reasonable profit that can be derived from the transaction, in case the transaction between the assessee carrying on the eligible business under section 80-IAC and any other person is so arranged that the transaction produces excessive profits to the eligible business.

However, if the arrangement involves a specified domestic transaction referred to in section 92BA, the amount of profits from such transaction shall be determined having regard to the arm's length price.

viii. Central Government empowered to deny deduction to any class of start-up:

The section empowers the Central Government to declare any class of start-up as not being entitled to deduction under this section.

Example:

VERY IMP: A (P) Ltd. was incorporated on 1.4.2017 and it holds a certificate of eligible business from the notified IMBC (Inter-Ministerial Board of Certification). It is engaged in innovation of new products.

Its total turnover and profits and gains from such business for the P.Y. 2017-18 to P.Y. 2026-27 are as follows:

Particulars	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
	(₹ in crores)									
Total turnover	65.42	68.36	70.21	72.72	74.95	73.52	74.68	72.51	68.42	66.52
Profits/Losses	(5.52)	(4.37)	(2.52)	18.13	19.87	17.59	19.42	18.56	16.52	15.53

Is A (P) Ltd. eligible for any tax benefit under the provisions of the Income-tax Act, 1961 for A.Y. 2021-22? If yes, what is the benefit available?

Solution:

A (P) Ltd. is an eligible start-up, since –

- (1) it is a company engaged in eligible business of innovation of new products.
- (2) it is incorporated during the period 1.4.2016 to 31.3.2021.
- (3) its total turnover **does not exceed ₹ 100 crores** in the relevant previous years for which deduction can be claimed.
- (4) it holds a certificate of eligible business from the notified IMBC

Therefore, A (P) Ltd., being an eligible start-up, is eligible for deduction under section 80-IAC of 100% of the profits and gains derived by it from an eligible business **for any three consecutive assessment years out of ten years** beginning from the year in which the eligible start up is incorporated i.e., P.Y.2017-18.

In the first, second year and third year i.e., P.Y. 2017-18, P.Y. 2018-19 and P.Y. 2019-20, A (P) Ltd. has incurred a loss. In the current previous year i.e., P.Y. 2020-21, A (P) Ltd. has earned profits from eligible business and can hence, claim 100% of its profits as deduction for any three consecutive assessment years under section 80-IAC from the P.Y. 2020-21 to P.Y. 2026-27.

However, for P.Y.2020-21, the profits eligible for deduction would be the profits after set-off of brought forward losses of P.Y. 2017-18, P.Y. 2018-19 and P.Y. 2019-20. On account of set-off of brought forward losses from current year profit, the profits eligible for deduction under section 80-IAC would be lower than the profits eligible for deduction in the said section in the succeeding assessment years.

Thus, it would be beneficial for A (P) Ltd. to opt for deduction under section 80-IAC for three consecutive assessment years beginning from A.Y. 2022-23 to A.Y. 2024-25.

Section 80-IBA: Deductions in respect of profits and gains from housing projects

(w.e.f. AY 17-18)

1. Where the GTI of an assessee includes any profits and gains derived from the **business of developing and building housing projects**, a **deduction of an amount equal to 100%** of the profits and gains derived from such business will be allowed.

2. **A housing project shall be a project which fulfils the following conditions, namely:—**

(a) the **project is approved** by the competent authority ***after the 1st day of June, 2016, but on or before the 31st day of March, 2020 2021;***

(b) the project **is completed within a period of 5 years** from the date of approval by the competent authority:

Provided that,-

(i) where the approval in respect of a housing project is obtained more than once, the project shall be deemed to have been approved on the date on which the building plan of such housing project **was first approved** by the competent authority; **and**

(ii) the project shall be deemed to have been completed when a certificate of completion of project **as a whole** is **obtained in writing** from the competent authority;

(c) the **Carpet area** of the shops and other commercial establishments included in the housing project **does not exceed 3%** of the aggregate **Carpet area**;

(d) the project is on a plot of land measuring **not less than-**

(i) **1000 square metres**, where the project is located within the cities of Chennai, Delhi, Kolkata or Mumbai

[for housing project approved on or after 01-09-2019; within the metropolitan cities of Bengaluru, Chennai, Delhi National Capital Region (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurugram, Faridabad), Hyderabad, Kolkata and Mumbai (whole of Mumbai Metropolitan Region)]; or

(ii) **2000 square metres**, where the project is located in any other place;

Note: the project is the only housing project on the plot of land;

(e) the **Carpet Area of the residential unit** comprised in the housing project **does not exceed-**

(i) **30 square metres**, where the project is located within the cities of Chennai, Delhi, Kolkata or Mumbai

(for housing project approved on or after 01-09-2019; 60 square metres, where the project is located within the metropolitan cities of Bengaluru, Chennai, Delhi National Capital Region (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurugram, Faridabad), Hyderabad, Kolkata and Mumbai (whole of Mumbai Metropolitan Region)); or

(ii) **60 square metres (90 square metres for housing project approved on or after 01-09-2019)**, where the project is located in any other place;

- (f) where a **residential unit in the housing project is allotted to an individual**, no other residential unit in the housing project shall be allotted to the **individual or the spouse or the minor children of such individual**;
- (g) the assessee **maintains separate books of account** in respect of the housing project.
- (h) **for housing project approved on or after 01-09-2019**, the stamp duty value of a residential unit in the housing project does not exceed ₹ 45 lakhs.
- (i) **the project utilises -**
- i. **not less than ninety per cent of the floor area ratio** permissible in respect of the plot of land under the rules to be made by the Central Government or the State Government or the local authority, as the case may be, where such project is located within the cities of Chennai, Delhi, Kolkata or Mumbai
[for housing project approved on or after 01-09-2019, within the metropolitan cities of Bengaluru, Chennai, Delhi National Capital Region (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurugram, Faridabad), Hyderabad, Kolkata and Mumbai (whole of Mumbai Metropolitan Region)]; or
 - ii. **not less than eighty per cent of such floor area ratio** where such project is located in any place other than the place referred to in sub-clause (i)
3. Nothing contained in this section shall apply to any assessee **who executes the housing project as a works-contract awarded by any person** (including the Central Government or the State Government).
4. Where the housing project is not completed within the period specified under clause (b) of sub-section (2) and in respect of which a deduction has been claimed and allowed under this section, the total amount of deduction so claimed and allowed in one or more previous years, **shall be deemed to be the income of the assessee chargeable under the head "Profits and gains of business or profession" of the previous year in which the period for completion so expires.**
5. Where any amount of profits and gains derived from the business of developing and building housing projects is claimed and allowed **under this section** for any assessment year, **deduction to the extent of such profits and gains shall not be allowed under any provisions of this Act.**
6. **For the purposes of this section:**
- "Housing Project" means a project consisting **predominantly of residential units** with such other facilities and amenities as the competent authority may approve subject to the provisions of this section;

“PRACTICAL QUESTIONS – SET A”

Ignore the provisions of Section 115BAC

- 1) From the following particulars in respect of Adarsh, an author of books, find out the deduction allowable to him under section 80C for the AY 2021-22 (amounts in ₹):

Life insurance premium (on his own life)	22000
Sum assured on the above policy	300000
Contribution to unrecognised provident fund	1000
Contribution to public provident fund	25000
Subscription to National Savings Certificates VIII issue	8000
Accrued interest for one year completed National Savings Certificates VIII issue	8000
Life insurance premium on his mother's life policy	5000
Repayment of bank loan borrowed for the construction of the house	21000

- 2) Mr. A, aged about 66 years, has earned a lottery income of ₹ 1,20,000 (gross) during the PY 2020-21. He also has a business income of ₹ 30,000. He invested an amount of ₹ 10,000 in Public Provident Fund account and ₹ 24,000 in National Saving Certificates. **What is the total taxable income of Mr. A for the AY 2021-22? Ignore the provisions of section 115BAC.**

- 3) X (age : 26 years), a resident individual, has income of ₹ 6,95,000 [i.e., ₹ 4,10,000 from a business in Delhi and ₹ 2,85,000 from a property in Bombay) during the previous year 2020-21. **Find out his net income for the assessment year 2021-22 taking into consideration the following payments —**

	₹
1. Life insurance premium on own-life paid by X in cash on March 31, 2021 (sum assured ₹ 4,00,000)	33,334
2. Contribution towards pension fund of LIC	11,000
3. Mediclaim insurance premium on the life of dependent father (age : 67 years and last foreign travel : during 1994-95) paid by cheque on April 20, 2020	19,000
4. Medical treatment of dependent brother (being a person with disability)	5,000
5. Deposit with LIC for the maintenance of the dependent brother (being a person with disability)	20,000

Ignore the provisions of section 115BAC.

- 4) **Discuss the allowability of the following:**

- i) Rajan has to pay to a Hospital for treatment ₹ 42,000 and spent nothing for Life Insurance or for maintenance of dependant (being a person with disability).
- ii) Rajan has incurred for treatment Rs. Nil in the previous year and deposited ₹ 25,000 with LIC for maintenance of dependants (being persons with severe disability).
- iii) Rajan has incurred ₹ 20,000 for treatment and ₹ 25,000 was deposited with LIC for maintenance of dependants, (being person with disability)

- 5) **A submits the following information regarding his income for the previous year 2020-21.**

	₹
1. Salary Income (computed)	1,90,000
2. Rent received from property in Delhi (per month)	4,000
3. Winning from lottery (Gross)	15,000

He makes the following deposits / payments during the year

1. Contribution towards PPF	10,000
2. Premium paid in cash on Mediclaim policy of his dependant father	8,000

He has a son being a person with disability, dependent on him, for whom he incurs expenses of his medical treatment and rehabilitation. He also deposits a sum of ₹ 25,000 for the benefit of his son under a scheme framed by the UTI for such a purpose.

Compute his total income for the assessment year 2021-22. Ignore the provisions of section 115BAC.

- 6) Mr. X is a resident individual. He deposits a sum of ₹ 25,000 with Life Insurance Corporation every year for the maintenance of his handicapped grandfather who is wholly dependent upon him. The disability is one which comes under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. A copy of the certificate from the medical authority is submitted. **Compute the amount of deduction available under section 80DD for the A.Y. 2021-22. What will be the deduction if Mr. X had made this deposit for his dependant father?**
- 7) **The Gross Total Income of A for the Previous Year 2020-21 as computed is ₹ 2,50,000 which includes ₹ 1,65,000 Long-Term Capital Gain and ₹ 10,000 on account of Short-Term Capital Gain. Besides the above he provides you the following information –**
- (a) He has deposited ₹ 12,000 to effect a contract for annuity plan of L.I.C.
- (b) He paid the following premium to the New India Assurance Co. Ltd for Mediclaim scheme for himself & his relatives. ₹.
- | | |
|--------------------------------------|-------|
| (i) his own health | 1,000 |
| (ii) for health of spouse | 600 |
| (iii) Major son not dependent on him | 800 |
| (iv) Mother dependent on him | 1,200 |
| (v) Brother dependent on him | 1,100 |
- (c) One of his brothers is totally blind and dependent on him for medical treatment and rehabilitation. A spends on his blind brother. ₹ 10,000
- (d) He has also deposited ₹ 25,000 in a Scheme framed by UTI for maintenance of his handicapped dependent brother.

Compute his Total Income for the Assessment Year 2021-22. Ignore the provisions of section 115BAC.

- 8) X, suffers from disability duly certified by a specialist. X is employed as personal assistant to the Managing Director in a private company on a monthly salary of ₹ 12,000. Besides, X submits the following particulars of income for the year ending 31.3.2021:

Interest from Indian companies	₹ 5,000
Dividend from UTI	₹ 3,000
Interest from bank FD	₹ 5,000

Determine the taxable income for the assessment year 2021-22. Ignore the provisions of section 115BAC.

- 9) X is a Personal Secretary of a Managing director in a Public sector undertaking. X suffers from severe physical disability, Monthly salary drawn is ₹ 12,000/-. Further, interest is earned on Fixed deposits with banks ₹ 15,000/-, **from private companies ₹ 7,000/-**. You are required to compute the taxable income of X for A.Y. 2021-22. **Ignore the provisions of section 115BAC.**
- 10) **Compute the total income of Mr. Sonu (blind from birth) (not opted for Section 115BAC) for the AY 2021-22, after taking into account the following information:**

(1) Salary from a publishing house for working as an artist (no allowances received)	1,36,000p.a.
(2) Income from sale of paintings made by self	3,25,000
(3) Winnings from lottery	60,000
(4) Dividend from a foreign company	10,000
(5) Fixed deposit with scheduled Bank in accordance with notified scheme	10,000
(6) Payment of rent of self-occupied house	50,000
(7) Donation to PM's National Relief Fund	4,000

It was found during the year that he is suffering from cancer. Sonu spent ₹ 30,000 for treatment of cancer, out of which ₹ 10,000 were reimbursed by his employer.

11) X (35 years) is a resident individual. During the PY 2020-21, he incurs the following expenditure—

	Actual Amount expenditure ₹	re-imbursed by insurance company ₹	Amount re-imbursed by employer of X ₹
Medical treatment (specified disease) of X in a Government hospital	30,000	Nil	28,000
Medical treatment (specified disease) of Mrs. X in a hospital recognised by Chief Commissioner	14,000	3,000	6,000

Salary of X is ₹ 4,50,000 p.a. In the two cases, disease is specified in the rules made by the Board. Find out the net income of X for the AY 2021-22. Ignore the provisions of section 115BAC.

12) Mr. B has taken three education loans on April 1, 2020, the details of which are given below:

	Loan 1 B	Loan 2 Son of B	Loan 3 Daughter of B
For whose education loan was taken	B	Son of B	Daughter of B
Purpose of loan	MBA	B. Sc.	B.A.
Amount of loan (₹)	5,00,000	2,00,000	4,00,000
Annual repayment of loan (₹)	1,00,000	40,000	80,000
Annual repayment of interest (₹)	20,000	10,000	18,000

Compute the amount deductible under section 80E for the AY 2021-22

13) X (34 years), a resident ind, submits the following particulars of his income for the PY 2020-21:

Business income	83,000
Interest on debentures	49,000
Long-term capital gains on transfer of gold	4,10,000
Short-term capital gain on sale of shares taxable under section 111A	20,000
Other short-term capital gain	10,000
Contribution towards public provident fund	40,000
Payment of medical insurance premium on own life	3,000
Donation to the National Trust for welfare of persons with Autism	4,000
Donation to the fund set up by the Gujarat Government for providing relief to victims of earthquake in Gujarat	3,000
Donation to Rajiv Gandhi Foundation	1,000
Donation to the Prime Minister's Drought Relief Fund	5,000
Donation to approved public charitable institution	11,000
Donation to a poor boy for higher education	5,000
Donation of clothes to an approved institution	12,000
Donation to a charitable institution for construction of a rest house only for a particular religious community	8,000

Determine the net income of X for the AY 2021-22. Ignore the provisions of section 115BAC.

14) X, an Indian citizen, gives the following particulars of his income and expenditure of the previous year-2020-21:

Business income	11,05,500
Winnings from lottery	1,04,500
Contribution towards public provident fund	70,000
Donation to the Prime Minister's National Relief Fund	51,000
Donation to the Government of India for promotion of family planning	33,000
Donation to a public charitable institute (being an approved institution for section 80G)	1,12,000

Determine the net income of X for the AY 2021-22. Ignore the provisions of section 115BAC.

15) Mr. Brown supplies you the following information for the year ended 31.3.2021.

	₹
Interest on bank deposits (Time)	59,000
Dividend on shares of foreign companies received abroad	50,000
Interest from deposits in Indian Companies (gross)	30,000
Income from horse races in India	17,500

Mr. Brown is a non-resident. He has donated a sum of ₹ 15,000 to Municipal Corporation of Delhi for family planning. He has paid ₹ 2,000 by cheque to New India Assurance Company for mediclaim for himself. He has also spent ₹ 6,000 on medical treatment of his minor son who is physically handicapped.

Compute total income of Mr. Brown for the assessment year 2021-22. Ignore the provisions of section 115BAC.

16) A has computed his income under various heads for the previous year 2020-21 as under:

	₹
(a) Income under the head salary (computed)	2,51,000
(b) Income under the head house property	(-) 10,000
(c) Profits and Gains of business or profession	40,000
(d) Capital Gains - Short-term	20,000
- Long-term	30,000
(e) Income from other sources	
- Winnings of lotteries	10,000
- Interest on Government Securities	12,000

A also submits the following information :

(1) Payment made by cheque for Mediclaim policy	6,000
(2) Expenses on Medical treatment of dependent son being a person with disability	15,000
(3) Payment of interest to Canara Bank, which was taken for pursuing approved higher education	25,000
(4) Donations to :	
Prime Minister's Drought Relief Fund	1,000
National Fund for Communal Harmony	2,000
Jawaharlal Nehru Memorial Fund .	2,000
Prime Minister's National Relief Fund	1,200
Government for Family Planning	27,000
Approved Charitable Institution	3,000

Compute the Total Income for assessment year 2021-22 if he deposits ₹ 20,000 in his PPF Account during the previous year. Ignore the provisions of section 115BAC.

17) Compute the total income of Mr. Kamal (not opted for Section 115BAC) for the assessment year 2021-22 (All Amounts in ₹) :

Salary received	2,55,000
Rent received from let out property	1,20,000
Long term capital gains	2,40,000
Short term capital loss	80,000
Agricultural income from Nepal	1,00,000

He has made the following payments :

Donation to Scientific research association	50,000
Repayment of loan taken for his higher education (Interest included ₹ 80,000)	1,24,000
Donation to National Children's Fund	5,000
Donation to approved charitable institution	16,000
Donation Prime Minister's National Relief Fund	8,000
Payment by cheque to General Insurance Corporation for insuring health of his dependant father, being a senior citizen	15,000
Expenses on medical treatment of his dependant disabled mother (severe disability)	3,000

18) X, a professional tax consultant, based at New Delhi furnishes the following particulars of his income/ expenditure relevant for the AY 2021-22:

	₹
Income from profession	6,80,000
Short-term capital gain (covered by section 111A)	4,000
Long-term capital gain	10,000
Winning from a camel race	1,700
Winning from a horse race	2,000
Winning from lottery	1,600
Income from other sources (except above)	10,000
	₹
Payment of medical insurance premium on own life	13,000
Payment of rent	80,000
Contributions towards public provident fund	70,000

Determine the amount deductible under section 80GG and the net income for the AY 2021-22

19) X, a Chartered Accountant, derives ₹ 1,63,000 as taxable professional income. Income of X from other sources is ₹ 32,000. He pays Mediclaim insurance premium ₹ 2,000 for insuring-the health of his non - dependant parents; ₹ 3,000 for self and spouse and ₹ 2,000 for his brother. He incurs ₹ 12,000 expenditure on medical treatment of his dependant mentally retarded (severe disability) sister in approved hospital duly certified. He pays rent of ₹ 2,500 per month. **Calculate his TI for AY 2021-22 after claiming deductions u/c VI-A. Ignore the provisions of section 115BAC.**

20) Anand is a retired Government Officer aged 65 years, who derived the following income in respect of FY 2020-21. He resides in Cochin:

	₹
Pension p.a.	130,000
Interest from bank deposits (time)	102,000

He has paid ₹ 20,000 as premium to effect insurance on his health. He pays a rent of ₹ 3,000 per month in respect of furnished accommodation. **What is his eligibility for deduction under section 80GG? What are the conditions to be satisfied by him to qualify for the deduction?**

21) For the previous year 2020-21, the business income of X (age : 29 years) is ₹ 10,23,000. During the year, he pays the following by cheque to get tax benefit—

Insured person	Mediclaim insurance premium ₹	Life insurance premium ₹
Taxpayer, spouse and children—		
X	22,000	15,000*
Mrs. X (not dependent upon X) [sum assured is ₹ 160,000]	4,500	20,000
Son (not dependent upon X)	800	2,000*
Daughter (dependent upon X)	2,500	700*
Parents of the taxpayer—		
Father (age: 67 years, resident in India, not dependent upon X)	1,000	1,200*
Mother (age: 59 years, dependent upon X)	36,000	6,000*
Others—		
Grand parents (dependent upon X)	500	2,000*
Father of Mrs. X (dependent upon X)	800	7,000*
Brother (dependent upon X)	900	4,500*

*Less than 10 per cent of sum assured.

Besides, X pays ₹ 16,000 towards pension fund of LIC. Find out the net income of 'X' for AY 2021-22. **Ignore the provisions of section 115BAC.**

22) A, an individual has made the following payments in the previous year 2020-21:

- ₹ 17,000 paid by cheque to GIC for insuring A's own health.
- ₹ 6,000 paid by credit card to GIC for insuring health of A's wife, not dependant on him.
- ₹ 6,000 paid by credit card to GIC for insuring health of A's dependant major child.
- ₹ 1,000 paid in cash to GIC for insuring the health of A'S dependant minor daughter.
- ₹ 1,000 paid in cheque to GIC for insuring the health of A'S dependant brother.
- ₹ 42,000 paid by credit card to GIC for insuring health of A's father (aged 66 years & resident), not dependent upon him.
- ₹ 9,000 paid by cheque to GIC for insuring health of A's mother (59 Yr), dependent upon A.
- ₹ 1,000 paid by debit card to GIC for insuring health of A's grandfather dependent upon A.
- ₹ 1,000 paid by cheque to GIC for insuring health of A's minor son, not dependent upon him.
- ₹ 100 p.m. paid by cheque to LIC for group insurance of which he is a member

- a) Compute the deduction allowable u/s. 80D.
- b) What will be the deduction if A's father is a non-resident in India.

“SOLUTIONs – SET A”

Solution 1:

Computation of deduction allowable to Adarsh under section 80C

Life insurance premium on his own life (fully allowed as premium is less than 10% of sum assured)	22000
Contribution to PPF	25000
Subscription to National Savings Certificates VIII issue	8000
Accrued interest for one year completed NSC VIII issue - It is reinvested, hence, eligible	8000
Repayment of bank loan borrowed for the construction of the house	21000
Total	84000

Note: Life insurance premium on mother's life policy is not eligible for deduction u/s 80C.

Solution 2:

Computation of total taxable income of Mr. A for AY 2021-22

Particulars	₹	₹
Profits and gains from business or profession		30,000
Income from other sources - lottery income		<u>1,20,000</u>
Gross Total Income		1,50,000
Less: Deductions under Chapter VIA [See Note below]		
Under section 80C - Deposit in Public Provident Fund	10,000	
- Investment in National Saving Certificate	<u>24,000</u>	
	34,000	
Restricted to		<u>30,000</u>
Total Income		<u>1,20,000</u>

Note: Though the value of eligible investments is ₹ 34,000, however, deductions under chapter VIA cannot exceed the Gross Total Income exclusive of Long Term Capital Gain, Short Term Capital Gain covered under section 111A, winnings of lotteries etc of the assessee. Therefore maximum permissible deduction under section 80C = ₹ 1,50,000 – ₹ 1,20,000 = ₹ 30,000.

Solution 3:

Property income	2,85,000
Business income	<u>4,10,000</u>
Gross total income	6,95,000
Less : Deductions under sections 80C to 80U	
Under section 80C [payment of life insurance]	33,334
Under section 80CCC [contribution towards pension fund of LIC]	11,000
Under section 80D [mediclin insurance premium on the health of dependent father]	19,000
Under section 80DD [the amount of deduction is ₹ 75,000 irrespective of the amount incurred or deposited under Option 1 and/or Option 2]	<u>75,000</u>
Net Income (Rounded off)	<u>5,56,670</u>

Solution 4:

- i) The deduction of ₹ 75,000 under section 80DD is allowed in full irrespective of the expenditure actually incurred/paid by the assessee.
- ii) The assessee Rajan (assumed to be resident in India) has deposited ₹ 25,000 for maintenance of handicapped dependent. The assessee is, however, eligible to claim ₹ 125,000, since the deduction of ₹ 125,000 allowed in full irrespective of the amount deposited with LIC in case of severe disability.
- iii) Section 80DD allows a deduction of ₹ 75,000 irrespective of the actual amount spent on maintenance of handicapped dependent and/or actual amount deposited with LIC. Therefore, the deduction will be ₹ 75,000 even though the total amount incurred/deposited is ₹ 45,000.

Solution 5:

Income from salary	1,90,000
Income from house property	
Rent received ₹ 4,000 x 12	48,000
Less: 30% as standard deduction	<u>14,400</u>
Income from Other sources	33,600
Winnings from lotteries	<u>15,000</u>

Gross Total Income		2,38,600
Less deductions u/s 80C to 80U		
i. 80C	10,000	
ii. 80D(as payment is made in cash)	Nil	
iii. 80DD	<u>75,000</u>	<u>85,000</u>
Total income		<u>1,53,600</u>

Solution 6:

Since the amount deposited by Mr. X was for his grandfather, he will not be allowed any deduction under section 80DD. The deduction is available if the individual assessee incurs any expense for a dependant disabled relative. Grandfather does not come within the definition of dependant relative.

What will be the deduction if Mr. X had made this deposit for his dependant father?- Since the expense was incurred for a dependant disabled relative, Mr. X will be entitled to claim a deduction of ₹ 75,000 under section 80DD, irrespective of the amount deposited. In case his father has severe disability, the deduction would be ₹ 1,25,000.

Solution 7:**Computation of Total Income**

Particulars	₹	₹
Gross Total Income (including LTCG of ₹ 1,65,000)		2,50,000
Less: Deduction Under Chapter VIA		
U/s 80C – Annuity Plan of LIC	12,000	
U/s 80D - Medical Insurance Premium paid (₹ 1,000 + ₹ 600 + ₹ 1,200)	2,800	
U/s 80DD - Medical Expenditure on Dependent	1,25,000	
Total	1,39,800	
Deduction restricted to ₹ 85,000 [Gross Total Income of ₹ 2,50,000 Less LTCG of ₹ 1,65,000] since (a) LTCG is not eligible for Chapter VI-A deduction, and (b) Deductions cannot exceed Gross Total Income exclusive of LTCG]		(85,000)
Total Income		1,65,000

Notes:**1. Mediciam Premium:**

- (a) Premium paid on Major Son not dependent on the assessee is not eligible for deduction.
- (b) Premium paid on dependent brother is not eligible for deduction.
- (c) It is assumed that the premium is not paid in cash.

2. Certificate: It is assumed that Mr. A has obtained the certificate from the Medical Authority and the same is furnished/ along with the Return of Income.

Solution 8: Computation of taxable income for the AY 2021-22

	₹	₹
I. Income from Salary: (12000 x 12 – 50,000)		94,000
II. Income from other sources:		
- Interest from Companies	5,000	
- UTI Income [Now taxable]	3,000	
- Interest from Bank FD	5,000	13,000
Gross Total Income		107,000
Less : Deduction under Chapter VI-A:		
- Sec. 80U		75,000
Taxable Income		32,000

Solution 9:

GTI = (12,000 x 12 - 50,000) + 15,000 + 7,000 = ₹ 1,16,000

Deduction = 80U = ₹ 125000 maximum 116000.

Solution 10:**Computation of Net Income of Sonu for the Assessment Year 2021-22 (amounts in ₹)**

Income from Salary (1,36,000 - 50,000)		86,000
Business Income (sale of paintings made by self)		3,25,000
Income from Other Sources:		
Winnings from lottery	60,000	
Dividend from a foreign company	10,000	70,000
Gross Total Income		4,81,000
Less: Deductions under Chapter VIA		
Under section 80C (FD with Bank in accordance with notified scheme)	10,000	
Under section 80DDB (Medical treatment of cancer) (₹ 30,000 - ₹ 10,000)	20,000	
Under section 80G (100% of ₹ 4,000)	4,000	
Under section 80GG (See Note)	17,800	
Under section 80U	1,25,000	1,76,800
Total Income		3,04,200

Note: Deduction under section 80GG shall be the least of the following -

- | | |
|---|--------|
| a) 5,000 x 12 | 60,000 |
| b) Rent paid - 10% of Adj. GTI = 50,000 - 10% of (4,81,000 - 10,000 - 20,000 - 4,000 - 1,25,000) = 50,000 - 10% of 3,22,000 = | 17,800 |
| c) 25% of Adj. GTI i.e. 3,22,000 | 80,500 |

Solution 11:

Salary	₹ 4,50,000
Perquisite in respect of medical treatment of X and his spouse	Nil
Gross salary	4,50,000
Less : Standard deduction u/s 16(ia)	50,000
Salary	4,00,000
Any other income	Nil
Gross total income	4,00,000
Less : Deduction under section 80DDB	3,000
Net income	3,97,000

Note - The amount deductible is as follows—

- actual expenditure (i.e., ₹ 30,000 + ₹ 14,000); or
- ₹ 40,000 (₹ 100,000 in the case of senior citizen), whichever is less.

₹ 40,000 is deductible if nothing is recovered from the insurance company or employer. From the amount deductible (i.e., ₹ 40,000 in this case), the amount received from insurance company as well as employer shall be deducted. Therefore, ₹ 40,000 - ₹ 3,000 - ₹ 28,000 - ₹ 6,000, i.e., ₹ 3,000 is deductible.

Solution 12:

Deduction under section 80E is available to an individual assessee in respect of any interest paid by him in the previous year in respect of loan taken for pursuing his higher education or higher education of his spouse or children. Higher education means any course of study pursued after senior secondary examination. Therefore, interest repayment in respect of all the above loans would be eligible for deduction.

Deduction under section 80E = ₹ 20,000 + ₹ 10,000 + ₹ 18,000 = ₹ 48,000

Solution 13:

Business Income	83,000
Long-term capital gains	4,10,000
Short-term capital gain under section 111A	20,000
Other short-term capital gain	10,000
Interest on debentures	<u>49,000</u>
Gross total income	5,72,000
Less : Deductions under sections 80C to 80U	
Under section 80C in respect of public provident fund	40,000
Under section 80D in respect of medical insurance premium	3,000
Under section 80G in respect of donations [see Note 1]	<u>14,950</u>
Net income	<u>5,14,050</u>

Note 1 - computation of deduction under section 80G in respect of donations**Step 1 - Gross qualifying amount:**

Donation to the National Trust for welfare of persons with Autism	4,000
Donation to the fund set up by the Gujarat Government for providing relief to victims of earthquake in Gujarat	3,000
Donation to Rajiv Gandhi Foundation	1,000
Donation to the Prime Minister's Drought Relief Fund	5,000
Donation to public charitable institutions	11,000
Amount given to a poor student (*not eligible as the donee is not a public charitable institution)	—*
Clothes to an institution (*donation in kind is not eligible)	—*
Amount for construction of rest house (*not eligible as amount will be utilised for the benefit of a particular community)	—*
Gross qualifying amount	<u>24,000</u>

Step 2 - Net qualifying amount

Donation to the National Trust for welfare of persons with Autism (*without any maximum limit)	4,000*
Donation to the fund set up by the Gujarat Government for providing relief to victims of earthquake in Gujarat (*without any maximum limit)	3,000*
Donation to Rajiv Gandhi Foundation (*without any maximum limit)	1,000*
Donation to the Prime Minister's Drought Relief Fund (*without any maximum limit)	5,000*
Donation to the public charitable institutions:	

It is :

- a. ₹ 11,000 (being amount of donation) ; or
 b. ₹ 9,900 (being 10% of adjusted gross total income calculated under Note 2), whichever is lower.
 ₹ 9,900 is, therefore, eligible for net qualifying amount

Net qualifying amount	<u>22,900</u>
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Step 3 - Amount deductible:

50% of ₹ 15,900 (1,000+5,000+9,900) + 100% of ₹ 7,000	<u>14,950</u>
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Note 2 - adjusted gross total income is calculated as under:

Gross total income	5,72,000
Less : Long-term capital gains	4,10,000
Less: Short-term capital gain under section 111A	20,000
Less : Amount of deduction under sections 80C to 80U except section 80G	43,000
Adjusted gross total income	<u>99,000</u>

Solution 14:

Business income	11,05,500
Income from other sources	<u>1,04,500</u>
Gross total income	12,10,000
Less : Deductions	
Under section 80C	70,000
Under section 80G [see Note 1]	1,24,500
Net income	10,15,500

Notes :**Computation of Deduction Under Section 80G****Step 1 - Gross qualifying amount**

Donation to the Prime Minister's National Relief Fund	51,000
Donation for family planning	33,000
Donation to the public charitable institute	<u>1,12,000</u>
Gross qualifying amount	<u>1,96,000</u>

Step 2 - Net qualifying amount

Donation to the Prime Minister's National Relief Fund (*no maximum limit is prescribed) 51,000*

Donation for family planning and to public charitable institute, amount to be included in net qualifying amount, is the lower of :

- a) ₹ 1,45,000 (being amount of donation) ; or
 b) ₹ 1,14,000 (being 10% of adjusted gross total income computed under Note 2),
 ₹ 1,14,000, being the least, is to be included.

As amount of ₹ 1,14,000 represents aggregate amount of net qualifying donation in respect of donation for family planning and to public charitable institute, separate amount in respect of these will be as follows :

Donation to the Government for promoting family planning	33,000
Donation to the public charitable institute (i.e., ₹1,14,000 - ₹ 33,000)	81,000
Net qualifying amount	<u>1,65,000</u>

Step 3 -Amount deductible

100% of amount qualified in respect of donation to the Prime Minister's National Relief Fund and the Government for family planning

50% of remaining portion 40,500

Amount deductible under section 80G **1,24,500**

2. Adjusted Gross Total Income is calculated as under:

Gross total income	12,10,000
Less: Amount of deductions under sections 80C to 80U (except section 80G)	70,000
Adjusted gross total income	<u>11,40,000</u>

Solution 15:-**Income from other sources**

Interest on bank deposits	59,000
Interest on deposits	30,000
Horse race	<u>17,500</u>
Gross Total income	1,06,500

Less : Deduction

U/s. 80D	2,000	
U/s. 80DD	Nil (as non resident)	
U/s. 80G 100% of	<u>10,450</u> [10% of (1,06,500- 2,000)]	12,450
Total Income		<u>94,050</u>

Solution 16:-

	₹	₹
Income from salary		2,51,000
Loss from house property		(-) 10,000
Business income		40,000
Capital gain short-term	20,000	
long-term	<u>30,000</u>	50,000
Income from other sources (10,000 + 12,000)		<u>22,000</u>
Gross Total Income		3,53,000
Less : Deduction u/s 80C to 80U		
(i) U/s 80C	20,000	
(ii) U/s. 80D	6,000	
(iii) U/s. 80DD	75,000	
(iv) U/s. 80E	25,000	
(v) U/s. 80G (calculated as under)	<u>25,400</u>	1,51,400
Total Income		<u>2,01,600</u>

(1) Donation to which qualifying limit is not applicable :

(a) Allowed@ 100%

(i) National Fund for Communal Harmony	2,000	
(ii) Prime Minister's National Relief Fund	<u>1,200</u>	3,200

(b) Allowed @ 50%

(i) Prime Minister's Drought Relief Fund (₹ 1,000)	500	
(ii) Jawaharlal Nehru Memorial Fund (₹ 2,000)	<u>1,000</u>	1,500

(2) Donations to which qualifying limit is applicable :

(i) Government for family planning	27,000	
(ii) Approved charitable institutions	<u>3,000</u>	30,000

Limited to 10% of Adjusted

Gross Total Income i.e., ₹ 2,07,000 and it shall be ₹ 20,700. Since donations to Family Planning are more than the maximum allowable, hence 100% of the qualifying amount will be allowable

Total deduction for donations u/s 80G.

20,700	20,700
	25,400

Adjusted Gross Total Income is computed as under:

	₹	₹
(A) Gross Total Income		3,53,000
Less : (i) Long-term Capital Gain [₹ 30,000 – ₹ 10,000 {HP Loss Setoff}]	20,000	
(ii) Deductions u/s 80C to 80U (20,000 + 6,000 + 75,000 + 25,000)	1,26,000	1,46,000
		2,07,000

Solution 17:

Computation of Total Income of Shri Kamal for the Assessment Year 2021-22

	₹	₹
Salary received (2,55,000 – 50,000)		205000
Income from House Property (₹ 1,20,000 - 30% of ₹ 1,20,000)		84000
Capital Gains:		
Long term capital gains	240000	
Short term capital loss	80000	160000
Income from Other Sources (Agricultural income from Nepal)		100000
Gross Total Income		549000
Less : Deductions under Chapter VIA		
(a) 80D for payment to GIC	15000	
(b) 80DD (medical treatment of disabled mother)	125000	
(c) 80E (interest on loan taken for higher education)	80000	
(d) 80GGA (Donation to scientific research association)	50000	
(e) 80G (See Note)	18950	288950
Total Income		260050

Note: Deduction u/s 80G = 100% of 5,000 + 100% of 8,000 + {50% of lower of - (a) 16,000 or (b) 10% of (5,49,000 - 1,60,000 - 15,000 - 1,25,000 - 80,000 - 50,000)} = 5,000 + 8,000 + 50% of 11,900 = ₹ 18,950.

Solution 18:

	₹	₹
Professional income		6,80,000
Capital gains		14,000
Income from other sources :		
Winnings from races including horse races	3,700	
Winning from lottery	1,600	
Other income	10,000	15,300
Gross total income		7,09,300
Less : Deductions under sections 80C to 80U		
Under section 80C in respect of public provident fund		70,000
Under section 80D in respect of medical insurance premium		13,000
Under section 80GG in respect of rent paid being the least of the following :		
a. ₹ 60,000 (being ₹ 5,000 x 12);		
b. ₹ 1,53,075 (being 25% of ₹ 6,12,300);		
c. ₹ 18,770 (being excess of rent paid over 10% of total income, i.e., ₹ 80,000 - 10% of ₹ 6,12,300)		
₹ 18,770, being the least, is, therefore, deductible		18,770
Net income		6,07,530

Note - "Total income" for the purpose of section 80GG is, ₹ 6,12,300, i.e., ₹ 7,09,300 - ₹ 4,000 - ₹ 10,000 - ₹ 70,000 - ₹ 13,000.

Solution 19:**Computation of Total Income**

Particulars	₹	₹
Professional income		1,63,000
Income from other sources		32,000
Gross total income		1,95,000
Less : Deductions under Chapter VI-A		
1. Mediclaim Insurance - 80D - (₹ 3,000 + ₹ 2,000)	5,000	
2. Expenditure for dependant mentally retarded sister - 80DD	1,25,000	
3. Rent paid - 80GG - least of the following is eligible for deduction		
i. Excess of Rent paid over 10% of Adjusted GTI (₹ 30,000- ₹ 6,500) = ₹ 23,500		
ii. 25% of Adjusted GTI = ₹ 16,250		
iii. Ceiling limit ₹ 5,000 p.m. = ₹ 60,000	16,250	1,46,250
Total income ₹		48,750

Note:

- i) Mediclaim insurance for insuring health of X's brother does not qualify for deduction u/s 80D.
ii) Mediclaim insurance for non - dependant parents shall qualify for deduction U/s. 80D
iii) Deduction u/s. 80DD is a flat amount of ₹ 1,25,000 irrespective of the actual expenditure incurred (for persons with severe disability).

iv) Total income for the purpose of Sec 80GG

Gross Total Income	1,95,000
Less: Deduction u/s 80D & 80DD	1,30,000
Adjusted GTI	65,000

Solution 20: Deduction u/s 16(ia) – 50,000; 80D – 20,000, 80TTB – 50,000, 80GG – ₹ 23,800.

Solution 21:

	₹
Business income	10,23,000
Any other income	Nil
Gross total income	10,23,000
Less: Deductions under sections 80C to 80U	
Under section 80C [see Note]	33,700
Under section 80CCC (being payment towards pension fund of LIC)	16,000
Under section 80D [see Note]	51,000
Net income	9,22,300

Note - Computation of deduction under sections 80C and 80D-

Insured person	Life insurance for the purpose of section 80C ₹	Mediclaim insurance for the purpose of section 80D ₹
Taxpayer, spouse and dependent children - X	15,000	22,000
Mrs. X [limited to 10% sum assured]	16,000*	4,500
Son (not dependent upon X)	2,000	—
Dependent daughter	700	2,500
Total		29,000
Amount deductible under section 80D (maximum: ₹ 25,000, extra deduction of ₹ 5,000 is not available as X, Mrs. X and dependent children are not senior citizens) (a)		25,000
Parents of X -		
Father (not dependent)	—	1,000
Dependent mother	—	36,000
Grand parent, father-in-law, dependent brother	—	—
Total		37,000
Amount deductible under section 80D (maximum: ₹ 25,000, extra deduction of ₹ 1,000 is available as father of X is resident in India and senior citizen) (b)		26,000
Amount deductible under sections 80C and 80D [*(a) + (b)]	33,700	51,000*

Solution 22:

Payments eligible for deduction u/s 80D:	Amount paid for himself spouse and dependent children (₹)	Amount paid for parents (₹)
Amount paid on own health	17,000	
Amount paid on health of wife (ever though not dependant on A)	6,000	
Amount paid on health of dependant major child	6,000	
Amount paid on health of minor daughter (not allowed as paid in cash)	Nil	
Amount paid on health of brother (not allowed irrespective of whether he is dependent on A or not)	Nil	
Amount paid on health of A's father (senior citizen) allowed even if father is not dependant on A		42,000
Amount paid on health of mother		9,000
Amount paid on health of grandfather(not allowed as grandparents are not covered)	Nil	
Amount paid on health of A's minor son (not allowed as he is not dependent on A)	Nil	
Amount paid to LIC is not allowable u/s. 80D	Nil	
Total eligible amount	29,000	51,000

However, deduction will be restricted to a maximum of ₹ 25,000 in case of his family and ₹ 50,000 (including ₹ 25,000 for senior citizen) for parents. Hence the deduction will be restricted to maximum of ₹ 50,000 for both parents. The total deduction shall be ₹ 75,000.

“PRACTICAL QUESTIONS – SET B”

1. Examine the following statements with regard to the provisions of the Income-tax Act, 1961:
- (a) For grant of deduction under section 80JJAA, filing of audit report in prescribed form is must for a corporate assessee; filing of return within the due date laid down in section 139(1) is not required.
- (b) **AMENDMENT:** Filing of belated return under section 139(4) of the Income-tax Act, 1961 will debar an assessee from claiming deduction under section 80M.

Solution:

- (a) **The statement is not correct.** Section 80AC stipulates compulsory filing of return of income on or before the due date specified under section 139(1), as a pre-condition for availing the benefit of deduction, inter alia, under section 80JJAA.
- (b) **The statement is correct.** As per section 80AC, the assessee has to furnish his return of income on or before the due date specified under section 139(1), to be eligible to claim deduction under, inter alia, section 80M.
2. Compute the eligible deduction under section 80C for A.Y. 2021-22 in respect of life insurance premium paid by Mr. Ganesh during the P.Y. 2020-21, the details of which are given hereunder -

	Date of issue of policy	Person insured	Actual capital sum assured (₹)	Insurance premium paid during 2020-21 (₹)
(i)	30/3/2012	Self	5,00,000	51,000
(ii)	1/5/2016	Spouse	1,50,000	20,000
(iii)	1/6/2018	Handicapped Son (section 80U disability)	4,00,000	80,000

Solution:

	Date of issue of policy	Person insured	Actual capital sum assured (₹)	Insurance premium paid during 2020-21 (₹)	Deduction u/s 80C for A.Y. 2021-22 (₹)	Remark (restricted to % of sum assured) (₹)
(i)	30/3/2012	Self	5,00,000	51,000	51,000	20%
(ii)	1/5/2016	Spouse	1,50,000	20,000	15,000	10%
(iii)	1/6/2018	Handicapped son (section 80U disability)	4,00,000	80,000	60,000	15%
Total					1,26,000	

3. An individual assessee, resident in India, has made the following deposit/ payment during the previous year 2020-21:

Particulars	₹
Contribution to the public provident fund	1,50,000
Insurance premium paid on the life of the spouse (policy taken on 1.4.2015) (Assured value ₹ 2,00,000)	25,000

What is the deduction allowable under section 80C for A.Y. 2021-22?

Solution:

Computation of deduction under section 80C for A.Y. 2021-22

Particulars	₹
Deposit in public provident fund	1,50,000
Insurance premium paid on the life of the spouse (Maximum 10% of the assured value ₹ 2,00,000, as the policy is taken after 31.3.2012)	20,000
Total	1,70,000

However, the maximum permissible deduction u/s 80C is restricted to **1,50,000**

4. The basic salary of Mr. A is ₹ 1,00,000 p.m. He is entitled to dearness allowance, which is 40% of basic salary. 50% of dearness allowance forms part of pay for retirement benefits. Both Mr. A and his employer, ABC Ltd., contribute 15% of basic salary to the pension scheme referred to in section 80CCD. Explain the tax treatment in respect of such contribution in the hands of Mr. A.

Solution:

Tax treatment in the hands of Mr. A in respect of employer's and own contribution to pension scheme referred to in section 80CCD:

- (a) Employer's contribution to such pension scheme would be treated as salary since it is specifically included in the definition of "salary" under section 17(1)(viii). Therefore, ₹ 1,80,000, being 15% of basic salary of ₹ 12,00,000, will be included in Mr. A's salary.
- (b) Mr. A's contribution to pension scheme is allowable as deduction under section 80CCD(1). However, the deduction is restricted to 10% of salary. Salary, for this purpose, means basic pay plus dearness allowance, if it forms part of pay.

Therefore, "salary" for the purpose of deduction under section 80CCD for Mr. A would be –

Particulars	₹
Basic salary = ₹ 1,00,000 × 12	12,00,000
Dearness allowance = 40% of ₹ 12,00,000 = ₹ 4,80,000	
50% of Dearness Allowance forms part of pay = 50% of ₹ 4,80,000	2,40,000
Salary for the purpose of deduction under section 80CCD	14,40,000
Deduction under section 80CCD(1) is restricted to 10% of ₹ 14,40,000 (as against actual contribution of ₹ 1,80,000, being 15% of basic salary of ₹ 12,00,000)	1,44,000
As per section 80CCD(1B), a further deduction of up to ₹ 50,000 is allowable. Therefore, deduction under section 80CCD(1B) is ₹ 36,000 (₹ 1,80,000 - ₹ 1,44,000).	36,000

₹ 1,44,000 is allowable as deduction under section 80CCD(1). This would be taken into consideration and be subject to the overall limit of ₹ 1,50,000 under section 80CCE. ₹ 36,000 allowable as deduction under section 80CCD(1B) is outside the overall limit of ₹ 1,50,000 under section 80CCE.

In the alternative, ₹ 50,000 can be claimed as deduction under section 80CCD(1B). The balance ₹ 1,30,000 (₹ 1,80,000 - ₹ 50,000) can be claimed as deduction under section 80CCD(1).

- (c) Employer's contribution to pension scheme would be allowable as deduction under section 80CCD(2), subject to a maximum of 10% of salary. Therefore, deduction under section 80CCD(2), would also be restricted to ₹ 1,44,000, even though the entire employer's contribution of ₹ 1,80,000 is included in salary under section 17(1)(viii).

However, this deduction of employer's contribution of ₹ 1,44,000 to pension scheme would be outside the overall limit of ₹ 1,50,000 under section 80CCE i.e., this deduction would be over and above the other deductions which are subject to the limit of ₹ 1,50,000.

5. The gross total income of Mr. X for the A.Y. 2021-22 is ₹ 8,00,000. He has made the following investments/payments during the F.Y. 2020-21 –

Particulars	₹
(1) Contribution to PPF	1,10,000
(2) Payment of tuition fees to Apeejay School, New Delhi, for education of his son studying in Class XI	45,000
(3) Repayment of housing loan taken from Standard Chartered Bank	25,000
(4) Contribution to approved pension fund of LIC	1,05,000

Compute the eligible deduction under Chapter VI-A for the A.Y. 2021-22.

Solution:**Computation of deduction under Chapter VI-A for the A.Y. 2021-22**

Particulars	₹
Deduction under section 80C	
➤ Contribution to PPF	1,10,000
➤ Payment of tuition fees to Apeejay School, New Delhi, for education of his son studying in Class XI	45,000
➤ Repayment of housing loan	25,000
	1,80,000
Restricted to ₹ 1,50,000, being the maximum permissible deduction u/s 80C	1,50,000
Deduction under section 80CCC	
➤ Contribution to approved pension fund of LIC ₹ 1,05,000	1,05,000
	2,55,000
As per section 80CCE, the aggregate deduction under section 80C, 80CCC and 80CCD(1) has to be restricted to ₹ 1,50,000	
Deduction allowable under Chapter VIA for the A.Y. 2021-22	1,50,000

6. Mr. A, aged 40 years, paid medical insurance premium of ₹ 20,000 during the P.Y. 2020-21 to insure his health as well as the health of his spouse. He also paid medical insurance premium of ₹ 47,000 during the year to insure the health of his father, aged 63 years, who is not dependent on him. He contributed ₹ 3,600 to Central Government Health Scheme during the year. He has incurred ₹ 3,000 in cash on preventive health check-up of himself and his spouse and ₹ 4,000 by cheque on preventive health check-up of his father. Compute the deduction allowable under section 80D for the A.Y. 2021-22.

Solution:**Deduction allowable under section 80D for the A.Y. 2021-22**

	Particulars	Actual Payment ₹	Maximum deduction allowable ₹
A.	Premium paid and medical expenditure incurred for self and spouse		
(i)	Medical insurance premium paid for self and spouse	20,000	20,000
(ii)	Contribution to CGHS	3,600	3,600
(iii)	Exp. on preventive health check-up of self & spouse	3,000	1,400
		26,600	25,000
B.	Premium paid or medical expenditure incurred for father, who is a senior citizen		
(i)	Mediclaime premium paid for father, who is over 60 years of age	47,000	47,000
(ii)	Expenditure on preventive health check-up of father	4,000	3,000
		51,000	50,000
	Total deduction under section 80D (₹ 25,000 + ₹ 50,000)		75,000

Notes:

- (1) The total deduction under A.(i), (ii) and (iii) above should not exceed ₹ 25,000. Therefore, the expenditure on preventive health check-up for self and spouse would be restricted to ₹ 1,400, being (₹ 25,000 – ₹ 20,000 – ₹ 3,600).
- (2) The total deduction under B. (i) and (ii) above should not exceed ₹ 50,000. Therefore, the expenditure on preventive health check-up for father would be restricted to ₹ 3,000, being (₹ 50,000 – ₹ 47,000).
- (3) In this case, the total deduction allowed on account of expenditure on preventive health check-up of self, spouse and father is ₹ 4,400 (i.e., ₹ 1,400 + ₹ 3,000), which is less than the maximum permissible limit of ₹ 5,000.
7. Mr. Y, aged 40 years, paid medical insurance premium of ₹ 22,000 during the P.Y. 2020-21 to insure his health as well as the health of his spouse and dependent children. He also paid medical insurance premium of ₹ 33,000 during the year to insure the health of his mother, aged 67 years, who is not dependent on him. He incurred medical expenditure of ₹ 20,000 on his father, aged 71 years, who is not covered under mediclaime policy. His father is also not dependent upon him. He contributed ₹ 6,000 to Central Government Health Scheme during the year. Compute the deduction allowable under section 80D for the A.Y. 2021-22.

Solution:**Deduction allowable under section 80D for the A.Y. 2021-22**

Particulars	₹	₹
(i) Medical insurance premium paid for self, spouse and dependent children	22,000	
(ii) Contribution to CGHS	6,000	
restricted to	28,000	25,000
(iii) Mediclaim premium paid for mother, who is over 60 years of age	33,000	
(iv) Medical expenditure incurred for father, who is over 60 years of age and not covered by any insurance	20,000	
restricted to	53,000	50,000
		75,000

8. Mr. X is a resident individual. He deposits a sum of ₹ 50,000 with Life Insurance Corporation every year for the maintenance of his handicapped grandfather who is wholly dependent upon him. The disability is one which comes under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. A copy of the certificate from the medical authority is submitted. Compute the amount of deduction available under section 80DD for the A.Y. 2021-22.

Solution:

Since the amount deposited by Mr. X was for his grandfather, he will not be allowed any deduction under section 80DD. The deduction is available if the individual assessee incurs any expense for a dependant disabled person. Grandfather does not come within the definition of dependant.

9. What will be the deduction if Mr. X had made this deposit for his dependant father?

Solution:

Since the expense was incurred for a dependant disabled person, Mr. X will be entitled to claim a deduction of ₹ 75,000 under section 80DD, irrespective of the amount deposited. In case his father has severe disability, the deduction would be ₹ 1,25,000.

10. Mr. B has taken three education loans on April 1, 2020, the details of which are given below:

	Loan 1	Loan 2	Loan 3
For whose education loan was taken	B	Son of B	Daughter of B
Purpose of loan	MBA	B. Sc.	B.A.
Amount of loan (₹)	5,00,000	2,00,000	4,00,000
Annual repayment of loan (₹)	1,00,000	40,000	80,000
Annual repayment of interest (₹)	20,000	10,000	18,000

Compute the amount deductible under section 80E for the A.Y. 2021-22.

Solution:

Deduction under section 80E is available to an individual assessee in respect of any interest paid by him in the previous year in respect of loan taken for pursuing his higher education or higher education of his spouse or children. Higher education means any course of study pursued after senior secondary examination.

Therefore, interest repayment in respect of all the above loans would be eligible for deduction.

Deduction under section 80E = ₹ 20,000 + ₹ 10,000 + ₹ 18,000 = ₹ 48,000.

11. Mr. A purchased a residential house property for self-occupation at a cost of ₹ 45 lakh on 1.4.2017, in respect of which he took a housing loan of ₹ 35 lakh from Bank of India @11% p.a. on the same date. The loan was sanctioned on 28th March, 2017.

Compute the eligible deduction in respect of interest on housing loan for A.Y. 2021-22 under the provisions of the Income-tax Act, 1961, assuming that the entire loan was outstanding as on 31.3.2021 and he does not own any other house property.

Solution:

Particulars		₹
Interest deduction for A.Y. 2021-22		
(i)	Deduction allowable while computing income under the head "Income from house property" Deduction under section 24(b) ₹ 3,85,000 [₹ 35,00,000 × 11%] Restricted to	2,00,000
(ii)	Deduction under Chapter VI-A from Gross Total Income Deduction under section 80EE ₹ 1,85,000 (₹ 3,85,000 – ₹ 2,00,000) Restricted to	50,000

12. Mr. Shiva aged 58 years, has gross total income of ₹ 7,75,000 comprising of income from salary and house property. He has made the following payments and investments:

- (i) Premium paid to insure the life of her major daughter (policy taken on 1.4.2017) (Assured value ₹ 1,80,000) – ₹ 20,000.
- (ii) Medical Insurance premium for self – ₹ 12,000; Spouse – ₹ 14,000.
- (iii) Donation to a public charitable institution registered under 80G ₹ 50,000 by way of cheque.
- (iv) LIC Pension Fund – ₹ 60,000
- (v) Donation to National Children's Fund - ₹ 25,000 by way of cheque
- (vi) Donation to Jawaharlal Nehru Memorial Fund - ₹ 25,000 by way of cheque
- (vii) Donation to approved institution for promotion of family planning - ₹ 40,000 by way of cheque
- (viii) Deposit in PPF – ₹ 1,00,000

Compute the total income of Mr. Shiva for A.Y. 2021-22.

Solution:

Computation of Total Income of Mr. Shiva for A.Y. 2021-22

Particulars	₹	₹
Gross Total Income		7,75,000
Less : Deduction under section 80C		
Deposit in PPF	1,00,000	
Life insurance premium paid for insurance of major daughter (Maximum 10% of the assured value ₹ 1,80,000, as the policy is taken after 31.3.2012)	18,000	
Total (Section 80C)	1,18,000	
Deduction under section 80CCC in respect of LIC pension fund	60,000	
As per section 80CCE, deduction under section 80C & 80CCC is restricted to Deduction under section 80D	1,78,000	1,50,000
Medical Insurance premium in respect of self and spouse Restricted to	26,000	25,000
Deduction under section 80G (See Working Note below)		87,500
Total income		5,12,500

Working Note: Computation of deduction under section 80G

	Particulars of donation	Amount donated (₹)	% of deduction	Deduction u/s 80G (₹)
(i)	National Children's Fund	25,000	100%	25,000
(ii)	Jawaharlal Nehru Memorial Fund	25,000	50%	12,500
(iii)	Approved institution for promotion of family planning	40,000	100%, subject to qualifying limit	40,000
(iv)	Public Charitable Trust	50,000	50% subject to qualifying limit (See Note below)	10,000
				87,500

Note - Adjusted total income = Gross Total Income – Amount of deductions under section 80C to 80U except section 80G i.e., ₹ 6,00,000, in this case. ₹ 60,000, being 10% of adjusted total income is the qualifying limit, in this case.

Firstly, donation of ₹ 40,000 to approved institution for family planning qualifying for 100% deduction subject to qualifying limit, has to be adjusted against this amount. Thereafter, donation to public charitable trust qualifying for 50% deduction, subject to qualifying limit is adjusted. Hence, the contribution of ₹ 50,000 to public charitable trust is restricted to 20,000 (being, ₹ 60,000 - ₹ 40,000), 50% of which would be the deduction under section 80G. Therefore, the deduction under section 80G in respect of donation to public charitable trust would be ₹ 10,000, which is 50% of ₹ 20,000.

13. Mr. A has commenced the business of manufacture of computers on 1.4.2020. He employed 350 new employees during the P.Y. 2020-21, the details of whom are as follows-

	No. of employees	Date of employment	Regular/ Casual	Total monthly emoluments per employee (₹)
(i)	75	1.4.2020	Regular	24,000
(ii)	125	1.5.2020	Regular	26,000
(iii)	50	1.8.2020	Casual	25,500
(iv)	100	1.9.2020	Regular	24,000

The regular employees participate in recognized provident fund while the casual employees do not. Compute the deduction, if any, available to Mr. A for A.Y. 2021- 22, if the profits and gains derived from manufacture of computers that year is ₹ 75 lakhs and his total turnover is 5.16 crores.

What would be your answer if Mr. A has commenced the business of manufacture of footwear on 1.4.2020?

Solution:

Mr. A is eligible for deduction under section 80JJAA since he is subject to tax audit under section 44AB for A.Y. 2021-22, as his total turnover from business exceeds ₹ 1 crore and he has employed “additional employees” during the P.Y. 2020-21.

1. If Mr. A is engaged in the business of manufacture of computers

Additional employee cost = ₹ 24,000 × 12 × 75 [See Working Note below] = ₹ 2,16,00,000

Deduction under section 80JJAA = 30% of ₹ 2,16,00,000 = ₹ 64,80,000.

Working Note:

Number of additional employees

Particulars		No. of workmen	
Total number of employees employed during the year			350
Less:	Casual employees employed on 1.8.2020 who do not participate in recognized provident fund	50	
	Regular employees employed on 1.5.2020, since their total monthly emoluments exceed ₹ 25,000	125	
	Regular employees employed on 1.9.2020 since they have been employed for less than 240 days in the P.Y. 2020-21.	100	275
Number of “additional employees”			75

Notes –

(1) Since casual employees do not participate in recognized provident fund, they do not qualify as additional employees. Further, 125 regular employees employed on 1.5.2020 also do not qualify as additional employees since their monthly emoluments exceed ₹ 25,000. Also, 100 regular employees employed on 1.9.2020 do not qualify as additional employees for the P.Y.2020-21, since they are employed for less than 240 days in that year.

Therefore, only 75 employees employed on 1.4.2020 qualify as additional employees, and the total emoluments paid or payable to them during the P.Y. 2020-21 is deemed to be the additional employee cost.

- (2) As regards 100 regular employees employed on 1.9.2020, they would be treated as additional employees for previous year 2021-22, if they continue to be employees in that year for a minimum period of 240 days. Accordingly, 30% of additional employee cost in respect of such employees would be allowable as deduction under section 80JJAA in the hands of Mr. A for the A.Y. 2022-23.

2. If Mr. A is engaged in the business of manufacture of footwear

If Mr. A is engaged in the business of manufacture of footwear, then, he would be entitled to deduction under section 80JJAA in respect of employee cost of regular employees employed on 1.9.2020, since they have been employed for more than 150 days in the previous year 2020-21.

Additional employee cost = ₹ 2,16,00,000 + ₹ 24,000 × 7 × 100 = ₹ 3,84,00,000

Deduction under section 80JJAA = 30% of ₹ 3,84,00,000 = ₹ 1,15,20,000

- 14. Mr. A, a resident individual aged about 61 years, has earned business income (computed) of ₹ 1,35,000, lottery income of ₹ 1,20,000 (gross) during the P.Y. 2020-21. He also has interest on Fixed Deposit of ₹ 30,000 with banks. He invested an amount of ₹ 1,50,000 in Public Provident Fund account. What is the total income of Mr. A for the A.Y. 2021-22?**

Ignore the provisions of section 115BAC.

Solution:

Computation of total income of Mr. A for A.Y. 2021-22

Particulars	₹	₹
Profits and gains of business or profession		1,35,000
Income from other sources		
- Interest on Fixed Deposit with banks		30,000
- lottery income		1,20,000
Gross Total Income		2,85,000
Less: Deductions under Chapter VIA [See Note below]		
Under section 80C		
- Deposit in Public Provident Fund	1,50,000	
Under section 80TTB		
- Interest on fixed deposits with banks	30,000	
	1,80,000	
Restricted to		1,65,000
Total Income		1,20,000

Note: Though the value of eligible deductions is ₹ 1,80,000, however, deduction under Chapter VI-A cannot exceed the gross total income exclusive of long term capital gains taxable under section 112 and section 112A, short-term capital gains covered under section 111A and winnings of lotteries of the assessee.

Therefore, the maximum permissible deduction under Chapter VI-A
= ₹ 2,85,000 – ₹ 1,20,000 = ₹ 1,65,000.

In case of resident individuals of the age of 60 years or more, interest on bank fixed deposits qualifies for deduction upto ₹ 50,000 under section 80TTB.

15. Mr. Gurnam, aged 42 years, has salary income (computed) of ₹ 5,50,000 for the previous year ended 31.03.2021. He has earned interest of ₹ 14,500 on the saving bank account with State Bank of India during the year. Compute the total income of Mr. Gurnam for the assessment year 2021-22 from the following particulars:

- (i) Life insurance premium paid to Birla Sunlife Insurance in cash amounting to ₹ 25,000 for insurance of life of his dependent parents. The insurance policy was taken on 15.07.2018 and the sum assured on life of his dependent parents is ₹ 2,00,000.
- (ii) Life insurance premium of ₹ 25,500 paid for the insurance of life of his major son who is not dependent on him. The sum assured on life of his son is ₹ 2,50,000 and the life insurance policy was taken on 30.3.2012.
- (iii) Life insurance premium paid by cheque of ₹ 22,500 for insurance of his life. The insurance policy was taken on 08.09.2017 and the sum assured is ₹ 2,00,000.
- (iv) Premium of ₹ 26,000 paid by cheque for health insurance of self and his wife.
- (v) ₹ 1,500 paid in cash for his health check-up and ₹ 4,500 paid in cheque for preventive health check-up for his parents, who are senior citizens.
- (vi) Paid interest of ₹ 6,500 on loan taken from bank for MBA course pursued by his daughter.
- (vii) A sum of ₹ 5,000 donated in cash to an institution approved for purpose of section 80G for promoting family planning.

Ignore the provisions of section 115BAC.

Solution:

Computation of total income of Mr. Gurnam for the Assessment Year 2021-22

Particulars	₹	₹	₹
Income from salary			5,50,000
Interest on saving bank deposit			14,500
Gross Total Income			5,64,500
Less: Deduction under Chapter VIA			
Under section 80C (See Note 1)			
Life insurance premium paid for life insurance of:			
➤ major son	25,000		
➤ self ₹ 22,500 restricted to 10% of ₹ 2,00,000	20,000	45,000	
Under section 80D (See Note 2)			
Premium paid for ₹ 26,000 health insurance of self and wife by cheque, restricted to	25,000		
Payment made for health check-up for parents	4,500	29,500	
Under section 80E			
For payment of interest on loan taken from bank for MBA course of his daughter		6,500	
Under section 80TTA (See Note 4)			
Interest on savings bank account ₹ 14,500 restricted to		10,000	91,000
Total Income			4,73,500

Notes:

1. As per section 80C, no deduction is allowed in respect of premium paid for life insurance of parents whether they are dependent or not. Therefore, no deduction is allowable in respect of ₹ 25,000 paid as premium for life insurance of dependent parents of Mr. Gurnam.

In respect of insurance policy issued on or after 01.04.2012, deduction shall be allowed for life insurance premium paid only to the extent of 10% of sum assured. In case the insurance policy is issued before

01.04.2012, deduction of premium paid on life insurance policy shall be allowed up to 20% of sum assured.

Therefore, in the present case, deduction of ₹ 25,500 is allowable in full in respect of life insurance of Mr. Gurnam's son since the insurance policy was issued before 01.04.2012 and the premium amount is less than 20% of ₹ 2,50,000. However, in respect of premium paid for life insurance policy of Mr. Gurnam himself, deduction is allowable only up to 10% of ₹ 2,00,000 since, the policy was issued on or after 01.04.2012 and the premium amount exceeds 10% of sum assured.

2. As per section 80D, in case the premium is paid in respect of health of a person specified therein and for health check-up of such person, deduction shall be allowed up to ₹ 25,000. Further, deduction up to ₹ 5,000 in aggregate shall be allowed in respect of health check-up of self, spouse, children and parents. In order to claim deduction under section 80D, the payment for health-checkup can be made in any mode including cash. However, the payment for health insurance premium has to be paid in any mode other than cash.

Therefore, in the present case, in respect of premium of ₹ 26,000 paid for health insurance of self and wife, deduction would be restricted to ₹ 25,000. Since the limit of ₹ 25,000 has been exhausted against medical insurance premium, no deduction is allowable for preventive health check-up for self and wife. However, deduction of ₹ 4,500 is allowable in respect of health check-up of his parents, since it falls within the limit of ₹ 5,000.

3. No deduction shall be allowed under section 80G in case the donation is made in cash of a sum exceeding ₹ 2,000. Therefore, deduction under section 80G is not allowable in respect of cash donation of ₹ 15,000 made to an institution approved for the purpose of section 80G for promotion of family planning.
4. As per section 80TTA, deduction shall be allowed from the gross total income of an individual or Hindu Undivided Family in respect of income by way of interest on deposit in the savings account included in the assessee's gross total income, subject to a maximum of ₹ 10,000. Therefore, deduction of ₹ 10,000 is allowable from the gross total income of Mr. Gurnam, though the interest from savings bank account is ₹ 14,500.

16. Examine the following statements with regard to the provisions of the Income-tax Act, 1961:

- (i) During the financial year 2020-21, Mr. Amit paid interest on loan availed by him for his son's higher education. His son is already employed in a firm. Mr. Amit will get the deduction under section 80E.
- (ii) Subscription to notified bonds of NABARD would qualify for deduction under section 80C.
- (iii) In order to be eligible to claim deduction under section 80C, investment/ contribution/ subscription etc. in eligible or approved modes, should be made from out of income chargeable to tax.
- (iv) Where an individual repays a sum of ₹ 30,000 towards principal and ₹ 14,000 as interest in respect of loan taken from a bank for pursuing eligible higher studies, the deduction allowable under section 80E is ₹ 44,000.
- (v) Mrs. Sheela, widow of Mr. Satish (who was an employee of M/s. XYZ Ltd.), received ₹ 7 lakhs on 1.5.2020, being amount standing to the credit of Mr. Satish in his NPS Account, in respect of which deduction has been allowed under section 80CCD to Mr. Satish in the earlier previous years. Such amount received by her as a nominee on closure of the account is deemed to be her income for A.Y. 2021-22.
- (vi) Mr. Vishal, a Central Government employee, contributed ₹ 50,000 towards Tier II account of NPS. The same would be eligible for deduction under section 80CCD.

Solution:

- (a) **The statement is correct.** The deduction under section 80E available to an individual in respect of interest on loan taken for his higher education or for the higher education of his relative. For this purpose, relative means, inter alia, spouse and children of the individual. Therefore, Mr. Amit will get the deduction under section 80E. It is immaterial that his son is already employed in a firm. This would not affect Mr. Amit's eligibility for deduction under section 80E.

- (b) **The statement is correct.** Under section 80C(2) subscription to such bonds issued by NABARD (as the Central Government may notify in the Official Gazette) would qualify for deduction under section 80C.
- (c) **The statement is not correct.** There is no stipulation under section 80C that the investment, subscription, etc. should be made from out of income chargeable to tax.
- (d) **The statement is not correct.** Deduction under section 80E is in respect of interest paid on education loan. Hence, the deduction will be limited to ₹ 14,000.
- (e) **The statement is not correct.** The proviso to section 80CCD(3) provides that the amount received by the nominee, on closure of NPS account on the death of the assessee, shall not be deemed to be the income of the nominee. Hence, amount received by Mrs. Sheela would not be deemed to be her income for A.Y. 2021-22.
- (f) **The statement is not correct.** Contribution to Tier II account of NPS would qualify for deduction under section 80C and not section 80CCD.

17. Examine the allowability of the following:

- (i) Rajan has to pay to a hospital for treatment ₹ 62,000 and spent nothing for life insurance or for maintenance of handicapped dependent.
- (ii) Raja, a resident Indian, has spent nothing for treatment in the previous year and deposited ₹ 25,000 with LIC for maintenance of handicapped dependent.
- (iii) Rajan has incurred ₹ 20,000 for treatment and ₹ 25,000 was deposited with LIC for maintenance of handicapped dependent.
- (iv) Payment of ₹ 50,000 by cheque to an electoral trust by an Indian company.

Solution:

- (i) The deduction of ₹ 75,000 under section 80DD is allowed in full, irrespective of the amount of expenditure incurred or paid by the assessee. If the expenditure is incurred in respect of a dependent with severe disability, the deduction allowable is ₹ 1,25,000.
- (ii) The assessee Rajan has deposited ₹ 25,000 for maintenance of handicapped dependent. The assessee is, however, eligible to claim ₹ 75,000 since the deduction of ₹ 75,000 is allowed in full, irrespective of the amount deposited with LIC. In the case of dependent with severe disability, the deduction allowable is ₹ 1,25,000.
- (iii) Section 80DD allows a deduction of ₹ 75,000 irrespective of the actual amount spent on maintenance of handicapped dependent and/or actual amount deposited with LIC. Therefore, the deduction will be ₹ 75,000 even though the total amount incurred/deposited is only ₹ 45,000. If the dependent is a person with severe disability the quantum of deduction is ₹ 1,25,000.
- (iv) Amount paid by an Indian Company to an electoral trust is eligible for deduction under section 80GGB from gross total income, since such payment is made otherwise than by way of cash.

- 18. For the Assessment year 2021-22, the Gross Total Income of Mr. Chaturvedi, a resident in India, was ₹ 8,18,240 which includes long-term capital gain of ₹ 2,45,000 taxable under section 112 and Short-term capital gain of ₹ 58,000. The Gross Total Income also includes interest income of ₹ 12,000 from savings bank deposits with banks and ₹ 40,000 interest on fixed deposits with banks. Mr. Chaturvedi has invested in PPF ₹ 1,20,000 and also paid a medical insurance premium ₹ 51,000. Mr. Chaturvedi also contributed ₹ 50,000 to Public Charitable Trust eligible for deduction under section 80G by way of an account payee cheque.**

Compute the total income and tax thereon of Mr. Chaturvedi, who is 70 years old as on 31.3.2021. Ignore the provisions of section 115BAC.

Solution:**Computation of total income and tax payable by Mr. Chaturvedi for the A.Y. 2021-22**

Particulars	₹	₹
Gross total income including long term capital gain		8,18,240
Less: Long term capital gain		2,45,000
GTI excluding LTCCG		5,73,240
Less: Deductions under Chapter VI-A:		
Under section 80C in respect of PPF deposit	1,20,000	
Under section 80D (it is assumed that premium of ₹ 51,000 is paid by otherwise than by cash. The deduction would be restricted to ₹ 50,000, since Mr. Chaturvedi is a senior citizen)	50,000	
Under section 80G (See Notes 1 & 2 below)	17,662	
Under section 80TTB (See Note 3 below)	50,000	2,37,662
Total income (excluding long term capital gains)		3,35,578
Total income (including long term capital gains)		5,80,578
Total income (rounded off)		5,80,580
Tax on total income (including long-term capital gains of ₹ 2,45,000)		
LTCCG ₹ 2,45,000 x 20%		49,000
Balance total income ₹ 3,35,580		1,779
Tax before cess		50,779
Add: Health and Education cess @4%		2,031
Total tax liability		52,810

Notes:**(1) Computation of deduction under section 80G:**

Particulars	₹
Gross total income (excluding long term capital gains)	5,73,240
Less : Deduction under section 80C, 80D & 80TTB	2,20,000
Adjusted GTI:	3,53,240
10% of the above	35,324
Contribution made	50,000
Lower of the two eligible for deduction under section 80G	35,324
Deduction under section 80G – 50% of ₹ 35,324	17,662

- (2) Deduction under section 80G is allowed only if amount is paid by any mode other than cash, in case of amount exceeding ₹ 2,000. Therefore, the contribution made to public charitable trust is eligible for deduction since it is made by way of an account payee cheque.
- (3) Deduction of upto ₹ 50,000 under section 80TTB is allowed to a senior citizen if gross total income includes interest income on bank deposits, both fixed deposits and savings account.
- (4) Mr. Chaturvedi, being a senior citizen is eligible for basic exemption of ₹ 3,00,000.

19. Mr. Rajmohan whose gross total income was ₹ 6,40,000 for the financial year 2020-21, furnishes you the following information:

- (a) Stamp duty paid on acquisition of residential house (self-occupied) - ₹ 50,000.
 (b) Five year post office time deposit - ₹ 20,000.
 (c) Donation to a recognized charitable trust ₹ 25,000 which is eligible for deduction under section 80G at the applicable rate.
 (d) Interest on loan taken for higher education of spouse paid during the year - ₹ 10,000.

Compute the total income of Mr. Rajmohan for the Assessment year 2021-22.

Solution:**Computation of total income of Mr. Rajmohan for the A.Y. 2021-22.**

Particulars	₹	₹
Gross Total Income		6,40,000
Less: Deduction under Chapter VI-A		
Under section 80C		
Stamp duty paid on acquisition of residential house	50,000	
Five year time deposit with Post Office	20,000	
TOTAL	70,000	
Under section 80E		
Interest on loan taken for higher education of spouse, being a relative.	10,000	
Under section 80G (See Note below)		
Donation to recognized charitable trust (50% of ₹ 25,000)	12,500	92,500
Total Income		5,47,500

Note: In case of deduction under section 80G in respect of donation to a charitable trust, the net qualifying amount has to be restricted to 10% of adjusted total income, i.e., gross total income less deductions under Chapter VI-A except 80G. The adjusted total income is, therefore, ₹ 5,60,000 (i.e. 6,40,000 – ₹ 80,000), 10% of which is ₹ 56,000, which is higher than the actual donation of ₹ 25,000.

Therefore, the deduction under section 80G would be ₹ 12,500, being 50% of the actual donation of ₹ 25,000.

- 20. Compute the eligible deduction under Chapter VI-A for the A.Y. 2021-22 of Ms. Roma, who has a gross total income of ₹ 15,00,000 for the A.Y. 2021-22 and provides the following information about her investments/ payments during the P.Y. 2020-21:**

Sl. No.	Particulars	Amount (₹)
1.	Life Insurance premium paid (Policy taken on 01-01-2012 and sum assured is ₹ 3,40,000)	35,000
2.	Public Provident Fund contribution	1,50,000
3.	Repayment of housing loan to Bhartiya Mahila Bank, Bangalore	20,000
4.	Payment to L.I.C. Pension Fund	1,40,000
5.	Mediclaime Policy taken for self, wife and dependent children, premium paid by cheque	30,000
6.	Medical Insurance premium paid by cheque for parents (Senior Citizens)	52,000

Solution:**Computation of eligible deduction under Chapter VI-A of Ms. Roma for A.Y. 2021-22**

Particulars	₹	₹
Deduction under section 80C		
Life insurance premium paid ₹ 35,000 (allowed in full since the same is within the limit of 20% of the sum assured, the policy being taken before 1.4.2012)	35,000	
Public Provident Fund	1,50,000	
Repayment of housing loan to Bhartiya Mahila Bank, Bangalore	20,000	
Total	2,05,000	
Restricted to a maximum of ₹ 1,50,000	1,50,000	
Deduction under section 80CCC for payment towards LIC pension fund	1,40,000	
	2,90,000	
As per section 80CCE, aggregate deduction under, inter alia, section 80C and 80CCC, is restricted to		1,50,000
Deduction under section 80D		
Payment of medical insurance premium of ₹ 30,000 towards medical policy taken for self, wife and dependent children restricted to	25,000	
Medical insurance premium paid ₹ 52,000 for parents, being senior citizens, restricted to	50,000	75,000
Eligible deduction under Chapter VI-A		2,25,000