

Name:

Enrolment No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, May 2019**

**Course: Taxation Law**

**Semester: X**

**Program: B.TECH.(CSE), LL.B. (Hons.) Cyber Laws/B. TECH.(ET), LL.B. (Hons.) IPR 2014**

**Time: 03 hrs.**

**Course Code: LLBL 443**

**Max. Marks: 100**

**Instructions: Each section contains separate instructions.**

S. No.	<b>SECTION A</b> <b>[2*5= 10 Marks]</b>	Marks	CO
Q 1	Write short notes on the following:  (i). Disputed income  (ii). Body of individuals  (iii). Association of persons  (iv). Concept of income  (v). Demonetization	2  2  2  2  2	2  2  1  1  5
<b>SECTION B</b> <b>[10*2= 20 Marks]</b>			
Q 2	What are General Anti Avoidance Rules? Explain with the help of relevant provisions.	10	4
Q 3	What is place of effective management? Discuss.	10	4
<b>SECTION-C</b> <b>[10*2= 20 Marks]</b>			
Q 5	What do you understand by the term leave encashment? Explain the tax treatment of earned leaves under the Income Tax Act, 1961.	10	3
Q 6	What is Double Taxation Avoidance Agreement? Discuss with the help of relevant provisions and case laws.	10	3
<b>SECTION-D</b> <b>[50 Marks]</b>			
Q 7	'X' an American national, is a resident in India during the Previous Year which ended on 31.03.2016. He was the owner of a building located in New York. The same was on rent @US \$ 12,500 p.m. The Municipal Corporation of New York was paid taxes	25	3

	<p>on such building of US\$ 10,000 on 12.2.2016. 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 of a dairy @ INR 3,000-p.m w.e.f. 1.10.2015. The value of one US \$ in Indian rupee throughout the year remained INR 66.50.</p> <p>'X' wants to know his taxable income for assesment year 2016-17.</p>		
Q 8	<p>X comes to India, for the first time on June 19, 2007. During his stay in India up to November 15, 2010, he stays at Mumbai up to May 20, 2010 and thereafter remains in Kerala till his departure from India. Determine his residential status for the assessment year 2011-12.</p>	<b>10</b>	<b>3</b>
Q 9	<p>X, a foreign citizen, comes to India for the first time on July 12, 2010. On September 16, 2010, he leaves India for Japan on a business trip. He comes back on January 21, 2011. On January 29, 2011, he leaves for UAE. Determine his residential status for the assessment year 2011-12. Does it make any difference if X is a person of Indian origin?</p>	<b>10</b>	<b>3</b>
Q 10	<p>Municipal valuation of a house is INR 3,00,000, its fair rent is INR 4,00,000 whereas its standard rent is INR 3,60,000. This house property is let for INR 27,500 p.m. It remained vacant for 3 months. Municipal taxes paid INR 60,000.</p> <p>Compute annual value of the house.</p>	<b>5</b>	<b>3</b>

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**Instructions: Each section contains separate instructions.**

S. No.	SECTION A [2*5= 10 Marks]	Marks	CO
Q 1	Write short notes on the following:  (i). Deemed ownership  (ii). Composite Rent  (iii). Tax Evasion  (iv). Demonetization  (v). Input Tax Credit	2  2  2  2  2	1  2  3  6  5
<b>SECTION B</b> <b>[10*2= 20 Marks]</b>			
Q 2	What is tax planning? Discuss the kinds of tax planning.	10	4
Q 3	Discuss the process of computation of income under the head Income from 'Salaries'. Whether amount received as honorarium is salary?	10	2
<b>SECTION-C</b> <b>[20 Marks]</b>			
Q 4	What are General Anti Avoidance Regulations? Explain it in relation to the provisions of the Income Tax Act 1961.	10	4
Q 5	If everything about tax havens is so clandestine, why haven't they been banned at the outset? Comment.	5	4
Q 6	What do you understand by Special Economic Zone (SEZ)? Discuss the provisions with respect to deductions in respect of newly established units in SEZ.	5	
<b>SECTION-D</b> <b>[50 Marks]</b>			
Q 7	HSP Ltd., a company operating chain of hotels charges a nominal amount of Rs. 50 in each bill of the resident guests which is specifically earmarked only for the purpose of 'local charities'. This amount of Rs. 50 so collected in each bill is credited to a separate	25	3

	<p>account named 'Charity Account'. The Assessing officer doing assessment for A.Y. 2015-16 has issued a show cause notice to tax this amount of charity as income of the company for the relevant assessment year. The company, for objecting the stand of the Assessing officer, consults you and seeks your opinion. Please prepare a brief and advise.</p>		
Q 8	<p>All receipts are not assessable to tax. All receipts by an assessee cannot necessarily be deemed to be income of the assessee for the purpose of the income-tax and the question whether any particular receipt is income or not depends on the nature of the receipt and the true scope and effect of the relevant taxing provision.</p> <p>Answer the following questions in light of the above:</p> <ol style="list-style-type: none"> <li>a. What do you understand by application of income? Discuss with the help of case laws and relevant examples.</li> <li>b. What do you understand by diversion of income? Discuss with the help of case laws and relevant examples.</li> <li>c. What is the difference between capital receipt and revenue receipt? Whether all the capital and revenue receipts taxable?</li> </ol>	<p><b>10</b></p> <p><b>10</b></p> <p><b>5</b></p>	<p><b>3</b></p> <p><b>3</b></p> <p><b>3</b></p>