

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May,2020

Course: Adjudication of Tax Related Disputes

Programme: B. Com, LLB(H), Taxation Law,2015

Instructions: All questions are compulsory.

[Q 1 to Q 6 are 5 marks each,

Q 7 to Q 11 are 10 marks each,

Q 12 of 20 marks]

Semester: X

Time: 03 hrs.

Max. Marks: 100

SECTION A

S. No.		Marks	CO
Q 1	<p>Specify whether the following acts can be considered as (i) Tax Planning; or (ii) Tax Management; or (iii) Tax Evasion</p> <p>(a) Mr. M deposits Rs. 1,00,000 in PPF account so as to reduce his total income from Rs. 5,90,000 to Rs. 4,90,000.</p> <p>(b) A company installed an air-conditioner costing Rs. 75,000 at the residence of a director as per terms of his appointment but treats it as fitted in quality control section in the factory. This is with the objective to treat it as plant for the purpose of computing depreciation.</p> <p>(c) An individual tax payer making tax saver deposit of Rs. 1,00,000 in a nationalised bank.</p> <p>(d) ABC Ltd. maintains register of tax deduction at source effected by it to enable timely compliance.</p> <p>(e) SR Ltd. issued a credit note for Rs. 80,000 as brokerage payable to Mr. Rohit who is the son of the managing director of the company. The purpose is to increase the total income of Mr. Rohit from Rs. 4,20,000 to Rs. 5,00,000 and reduce the income of SR Ltd. correspondingly.</p>	5	CO1
Q 2	<p>As per Section 116 of the Income Tax Act, state all the Income Tax Authorities from top to bottom.</p>	5	CO2
Q 3	<p>State the fees to be paid in case of an appeal made to the Commissioner (Appeals) as per the Income Tax Act, 1961.</p>	5	CO1

Q 4	State with reason whether you agree or disagree with the following statement – “Time limit for filing return u/s 139(1) in the case of Mr. A having total turnover of Rs. 160 lakhs for the year ended 31.03.2020, whether or not opting to offer presumptive income u/s 44AD, is 30 th September 2020.”	5	CO3
Q 5	Briefly explain the term “return of loss” under the Income-tax Act, 1961. Can any loss be carried forward even if return of loss has not been filed as required?	5	CO2
Q 6	Mr. Karan appoints you as the Advisor and wants to know the following: He wants to file an application before the Appellate Authority in GST and wants to know the amount which he is required to pay as “Pre- Deposit” along with the application. Tax, interest and fee admitted by him is Rs. 5,00,000 and Tax in Dispute is Rs. 25,00,000.	5	CO3
SECTION B			
Q 7	Discuss the powers of Commissioner (Appeals) while considering an appeal filed by an assessee challenging the order of assessment in respect of which the proceedings before the Settlement Commission abates.	10	CO4
Q 8	An Assessee, who is aggrieved by all of the following orders, is desirous to know the available remedial measures and the time limit against each, under the Income Tax Act, 1961: (i) Passed under Section 143 (3) by Assessing Officer, (ii) Passed under Section 254 by the Income Tax Appellate Tribunal. Advise him suitably.	10	CO3
Q 9	Answer the following points with respect to Appeals to Appellate Authority (AA) under section 107 of CGST Act: a. Orders against which appeal can be filed to AA. b. Time limit for filing appeal and Form for appeal to AA by the Assessee c. Mandatory pre-deposit for filing appeal	10	CO2
Q 10	For facilitating expeditious resolution of disputes, the Income Tax Act, 1961 has provided for “alternate dispute resolution mechanism”. In this context you are required to answer the following: (i) What meanings have been assigned to “dispute resolution panel” and the “eligible assessee” under this mechanism? (ii) Explain the procedure of making an application to Dispute Resolution Panel and the action taken by Dispute Resolution Panel on receipt of such application?	10	CO3

Q 11	<p>On an application made by Mr. Ajay Jain, an order was passed by the Settlement commission on 30.1.2019 u/s 245D (4). The said order had a mistake apparent from record. The Settlement Commission passed an amended order dated 30.4.2019 which resulted in modifying the liability of Mr. Ajay Jain.</p> <p>Mr. Ajay Jain is of the view that the order of the Settlement Commission is final and conclusive and it has no power to rectify the said mistake. You are required to examine the following:</p> <p>(i) Correctness of claim made by Mr. Ajay Jain. (ii) Validity of the order amended by Settlement Commission</p>	10	CO2
SECTION-C			
Q 12	<p>Discuss the following with respect to Income Tax Act, 1956:</p> <p>a. Commissioner (Appeals) has no power to decide a matter that was not raised before him. b. An appeal shall lie to the Tribunal against the order of CIT(Appeals). c. A case before the Appellate Tribunal cannot be dealt when there is a difference of opinion amongst the members of the bench. d. An appeal shall lie to the High Court against the order of the Tribunal.</p>	20	CO4