

VOLUME NO.: LLAT/ 332 OF 2010-11

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Dear Client,

We have pleasure in listing below some of the recent legal landmarks.

SR. NO.	AUTHORITY CITATIONS	SECTION/RULES/ SUBJECT	RATIO(S) CASE (NAME OF ASSESSEE)
1.1	MAD- TRIB	2(47)(V), 45 254(1), ITA	Capital gains being assessable in AY.2002-03, direction is given to the AO to give credit for the tax already paid by the 'a' on this very income in the later years as such direction is necessary for disposal of the appeal.
1.2	128 TTJ 1	Cap. Gain	Standard Fire Works (P) Ltd
2.1	DEL - TRIB	163(1)(C), ITA	'a' company couldn't be treated an agent of expatriate employees of associate company were deputed to work 'a's jackup rig in India under technical assistance agreement as expatriate personnel didn't receive any income directly/indirectly from 'a'
2.2	127 TTJ 210	Agent	Pride Foramer S.A.S.
3.1	DEL - TRIB	Art.73(1)(b), 226 ITA	It would not be within the domain of exercise of writ jurisdiction under article 226 of the constitution of India to issue direction with regard to governance of international tax treaties in India.
3.2	w.p.(c)1357	DTAA	Shiva Kant Jha
4.1	MUM - TRIB	Art 24, DTAA	Tax rates prescribed in the finance act has to be applied even if an 'a' company is covered by the provision of DTAA
4.2	ITA No.525	DTAA	State Bank of Mauritius Ltd
5.1	AHD - TRIB	115JB, 80IB, 80HHC, ITA	Expl. to s.115JB does not permit any adjustment with reference to deduction u/s80IB &, therefore, deduction u/s80IB cannot be reduced from the book profit of the 'a' while computing the deduction u/s 80HHC in the context of a MAT assessment.
5.2	127 TTJ 723	MAT	Cello Pens & Stationery (P) Ltd.
6.1	BOM - ITAT	234A, 234B, 234C ITA	When employer has already discharged tax liability of employee with interest payable , no further u/s 201(1A) interest can be claimed by revenue from employee u/s234A or 234B or 234C.[Assessment year 2001-02] [In favour of assessee].
6.2	17 CPT 35	Interest	Emilio Ruiz Berdejo

Please let us know if you need any further information on these.
Thanking you and assuring you of our best services at all times.

Yours Faithfully,
For **Anand Mehta & Co.**
(CONSULTANTS) PVT. LTD.
Anand V. Mehta
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A mind of a consultant with a heart of a friend.

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