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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	P&H - TRIB	<b>36(1)(vii), ITA</b>	S.36(1)(vii)-Bad debts-deduction:-'a' having valid reason for judging that amount not recoverable-Fact that 'a' obtained a decree to recover debt not mean that debt was not bad-whether 'a' entitled to deduction of bad debt-Held, Yes.
1.2	320 ITR 153	<b>Bad Debts</b>	Punjab Tractors Ltd.
2.1	BANG - TRIB	<b>40A(3), ITA</b>	Bus. expenditure-Disallowance-Pyt made otherwise than by crossed chq./bank drafts-Nature of bus. & evidence in form of bills & cash memos-Exceptional circumstances explained by the 'a'- whether cash pyt to be allowed - Held, Yes.
2.2	320 ITR 185	<b>Disallowance</b>	Raja Pal Automobiles
3.1	DEC - HC	<b>40(a)(i), ITA</b>	'a'having paid the tax in respect of the technical fee to a foreign entity only in the relevant year, it is entitled to ded. of such technical fee in the CY even though it was relevant to the earlier year & was't shown as payable in the 'a's account.
3.2	229 CTR 24	<b>Bus. Expn.</b>	SMCC Construction India
4.1	MUM - TRIB	<b>Art. 6(2), ITA</b>	Supply of know-how with a license to use without any limitation for its own use, does not qualify as 'royalty' under article 6(2)of the Indo-Austria treaty.
4.2	33 SOT 243	<b>DTAA</b>	Indian Oil Corporation Ltd.
5.1	DEL - AAR	<b>Art.12(3), DTAA</b>	It is clear from the wording of protocol, dated 24-2-2006, between India & Japan, that the amended rate of Tax at 10% will be applicable on royalty from assessment year 2008-09 onwards.
5.2	AAR No.830	<b>DTAA</b>	Sumitomo Mitsul Construction Co. Ltd.
6.1	MUM - TRIB	<b>Art. 12(4), DTAA</b>	To prove that a payment is fees for 'included service', it is the duty of the 'a' to lead evidence, so as to prove that his submissions are in tune with the facts. (Treaty between India & US)
6.2	ITA No.3713	<b>DTAA</b>	McKinsey & Co.Inc. UK

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.  
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DIRECTOR

**A mind of a consultant with a heart of a friend.**

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