SOURCE-TAXMANN
DEEPAK GUPTA

25 BEST INCOME-TAX JUDGMENTS IN THE YEAR 2018

I. SC upholds linking of Aadhaar number with PAN

[Justice K.S. Puttaswamy (RETD.) v. Union of India [2018] (SC)]

II. Discounts offered by Flipkart.com to buyers aren't intangible assets: ITAT

[Flipkart India Private Limited v. ACIT [2018] (Bangalore - Trib.)]

III. Gift received by an individual from HUF isn't exempt: ITAT

[Gyanchand M. Bardia v. ITO [2018] (Ahmedabad - Trib.)]

IV. Sec.68 additions not tenable on grounds that relatives gave gift without any occasion: High Court

[Pendurthi Chandrasekhar v. DCIT [2018] (Hyderabad)]

V. MasterCard shall have a PE in India and its fees for processing card payments taxable as business income: AAR

[MasterCard Asia Pacific Pte. Ltd., In re. [2018] (AAR - New Delhi)]

VI. Market value of other business assets not relevant to determine FMV value of unlisted shares of a co.

[Minda S M Technocast (P.) Ltd. v. ACIT [2018] (Delhi - Trib.)]

VII. Domain registration fee received by 'GoDaddy' is taxable as royalty: ITAT

[Godaddy.com LLC v. ACIT [2018] (Delhi - Trib.)]

VIII. HC upheld additions on basis of 'window-dressed' financials prepared for bank loans

[Binod Kumar Agarwala v. CIT [2018] (Calcutta)]

IX. Sachin Tendulkar' entitled to vacancy allowance as he failed to find tenant for vacant flat

[Sachin R. Tendulkar v. DCIT [2018] (Mumbai - Trib.)

X. Sum received on relinquishment of 'right to sue' is non-taxable capital receipt: ITAT

[Bhojison Infrastructure (P.) Ltd. v. ITO [2018] (Ahmedabad - Trib.)]

XI. **AO should apprise counsel on all facts to avoid delays in disposal of cases: HC**

[PCIT v. Grasim Industries Ltd [2018] (Bombay)]

XII. **Mushroom farming is an agricultural operation even if vertical space is used instead of horizontal space on soil**

[DCIT v. Inventaa Industries (P.) Ltd. [2018] (Hyderabad - Trib.)]

XIII. **Delhi HC directs I-T Dept. to allow filing of ITR without Aadhaar No**

[Shreyasen, & Anr. v. Union of India & ORS [2018] (Delhi)]

XIV. **No capital gain tax on 'Power of Attorney' holder just because real owner didn't file ITR: ITAT**

[Samir Trikambhai Patel v. ITO [2018] (Ahmedabad - Trib.)]

XV. **Brand promotion by 'Shilpa Shetty' not an international transaction in absence of prerequisite agreement**

[Shilpa Shetty v. ACIT [2018] (Mumbai - Trib.)]

XVI. **Compensation received by 'Jackie Shroff' for withdrawing criminal case was capital receipt and not taxable**

[ACIT v. Jackie Shroff - [2018] (Mumbai – Trib.)]

XVII. **Reopening of cases of Rahul Gandhi and Sonia Gandhi is valid as they failed to disclose shares allotted in excess of FMV: HC**

[Sonia Gandhi v. ACIT [2018] (Delhi)

XVIII. **ITAT grants stay of demand for non-deduction of tax by 'Uber' from payment made to drivers**

[Uber India Systems (P.) Ltd. v. JCIT [2018] (Mumbai - Trib.)]

XIX. **Excess share premium not taxable in hands of closely held co. if its shareholders are relatives: ITAT**

[Vaani Estates (P.) Ltd. v. ITO [2018] (Chennai - Trib.)]

XX. **No concealment penalty if assessee has bonafide belief that notional income isn't taxable: ITAT**

(DCIT v. Shah Rukh Khan [2018] (Mumbai - Trib.)]

XXI. Australia has taxing rights under Australia-India DTAA even if there is no provision in its domestic law: Australian Court

[Satyam Computer Services Ltd. (Now Tech Mahindra Limited) v. Commissioner of Taxation [2018] (FC-Australia)]

XXII. Madras HC quashes proceedings initiated under Black Money Act against Chidambaram family

[Srinidhi Karti Chidambaram v. PCIT [2018] (Madras)]

XXIII. Sum received by Sushmita Sen as compensation for being sexually harassed not taxable

[Sushmita Sen V. ACIT [2018] (Mumbai - Trib.)

XXIV. Payment of advance salary to defeat purpose of demonetization won't come under purview of benami transaction

[G. Bahadur v. ACIT [2018] (PBPTA – AT)]

XXV. Priyanka Chopra shall pay tax on car gifted to her by 'Toyota' for brand promotion: Mumbai ITAT

[Priyanka Chopra v. DCIT [2018] (Mumbai - Trib.)]