Case	Section	Ratio Decidendi	Conclusion
1] Saurashtra Cement (2010)	-	Liquidated damages were directly and intimately linked with procurement of capital asset.	Capital Receipt
2] Priya Village Roadshows	37(1) 35D	Feasibility expenses for taking over theatre and converting into multiplex same line of business.	Allowed deduction 37(1) as project dropped otherwise 35D.
3] Great City Mfg Co.	40(b) 40A(2)	Remuneration to working partners within limit u/s 40(b) but excessive as 40 A(2) [General Rule]	Remuneration not disallowed as specific rule prevails over general.
4] BSES Yamuna Powers	Depreciation	Accessories are part & parcel cannot be used standalone without computer	Dep @ 60% same as computer.
5] Supreme Renewable Energy Ltd.	43(1) 199	All incidental cost/income added deducted S.43(1) A'ee gets Cr. of TDS if deducted.	A'ee will get TDS credit deducted on Interest charges.
6] Rassi Cement Ltd Subsidy → Capital / Revenue Capital → Purchase F.A. / Others Purchase F.A.: Deduct from cost [S.43(1)] Others: No tax treatment Revenue: Taxable S.41(1) or S.28	Subsidy	Purpose for which subsidy given decides the nature of subsidy. Mechanism of calculation not important.	Actual power consumption so treated as revenue and so taxable.
7] Orient Ceramics & Industries Ltd.	37(1)	Expenses incurred every year for maintainance of glow sign boards.	Revenue expd. allowed ded^n u/s 37(1)

Case	Section	Ratio Descidendi	Conclusion
19] ICICI Bank Ltd	143 (3) 147 263	Revision is not valid because sub. matter of revision are in relation to order U/s 143(3). 2 years period elaped. Doctrine of merger cannot be applied	It is not valid since 2 years elapsed from main subject matter.
20] Dr. Aswath N. Rao	Revenue expd.	Purpose of use is parts use. So it is a revenue expenditure.	Allowed as revenue expenditure
21] Praveen Soni	80 IB	Nowhere it is stipulated to claim deduction from 1st year itself	It can claim deduction from any year upto period of entitlement would accrue.
22] K and Co.	-	Margin money dep. has direct nexus with business of A'ee. [For obtaining bank guarantee]	Taxable under IFBP.
23] PP Engineering work	-	A re-opening of assessment is valid even after 6 years if it is to give effect to finding or direction of higher authority.	Yes, it can reopen to honour higher authority order
24] Idea Cellular	194H	Principal to Agent. Public is dependent on Idea for services of sim card.	Subject to TDS commission u/s 194H.

Case	Section	Ratio Descidendi	Conclusion
8] DCM Ltd.	-	Co. continues business only a unit is shut. Closure of 1unit is not closure of full business.	Retrenchment compensation allowed as revenue expenditure.
9] Syed Ali Adil	54	Exemption is on purchase of Resi House not Resi unit. Even if more than 1 house purchased but intended to use as single.	Exemption allowed on cost of 2 adjacent houses to be used as single house.
10] Smifs Securities	32(1)	Any other business or commercial rights of similar nature will include Goodwill arising from excess consideration on net assets on T/o.	Goodwill as intangible asset. allowed dep.
11] Karimangalam Onriya Pengal Semipu Amaipu	12AA	Time frame mentioned in 12AA(2) is directory in nature not mandatory	Trust shall not be deemed registered if 6m elapsed from application
12] Steel Authority of India Ltd.	43(1)	loan granted specifically for asset. So waiver of such loan has to be deducted from cost according to S. 43(1)	Reduce from actual cost for depreciation purpose. Waiver of loan not taxable.
13] Sulzer India Ltd	41(1)	There is no remission / Cessation of trading liability	Remittance of deferred tax sales liability at NPV will not result as income.

Case	Section	Ratio Decidendi	Conclusion
35] M. Venkateshwara Rao	68	Firm received capital contribution and explained that it was received from partners. From where partners received income is not Q for Firm	Non explaning source of partners source of income will attract S.68 is not tenable.
36] Jk synthetics Ltd	-	A'ee had deep interest in the subsidiary's existence and business so it repaid instalments which were allowed as deduction.	Claim for deduction of interest by assessee holding Co. is allowable.
37] Dharmpur Sugar Mill	-	laying of transmission lines was clearly on revenue account. The lines so erected, vested absolutely in UPPCL.	Not an advantage of capital nature.
38] TN Tourism Dev. Corporation Ltd.	28	The assessee received Franchisee fee for giving special right or privilege to the franchisees to undertake tourism business in property.	Income is business income and not House property
39] Amarnath Aggrawal	148	Two conditions to issue notice u/s 148 after 4 years i) escapment of income>1L ii) Omission or failure on part of A'ee to disclose fully & truly all material facts.	Issuing notice after 4 years is not valid in this case.

Case	Section	Ratio Decidendi	Conclusion
40] Lark Chemicals Ltd.	263	Time period of 2 years for the revision is from the order in which the items of revision are touched.	It is not tenable since subject matter is not in question of original order
41] Nayan Builders & Developers	271(1)(c)	When HC admits substantial QOL on an addition, it becomes apparent that addition is debatable.	Penalty cannot be levied U/s 271(1)(c)
42] Muthoot Financiers	271 D 269SS, 269T	Genuineness of txn, sources of funds, parties to txn all verified. Debatable issue.	No penalty levied.
43] UCO Bank	194A	Payee should exist to receive income and to fit in machinery provisions of TDS Registrar General is neither recipient of amt or interest accruing	Credit by bank in name of Registrar General not attract provisions of S.194A.
44] Uttar Pradesh Carbon & Chemicals Ltd	226(3)	TRO acts in limited scope, cannot proceed to adjudicate the dispute between parties.	Treating the petitioner as an assessee in default for the amt cannot be sustained.

Case	Section	Ratio Decidendi	Conclusion
30] Vir Vikram Vaid	2(22)(e)	Expd. for repairs/renovation cannot be brought within scope of loan or advance to shareholder although shareholder is owner of building occupied by Co.	Repair Renovation in premises of Co. owned by shareholder is not deemed dividend.
31] Govindbhai Mamaiya	AOP	Taxed individually as the individuals have not jointly carried out any venture. It is gain from inherited property by compulsory acquisition.	Income from asset inherited by legal heirs is taxable in their individual hands.
32] Hemant Kumar Sindhi	132B(1)(i)	The liability is determined on the completion of assessment and it would stand crystallized and in pursuance of which demand/recovery initiated.	Adjustment of tax liability after search but before ascertaining liability is not allowed.
33] Indus Towers Ltd	194C 194 I	The dominant intention was the use of equipment/plant or machinery. Use of premises was only incidental.	Deduct tax @ 2% as per section 194-I(a) renting P/M.
34] Wizcraft Intl. Ent. (P) Ltd.	195	Service rendered by the agent was outside India and hence not chargeable to tax in India.	No dedn of TDS u/s 195

Cases	Section	Ratio Descidend;	Conclusion
14] Mehak Finvest P.Ltd	147	A.O. can touch other incomes assessment eventhough the main escaped income is not assessed.	Reassessment of issues other than issues in respect of which Reason to believe cease to exist for original income
Contrary view expressed in Ranbaxy Ltd.			
15] All anasons Ltd	143(3) 147	Ruling of HC/ITAT is not adequate for reoping assessment completed earlier unless A'ee fails to furnish all info.	Reassessment beyond 4 years is not valid.
16] Peterplast Synthetics P.Ltd	254(2)	The A'ee should know the mistake in order to rectify the mistake. 4 years to be reckoned from the receipt of the order	The Tribunal was wrong in dismissing the application on ground that it was barred by limitation.
17] Samsung India Electronics P.Ltd.	148	The right course of action is to demand reasons to believe and file return u/s 148.	Not permit the petitioner to bypass and forego the procedure. The A.O will pass speaking order on the objections raised by A'ee.
18] Indersons Leather P.Ltd	271(1)(c)	Penalty U/s. 271(1)(c) is imposed for concealing by providing inaccurate facts. There is no Q of inaccuracy. It is Q. of law and debatable.	Penalty under 271(1)(c) cannot be imposed on mere debatable issue

Case	Section	Ratio Decidendi	Conclusion
25] Kirloskar Oil Engines Ltd	Subsidy	Purpose of subsidy matters Time, source, manner is immaterial. Here, subsidy is for setting up a new unit.	Capital receipt. Not chargeable to tax
~~26] Khetri Trust~~			
26] Ramoji Foundation	12AA	Power has been given to trustees without approaching civil court, deed can be amended. Approaching is mandatory when no such power granted	Revenue will consider and rely on the amended deed and grant registration U/s. 12AA.
27] Controls & Switchgear Contractors Ltd	115-O	Dividend will be paid to all shareholders not select shareholders. Also, Co. is correct in giving comm. for their services [director]	No disallowance of amount as commission to directors for guarantors of loan.
28] IBM Global Services India P Ltd.	-	The right to use database was acquired but as it is Co. was not precluded from its use. Expd. to employees was for training & development so expense is in revenue nature.	Expenses of use of customer database and transfer of trained personnel can be claimed as Revenue expenditure.
29] Amarshiv Construction P. Ltd.	-	Mere tax deduction [TDS] will not decide taxability. The right to receive amount is subject to conditions. Also the release of retention money is not ultimate receipt. Bank guarantee may fail.	Receipt not chargeable to tax.