

VOLUME NO.: LLAT/2994 OF 2020-21

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Dear Client,

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

SrNo	Authority Citation	Section,act/rule /Subject	RATIO(S) CASE(NAME OF ASSESSEE)
1.1	HC_Gujarat	153A, ITA	When no incriminating material related to relevant AY was found during search, assessment u/s 53A could not be made for the AY for which assessment had been concluded on date of search and not abated
1.2	120TM82	Assessment	Rameshbhai Jivraj Desai
2.1	HC_Madras	148, ITA	Matter remanded back to AO to re-examine issue of taxability, year of taxability and fair market value for computing when the reopening notice was sent after the period of limitation.
2.2	120TM105	Assessment	Emgeeyar Pictures (P.) Ltd.
3.1	HC_Mumbai	80IC, ITA	Mere non furnishing of no. of workers in Form 10CCB is of technical and venial nature which can be rectified especially when the material even before the assessment had the required details. It is not so fatal as to merit penalty of disallowance.
3.2	109CCH0012	Deductions	Borkar Packaging Pvt Ltd
4.1	HC_Bombay	35E, ITA	S. 35E appl when material indicates that amt paid to lessees was not towards acquisition of right in mine but towards expenditure on developments like roads, trenches etc when agreement mandated sharing of 40% of the extracted ore with the mining lessees.
4.2	109CCH0014	PGBP (Deduction)	Mukhtar Minerals Pvt Ltd
5.1	ITAT_Ahmedabad	36(2), ITA	Claim u/s 36(1)(vii) for bad debt written off is independent of s.36(1)(viiia) for provisioning for loans and advances. Both can be availed unless there is overlap or dual deduction, one on account of provision of bad debt and another at time of actual write off.

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 & Associates.*
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