

MOCK TEST PAPER MAY 2020

MOCK TEST PAPER – 1 INTERMEDIATE (NEW) COURSE PAPER – 4: TAXATION

Time Allowed – 3 Hours

Maximum Marks – 100

SECTION – A: INCOME TAX LAW (60 MARKS)

Working Notes should form part of the answer. Wherever necessary, suitable assumptions may be made by the candidates and disclosed by way of a note. However, in answers to Question in Division A, working notes are not required.

The relevant assessment year is A.Y.2020-21.

Division A – Multiple Choice Questions

Write the most appropriate answer to each of the following multiple choice questions by choosing one of the four options given. All questions are compulsory.

Question 1

(4 X 2 Marks)

Ananya Gupta, a citizen of India, lives with her family in New York since the year 2000. She visited India from 23rd March, 2019 to 28th September, 2019 to take care of her ailing mother. In the last four years, she has been visiting India for 100 days every year to be with her mother. She owns an apartment at New York, which is used as her residence. The expected rent of the house is \$ 32,000 p.a. The value of one USD (\$) may be taken as ₹75. Municipal taxes paid in New York in January, 2020 is \$ 2,000.

She took ownership and possession of her house in New Delhi on 25th March, 2019, for self-occupation, while she is in India. The municipal valuation is ₹4,20,000 p.a. and the fair rent is ₹4,50,000 p.a. She paid property tax of ₹22,000 to Delhi Municipal Corporation. She had taken a loan of ₹16 lakhs @ 10% p.a. from IDBI Bank on 1st April, 2016 for constructing this house. No amount has been paid towards principal repayment so far. The house is vacant for the rest of the year i.e., from October 2019 to March 2020.

She had a house property in Mumbai, which was sold on 28th March, 2019. In respect of this house, she received arrears of rent of ₹3,00,000 on 4th February, 2020. This amount has not been charged to tax earlier.

Based on the above information, choose the most appropriate option of the following Multiple Choice Questions (MCQs) for A.Y. 2020-21:-

- (i) What would be the residential status of Ananya Gupta for A.Y.2020-21?
 - (a) Resident and ordinarily resident
 - (b) Resident but not ordinarily resident
 - (c) Resident; Not possible to determine whether she is ordinarily resident or not since number of days of stay in the last seven years is not given in the question
 - (d) Non-resident
- (ii) Ms. Ananya Gupta can claim benefit of “Nil” Annual Value under section 23(2) in respect of -
 - (a) Her Delhi house
 - (b) Her New York house, since it is more beneficial; her Delhi house will be deemed to be let out and expected rent would be the annual value.
 - (c) Her Delhi house alone; her New York house will be deemed to be let out and expected rent would be the annual value.
 - (d) Both her Delhi house and New York house, since benefit of Nil Annual value u/s 23(2) is available in respect of two house properties.
- (iii) What is the income chargeable under the head “Income from house property” of Ananya Gupta for A.Y.2020-21?
 - (a) ₹15,85,000

- (b) ₹3,09,600
- (c) ₹1,00,000
- (d) ₹10,000

(iv) Assuming that, for the purpose of this MCQ alone, Ananya Gupta has let out her flat in New York during the six months (April to September) when she is in India, for a sum of \$ 6,000 p.m. Such rent was received in a bank account in New York and then remitted to India through approved banking channels. What would be the income from house property chargeable to tax in her hands in India for A.Y.2020-21?

- (a) ₹10,000
- (b) ₹17,85,000
- (c) ₹17,95,000
- (d) ₹18,85,000

Answers: 1 (i) (d), 1 (ii) (a), 1 (iii) (d), 1 (iv) (a)

Question 2

(2 Marks)

Mr. Ram acquired a house property at Chennai from Mr. Satyam, a resident, for a consideration of ₹85 lakhs, on 23.8.2019. On the same day, Mr. Ram made two separate transactions, thereby acquiring an urban plot in Gwalior from Mr. Vipun for a sum of ₹50 lakhs and rural agricultural land from Mr. Danish for a consideration of ₹75 lakhs. Which of the following statements are correct?

- (a) No tax deduction at source is required in respect of any of the three payments.
- (b) TDS @ 1% is attracted on all the three payments.
- (c) TDS @ 1% on ₹85 lakhs and ₹50 lakhs are attracted. No TDS on payment of ₹75 lakhs for acquisition of rural agricultural land
- (d) TDS @ 1% on ₹85 lakhs is attracted. No TDS on payments of ₹50 lakhs and ₹75 lakhs.

Answer: (c)

Question 3

(2 Marks)

Mr. Ramesh, a citizen of India, is employed in the Indian embassy in the Australia. He is a non-resident for A.Y. 2020-21. He received salary and allowances in the Australia from the Government of India for the year ended 31.03.2020 for services rendered by him in the Australia. In addition, he was allowed perquisites by the Government. Which of the following statements are correct?

- (a) Salary, allowances and perquisites received outside India are not taxable in the hands of Mr. Ramesh, since he is non-resident.
- (b) Salary, allowances and perquisites received outside India by Mr. Ramesh are taxable in India since they are deemed to accrue or arise in India.
- (c) Salary received by Mr. Ramesh is taxable in India but allowances and perquisites are exempt.
- (d) Salary received by Mr. Ramesh is exempt in India but allowances and perquisites are taxable.

Answer: (c)

Question 4

(2 Marks)

Mrs. Shivani, wife of Mr. Anurag, is a partner in a firm. Her capital contribution of ₹5 lakhs to the firm as on 1.4.2019 included ₹3.5 lakhs contributed out of gift received from Anurag. On 10.4.2019, she further invested ₹2 lakh out of gift received from Anurag. The firm paid interest on capital of ₹50,000 and share of profit of ₹60,000 during the F.Y.2019-20. The entire interest has been allowed as deduction in the hands of the firm. Which of the following statements is correct?

- (a) Share of profit is exempt but interest on capital is taxable in the hands of Mrs. Shivani.
- (b) Share of profit is exempt but interest of ₹39,286 is includible in the income of Mr. Anurag and interest of ₹10,714 is includible in the income of Mrs. Shivani.

- (c) Share of profit is exempt but interest of ₹35,000 is includible in the income of Mr. Anurag and interest of Rs.15,000 is includible in the income of Mrs. Shivani.
- (d) Share of profit to the extent of ₹42,000 and interest on capital to the extent of ₹35,000 is includible in the hands of Mr. Anurag.

Answer: (c)

Question 5

(2 Marks)

Mr. Raj, an Indian citizen and a Government employee, left India for the first time on 25.03.2019 on account of his transfer to High Commission in Singapore. During P.Y. 2019-20, he visited India only for ten days on occasion of his sister's marriage. During F.Y. 2019-20, his income composition includes salary, foreign allowances, rent from property in Singapore and interest earned from fixed deposits maintained with SBI. His taxable income for P.Y. 2019-20 will include:

- (a) All of them, since Mr. Raj is a resident in India, hence his global income will be taxable
- (b) Only interest earned from fixed deposits maintained in India
- (c) No income shall be taxable since Mr. Raj is a non-resident in India for P.Y. 2019-20
- (d) Salary and interest income of fixed deposits with SBI

Answer: (d)

Question 6

(1 Marks)

Mr. A has two bank accounts maintained with ICICI Bank and HDFC Bank. From 01.09.2019 till 31.03.2020, Mr. A withdrew the following amounts as cash from both the said accounts;

HDFC Bank: ₹50 Lakh

ICICI Bank: ₹120 Lakh

Compute the amount of tax to be deducted at source u/s 194N by HDFC Bank and ICICI Bank, respectively, while making payment in cash to Mr. A.

- (a) ₹1,00,000 and ₹2,40,000
- (b) Nil and ₹40,000
- (c) Nil and ₹2,40,000
- (d) ₹50,000 and ₹1,20,000

Answer: (b)

Question 7

(1 Marks)

XYZ LLP falls under which category of person?

- (a) Firm
- (b) Company
- (c) Association of persons
- (d) Artificial judicial person

Answer: (a)

Hints for multiple choice question (students are not required to give any explanation in MCQ) it is given only for better understanding of students.

Answer 1 (i) (d)

in this case stay of Ananya gupta is 181 (April 30 May 31 June 30 July 31 August 31 September 28) as per section 6(1) she is covered in special category and her status shall be non-resident

Answer 1 (ii) (a)

Since she is non-resident, house in New York shall not be taken into consideration. Delhi house shall be considered to be self occupied house.

Answer 1 (iii) (d)

Income of delhi house shall be computed in the manner given below

GAV	Nil
Municipal tax	Nil
NAV	Nil
Deduction under section 24(a)	Nil
Deduction under section 24(b)	(2,00,000)
Interest for prior period 01.04.2016 to 31.03.2018	
$16,00,000 \times 10\% \times 2 = 3,20,000$	
$3,20,000/5=64,000$	
Interest for current period	
1,60,000	
Maximum allowed 2,00,000	
Loss from house property	(2,00,000)
Arrears of rent: 3,00,000 (Less 30% under section 25(a))	2,10,000
Income from house property	10,000

Answer 1 (iv) (a)

Letting out of flat in New York shall not have any impact because she is non-resident and income is accruing/arising abroad and also received abroad.

Answer 2 (c)

As per section 194 IA, tax shall be deducted at source @ 1% if value of immovable property is ₹ 50 lakh or more but no such TDS in case of agricultural land. In the given case tax shall be deducted on ₹ 85 lakh and ₹50 lakh.

Answer 3 (c)

As per section 9 if a citizen of india is an employee of the government and is posted outside india, his salary income shall be accruing/arising in india. As per section 10(7), allowances and perquisites of such an employee shall be exempt from income tax.

Answer 4 (c)

As per section 64(1) if gift received from spouse is contributed as capital to a partnership firm, interest from partnership firm shall be clubbed in the income of the person who is given gift. If salary is received from the firm it will not be clubbed rather it is income of the recipient. Share received out of profit is exempt under section 10(2A) in the given case capital contributed by Mrs. Shivani is ₹ 5 lakh but out of gift is only ₹ 3.5 lakh, hence interest of ₹ 35,000 ($50,000/5,00,000 \times 3,50,000$) shall be clubbed in the income of Mr. Anurag.

Answer 5 (d)

In this case Mr. Raj is covered in special category and he is non-resident. His salary income shall be taxable. Also interest earned from fixed budget with state bank is taxable in india.

Answer 6 (b)

As per section 194N, tax shall be deducted at source @ 2% in case of withdrawal in cash exceeding ₹ 100 lakh and TDS shall be only on the amount in excess of ₹ 100 lakh. The limit is per bank. Hence no TDS in case of HDFC bank and TDS in case of ICICI bank shall be ₹ 20,00,000 X 2% that is 40,000.

Division B – Descriptive Questions

Question No. 1 is compulsory

Attempt any **two** questions from the remaining **three** questions

Question 1

(14 Marks)

From the following information furnished by Mr. Raj, aged 50 years, a resident individual and practicing Chartered Accountant, you are required to compute his total and tax liability for the A.Y. 2020-21.

Receipts and payments account for F.Y. 2019-20

Receipts	Rs.	Payments	Rs.
Opening Balance (01.04.2019) Cash & Bank	50,000	Staff salary, bonus and stipend to article clerks	25,13,500
Fee from professional service	51,36,000	Other general and administrative expenses	13,00,000
Motor car loan from BOB @10% interest per annum	1,00,000	Office rent	45,000
Interest on Saving bank account maintained with SBI	15,000	Life Insurance Premium	25,000
		Motor Car (Acquired in January, 2020 by way of account payee cheque)	8,00,000
		Books (annual publication bought by way of account payee draft in May 2019)	20,000
		Computer acquired on 1.12.2019 for professional use by way of crossed cheque	30,000
		Drawings	2,75,000
		Motor car maintenance	15,000
		Public Provident Fund subscription	1,40,000
		Closing balance (31.03.2020) Cash & Bank	1,37,500
	53,01,000		53,01,000

Other Information:

- Motor car was put to use for both official and personal purposes. 1/3rd of the motor car is for personal purpose. No interest on car loan was paid during the year.
- Mr. Raj purchased a flat in Gwalior for ₹ 20,00,000 in July, 2015 cost of which was partly financed by a loan from State Bank of India of ₹ 15,00,000 @ 10% interest, his own savings ₹ 1,00,000 and a deposit from Bank of Baroda for Rs. 4,00,000. The flat was given to SBI on lease for 10 years @ ₹ 42,000 per month. The following particulars are relevant:
 - Municipal taxes paid by Mr. Raj ₹ 5,500 per annum
 - House Insurance ₹ 2,000
 The loan is still unpaid till 31.03.2020.
- He earned ₹ 1,00,000 in share speculation business and lost ₹ 1,50,000 in commodity speculation business.
- Mr. Raj received a gift of ₹ 30,000 each from four of his family friends.
- He contributed ₹ 1,10,000 to Prime Minister's Draught Relief Fund by way of bank draft.

(vi) He donated to a registered political party ₹3,00,000 by way of cheque.

Answer:

Computation of total income and tax liability of Mr. Raj for A.Y. 2020-21

Particulars	₹	₹	₹
Income from house property			
Gross annual value ¹ (₹ 42,000 x 12)		5,04,000	
Less: Municipal taxes paid by Mr. Raj		<u>5,500</u>	
Net annual value		4,98,500	
Less: Deductions under section 24			
(a) 30% of Net Annual Value		1,49,550	
(b) Interest on house borrowing (₹ 15,00,000 x 10%)		<u>1,50,000</u>	
			1,98,950
Profits and gains of business or profession			
Income from profession			
Fees from professional services		51,36,000	
Less: Expenses allowable as deduction			
- Staff salary, bonus and stipend	25,13,500		
- Other general and administrative expenses	13,00,000		
- Office rent	45,000		
- Motor car maintenance (₹ 15,000 x 2/3)	10,000		
- Car loan interest – not allowable (since the same has not been paid during the year) [Refer Note 1]	-	<u>38,68,500</u>	
		12,67,500	
Less: Depreciation u/s 32			
- Motor car ₹8,00,000 x 30% x 50% x 2/3, being put to use for less than 180 days [Motor car eligible for higher depreciation @30% since it is acquired during the period between 23.8.2019 to 31.03.2020 and for his professional purposes]	80,000		
- Books being annual publications [₹ 20,000 x 40%]	8,000		
- Computer [Refer Note 2]	<u>Nil</u>	<u>88,000</u>	
		11,79,500	
Income from share speculation business	1,00,000		
Less: Loss from commodity speculation business set off against income from share speculation business. Balance loss of ₹50,000 from commodity speculation business to be carried forward to A.Y. 2021-22	<u>1,00,000</u>	<u>Nil</u>	
			11,79,500
Income from other sources			
Cash Gift of ₹1,20,000 i.e., ₹30,000 x 4, received from his four friends is taxable u/s 56(2)(x), since aggregate amount of cash gift exceeds ₹50,000 during the previous year 2019-20		1,20,000	
Interest on Saving bank account		<u>15,000</u>	<u>1,35,000</u>
Gross Total Income			15,13,450

Less: Deductions under Chapter VI-A			
Section 80C			
Life insurance premium	25,000		
PPF subscription	<u>1,40,000</u>		
	1,65,000		
Restricted to ₹1,50,000		1,50,000	
Section 80G			
Contribution to Prime Minister's Drought Relief Fund (50% of ₹1,10,000) by way of bank draft		55,000	
Section 80GGC			
Donation to registered political party made by way of cheque		3,00,000	
Section 80TTA			
Interest on saving bank account upto ₹10,000		<u>10,000</u>	<u>5,15,000</u>
Total Income			<u>9,98,450</u>
Tax liability			
@ 5% on ₹2,50,000 [₹ 2,50,000 – ₹ 5,00,000]		12,500	
@ 20% on ₹4,98,450 [₹5,00,000 – ₹ 9,98,450]		<u>99,690</u>	
			1,12,190
Add: Health and education cess @ 4%			<u>4,488</u>
Tax liability			<u>1,16,678</u>
Tax liability (Rounded off)			<u>1,16,680</u>

¹Rent receivable has been taken as the gross annual value in the absence of other information

Notes:

- (1) It is assumed that the interest on car loan has also not been paid on or before the due date under section 139(1), hence disallowance under section 43B is attracted, if he is following mercantile basis of accounting. If it is assumed that the payment has been made on or before due date under section 139(1), disallowance under this section would not be attracted and the same [i.e., ₹1,00,000 x 10% x 3/12 x 2/3 i.e., ₹1,667] would be allowed as deduction. If it is assumed that he is following cash basis of accounting, it would, in any case, not be allowed.
- (2) As per second proviso to section 43(1), in computing actual cost, the expenditure for acquisition of asset, for which payment is made to a person in a day exceeds ₹10,000 has to be ignored, if such payment is made otherwise than by way of A/c payee cheque/ bank draft or ECS. In this case, since computer is purchased by way of crossed cheque, it will not form part of actual cost and no depreciation would be allowed on this cost.

Question 2 (i)

(7 Marks)

Simran, a Chartered Accountant, is presently working in a firm in India. She has received an offer for the post of Chief Financial Officer from a company at New York. As per the offer letter, she should join the company at any time between 1st September, 2019 and 31st October, 2019. She approaches you for your advice on the following issues to mitigate her tax liability in India:

- (a) Date by which she should leave India to join the company;
- (b) Direct credit of part of her salary to her bank account in Delhi maintained jointly with her mother to meet requirement of her family.
- (c) Period for which she should stay in India when she comes on leave.

Answer:

The following category of individuals will be treated as resident in India only if the period of their stay in India during the relevant previous year is 182 days or more:-

- Indian citizens, who leave India in any previous year, inter alia, for purposes of employment outside India, or
 - Indian citizen or person of Indian origin engaged outside India, inter alia, in an employment, who comes on a visit to India in any previous year.
- (a) Since Simran is leaving India for the purpose of employment outside India, she will be treated as resident only if the period of her stay during the previous year amounts to 182 days or more. Therefore, Simran should leave India on or before 28th September, 2019, in which case, her stay in India during the previous year would be less than 182 days and she would become non-resident for the purpose of taxability in India. In such a case, only the income which accrues or arises in India or which is deemed to accrue or arise in India or received or deemed to be received in India shall be taxable. The income earned by her in New York would not be chargeable to tax in India for A.Y. 2020-21, if she leaves India on or before 28th September, 2019.
- (b) If any part of Simran's salary will be credited directly to her bank account in Delhi then, that part of her salary would be considered as income received in India during the previous year under section 5 and would be chargeable to tax under Income-tax Act, 1961, even if she is a non-resident. Therefore, Simran should receive her entire salary in New York and then remit the required amount to her bank account in Delhi in which case, the salary earned by her in New York would not be subject to tax in India.
- (c) In case Simran visits India after taking up employment outside India, she would be covered in the second exception provided above and she will be treated as resident only if the period of her stay during the relevant previous year amounts to 182 days or more. Therefore, when Simran comes India on leave, she should stay in India for less than 182 days during the relevant previous year so that her status remains as a non-resident for the relevant previous year. Moreover, she should not visit India again during the current previous year i.e. P.Y. 2019-20.

Question 2 (ii)**(7 Marks)**

Examine and compute the liability for deduction of tax at source, if any, in the cases stated hereunder, for the financial year ended 31st March, 2020

- (a) State Bank of India pays ₹50,000 per month as rent to the Central Government for a building in which one of its branches is situated.
- (b) Karan, a part time director of ABC Pvt. Ltd. was paid an amount of ₹ 1,75,000 as fees which was actually in the nature of commission on sales for the period 1.6.2019 to 30.9.2019.
- (c) Fee paid on 1.11.2019 to Dr. Kashyap by Varun (HUF) ₹ 5,00,000 for surgery performed on a member of his family.
- (d) Payment of ₹ 1,50,000 made to John Cena, an American wrestler, by an Indian newspaper agency on 1.8.2019 for contribution of articles in relation to the spot of wrestling.

Answer:

- (a) Section 194-I, which governs the deduction of tax at source on payment of rent, exceeding ₹2,40,000 p.a., is applicable to all persons except individuals and HUFs, whose turnover/gross receipts do not exceed the monetary limits specified under 44AB(a)/(b). Section 196, however, provides exemption in respect of payments made to Government from application of the provisions of tax deduction at source. Therefore, no tax is required to be deducted at source by State Bank of India from rental payments to the Government.
- (b) Section 194J provides for deduction of tax at source @10% on any remuneration or fees or commission, by whatever name called, paid to a director, which is not in the nature of salary in respect of which tax is deductible at source under section 192. Hence, tax is to be deducted at source under section 194J @10% by ABC Pvt. Ltd. on the commission of ₹1,75,000 paid to Karan, a part-time director. The tax deductible under section 194J would be ₹17,500, being 10% of ₹1,75,000.
- (c) As per the provisions of section 194J, a Hindu Undivided Family is required to deduct tax at source on fees paid for professional services only if the total sales, gross receipts or turnover from the business or

profession exceed ₹ 1 crore or ₹ 50 lakhs, as the case may be, in the financial year preceding the current financial year and such payment made for professional services is not exclusively for the personal purpose of any member of Hindu Undivided Family.

Section 194M, provides for deduction of tax at source by a HUF (which is not required to deduct tax at source under section 194J) in respect of fees for professional service if such sum or aggregate of such sum exceeds ₹ 50 lakhs during the financial year.

In the given case, the fees for professional service to Dr. Kashyap is paid on 1.11.2019 for personal purpose, therefore, section 194M would have been applicable if the payment or aggregate of payments exceeded ₹ 50 lakhs in the P.Y.2019-20. However, since the payment does not exceed ₹ 50 lakh in this case, there is no liability to deduct tax at source under section 194M.

(d) Section 194E provides that the person responsible for paying of any amount to a non-resident sportsman who is not a citizen of India for contribution of articles relating to any game or sport in India in a newspaper has to deduct tax at source @20%. Further, since, John Cena, an American wrestler, is a non-resident, Health and education cess @4% on TDS should also be added.

Therefore, tax to be deducted = ₹ 1,50,0000 x 20.80% = ₹ 31,200.

Question 3 (i)

(7 Marks)

Mr. Neeraj, aged 45 years, working in Ashiyana Pvt. Ltd. provides the following details pertaining to the financial year 2019-20:

Particulars	₹
Basic salary	7,20,000
Dearness allowance (40% of basic pay) (50% of D.A. forms part of retirement benefits)	-
Commission	50,000
Entertainment allowance	7,500
Medical expenses reimbursed by the employer	10,000
Profession tax (of this, 50% paid by employer)	3,000
Health insurance premium paid by employer	9,000
Gift voucher given by employer on his birthday	15,000
Life insurance premium of Neeraj paid by employer	40,000
Laptop provided for use at home. Actual cost of Laptop to employer [Children of the assessee are also using the Laptop at home]	45,000
Employer company owns a motor car, which was provided to the assessee, both for official and personal use. All repair and maintenance expenses are fully reimbursed by the employer. No driver was provided. (Engine cubic capacity less than 1.6 litres).	
Annual credit card fees paid by employer [Credit card is not exclusively used for official purposes]	5,000

You are required to compute the income chargeable under the head Salaries in the hands of Mr. Neeraj for the assessment year 2020-21

Answer:

Computation of income chargeable under the head “Salaries” of Mr. Neeraj for A.Y.2020-21

Particulars	₹
Basic Salary	7,20,000
Dearness allowance	2,88,000

Commission	50,000
Entertainment allowance	7,500
Medical expenses reimbursed by the employer	10,000
Professional tax paid by the employer is a taxable perquisite as per section 17(2)(iv), since it is an obligation of the employee which is paid by the employer	1,500
Health insurance premium of ₹9,000 paid by the employer is an exempt perquisite [Clause (iii) of proviso to section 17(2)]	Nil
Gift voucher given by employer on Mr. Neeraj's birthday (entire amount is taxable since the perquisite value exceeds ₹5,000) as per Rule 3(7)(iv) [See Note below]	15,000
Life insurance premium of Mr. Neeraj paid by employer is a taxable perquisite as per section 17(2)(v)	40,000
Laptop provided for use at home is an exempt perquisite as per Rule 3(7)(vii)	Nil
Provision of motor car (engine cubic capacity less than 1.6 litres) owned by employer to employee for both official and personal purposes –perquisite value would be ₹21,600 [₹1,800 × 12] as per Rule 3(2)	21,600
Annual credit card fees paid by employer is a taxable perquisite as per Rule 3(7)(v) since the credit card is not exclusively used for official purposes.	<u>5,000</u>
Gross Salary	11,58,600
Less: Deductions under section 16	
Standard deduction u/s 16(ia)	50,000
Entertainment allowance (deduction under section 16(ii) not allowable since Mr. Neeraj is not a Government employee)	Nil
Professional tax paid allowable as deduction as per section 16(iii)	<u>3,000</u>
Income chargeable under the head "Salaries"	<u>11,05,600</u>

Note: As per Rule 3(7)(iv), the value of any gift or voucher received by the employee or by member of his household on ceremonial occasions or otherwise from the employer shall be determined as the sum equal to the amount of such gift. However, the value of any gift or voucher received by the employee or by member of his household below ₹ 5,000 in aggregate during the previous year would be exempt as per the proviso to Rule 3(7)(iv). In this case, the gift voucher of ₹15,000 was received by Mr. Neeraj from his employer on the occasion of his birthday.

Since the value of the gift voucher exceeds the limit of ₹5,000, the entire amount of ₹15,000 is liable to tax as perquisite.

An alternate view possible is that only the sum in excess of ₹5,000 is taxable in view of the language of Circular No.15/2001 dated 12.12.2001, which states that such gifts upto ₹5,000 in the aggregate per annum would be exempt, beyond which it would be taxed as a perquisite. As per this view, the value of perquisite would be ₹10,000.

In such case, the gross salary and net salary would be, ₹ 11,53,600 and ₹11,00,600, respectively.

Question 3 (ii)

(7 Marks)

Mr. Ramesh sold a house plot to Mr. Vikas for ₹ 45 lakhs on 10-9-2019. The valuation determined by the stamp valuation authority was ₹ 53 lakhs.

Mr. Vikas has sold this plot to Ms. Babli on 21-3-2020 for ₹ 55 lakhs.

The valuation as per stamp valuation authority was ₹ 54 lakhs on 21-3-2020.

Discuss the tax consequences of above, in the hands of each one of them, viz, Mr. Ramesh, Mr. Vikas & compute the capital gain in the hands of Mr. Vikas.

Note: None of the parties viz Mr. Ramesh, Mr. Vikas & Ms. Babli are related to each other; the transactions are between outsiders.

Answer:

I	Tax consequences in the hands of Mr. Ramesh	
	<p>As per section 50C, the stamp duty value of immovable property, being land or building or both, would be deemed to be the full value of consideration arising on transfer of such property, if the same is higher than actual consideration. However, where the stamp duty value does not exceed 105% of the sale consideration received or accruing as a result of transfer, the consideration so received or accruing shall be deemed to be the full value of the consideration.</p> <p>Accordingly, in this case, capital gains would be computed in the hands of Mr. Ramesh, for A.Y.2020-21, taking the stamp duty value of ₹ 53 lakh of house plot as the full value of consideration arising on transfer of such house plot, since the same exceeds 105% of the actual consideration of ₹ 45 lakh.</p> <p>Note – If it is assumed that Mr. Ramesh is a property dealer, the income would be taxable as his business income under section 43CA</p>	
II	Tax consequences in the hands of Mr. Vikas	
	<p>In case, immovable property is received for inadequate consideration, the difference between the stamp duty value and actual consideration would be taxable under section 56(2)(x) in the hands of the recipient, if such difference exceeds the higher of ₹ 50,000 or 5% of actual sales consideration.</p> <p>Therefore, in this case, ₹ 8 lakh (₹ 53 lakh – ₹ 45 lakh) would be taxable in the hands of Mr. Vikas under the head “Income from Other Sources” in A.Y.2020-21 since the difference exceeds ₹2,25,000, being the higher of ₹50,000 and 5% of consideration.</p> <p>At the time of subsequent sale of property by Mr. Vikas to Ms. Babli (on 21.3.2020), short- term capital gains would arise in the hands of Mr. Vikas in A.Y.2020-21, since the property is held by him for less than 24 months.</p>	
	Particulars	₹
	Full value of consideration (Since actual consideration of ₹55 lakh is higher than stamp duty value of ₹54 lakh)	55 lakh
	Less: Cost of acquisition (Value taken into account for the purpose of section 56(2)(x) ²)	<u>53 lakh</u>
	Short-term capital gains	<u>2 lakh</u>

²As per section 49(4), in case where capital gains arises from subsequent sale of property, which was subject to tax under section 56(2)(x), the value taken into account for the purpose of section 56(2)(x) would be deemed to be the cost of acquisition.

Question 4 (i)

(6 Marks)

		(Amount in ₹)
(i)	Income from salary	6,50,000
(ii)	Income from House-I	55,000
(iii)	Loss from House-II (self-occupied property)	1,25,000
(iv)	Loss from House-III	1,90,000
(v)	Loss from leather business	68,000
(vi)	Profit from cloth business	1,70,000
(vii)	Short term capital loss in equity oriented funds on which STT was paid	35,000
(viii)	Income from crossword puzzles	12,000
(ix)	Dividend from foreign company	8,500
(x)	Loss on owning and maintenance of race horses	7,500
(xi)	Income from owning and maintenance of race bulls	9,000

Compute the gross total income and losses to be carried forward of Mr. Mustafa for assessment year 2020-21. Mr. Mustafa has filed his return of income on 25.07.2020.

Answer:

Gross Total Income of Mr. Mustafa for A.Y. 2020-21

Particulars	₹	₹
Salaries		
Income from salary	6,50,000	
Less: Loss from house property of ₹2,60,000, restricted to	<u>2,00,000</u>	4,50,000
Income from house property		
Income from House I	55,000	
Less: Loss from House II (self-occupied)	1,25,000	
Loss from House III	<u>1,90,000</u>	
	(2,60,000)	
Set-off of loss from house property against salary income, restricted to	<u>2,00,000</u>	
Loss to be carried forward to A.Y. 2021-22	<u>(60,000)</u>	
Profits and gains of business or profession		
Profit from cloth business	1,70,000	
Less: Loss from leather business	<u>68,000</u>	1,02,000
Capital Gains		
Short term capital loss in equity-oriented funds on which STT is paid ₹35,000 to be carried forward to A.Y. 2021-22 since such loss can be set-off only against capital gains and not against income under any other head	-	
Income from other sources		
Income from owning and maintenance of race bulls	9,000	
Loss of ₹7,500 from the activity of owning and maintenance of race horses cannot be set-off against any source other than income from the activity of owning and maintaining race horses. Hence, such loss has to be carried forward to A.Y. 2021-22.	Nil	
Income from crossword puzzles	12,000	
Dividend from foreign company	<u>8,500</u>	
		<u>29,500</u>
Gross Total Income		<u>5,81,500</u>

Losses to be carried forward to A.Y.2021-22:

Particulars	₹
Loss from house property [to be carried forward for set-off against income from house property]	60,000
Short-term capital loss in equity oriented funds on which STT was paid [to be carried forward for set-off against capital gains, long-term or short-term]	35,000
Loss from owning and maintaining race horses [to be carried forward for set-off against income from the activity of owning and maintaining race horses]	7,500

Note: Loss from house property can also be set-off to the extent of ₹ 1,02,000 from profits and gains from business or profession and balance i.e., ₹ 98,000 against Income under the head “Salaries”.

Note: Income from owning and maintenance of race bulls has been taxed under the head other sources by ICAI but infact student should tax under the head business profession.

Question 4 (ii)

(4 Marks)

Mr. Vijay gifted a sum of ₹ 4 lakhs to his brother's wife on 19-6-2019. On 21-7-2019, his brother gifted a sum of ₹ 3 lakhs to Mr. Vijay's wife. The gifted amounts were invested as fixed deposits in banks by Mrs. Vijay and wife of Mr. Vijay's brother on 01-8-2019 at 9% interest. Examine the consequences of the above under the provisions of the Income-tax Act, 1961 in the hands of Mr. Vijay and his brother.

Answer:

In the given case, Mr. Vijay gifted a sum of ₹4 lakhs to his brother's wife on 19.06.2019 and simultaneously, his brother gifted a sum of ₹3 lakhs to Mr. Vijay's wife on 21.07.2019. The gifted amounts were invested as fixed deposits in banks by Mrs. Vijay and his brother's wife. These transfers are in the nature of cross transfers. Accordingly, the income from the assets transferred would be assessed in the hands of the deemed transferor because the transfers are so intimately connected to form part of a single transaction and each transfer constitutes consideration for the other by being mutual or otherwise.

If two transactions are inter-connected and are part of the same transaction in such a way that it can be said that the circuitous method was adopted as a device to evade tax, the implication of clubbing provisions would be attracted. It was so held by the Apex Court in CIT vs. Keshavji Morarji (1967) 66 ITR 142.

Accordingly, the interest income arising to Mrs. Vijay in the form of interest on fixed deposits would be included in the total income of Mr. Vijay and interest income arising in the hands of his brother's wife would be taxable in the hands of Mr. Vijay's brother as per section 64(1), to the extent of amount of cross transfers i.e., ₹3 lakhs.

This is because both Mr. Vijay and his brother are the indirect transferors of the income to their respective spouses with an intention to reduce their burden of taxation.

However, the interest income earned by his spouse on fixed deposit of ₹3 lakhs alone would be included in the hands of Mr. Vijay's brother and not the interest income on the entire fixed deposit of ₹4 lakhs, since the cross transfer is only to the extent of ₹3 lakhs.

Question 4 (iii)

(4 Marks)

Briefly mention the provisions of Income-tax Act, 1961 with regard to quoting Aadhar Number under section 139AA of the Act.

Answer:

Provisions of Income-tax Act, 1961 relating to quoting of Aadhar Number under section 139AA

Every person who is eligible to obtain Aadhar Number is required to mandatorily quote Aadhar Number, on or after 1st July, 2017:

- (a) in the application form for allotment of Permanent Account Number (PAN)
- (b) in the return of income

The provisions of section 139AA relating to quoting of Aadhar Number would, however, not apply to an individual who does not possess the Aadhar number or Enrolment ID and is:

- (i) residing in the States of Assam, Jammu & Kashmir and Meghalaya;
- (ii) a non-resident as per Income-tax Act, 1961;
- (iii) of the age of 80 years or more at any time during the previous year;
- (iv) not a citizen of India.

If a person does not have Aadhar Number, he is required to quote Enrolment ID of Aadhar application form issued to him at the time of enrolment in the application form for allotment of PAN or in the return of income furnished by him.

Every person who has been allotted PAN as on 1st July, 2017, and who is eligible to obtain Aadhar Number, shall intimate his Aadhar Number to prescribed authority on or before a date as may be notified by the Central Government.

SECTION B - INDIRECT TAXES (40 MARKS) QUESTIONS

- (i) Working Notes should form part of the answers. However, in answers to Question in Division A, working notes are not required.
- (ii) Wherever necessary, suitable assumptions may be made by the candidates, and disclosed by way of note.
- (iii) All questions should be answered on the basis of the position of GST law as amended up to 31st October, 2019.
- (iv) The GST rates for goods and services mentioned in various questions are hypothetical and may not necessarily be the actual rates leviable on those goods and services. Further, GST compensation cess should be ignored in all the questions, wherever applicable.

Division A - Multiple Choice Questions (MCQs)

Write the most appropriate answer to each of the following multiple choice questions by choosing one of the four options given. All questions are compulsory.

Total Marks: 12 Marks

Each MCQ under Question No. 1 carries 2 Marks each

Question 1

(10 Marks)

Ms. Riya is a multi-faceted business personality. She is registered under GST from April, 2019.

She supplied a package consisting of stapler, calculator and charger at a single price of ₹ 300/-. Rate of GST for stapler, calculator and charger is 5%, 12% and 18% respectively.

She wants to opt for composition levy.

She received following payments during the month of May, 2019:

- earned ₹ 160,000 by performing in western music in a cultural event at a Resort
- earned ₹ 50,000 by providing services by way of renting of residential dwelling for use as boutique.
- received ₹ 70,000 by way of rent for letting of agro machinery

Ms. Riya made a supply during June, 2019, details of which are as follows:-

- Basic price of the product – ₹ 45,000
- Tax collected at source under Income-tax Act, 1961 – ₹ 2,500
- She received a subsidy of ₹ 3,500 from Green Foundation Pvt. Ltd for usage of green energy and the subsidy was linked to saving energy

Ms. Riya provides the following information regarding receipt of inward supply during July, 2019:

- received invoice for goods having GST Component of ₹ 30,000. Goods were to be delivered in 5 lots, out of which three lots were received in the current month.
- purchased a car having GST component of ₹ 1,50,000 for the usage in a driving school owned by her
- availed health insurance service for her employees on her own and paid GST of ₹ 7,000 thereon

Transactions referred above are intra-State only. Conditions necessary for claiming input tax credit (ITC) have been fulfilled subject to the information given above.

From the information given above, choose the most appropriate answer for the following questions:-

- (i) What would be the nature of supply and the applicable rate of GST for the supply of package made by Ms. Riya (when not registered under composition scheme) :-
 - (a) composite Supply & applicable rate 12%
 - (b) mixed Supply & applicable rate 18%
 - (c) composite Supply & applicable rate 18%
 - (d) mixed Supply & applicable rate 12%

- (ii) Ms. Riya can opt for composition scheme if she does not undertake the supply of
- (i) Aerated water
 - (ii) Tobacco
 - (iii) Pan masala
 - (iv) Milk
- (a) i & ii
(b) iii & iv
(c) i, ii & iii
(d) ii, iii & iv
- (iii) Out of payments received by Ms. Riya in month of May 2019, exempt Supply amounts to _____
- (a) ₹ 50,000
 - (b) ₹ 70,000
 - (c) ₹ 1,20,000
 - (d) ₹ 1,60,000
- (iv) In respect of supply made by Ms. Riya, the value of supply under section 15 of CGST Act, 2017 is
- (a) ₹ 45,000
 - (b) ₹ 47,500
 - (c) ₹ 48,500
 - (d) ₹ 51,000
- (v) Eligible amount of input tax credit that can be claimed by Ms. Riya in the month of July 2019 is,
- (a) ₹ 30,000
 - (b) ₹ 37,000
 - (c) ₹ 1,50,000
 - (d) ₹ 1,57,000

Answers: 1 (i) (b),

Hint: As per section 8 of CGST Act, it is a case of mixed supply. The highest rate shall be applicable.

1 (ii) (c), 1 (iii) (b), 1 (iv) (a), 1 (v) (c)

Question 2

(1 Mark)

Alcoholic liquor for human consumption is subjected to

- (a) State excise duty
- (b) Central Sales Tax/Value Added Tax
- (c) Both (a) and (b)
- (d) GST

Answer: (c)

Question 3

(1 Mark)

Taxes subsumed in GST are

- (a) Service tax
- (b) Luxury tax
- (c) VAT
- (d) All of the Above

Answer: (d)

Division B - Descriptive Questions**Question No. 1 is compulsory.****Attempt any two questions out of remaining three questions.****Total Marks: 28 Marks****Question 1****(8 Marks)**

Mr. Charlie, a registered supplier of goods at Bhatinda who pays GST under regular scheme, has made the following transactions (exclusive of tax) during April 2019:

Source	Purchases (₹)	Sales (₹)	Tax Rate
Rajasthan	5,00,000	10,00,000	18%
Punjab	2,50,000	8,00,000	9% each for SGST & CGST
Total	7,50,000	18,00,000	

He has complied with all the conditions for availing the input tax credit (ITC) and has the following ITC credit on 01-04-2019:

Source	CGST (₹)	SGST (₹)	IGST (₹)
Taxes	50,000	30,000	1,00,000

Compute the minimum net CGST, SGST and IGST payable by Mr. Charlie during April 2019 in cash?

Answer:**Computation of net CGST, SGST and IGST payable in cash by Mr. Charlie during April, 2019**

Particulars	Amount (₹)	CGST @ 9% (₹)	SGST @ 9% (₹)	IGST @ 18% (₹)
Sales made outside Bhatinda (Rajasthan)– [Being inter-State sale, the same is liable to IGST.]	10,00,000			1,80,000
Sales made in Punjab	8,00,000	<u>72,000</u>	<u>72,000</u>	
Total GST payable		72,000	72,000	1,80,000
ITC available during April 2019 for set off [Refer Working Note Below]		72,500	52,500	1,90,000
Less: Set off of IGST ITC against IGST and SGST tax liability respectively			(10,000) IGST	(1,80,000) IGST
Less: Set off of CGST ITC against CGST tax liability		(72,000) CGST		
Less: Set off of SGST ITC against SGST tax liability			(52,500) SGST	
Net tax liability payable in cash		Nil	9,500	Nil
Net ITC available		500	Nil	Nil

Working Note

ITC available during April, 2019 is computed as under:-

Particulars	Amount (₹)	CGST @ 9% (₹)	SGST @ 9% (₹)	IGST @ 18% (₹)
Opening balance of ITC		50,000	30,000	1,00,000

Purchases from Rajasthan [Being inter-State purchase, IGST would have been paid on it.]	5,00,000			90,000
Purchases from Punjab	2,50,000	<u>22,500</u>	<u>22,500</u>	
Total input tax credit		72,500	52,500	1,90,000

Note: Since sufficient balance of ITC of CGST is available for paying CGST liability and cross- utilization of ITC of CGST and SGST is not allowed, ITC of IGST has been used to pay SGST (after paying IGST liability) to minimize cash outflow.

Question 2 (a)**(4 Marks)**

Kaashi Ltd. supplies machinery to Alisha Ltd. (Dealer in same State), provides following particulars regarding the same. Determine the value of taxable supply of machinery.

S. No.	Particulars	Amount (₹)
(i)	Price of Machinery (exclusive of taxes and discounts)	5,50,000
(ii)	One part is directly fitted in machinery at place of Alisha Ltd. (amount paid by Alisha Ltd. directly to supplier, as per contract this amount should be paid by Kaashi Ltd. and not included in price)	20,000
(iii)	Installation and testing charges for machinery, not included in price	25,000
(iv)	Discount @ 2% on machinery price (recorded in the invoice)	
(v)	Kaashi Ltd. provides additional 1% discount at year end, based on additional purchase of other machinery (discount is not linked to the relevant invoice and proportionate ITC has not been reversed by Alisha Ltd.)	

Answer:**Computation of taxable value of supply of machinery**

S. No.	Particulars	Amount (₹)
(i)	Price of machinery (exclusive of taxes and discounts)	5,50,000
(ii)	Add: Amount paid by Alisha Ltd. directly to the supplier for a part fitted in the machinery [Note-1]	20,000
(iii)	Add: Installation and testing charges [Note-2]	25,000
(iv)	Less: Discount 2% on machinery price [₹ 5,50,000 x 2%] [Note-3]	(11,0000)
(v)	Less: Additional 1% discount at year end [Note-4]	<u>Nil</u>
	Value of taxable supply	5,84,000

Notes:

As per section 15 of CGST Act, 2017

- Any amount that the supplier is liable to pay in relation to a supply but which has been incurred by the recipient of the supply and not included in the price actually paid or payable for the goods shall be included in the value of supply.
- Any amount charged for anything done by the supplier in respect of the supply of goods at the time of, or before delivery of goods shall be included in the value of supply.
- Since discount is given at the time of supply of machinery and recorded in the invoice, the value of the supply shall not include such discount.
- Though the additional discount is established before or at the time of supply, it shall not be excluded from the value of supply as the same is not linked to the relevant invoice and proportionate ITC has not been reversed by Alisha Ltd.

Question 2 (b)**(6 Marks)**

- (i) “Richmondkidz” is a Play School located in Delhi. Richmond Kids has outsourced the catering services for supply of food and drink in the canteen of Play School to Ashoka Caterers, Delhi for a consideration of ₹ 8,00,000 per annum. Examine whether supply of food and drink/catering services from Ashoka Caterers to “Richmond kidz” is exempt from GST:
- (ii) Balaji Hospital, a clinical establishment located in Tirupati, is specialised in cardiac treatment. The hospital has its own canteen – Healthy Foods. The canteen serves the food and drink to the in-patients as advised by the doctors/nutritionists of the hospital. Apart from this, other patients (who are not admitted) or attendants or visitors of the in-patients also take food and drink from the canteen. Examine whether supply of food and drink/catering services to the in- patients and other patients (who are not admitted) or attendants or visitors of the in-patients is exempt from GST.

Answer:

- (i) Services provided to an educational institution providing services by way of pre-school education and education up to higher secondary school or equivalent, by way of catering is exempt from GST vide exemption notification under GST. Thus, in the given case, services provided by Ashoka Caterers to Richmond Kidz are exempt from GST.
- (ii) Services by way of health care services provided by a clinical establishment, an authorised medical practitioner or para-medics are exempt from GST vide exemption Notification under GST. In this regard, CBIC has clarified that food supplied by the hospital canteen to the in- patients as advised by the doctor/nutritionists is a part of composite supply of healthcare services and is not separately taxable. Thus, it is exempt from GST. However, other supplies of food by a hospital to patients (not admitted) or their attendants or visitors are taxable. In view of the same, GST is exempt on the food supplied by Healthy Foods to the inpatients as advised by doctors/nutritionists while other supplies of food by it to patients (not admitted) or attendants/visitors of the in-patients is taxable.

Question 3 (a)**(6 Marks)**

Determine the effective date of registration in following cases:

- (i) Apsara Teleservices is an architect in Lucknow. Its aggregate turnover exceeds ₹ 20 lakh on 25th October. It submits the application for registration on 27th November. Registration certificate is granted to it on 5th December.
- (ii) The aggregate turnover of Prink Footwear Industries of Delhi has exceeded the applicable threshold limit of ₹ 40 lakh on 1st September. It submits the application for registration on 20th September. Registration certificate is granted to it on 25th September.

Answer:

- (i) Every supplier becomes liable to registration if his turnover exceeds the applicable threshold limit in a financial year. Since in the given case, the turnover of Apsara Teleservices exceeds the applicable threshold limit [₹ 20 lakh] on 25th October, it becomes liable to registration on said date.

Further, since the application for registration has been submitted after 30 days from the date such person becomes liable to registration, the registration shall be effective from the date of grant of registration. Therefore, the effective date of registration is 5th December.

- (ii) Every supplier becomes liable to registration if his turnover exceeds the applicable threshold limit [₹40 lakh in this case] in a financial year. Since in the given case, the turnover of Prink Industries exceeded ₹40 lakh on 1st September, it becomes liable to registration on said date.

Further, since the application for registration has been submitted within 30 days from such date, the registration shall be effective from the date on which the person becomes liable to registration. Therefore, the effective date of registration is 1st September

Question 3 (b)**(4 Marks)**

Mr. Aman, a registered supplier of taxable goods, filed GSTR 3B for the month of January, 2020 on 15th April, 2020. The prescribed due date to file the said GSTR 3B was 20th February, 2020. The amount of net GST payable on supplies made by him for the said month worked out to be ₹ 36,500 which was paid on the same date of filing the return. Briefly explain the related provisions and compute the amount of interest payable under the CGST Act, 2017 by Mr. Aman.

Answer:

Interest is payable in case of delayed payment of tax @ 18% per annum from the date following the due date of payment to the actual date of payment of tax.

Thus, the amount of interest payable by Mr. Aman is as under:-

Period of delay = 21st February, 2020 to 15th April, 2020

= 55 days

Hence, amount of interest = ₹ 36,500 x 18% x 55/366

= ₹ 987

Question 4 (a)**(5 Marks)**

Explain the services provided by way of tolerating non-performance of a contract and its chargeability under the provisions of the CGST Act, 2017.

Answer:

Non-performance of a contract is the failure to fulfill the obligations under a contract. It is generally one of the conditions stipulated in any contract for supply of goods/services.

The agreement entered into between the parties stipulates that both the service provider and service recipient abide by the terms and conditions of the contract. In case any of the parties breach the contract for any reason including non-performance of the contract, then such person is liable to pay damages in the form of fines or penalty to the other party.

Tolerating non-performance of a contract in lieu of damages or fines is a supply in terms of section 7 of the CGST Act, 2017 as it is made for a consideration by a person in the course or furtherance of business.

Further, tolerating non-performance of a contract is treated as a supply of service in terms of section 7 read with Schedule II of CGST Act, 2017.

However, in case of supplies to Government, non-performance of contract by the supplier of service for which consideration in the form of fines or liquidated damages is payable is exempt from GST.

Question 4 (b)**(5 Marks)**

If a return has been filed, how can it be revised if some changes are required to be made?

Answer:

Under GST laws, since the returns are built from details of individual transactions, there is no requirement for having a revised return. Any need to revise a return may arise due to the need to change a set of invoices or debit/ credit notes. Instead of revising the return already submitted, the system allows changing the details of those transactions (invoices or debit/credit notes) that are required to be amended. They can be amended in any of the future GSTR- 1 (upto a prescribed time limit) in the tables specifically provided for the purposes of amending previously declared details.

The omission or incorrect particulars discovered in the returns filed under section 39 can be rectified in the return to be filed for the month/quarter during which such omission or incorrect particulars are noticed. Any tax payable as a result of such error or omission will be required to be paid along with interest. The rectification of errors/omissions is carried out by entering appropriate particulars in "Amendment Tables" contained in GSTR-1.