

<b>COURSE TITLE</b>	<b>TAXATION LAW I</b>
<b>COURSE CODE</b>	<b>10FL0703</b>
<b>COURSE CREDITS</b>	<b>4</b>

**Objective:**

- 1 This course aims to impart jurisprudential, constitutional, theoretical, practical and Commercial underpinnings of the subject
- 2 The students will be able to appreciate normative foundations of taxation as a wealth distributive Measure as well as its functional utility as a significant source of public financing
- 3 Students will be developing critical insights into the policy issues involved and emerge with strong foundational understanding of the concepts, practical and theoretical aspects of Taxation.
- 4 the course aims to impart jurisprudential, constitutional, theoretical, practical, and Commercial underpinnings of the subject.
- 5 Students will be developing critical insights into the policy issues involved and emerge with a strong foundational understanding of the concepts, and practical and theoretical aspects of Taxation.
- 6 The subject provides basic understanding related to taxation and develops the critical analytical ability among the student
- 7 Students acquaint with the knowledge of procedures followed by tax authorities.
- 8 This course aims to impart jurisprudential, constitutional, theoretical, practical and Commercial underpinnings of the subject. I Foundational understanding of the concepts, practical and theoretical aspects of Taxation.
- 9 Students will be able to appreciate normative foundations of taxation as a wealth distributive Measure as well as its functional utility as a significant source of public financing.
- 10 Students will be developing critical insights into the policy issues involved and emerge with strong Foundational understanding of the concepts, practical and theoretical aspects of Taxation.
- 11 Student will be able to constantly update himself with the various changes made as well as judicial pronouncements rendered from time to time by referring various updates.

**Course Outcomes:** After completion of this course, student will be able to:

- 1 To define the basic concepts & procedure of Taxation Laws I i.e. Direct Tax Law & Practices.
- 2 To compare computation of income under the head of salary/ house property/ profits and gains from business and profession.
- 3 To identify computation of income under the head of capital gains/ from other sources/ total income and tax liability.
- 4 To analyse clubbing provisions, set-off and / or carry forward of losses, rebate and relief & TDS/TCS, returns, refund & recovery.
- 5 To elaborate procedure, power, functions, penalties and to formulate the jurisdiction & application of income tax law & authorities.

**Pre-requisite of course:**No Pre-requisite

**Teaching and Examination Scheme**

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	<b>AN OVERVIEW OF INCOME TAX ACT, 1961</b> • Introduction and constitutional provision, • Important definitions, • Computation of taxable income and tax liability of an assessee, • Tax rates for ay 2020-21 19, • Rebate [section 87a], • Rates of surcharge, • Marginal relief, • Case studies, • Determination of residential status of individuals basic and additional conditions [section 6], • HUF Control and Management of Affairs, Residential Status of Company place of effective management [section 6(2)], • Scope of total income [section 5], • Income deemed to accrue or arise in India [section 9], • Diversion of income v/s application of income, • Income which do not from part of total income	7
2	<b>COMPUTATION OF INCOME UNDER THE HEAD OF SALARY/ HOUSE PROPERTY [SECTION 22 TO 27]/ PROFITS AND GAINS FROM BUSINESS AND PROFESSION</b> <b>UNDER THE HEAD OF SALARY</b> • The computation chart of salary, definition and basis of charge, relationship between payer and payee, employer and employee vis-à-vis agent, contract for services and contract of service, professional services, salary to MPs/ MLA, holding of office. [section 15], <b>UNDER THE HEAD OF SALARY:</b> • Salary, perquisite and profits in lieu of salary [section 17], <b>UNDER THE HEAD OF SALARY:</b> Allowances, <b>UNDER THE HEAD OF SALARY:</b> • Perquisites, <b>UNDER THE HEAD OF SALARY:</b> • Deduction [section 16], <b>UNDER THE HEAD OF SALARY:</b> • Relief [section 89], <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]</b> • Basis of charge [section 22], <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> • Property held as a stock in trade [section 23(5)], <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> • Taxation of income from properties situated outside India, <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> Disputed ownership, <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> • Treatment of composite rent, <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> • Cases where income from house property is exempt from tax, <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> • Deemed owner [section 27], <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> • How to compute income from house property, <b>UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]:</b> • Determination of annual value [section 23], <b>UNDER THE HEAD OF HOUSE PROPERTY</b>	8

	<p>[SECTION 22 TO 27]: • Municipal taxes [property taxes], UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]: • Computation of “income from house property” for different categories of property, UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]: • Deductions [section 24], UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]: • Taxability of recovery of unrealised rent &amp; arrears of rent received, UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]: • Inadmissible deductions [section 25], UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]: • Treatment of income from co- owned property [section 26], UNDER THE HEAD OF HOUSE PROPERTY [SECTION 22 TO 27]: Treatment of income from property owned by a partnership firm, PROFITS AND GAINS FROM BUSINESS AND PROFESSION • Chargeability [section 28], PROFITS AND GAINS FROM BUSINESS AND PROFESSION: • Computation of income from profits and gains of business or profession, PROFITS AND GAINS FROM BUSINESS AND PROFESSION: • Disallowances, PROFITS AND GAINS FROM BUSINESS AND PROFESSION: • Deemed profits chargeable to tax [section 41], PROFITS AND GAINS FROM BUSINESS AND PROFESSION: • Maintenance of accounts by persons carrying on profession or business, PROFITS AND GAINS FROM BUSINESS AND PROFESSION: • Compulsory audit of accounts [section 44ab], PROFITS AND GAINS FROM BUSINESS AND PROFESSION: • Computation of p/g/b/p on presumptive basis</p>	
3	<p><b>COMPUTATION OF INCOME UNDER THE HEAD OF CAPITAL GAINS/ FROM OTHER SOURCES/ TOTAL INCOME AND TAX LIABILITY</b></p> <p>UNDER THE HEAD OF CAPITAL GAINS • Charging section [section 45(1)], UNDER THE HEAD OF CAPITAL GAINS: • Capital asset [section 2(14)], UNDER THE HEAD OF CAPITAL GAINS: • Transfer [section 2(47)], UNDER THE HEAD OF CAPITAL GAINS: • Types of capital gains, UNDER THE HEAD OF CAPITAL GAINS: • Computation of capital gains [section 48], UNDER THE HEAD OF CAPITAL GAINS: • Cost of acquisition [section 55(2)], UNDER THE HEAD OF CAPITAL GAINS: • Cost of improvement [section 55(1)], UNDER THE HEAD OF CAPITAL GAINS: • Computation of capital gains in certain cases, UNDER THE HEAD OF CAPITAL GAINS: • Slump sale [section 50b], UNDER THE HEAD OF CAPITAL GAINS: • Distribution of assets by company to its shareholders in liquidation, UNDER THE HEAD OF CAPITAL GAINS: • [section 46(1)], UNDER THE HEAD OF CAPITAL GAINS: • Capital gain on purchase by company of its own share/specified securities, UNDER THE HEAD OF CAPITAL GAINS: • Transactions not regarded as transfer [section 47], UNDER THE HEAD OF CAPITAL GAINS: • Reference to valuation officer [section 55a], UNDER THE HEAD OF CAPITAL GAINS: • Full value consideration for real estate transactions [section 50c], UNDER THE HEAD OF CAPITAL GAINS: • Full value of consideration for transfer of share other than quoted share, UNDER THE HEAD OF CAPITAL GAINS: • Fair market value deemed to be full value of consideration in certain</p>	10

cases, UNDER THE HEAD OF CAPITAL GAINS: • Income exempt from transfer of certain capital assets [section 10(38)], UNDER THE HEAD OF CAPITAL GAINS: • Tax rates on capital gains for ay 2020-21 227, UNDER THE HEAD OF CAPITAL GAINS: • Exemptions from capital gains [section 54 to 54h], FROM OTHER SOURCES • Charging section [section 56(1)], FROM OTHER SOURCES: • Taxation of dividend [section 115o], FROM OTHER SOURCES: • Dividend [section 2(22)], FROM OTHER SOURCES: • Tax treatment of dividend in the hands of shareholder, FROM OTHER SOURCES: • Tax on distributed income to shareholders [section 115qa], FROM OTHER SOURCES: • Taxation of income received from mutual funds &UTI, FROM OTHER SOURCES: • Casual income, FROM OTHER SOURCES: • Interest income, FROM OTHER SOURCES: • Income from letting of machinery, plant or furniture belonging to assessee, FROM OTHER SOURCES: • Sum received under keyman insurance policy including bonus, FROM OTHER SOURCES: • Taxation of gifts, FROM OTHER SOURCES: Other misc. Provisions, FROM OTHER SOURCES: • Deductions available from income under other sources [section 57], FROM OTHER SOURCES: • No deduction of following expenses from income from other sources [section 58], TOTAL INCOME AND TAX LIABILITY • Computation of taxable income and tax liability of companies, TOTAL INCOME AND TAX LIABILITY: • Minimum alternate tax (mat), TOTAL INCOME AND TAX LIABILITY: • Dividend distribution tax [section 115-o], TOTAL INCOME AND TAX LIABILITY: • Carbon credit [section 115bg], TOTAL INCOME AND TAX LIABILITY: • Computation of taxable income and tax liability of non-corporate entities, TOTAL INCOME AND TAX LIABILITY: • Alternate minimum tax (AMT) [section 115jc], TOTAL INCOME AND TAX LIABILITY: • Taxation of an individual, TOTAL INCOME AND TAX LIABILITY: • Taxation of Hindu undivided families, TOTAL INCOME AND TAX LIABILITY: • Taxation of firms, TOTAL INCOME AND TAX LIABILITY: • Taxation of co-operative societies, TOTAL INCOME AND TAX LIABILITY: • Tax exemptions to political parties (section 13a), TOTAL INCOME AND TAX LIABILITY: • Electoral trust, TOTAL INCOME AND TAX LIABILITY: • Tax exemptions for charitable trusts and institutions

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**CLUBBING PROVISIONS, SET- OFF AND / OR CARRY FORWARD OF LOSSES, REBATE AND RELIEF&TDS/TCS, RETURNS, REFUND & RECOVERY**  
 CLUBBING PROVISIONS: • Clubbing of income, CLUBBING PROVISIONS: • Transfer of income [section 60], CLUBBING PROVISIONS: • Revocable transfer of assets [section 61], CLUBBING PROVISIONS: • Income of spouse, CLUBBING PROVISIONS: • Transfer for immediate or deferred benefit of son's wife [section 64(1)(viii)], CLUBBING PROVISIONS: • Income to spouse through a third person [section 64(1)(vii)], CLUBBING PROVISIONS: • Clubbing of income of minor child [section 64(1a)], CLUBBING PROVISIONS: • Income from the converted property [section 64(2)], CLUBBING PROVISIONS: • Summary of

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the clubbing provision, CLUBBING PROVISIONS: • Recovery of tax, SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80] • Set-off and carry-forward of losses, SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80]: • Set-off of losses from one source against income from another source, SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80]: • Under the same head of income [section 70], SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80]: • Set-off of loss from one head against income from another head [section 71], SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80]: • Carry-forward of losses, SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80]: • Treatment of carry forward of losses of certain assessee, SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80]: • Submission of return for loss [section 80], SET OFF AND / OR CARRY FORWARD OF LOSS [SECTION 70 TO 80]: • Summary of provisions regarding carry forward and set-off of losses, DEDUCTIONS TO BE MADE IN COMPUTING TOTAL INCOME [SECTION 80C TO 80U] • Deductions Under Chapter Vi-A, REBATE [SECTION 87A] • Rebate of income-tax in case of certain individuals [section 87a], RELIEF [SECTION 89]: • Relief when salary is paid in arrears or in advance [section 89], TDS/TCS, RETURNS, REFUND & RECOVERY • Tax deducted at source, TDS/TCS, RETURNS, REFUND & RECOVERY: • Tax collection at source, TDS/TCS, RETURNS, REFUND & RECOVERY: • Advance tax, TDS/TCS, RETURNS, REFUND & RECOVERY: • Returns, TDS/TCS, RETURNS, REFUND & RECOVERY: • Permanent account number (pan) [section 139a], TDS/TCS, RETURNS, REFUND & RECOVERY: • Verification of return [section 140], TDS/TCS, RETURNS, REFUND & RECOVERY: • E-filing, TDS/TCS, RETURNS, REFUND & RECOVERY: • Interest for default in furnishing return of income [section 234a], TDS/TCS, RETURNS, REFUND & RECOVERY: • Collection & recovery, TDS/TCS, RETURNS, REFUND & RECOVERY: • Refund [section 237], TDS/TCS, RETURNS, REFUND & RECOVERY: • Assessment, TDS/TCS, RETURNS, REFUND & RECOVERY: • Appeals, TDS/TCS, RETURNS, REFUND & RECOVERY: • Revisions, TDS/TCS, RETURNS, REFUND & RECOVERY: • Settlement of cases, TDS/TCS, RETURNS, REFUND & RECOVERY: • Penalty, TDS/TCS, RETURNS, REFUND & RECOVERY: • Prosecution

<b>Contents : Unit</b>	<b>Topics</b>	<b>Contact Hours</b>
5	<b>RECENT CASE LAWS</b> 1. CIT v. Mahindra and Mahindra Ltd (Supreme Court), 2. ACIT v. Bharat V. Patel (Supreme Court), 3. CIT v. Shree Rama Multi Tech Ltd (Supreme Court), 4. CIT v. Chaphalkar Brothers Pune (Supreme Court), 5. Hindustan Coca Cola Beverages Pvt. Ltd v. CIT (Rajasthan High Court), 6. CIT v. Madhur Housing And Development Co (Supreme Court), 7. B. A. Mohota Textiles Traders Pvt. Ltd v. DCIT (Bombay High Court), 8. CIT v. Equinox Solution Pvt. Ltd (Supreme Court), 9. Honda Siel Cars India Ltd. v. CIT [2017] (SC), 10. Union of India v. Tata Tea and Others (SC), 11. Income-tax Officer v. Venkatesh Premises Co-operative Society Ltd. (SC), 12. K. Lakshmansa and Co. v. Commissioner of Income-tax (SC), 13. Raj Dadarkar and Associates v. Assistant Commissioner of Income Tax (SC), 14. Palam Gas Service v. CIT (SC), 15. Faurecia Automotive Holding vs DCIT (ITA No. 784/PuN/2015), 16. Pr.CIT vs Maruti Suzuki India Limited (Civil Appeal No. 5409 of 2019) (SLP No. 4298 of 2019) (SC), 17. Regional Provident Fund Commissioner (II) West Bengal versus Vivekananda Vidyamandir and Others, Civil Appeal No(s). 6221 of 2011, Transfer Case No. (C) No(s). 19 of 2019, 18. Tata Consultancy Service Ltd. Vs ACIT (ITA No. 5713/Mum/2016)	10
<b>Total Hours</b>		<b>45</b>

#### Suggested List of Experiments:

<b>Contents : Unit</b>	<b>Topics</b>	<b>Contact Hours</b>
1	<b>Issues related to Direct Tax Law &amp; Practices</b> Issues related to Direct Tax Law & Practices	15
<b>Total Hours</b>		<b>15</b>

#### Textbook :

- 1 Direct Tax Laws and Practice, Dr. Vinod K. Singhania & Dr. Kapil Singhania , Taxman's., 2021

#### References:

- 1 Bharat's Income Tax Act with Departmental Views – 32nd Edition , Bharat's Income Tax Act with Departmental Views – 32nd Edition , NA, Bharat's Income Tax Act, 2021

#### Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery
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<b>Remember / Knowledge</b>	<b>Understand</b>	<b>Apply</b>	<b>Analyze</b>	<b>Evaluate</b>	<b>Higher order Thinking / Creative</b>
10.00	10.00	30.00	10.00	20.00	20.00

**Instructional Method:**

- 1 Classroom Teaching
- 2 Seminar
- 3 Tutorial Experiences
- 4 Expert Lectures
- 5 Research Project

**Supplementary Resources:**

- 1 <https://www.gst.gov.in/>
- 2 <https://www.gst.gov.in/>