

**CA | CMA Final**

# **Direct Tax**

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# **and**

# **International Taxation**

Applicable for May/Sept 26 Attempts & Onwards



**Volume I**

**CA Rahul Satija**

**Question for every concept**

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# DIRECT TAX & INTERNATIONAL TAXATION

## VOLUME - 1



CHAPTERS	NAME	PAGE. NO.
Chapter 1	Basics, Normal Tax Rates, Alternate Tax Regimes & Special Tax Rates	1-21
Chapter 2	Income From Capital Gain	22-58
Chapter 3	Income From other Sources (IFOS)	59-69
Chapter 4	Profits and Gains of Business or Profession (PGBP)	70-165
Chapter 5	Income Computation Disclosure Standards (ICDS)	166
Chapter 6	Clubbing of Income	167-172
Chapter 7	Set Off Carry Forward of Losses	173-182
Chapter 8	Deduction From Gross Total Income & Exempt Income [Chapter VI A, 10AA & Exempt Income]	183-204
Chapter 9	Assessment of Various Entities (Firm, AOP/BOI, Local Authority, MAT, AMT, Buyback, Tonnage, Business Trust, Investment Fund, Securitisation Trust, Life Insurance Companies)	205-255

**CHAPTER****1****BASICS, NORMAL TAX RATES, ALTERNATE  
TAX REGIMES & SPECIAL TAX RATES****Basic Concept**

1.	<p>Mr. Bhargava, a leading advocate on corporate law, decided to reduce his practice and to accept briefs only for paying his taxes and making charities with the fees received on such briefs. In a particular case, he agreed to appear to defend one company in the Supreme Court on the condition that he would be provided with ₹5 lakhs for a public charitable trust that he would create. He defended the company and was paid the sum by the company. He created a trust of that sum by executing a trust deed. Decide whether the amount received by Mr. Bhargava is assessable in his hands as income from profession.</p> <p style="text-align: right;"><b>(Basic Concept)</b></p>
Ans.	<p>In the instant case, the trust was created by Mr. Bhargava himself out of his professional income. The client did not create the trust. The client did not impose any obligation in the nature of a trust binding on Mr. Bhargava. Thus, there is no diversion of the money to the trust before it became professional income in the hands of Mr. Bhargava. This case is one of application of professional income and not of diversion of income by overriding title.</p> <p>Therefore, the amount received by Mr. Bhargava is chargeable to tax under the head "Profits and gains of business or profession".</p>
2.	<p>XYZ Ltd. took over the running business of a sole-proprietor by a sale deed. As per the sale deed, XYZ Ltd. undertook to pay overriding charges of ₹15,000 p.a. to the wife of the sole proprietor in addition to the sale consideration. The sale deed also specifically mentioned that the amount was charged on the net profits of XYZ Ltd., who had accepted that obligation as a condition of purchase of the going concern. Is the payment of overriding charges by XYZ Ltd. to the wife of the sole-proprietor in the nature of diversion of income or application of income? Discuss.</p> <p style="text-align: right;"><b>(Basic Concept)</b></p>
Ans.	<p>This issue came up for consideration before the Allahabad High Court in <i>Jit &amp; Pal X-Rays (P.) Ltd. v. CIT (2004) 267 ITR 370 (All)</i>. The Allahabad High Court observed that the overriding charge which had been created in favour of the wife of the sole-proprietor was an integral part of the sale deed by which the going concern was transferred to the assessee.</p> <p>The obligation, therefore, was attached to the very source of income i.e., the going concern transferred to the assessee by the sale deed. The sale deed also specifically mentioned that the amount in question was charged on the net profits of the assessee-company and the assessee-company had accepted that obligation as a condition of purchase of the going concern. Hence, it is clearly a case of diversion of income by an overriding charge and not a mere application of income.</p>
3.	<p>MKG Agency is a partnership firm consisting of Mr. Mohan and his three major sons. The partnership deed provided that after the death of Mr. Mohan, the business shall be continued by the sons, subject to the condition that the firm shall pay 20% of the profits to their mother, Lakshmi. Mr. Mohan died in March, 2025. In the previous year 2025-26, the reconstituted firm paid ₹1 lakh (equivalent to 20% of the profits) to Lakshmi and claimed the amount as deduction from its income. Examine the correctness of the claim of the firm.</p> <p style="text-align: right;"><b>(Basic Concept)</b></p>
Ans.	<p>The issue raised in the problem is based on the concept of diversion of income by overriding title, which is well recognised in the income-tax law. In the instant case, the amount of ₹1 lakh, being 20% of profits of the firm, paid to Lakshmi gets diverted at source by the charge created in her favour as per the terms of the partnership deed. Such income does not reach the assessee-firm.</p> <p>Rather, such income stands diverted to the other person as such other person has a better title on such income than the title of the assessee. The firm might have received the said amount but it so received for and on behalf of Lakshmi, who possesses the overriding title.</p>

	<p>Therefore, the amount paid to Lakshmi should be excluded from the income of the firm. This view has been confirmed in CIT vs. Nariman B. Bharucha &amp; Sons (1981) 130 ITR 863 (Bom).</p>
4.	<p>Anand was the Karta of HUF. He died leaving behind his major son Prem, his widow, his grandmother and brother's wife. Can the HUF retain its status as such or the surviving persons would become co-owners?</p> <p style="text-align: right;"><b>(Basic Concept)</b></p>
Ans.	<p>In the case of Gowli Buddanna v. CIT (1966) 60 ITR 293, the Supreme Court has made it clear that there need not be more than one male member to form a HUF as a taxable entity under the Income-tax Act, 1961. The expression –Hindu Undivided Family   in the Act is used in the sense in which it is understood under the personal law of the Hindus.</p> <p>Under the Hindu system of law, a joint family may consist of a single male member and the widows of the deceased male members and the Income-tax Act, 1961 does not mandate that it should consist of at least two male members. Therefore, the property of a joint Hindu family does not cease to belong to the family merely because the family is represented by a single co-parcener who possesses the right which an owner of property may possess.</p> <p>Therefore, the HUF would retain its status as such.</p>
5.	<p>Mr. Ram (aged 56) is Karta of his HUF. The HUF consists of himself, his wife and two sons viz. Mr. C (aged 28) and Minor D (aged 16). The HUF is assessed to income tax and has business income from the year 2015-16 onwards. The business income of HUF for the year ended 31.3.2026 is ₹5,00,000 (computed). Mr. Ram is employed in a private company and his salary income for the same period is ₹6,10,000 (computed). You are requested to answer the following treating each of them as independent situations:</p> <p>(i) Mr. C gave cash gift of ₹1,00,000 to the HUF of Mr. Ram. What would be the total income of HUF?</p> <p>(ii) The HUF has one house property fetching rent of ₹10,000 per month and some movable assets. There is a proposal to make a partial partition of HUF by allotting the house property to Mr. C. Is it advisable to do a partial partition?</p> <p>(iii) Minor D earned ₹70,000 by use of his special skill and talent. How would his income be taxed?</p> <p>(iv) A car owned personally by Mr. Ram was blended with HUF during the year. It was leased out for a monthly rent of ₹10,000 from 1-10-2025. How would this income be taxed?</p> <p style="text-align: right;"><b>(Basic of HUF taxation)</b></p>
Ans.	<p>(i) Cash gift of ₹1,00,000 by Mr. C, Ram's major son, to the HUF of Mr. Ram would not be taxable in the hands of the HUF, since gifts from a relative of the HUF does not fall within the scope of income taxable under section 56(2)(x). Since Mr. C, being Mr. Ram's son, is a member of Ram's HUF, he is a relative of the HUF. Hence, the total income of HUF would be ₹5 lakhs, being the business income computed.</p> <p>Note - Salary income of Mr. Ram, the Karta of the HUF, who is employed in a private company would be taxed in his individual hands, since the remuneration earned by the Karta on account of the personal qualifications and exertions and not on account of the investment of the family funds cannot be treated as income of the HUF.</p> <p>(ii) Partial partition (after 31.12.1978) is not recognized and the HUF, which has been hitherto assessed to tax, shall continue to be liable to be assessed as if no such partial partition has taken place [Section 171(9)]</p> <p>The rental income in this case would continue to be assessed in the hands of the HUF, even after partial partition. Therefore, it is not advisable to do a partial partition.</p> <p>(iii) Income of ₹70,000 earned by Minor D by use of his special skill and talent would be taxable in his individual hands. It will not be included in the hands of his parent by virtue of the exception to section 64(1) contained in the proviso to section 64(1).</p> <p>(iv) As per section 64(2), where a member of the HUF blends his self-acquired property for inadequate consideration with the HUF, income derived therefrom is deemed to arise to the transferor-member and not to the HUF. In this case, Mr. Ram has blended his personal property (i.e., car) with the HUF.</p>

	<p>Since there is no consideration in case of blending, the income from car computed in the prescribed manner, [which can be as per the presumptive provisions or lease rental of ₹60,000 (<math>₹10,000 \times 6</math> months) less depreciation] would be deemed as the income of Mr. Ram.</p>
6.	<p>Mr. Gavaskar sought voluntary retirement from a Government of India Undertaking and received compensation of ₹40 lacs on 28th February, 2025. He is planning to use the money as capital for a business dealership in electronic goods. The manufacturer of the product requires a security deposit of ₹15 lacs, which would carry interest at 8% p.a. Gavaskar's wife is a graduate and has worked as marketing manager in a multinational company for 15 years. She now looks for a change in employment. She is willing to join her husband in running the business. She expects an annual income of ₹5 lacs. Mr. Gavaskar would like to draw a monthly remuneration of ₹40,000 and also interest @ 10% p.a. on his capital in the business. Mr. Gavaskar has approached you for a tax efficient structure of the business.</p> <p>Discuss the various issues, which are required to be considered for formulating your advice. Computation of income or tax liability is not required.</p> <p style="text-align: right;"><b>(Defining Structure of Incorporation for tax benefit)</b></p>
Ans.	<p>The selection of the form of organisation to carry on any business activity is essential in view of the differential tax rates prescribed under the Income-tax Act, 1961 and specific concessions and deductions available under the Act in respect of different entities. For the purpose of formulating advice as to the tax efficient structure of the business, it is necessary for the tax consultant to consider the following issues:</p> <p>(i) In the case of sole proprietary concern, interest on capital and remuneration paid to the proprietor is not allowable as deduction under section 37(1) as the expenditure is of personal nature. On the other hand, in the case of partnership firm, both interest on capital and remuneration payable to partners are allowable under section 37(1) subject to the conditions and limits laid down in section 40(b). The partnership should be evidenced by an instrument and the individual share of partners should be specified in the instrument. Remuneration and interest should however, be authorised by the instrument of partnership and paid in accordance with such instrument. Such interest and salary shall be taxable in the hands of partners to the extent the same is allowed as deduction in the hands of the firm under section 40(b). Interest to partners can be allowed upto 12% on simple interest basis, while the limit for allowability for partners' remuneration is based on book profit under section 40(b). As per section 40(b)(v), partners' remuneration shall be allowed to the extent of aggregate of -</p> <p>(a) On the first ₹3,00,000 of book profit or in case of loss - ₹1,50,000 or at the rate of 90% of book profits, whichever is more</p> <p>(b) On the balance of book profit - at the rate of 60%</p> <p><b>Note</b> - However, if the firm is eligible to declare presumptive taxation under section 44AD, 8% of gross receipts or 6% of gross receipts, as the case may be, would be deemed as its income. All deductions under section 30 to 37 are deemed to be allowed. No deduction is allowable, including deduction for partner's remuneration and interest on capital.</p> <p>(ii) Partner's share in the profits of firm is not taxed in the hands of the partners by virtue of section 10(2A).</p> <p>(iii) If a proprietary concern is formed, the salary of Mrs. Gavaskar shall be allowed as deduction under section 37(1).</p> <p>(iv) The possibility of invoking section 40A(2) cannot be ruled out as salary is payable to a relative, who is an interested person within the meaning of section 40(2). However, it can be argued successfully that salary of ₹5 lacs is justified in view of her long experience as marketing manager of a multinational company and the fair market value of services to be rendered by her to the concern.</p> <p>(v) An issue arises as to whether remuneration of Mrs. Gavaskar would be includable in the total income of Mr. Gavaskar. Under section 64(1)(ii), remuneration of the spouse of an individual working in a concern in which the individual is having a substantial interest shall be included in the total income of the individual. However, the clubbing provision does not apply if the spouse possesses technical or</p>

professional qualification and the income is solely attributable to the application of his or her technical or professional knowledge and experience. Further, technical or professional qualification would not necessarily mean the qualifications obtained by degree or diploma of any recognized body [Batta Kalyani vs. CIT (1985) 154 ITR 0059 (AP)]. The experience of Mrs. Gavaskar as a marketing manager in a multinational company for 15 years may reasonably be considered as a professional qualification for this purpose.

(vi) If Mrs. Gavaskar joins the proprietary concern or partnership concern of her husband as employee, remuneration of & 5 lacs shall be taxed in her hands under the head "salary".

Standard deduction u/s 16(ia) of Rs. 50,000 would be allowed.

(vii) If she joins as partner in the business, remuneration shall be taxed in her hand as business income under section 28 to the extent such remuneration is allowed in the hands of the firm under section 40(b).

(viii) For individuals, tax can be computed as per slab rates provided under the default regime under section 115BAC(1A). Alternatively, he can exercise the option to shift out of the default tax regime and pay tax under the optional tax regime as per the regular provisions of the Act at the tax rates prescribed by the Annual Finance Act of that year. However, where he exercises the option of shifting out of the default regime for any previous year, he would be able to withdraw such option only once.

The surcharge rate is also depended on the total income and the highest surcharge would be 37% where total income exceeds \* 5 crores and the assessee has opted to shift out of the default tax regime whereas under default regime highest rate of surcharge would be 25%. Health and Education cess @ 4% on income-tax plus surcharge, if applicable, is attracted in all the cases. Whereas for partnership firms' tax is levied at a flat rate of 30%.

Surcharge @12% would be attracted only if total income exceeds ₹1 crore.

If a sole proprietary concern is formed, Mr. Gavaskar has an option to pay income-tax in respect of his total income (other than income chargeable to tax at special rates under Chapter XII) as per the default regime under section 115BAC or as per the optional regime under the normal provisions of Income-tax Act.

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### Alternative Tax Regimes

7. Mr. X aged 34 years and a resident in India, has a total income of ₹11,80,000 comprising his salary income and interest on bank fixed deposit. Compute his tax liability for A.Y.2026-27 under default tax regime under section 115BAC. **[Calculation of Rebate u/s 87A in 115BAC]**

**Ans. Computation of tax liability of Mr. X for A.Y. 2025-26**

Particulars	₹
Tax on total income of ₹11,80,000	
Tax $[4L - 8L = 4L \times 5\% = 20,000]$	58,000
Less: Rebate u/s 87A (Lower of tax payable or ₹60,000) $[8L - 11.8L = 3.8L \times 10\% = 38,000]$	58,000
<b>Tax Liability</b>	<b>Nil</b>

8. Ms. Pallavi aged 32 years and a resident in India, has a total income of ₹12,30,000 comprising his salary income and interest on bank fixed deposit. Compute his tax liability for A.Y.2026-27 under default tax regime under section 115BAC. **[Basic in 115BAC]**

**Ans. Computation of tax liability of Ms. Pallavi for A.Y. 2026-27**

Particulars	₹	
<b>Step 1:</b> Total Income of ₹12,30,000 - ₹12,00,000	30,000	(A)
<b>Step 2:</b> Tax on total income of ₹12,30,000		
Tax@15% on 30,000+60,000	64,500	(B)
<b>Step 3:</b> Since B > A, rebate u/s 87A would be B - A		

	₹64,500 - ₹30,000]	34,500	
	Add: HEC@4%	30,000	
	<b>Tax Liability</b>	1200	
		<b>31,200</b>	

9. ABC Ltd., a pharmaceutical company incorporated in year 2002-03, purchased a new plant and machinery for ₹ 10 lakhs on 01.04.2025. The total income of the company for Assessment Year 2026- 27 before allowing additional depreciation in respect of new plant and machinery is ₹ 20 lakhs. ABC Ltd. has not opted for the concessional tax regime under section 115BAA so far. Compute the tax liability of ABC Ltd. for A.Y. 2026-27 assuming its turnover for the previous year 2023-24 was \* 350 crores. Ignore the provisions of MAT. Suggest whether ABC Ltd. should opt 115BAA or not. **[Study Material]**

**Ans.** **Computation of tax liability of ABC Ltd. for A.Y. 2026-27 under regular provisions of the Act**

Particulars	₹
Total Income before allowing additional depreciation	20,00,000
Less : Additional Depreciation u/s section 32 ( 1 ) ( ii ) [₹10 lakh x 20 % ]	2,00,000
<b>Total Income</b>	<b>18,00,000</b>
Applicable Tax Rate ( since turnover of P.Y. 2023-24 < 400 crores	25%
Tax payable	4,50,000
Add : Health & Education cess @ 4 %	18,000
<b>Tax Liability</b>	<b>4,68,000</b>

**Computation of tax liability of ABC Ltd. for A.Y. 2026-27 under section 115BAA**

Particulars	₹
Total Income before allowing additional depreciation	20,00,000
Less : Additional Depreciation u/s section 32 (1) (ii) [not allowable as deduction while computing income u/s 115BAA ]	-
<b>Total Income</b>	<b>20,00,000</b>
Applicable Tax Rate	22%
Tax payable	4,40,000
Add : Surcharge @ 10 %	44,000
	4,84,000
Add : Health & Education cess @ 4 %	19,360
<b>Tax Liability</b>	<b>5,03,360</b>

Since tax payable as per the regular provisions of the Act is lower than the tax payable under the provisions of section 115BAA, it would be beneficial for ABC Ltd. not to opt for section 115BAA.

10. The following are the particulars relating to two Indian companies, namely, Alpha Ltd. and Beta Ltd., which are subject to tax audit u/s 44AB, for A.Y.2026-27

Particulars	Alpha Ltd.	Beta Ltd.
Date of setting up / registration	1.4.2019	1.11.2023
Main object	Manufacture of steel	Manufacture of leather
Place	Vaishali, Bihar	Ranipet, Tamil Nadu
Turnover of P.Y. 2023-24	₹ 251 crores	-
Turnover of P.Y. 2024-25	₹ 401 crores	-
Turnover of P.Y. 2025-26	₹ 270 crores	₹ 120 crores
Value of new plant and machinery installed and put to use on 1.11.2025	8 crore	₹ 5 crore
Gross Total Income of P.Y.2025-26 ( computed under the special provisions )	5 crore	3 crore

No. of new employees employed on the date of setting up / registration of the company	50	
No. of new employees employed as on	750	750
Monthly emoluments to 750 employees employed in the respective companies as mentioned above by ECS through bank account :	(1.4.2025)	(1.11.2025)
250 employees	₹ 20,000 per employee	₹ 21,000 per employee
250 employees	₹ 25,000 per employee	₹ 25,000 per employee
250 employees	₹ 28,000 per employee	₹ 27,000 per employee

From the above details.

- Compute the tax liability of Alpha Ltd. and Beta Ltd. for A.Y.2026-27, assuming that Alpha Ltd. has not opted for any concessional rates earlier and they both avail the beneficial tax rates under special provisions of the Income-tax Act, 1961 in the P.Y. 2025-26.
- Would it be beneficial for Alpha Ltd. to opt for beneficial tax rates in P.Y. 2025-26 instead of paying tax under regular provisions of the Income-tax Act, 1961 Examine.

**[Study Material]**

**Ans.**

**(i) Computation of tax liability of Alpha Ltd. and Beta Ltd. under the special provisions of the Income-tax Act, 1961**

Particulars	Alpha Ltd. ₹	Beta Ltd. ₹
Gross Total Income	5,00,00,000	3,00,00,000
<b>Less : Deduction u / s 80JJAA</b>	<u>4,05,00,000</u>	
Alpha Ltd - $[(20,000 \times 12 \times 250) + (25,000 \times 12 \times 250)] \times 30\%$		<u>1,72,50,000</u>
Beta Ltd - $[(21,000 \times 5 \times 250) + (25,000 \times 5 \times 250)] \times 30\%$	<u>95,00,000</u>	<u>1,27,50,000</u>
<b>Total Income</b>		
<b>Computation of tax liability</b>		
Tax @ 22 % on ₹95,00,000 [ As per section 115BAA ]	20,90,000	
Tax @ 15 % on ₹1,27,50,000 [ As per section 115BAB ]		19,12,500
Add : Surcharge @ 10 %	<u>2,09,000</u>	<u>1,91,250</u>
	22,99,000	21,03,750
Add : Health and Education cess @ 4 %		84.15
<b>Total tax liability</b>	<b>23,90,960</b>	<b>21,87,900</b>

#### Notes.

- Beta Ltd. is a manufacturing company set up on or after 1.10.2019 but before 31.3.2024, hence, it would be eligible to opt for section 115BAB, and avail benefit of concessional rate of tax@15% plus surcharge@10% and HEC@4%. Alpha Ltd. is eligible to opt for special provisions under section 115BAA, as per which the rate of tax would be 22% plus surcharge@10% and HEC@4%.
- Both Alpha Ltd. and Beta Ltd. are eligible to claim deduction u/s 80JJAA, which is a permissible Chapter VI-A deduction while computing total income under section 115BAA and 115BAB.

In case of Alpha Ltd, 30% of the additional employee cost of new employees employed in the P.Y. 2025-26, can be claimed as deduction u/s 80JJAA for P.Y.2025-26. Out of 750 employees, 250 employees whose emoluments are ₹20,000 p.m., 250 employees whose emoluments are ₹25,000 p.m. qualify as additional employees and 250 employees whose emoluments exceed ₹25,000 p.m. do not qualify as additional employees.

In case of Beta Ltd, 750 new employees are employed on 1.11.2025, being the date of setting up, for which 30% of additional employee cost can be claimed as deduction. Beta Ltd. is engaged in manufacture of leather, and hence it would be entitled for deduction u/s 80JJAA in the P.Y. 2025-26, since the eligible employees have been employed for more than 150 days in that year. Thus, 30% of the additional employee cost of 250 employees whose emoluments are ₹21,000 p.m. and 250 employees whose emoluments are ₹25,000 p.m. qualify as additional employees, can be claimed as deduction u/s 80JJAA for P.Y.2025-26.

**(ii) Computation of tax liability of Alpha Ltd. as per the regular provision of the Act**

Particulars	Alpha Ltd. ₹
Gross Total Income ( computed under the special provisions )	5,00,00,000
Less : Additional Depreciation [ 10 % of ₹8 crore , since the plant and machinery has been put to use for less than 180 days in the P.Y.2025-26 ]	80,00,000
<b>Gross Total Income ( computed under the regular provisions of the Act )</b>	<b>4,20,00,000</b>
Less : Deduction u/s 80JJAA [ ( ₹ 20,000 x 12 x 250 ) + ( ₹ 25,000 x 12 x 250 ) ] x 30 %	4,05,00,000
<b>Total Income</b>	<b>15,00,000</b>
<b>Computation of tax liability</b>	
Tax @ 25 % on ₹15,00,000 [ Since turnover of P.Y.2023-24 is less than ₹400 cr . ]	3,75,000
Add : Surcharge ( Not applicable , since total income is less than 1 crore )	Nil
	3,75,000
Add : Health and Education cess @ 4 %	15,000
<b>Total tax liability</b>	<b>3,90,000</b>

Since the tax liability under the regular provisions of the Act is ₹3,90,000 vis-à-vis tax liability of ₹23,90,960 computed under section 115BAA, it is not beneficial for Alpha Ltd. to opt for the special provisions under section 115BAA for A.Y.2026-27. Hence, **Alpha Ltd. should not opt for the special provisions under section 115BAA for A.Y.2026-27.**

11. M/s Kaveri Ltd., a manufacturing company, having an annual turnover of ₹ 6,000 lakhs, shows a net profit of ₹ 850 lakhs after debit/credit of following amounts to its Statement of Profit and Loss for the year ended 31<sup>st</sup> March, 2026:

- Depreciation as per Companies Act ₹65 lakhs.
- Employer's contribution to EPF of ₹18 lakhs together with similar amount of Employee's contribution for the month of March, 2026 was remitted on 20th May, 2026. (The due date for the remittance to the credit of employee's EPF account being 15th April, 2026.)
- GST paid includes an amount of ₹10,500 charged as penalty for delayed filing of returns and ₹15,400 towards interest for delay in deposit of tax.
- An amount of ₹10.50 lakhs was incurred on notified skill development project u/s. 35CCD
- Loss of ₹20 lakhs, on destruction of an old machinery by fire in the factory and ₹5 lakhs received as scrap value on this machinery. The insurance company did not admit the claim of the company on the charge of gross negligence.
- Dividend income of ₹15 lakhs from a foreign company in which the company holds 32% of the equity share capital of the company.
- Profit of ₹15 lakhs on sale of a building to X Ltd., a domestic company, entire shares of which are held by assessee company. The building was acquired by Kaveri Ltd on 1st December, 2022.

**Additional information:**

- Normal depreciation computed as per Income-tax Rules, 1962 is ₹92 lakhs.
- During the previous year 2024-25, the company has purchased a new plant and machinery worth ₹20 lakhs on 10th January, 2025. Balance of Additional depreciation on this machine is not included in the depreciation computed for the previous year 2025-26.
- The company had credited in the account of a sub-contractor, an amount of ₹7 lakhs on 31st March, 2025 towards repairs of factory building. The tax deducted on such payment was remitted on 31st December, 2026.
- On 15th May, 2026, M/s Kaveri Ltd. declared and distributed dividend of ₹20 lakhs.

Compute the total income and tax payable by M/s Kaveri Ltd. for the A.Y. 2026-27 clearly stating the reasons for treatment of each item. **Assume that the company has opted for section 115BAA.** [May 22]

Ans.

**Computation of Total Income of M/s Kaveri Ltd. for the A.Y. 2026-27 under section 115BAA**

	Particulars	Amount ( in ₹ )
I.	<b>Profits and gains of business and profession</b> Net profit as per Statement of profit and loss <b>Add: Items debited but to be considered separately or to be disallowed</b> <b>(a) Depreciation as per Companies Act</b> <b>(b) Employees ' contribution to EPF</b> [Since employees ' contribution to EPF has not been deposited on or before the due date under the PF Act, the same is not allowable as deduction as per section 36 (1) (va) read with Explanations 1 and 2 thereto . Since the same has been debited to Statement of profit and loss, it has to be added back for computing business income ]. <b>(c) Employer's contribution to EPF</b> [As per section 43B, employers' contribution to EPF is allowable as deduction since the same has been deposited on or before the due date of filing of return under section 139 (1). Since the same has been debited to Statement of profit and loss , no further adjustment is necessary ] <b>(d) Penalty for delayed filing of GST return</b> [Penalty imposed for delay in filing GST return is not deductible since it is on account of infraction of the law requiring filing of the return within the specified period. Since the same has been debited to Statement of profit and loss, it has to be added back for computing business income ] <b>(e) Interest for delay in deposit of GST</b> [Interest paid for delay in deposit of GST is compensatory in nature and hence , allowable as deduction . Since the same has been debited to Statement of profit and loss , no further adjustment is necessary ] <b>(f) Expenditure on notified skill development project u/s 35CCD</b> [Expenditure on notified skill development project u/s 35CCD is not allowable as deduction since the company has opted for section 115BAA ] <b>(g) Loss due to destruction of machinery by fire</b> [Loss of ₹20 lakhs due to destruction of machinery caused by fire is not deductible since it is capital in nature. As the loss has been debited to statement of profit and loss, the same is required to be added back while computing business income .	8,50,00,000 65,00,000 18,00,000 Nil 10,500 Nil 10,50,000 20,00,000  <b>Less: Items credited but chargeable to tax under another head / expenses allowed but not debited</b> <b>1. Scrap value of machinery</b> [Scrap value of machinery, being capital in nature , has to be reduced from WDV of machinery . Since the same has been credited to the statement of profit and loss, it has to be deducted while computing business income ] <b>2. Dividend income from foreign company</b> [Dividend income from foreign company is taxable under the head "Income from other sources" . Since the said dividend
		<b>1,13,60,500</b>
		<b>9,63,60,500</b>
		5,00,000
		15,00,000

	<p>has been credited to the statement of profit and loss , the same has to be deducted while computing business income ]</p> <p><b>3. Profit on sale of building to 100 % subsidiary</b> [Taxability or otherwise to be considered under the head "Capital Gains" . Since such profit has been credited to the statement of profit and loss , the same has to be deducted while computing business income ]</p> <p><b>4. Depreciation as per Income - tax Rules</b> Normal depreciation Additional depreciation [Though the balance 10% additional depreciation of the earlier year is allowable as deduction in the current year, since the company is opting for section 115BAA, additional depreciation is not permissible in this case]</p> <p><b>5. Payment to a sub-contractor where tax deducted last year was remitted after the due date of filing of return</b> [30 % of ₹7 lakhs , being payment to a sub - contractor , would have been disallowed u/s 40 (a)(ia) while computing the business income of A.Y.2026-27 , since tax deducted was remitted after the due date of filing of return . However , the same is allowable in A.Y.2027-28 , since the remittance has been made on 31.12.2026 ]</p>	15,00,000	
II	<p><b>Capital Gains</b></p> <p><b>Profit on sale of building to 100 % Indian subsidiary</b> [Long - term capital gains arise on sale of building held for more than 24 months . However , in this case , since the transfer is to a 100 % subsidiary company and the subsidiary company is an Indian company, the same would not constitute a transfer for levy of capital gains tax as per section 47 ( iv )]</p>	92,00,000	Nil
III	<p><b>Income from Other Sources</b></p> <p><b>Dividend income from foreign company</b></p> <p><b>Gross Total Income</b></p> <p><b>Less : Deduction under Chapter VI - A</b> Deduction u/s 80M in respect of inter - corporate dividends [ being lower of ₹15 lakh , being dividend received from foreign company, and ₹20 lakh , being dividend distributed by M / s Kaveri Ltd. on or before due date specified u / s 139 ( 1 ) of filing return of income ]</p> <p><b>Total Income</b></p>	2,10,000	<u>1,29,10,000</u>
			8,34,50,500
			Nil
		15,00,000	
			<b>8,49,50,500</b>
		15,00,000	
			<b>8,34,50,500</b>

**Computation of tax payable by M/s Kaveri Ltd. for the A.Y. 2026-27 under section 115BAA**

Particulars	₹
Tax on business income @ 22 % of ₹8,34,50,500	1,83,59,110
Add : Surcharge @ 10 %	<u>18,35,911</u>
	2,01,95,021
Add : Health and education cess @ 4 %	<u>8,07,801</u>
Tax liability	<u>2,10,0,822</u>
<b>Tax payable ( rounded off )</b>	<b>2,10,02,820</b>

12. The Statement of Profit and Loss of Manav Ltd., engaged in manufacturing activity for the year ended 31st March, 2026, exhibits a Net Profit of ₹180 lakhs after debiting/crediting the following items:

(a) Interest of ₹24 lakhs relating to F.Y.2025-26, which is settled by issuing 8% debentures of ₹100 each in August, 2026.

(b) Income-tax assessment of A.Y.2022-23 was completed in September, 2023 with a tax demand of ₹5,80,000 which included surcharge of ₹50,700 and cess of ₹22,308. The entire sum has been duly paid during the F.Y. 2025-26.

(c) Provision for gratuity based on actuarial valuation ₹180 lakhs.

(d) Expenditure incurred towards foreign travel of directors ₹ 6.5 lakhs to explore opening of a branch in a foreign country to market its products in the said foreign country.

(e) Paid ₹82,000 for purchase of raw material by making payment in cash to a supplier in a single day.

(f) Paid ₹11 lakhs to ST Inc. of Japan for online digital advertisement. ST Inc. has no PE in India. No tax was deducted at source nor was equalization levy paid on the said amount.

(g) Incurred ₹4.6 lakhs on activities related to Corporate Social Responsibility as required under section 135 of Companies Act, 2013.

(h) Sold a vacant land to its wholly owned subsidiary Petal (P) Ltd., Mumbai. The long-term capital gain of ₹18 lakhs is credited to the Statement of Profit and Loss.

(i) Paid ₹2.2 lakhs to a university as donation to be used for research in social science approved u/s 35(1)(iii). Out of this, ₹1.2 lakh was paid through net banking and balance by cash.

(j) Interim dividend distributed during the year of ₹65 lakhs.

(k) Contributed ₹300 lakhs towards employees' pension scheme notified by Central Government u/s 80CCD calculated at 15% of aggregate of salary and dearness allowance (forming part of retirement benefits) payable to employees as per the terms of employment.

(l) Depreciation ₹36 lakhs.

(m) ₹36 lakhs by way of dividend received from Knight Pte. of Singapore in which Manav Ltd. has 28% voting power.

(n) Paid ₹6 lakhs as donation to a recognised political party by way of crossed cheque.

**Additional Information:**

(i) Normal depreciation as per Income-tax Act, 1961 - ₹62 lakhs.

(ii) Additional depreciation as per Income-tax Act, 1961-₹24 lakhs

(iii) Brought forward unabsorbed depreciation (out of normal depreciation) of A.Y. 2025-26 ₹14 lakhs.

(iv) Actual gratuity paid during the year of ₹105 lakhs is debited to provision for gratuity account.

You are required to compute the total income and tax liability of Manav Ltd. for A.Y. 2026-27. Manav Ltd. has opted to pay tax as per the provisions of section 115BAA.

**[RTP Nov 23]**

**Ans.**

Particulars	₹	₹
<b>Income from Profits and gains of business or profession</b> Profit as per Statement of Profit and Loss Add : Items debited but to be considered separately or to be disallowed		1,80,00,000
<b>Term loan interest arrears settled by issuing 8 % debentures</b> As per Explanation 3C to section 43B , issue of debentures by which the interest liability is deferred to a future date shall not be deemed to have been actually paid . Since issue of debentures is not equivalent to discharge of interest on term loan, interest would be disallowed. Since ₹24 lakhs towards interest is debited to statement of profit and loss, the same has to be added back.	24,00,000	
<b>Tax demand of ₹5,80,000 which includes surcharge and cess of ₹50,700 and ₹22,308 , respectively</b>	5,80,000	

As per Explanation 3 to section 40 (a)(ii) the term 'tax' shall include any surcharge or cess , by whatever name called, on such tax. Therefore, both surcharge and cess partake the character of income- tax and hence , are liable for disallowance along with tax . Since tax of ₹5,80,000 including surcharge and cess is debited to Statement of Profit and Loss , the same has to be added back.	75,00,000	
<b>Provision for gratuity</b> Provision of ₹180 lakhs for gratuity based on actuarial valuation is not allowable as deduction as per section 40A (7). However, actual payment of gratuity of ₹105 lakhs is allowable as deduction. Hence, the difference has to be added back.	-	
<b>Expenses on foreign travel of directors</b> Expenses on foreign travel of directors for exploring opening of a branch in foreign country for marketing its products relates to the existing business of the company and is , therefore , eligible for deduction . Since the same has been debited to the Statement of Profit and Loss , no adjustment is required .	82,000	
<b>Cash payment for purchase of raw material in an amount exceeding ₹10,000</b> Under section 40A ( 3 ) , disallowance is attracted in respect of expenditure for which cash payment exceeding ₹10,000 is made on a day to a person . Cash payment of ₹82,000 for purchase of raw material is, therefore, liable for disallowance.	11,00,000	
<b>Expenses on online digital advertisement</b> Expenses on online digital advertisement to a non - resident company, which has no PE in India , is liable for deduction of equalisation levy . Since equalization levy is not deducted and paid, 100 % disallowance is attracted in respect of such payment under section 40(a)(ib). Since ₹11 lakhs has been debited to Statement of Profit and Loss, the same has to be added back.	4,60,000	
<b>Expenditure on CSR Activities:</b> As per Explanation 2 to section 37(1), expenditure incurred on CSR activities is not deductible. Assuming that such expenditure is not deductible under sections 30 to 36, the entire amount is liable for disallowance. Since ₹4.6 lakhs has been debited to Statement of Profit and Loss, the same has to be added back.	2,20,000	
<b>Contribution to University for research in social science</b> As per section 35(1) (iii), contribution to university for research in social science is eligible for 100% deduction, However, since Manav Ltd. has opted for concessional tax regime u/s 115BAA, deduction under section 35 (1) (iii) is not allowable. Since ₹2.2 lakhs has been debited to Statement of Profit and Loss, same has to be added back.	65,00,000	
<b>Interim dividend distributed</b> Interim dividend distributed is not allowable as deduction . Since the same has been debited to Statement of Profit and Loss , the said amount same has to be added back to arrive at business income .	20,00,000	
<b>Contribution towards employee's pension scheme in excess of 14 % of salary disallowed</b> Contribution to the extent of 14 % of salary (basic salary + dearness allowance, if it forms part of pay for retirement benefits) is allowable as		

deduction under section 36 (1) (iva). In this case, 1 % , which is in excess of 10 % ie , ₹ 300,00,000 x 1/15 , would be disallowed.			
<b>Depreciation debited to the Statement of Profit and Loss</b>	36,00,000		
<b>Donation to recognised political party</b>	<u>6,00,000</u>	<u>2,50,42,000</u>	4,30,42,000
Donation to political party not allowable as deduction u/s 37.			
<b>Less : Items credited to Statement of Profit and Loss which are to be considered separately / expenditure to be allowed</b>			
<b>LTCG on sale of vacant land</b>	18,00,000		
Capital gains on transfer of capital assets are taxable under the head "Capital Gains". However, long term capital gain on sale of vacant land of ₹ 18 lakhs to wholly owned subsidiary is not liable to tax since it is not regarded as 'transfer'. Since the same is credited to Profit and Loss, it has to be deducted while computing business income .			
<b>Dividend received from foreign company</b>	36,00,000		
Dividend received from foreign company is taxable under the head "Income from other sources". Since the said dividend has been credited to the Statement of Profit and Loss , the same has to be deducted while computing business income .			
Depreciation as per Income - tax Act, 1961	62,00,000		
Additional Depreciation as per Income - tax Act, 1961, not allowable as deduction, since company is opting for section 115BAA	Nil	<u>1,16,00,000</u>	<u>3,14,42,000</u>
<b>Less: Brought forward unabsorbed depreciation</b>			
Unabsorbed depreciation out of normal depreciation is allowable as deduction though company has opted for section 115BAA, since such depreciation is not attributable to additional depreciation in respect of which deduction is not permissible u/s 115BAA.			<u>14,00,000</u>
<b>Income from Other Sources</b>			
Dividend received from foreign company		3,00,42,000	
<b>Gross Total Income</b>		36,00,000	
<b>Less : Deductions under Chapter VI - A</b>		3,36,42,000	
<b>Deduction under section 80M</b> in respect of dividend distributed , restricted to the amount of dividend received from domestic / foreign company is allowable though company has opted for section 115BAA .			
<b>Deduction under section 80GGB</b> in respect of donation to recognised political party not available since company has opted for section 115BAA .		36,00,000	
<b>Total Income</b>			<u>Nil</u>
Computation of tax liability		<u>3,00,42,000</u>	
<b>Income - tax on 3,00,42,000 22 % ( u/s 115BAA )</b>		66,09,240	
Add : Surcharge @ 10 % ( irrespective of the total income )		6,60,924	
		<u>72,70,164</u>	
Add : Health and Education Cess @ 4 %		2.90.807	
<b>Tax liability</b>			<u>75,60,971</u>
<b>Tax liability ( rounded off )</b>			<u>75,60,970</u>

13. Regal (P) Limited, incorporated on 15th December, 2021, is engaged in manufacture and sale of ceramic tiles. It commenced manufacturing in the month of January, 2022. The net profit of the company as per its statement of profit and loss for the year ended 31st March, ₹2026 is 220 lakh after debiting/crediting the following items:

- One-time license fee of ₹22 lakh paid to ABC Ltd (an Indian company) for obtaining franchise on 1st June, 2025.
- ₹32,000 paid to B & Co., a goods transport operator, in cash on 31 January, 2026 for carrying company's products to the warehouse.
- Rent of ₹60,000 p.m. received from letting out a part of its office premises. Municipal tax paid in respect of the said part of the building is 8,000. The same has been debited to statement of profit and loss.
- ₹2 lakh, being contribution to a scientific research association approved u/s 35(1)(ii).
- ₹5 lakh paid to a contractor for repair work at the company's factory. No tax was deducted on such payment.
- Dividend income of ₹10,000 from Gamma Limited earned on 1,000 listed equity shares of ₹10 each purchased at ₹100 per share on 10th October, 2017. These shares were sold on 1st March, 2026 at ₹280 per share. Gain on transfer of these shares credited to books of accounts.
- Depreciation on tangible fixed assets as per books of account ₹2.20 lakh.

**Additional Information:**

- Depreciation on tangible fixed assets as per Income-tax Rules ₹2.60 lakh.
- Company has acquired on 15.11.2025, machinery for ₹20 lakhs and put the same to use on the same date. Depreciation on such machinery is not included in point (i) above.
- Fair market value of shares of Gamma Limited as on 31st January, 2018 was ₹110 per share.
- On account of expansion of its activities, 180 new employees joined during the P.Y.2025-26, the details of whom are as follows-

	No. of employees	Date of employment	Regular/Contractual	Total monthly emoluments per employee (₹)
(i)	51	1.4.2025	Regular	23,000
(ii)	46	1.6.2025	Regular	26,000
(iii)	48	1.8.2025	Contractual	27,000
(iv)	35	1.9.2025	Regular	24,000

The emoluments are paid by use of ECS through a bank account and it may be assumed that the employees participate in recognised provident fund.

Compute the total income of the company and tax liability for the A.Y. 2026-27, assuming that the company opts for concessional tax regime under section 115BAB. [RTP May 22]

Ans.

**Computation of total income Regal (P) Ltd. for the A.Y. 2026-27 u/s 115BAB**

Particulars	₹	₹
<b>Income from House Property</b> Rental income [₹60,000 x 12 ] [No deduction is allowable in respect of such income, since the company has opted for concessional regime under section 115BAB. Hence, deduction for municipal taxes paid and deduction @ 30 % of net annual value is not allowable ]		7,20,000
<b>Profits and gains of business or profession</b> Net profit as per Statement of profit and loss	2,20,00,000	
<b>Add: Income debited to statement of profit and loss, but considered separately or disallowed</b>		
<b>Licence fee for obtaining franchise</b> (Franchise is an intangible asset eligible for depreciation @25%. Since one - time licence fee of ₹22 lakh paid for obtaining franchise has been debited to statement of profit and loss, the same has to be added back.)	22,00,000	

Depreciation 25 % has to be provided in respect of the intangible asset since it has been used for more than 180 days during the year ) <b>Payment in cash to a goods transport operator</b> [₹32,000 paid to B & Co, a goods transport operator, in cash is deductible while computing business income , as the disallowance under section 40A (3) would be attracted in case of payment to a transport contractor only when such cash payment exceeds ₹35,000. Since it is already debited to statement of profit and loss , no further adjustment is required ]	-		
<b>Municipal taxes in respect of let - out part of office premises</b> [Municipal taxes paid in respect of office premises, debited to Statement of Profit and Loss has to be added back to compute business income, since same is to be considered separately under the head "Income from house property "]	8,000		
<b>Contribution to approved scientific research association</b> [Not allowable as deduction since company is opting for section 115BAB ]	2,00,000		
<b>Amount paid to contractor without deduction of tax at source [₹5 lakhs x 30%]</b> [Payment to contractor without deduction of tax at source would attract disallowance at 30 % of expenditure under section 40 ( a ) ( ia ) ]	1,50,000		
<b>Depreciation on tangible fixed assets</b> [The amount of ₹2.20 lakh, being depreciation as per books of account, debited to statement of profit and loss has to be added back ]	2,20,000		
<b>Depreciation under section 32</b>	2,47,78,000		
Tangible fixed assets	2,60,000		
Intangible asset ( Franchise ) 25 % of 22,00,000	5,50,000		
Plant & Machinery			
- Normal Depreciation ( 20,00,000 x 7.5 % , since put to use for less than 180 days during P.Y. 2025-26) 1,50,000	1,50,000		
- Additional depreciation [ not allowable since company is opting for section 115BAB ]	9,60,000		
Less: Income credited to Statement of Profit and Loss , but taxable under other heads of income	2,38,18,000		
<b>Rental income from letting out of office premises</b> (Rental income from letting out a part of the office premises is taxable under " Income from house property " . Therefore , it has to be deducted while calculating business income , since the income has been credited to statement of profit and loss )	7,20,000		
<b>Dividend from Gamma Limited</b> Dividend credited to statement of profit and loss account to be deducted as it is taxable under the " Income from other sources "	10,000		
<b>Capital gain on sale of shares</b> Gain on transfer of shares to be taxed under the head " Capital Gains " [1000 x 180 ( 280-100 ) ]	1,80,000	2,29,08,000	
<b>Capital Gains</b>			
Sales consideration (₹280 x 1000 shares )	2,80,000	1,70,000	
<b>Less : Cost of acquisition</b>	1,10,000		
<b>Higher of</b>			
- Actual cost [ ₹1,00,000 (₹100 x 1000 ) ]			
- ₹1,10,000 , being lower of			
- FMV as on 31.1.2018 of ₹1,10,000 [₹110 x 1,000 ]			

- Sale consideration of ₹2,80,000 [₹280 x 1000 ]		
<b>Income from Other Sources</b>		
Dividend from Gamma Limited		<u>10,000</u>
<b>Gross Total Income</b>		<b>2,38,08,000</b>
Less : Deduction under section 80JJAA [ allowable even though company opts for section 115BAB ]		
30 % of additional employee cost of ₹1,40,76,000 [ ₹23,000 x 51 employees employed on 1.4.2025 x 12 months ] <b>[ See Note below ]</b>		<u>42,22,800</u>
<b>Total Income</b>		<b>1,95,85,200</b>
<b>Tax liability</b>		
Tax payable on LTCG @12.5 % on ₹45,000 in excess of ₹1,25,000		5,625
Tax payable on dividend @ 22 % on ₹10,000		2,200
Tax payable on rental income @ 22 % on ₹7,20,000		1,58,400
Tax @ 15 % on ₹1,86,85,200 [ie, business income of 2,29,08,000- ₹42,22,800]		<u>28,02,780</u>
		29,69,005
Add : Surcharge @ 10 %		<u>2,96,900</u>
Add : Health an education cess@ 4 %		<u>1,30,636</u>
<b>Tax liability</b>		<b>33,96,541</b>
<b>Tax liability ( rounded off )</b>		<b>33,96,540</b>

**Note** - For the purpose of deduction under section 80JJAA, employees employed on 1.6.2025 and 1.8.2025 do not qualify as additional employees, since their monthly emoluments exceed ₹25,000. Employees employed on 1.9.2025 also do not qualify as additional employees for A.Y.2026-27, since they have been employed for less than 240 days in the P.Y.2025-26. Therefore, only the employees employed on 1.4.2025 qualify as additional employees for the purpose of deduction u/s 80JJAA for A.Y.2026-27.

14. ABC LTD., a manufacturing company, is engaged in the manufacturing of leather products since 01.11.2022 in the State of Tamil Nadu. As per Statement of Profit and Loss for the year ended 31st March, 2026, company showed profit of ₹1,20,00,000 after debiting or crediting the following items:

- The opening and closing stock for the year were ₹55 lakhs and ₹54 lakhs respectively. Opening stock was overvalued by 10% and Closing stock was undervalued by 10%.
- ABC LTD. paid ₹10 Lakhs in foreign currency as sales commission during the year without deducting tax at source to Mr. John, a citizen of U.S.A and non-resident, for procuring orders from outside India.
- ₹45,000 paid in cash to Mr. Raj employee of the company at the time of his retirement.
- Profit on sale of 2000 shares of M/s. VKL LTD, a listed company ₹3,50,000. These shares were sold on 7.4.2025 for ₹250 per share. The highest price of VKL LTD. quoted on the stock exchange as on 31.01.2018 was ₹175 per share. The said shares were acquired for ₹75 per share on 10.06.2017. STT paid both at the time of purchase and sale of shares.
- STCG derived from transfer of a Capital asset on which no depreciation is allowable under the Act ₹75,000.
- Profit of ₹7,20,000 on sale of plot of land on 24.07.2025 to XYZ LTD, a domestic company, the entire shares of which are held by the assessee company. The plot was acquired by ABC LTD. on 30.09.2023.
- Credits to statement of Profit and Loss Account include dividend of ₹50,000 received on September 6, 2025 from a domestic company.
- ₹20,000 paid for expenses in connection with the inauguration of a new branch opened for expanding the business.

- (ix) ₹20,000 paid as penalty to Government for company's failure in performance of a contract within stipulated time. There was delay of 4 months and according to the agreement, the company had to pay a penalty of ₹5,000 per month to the Government.
- (x) An amount of ₹5 lakhs was paid to manager of company under Voluntary Retirement Scheme.
- (xi) Interest of ₹75,000 paid by bank remittance, on deposits made by non-resident buyers of goods manufactured by the company. The said payments were made outside India without deduction of tax.

**Additional information:**

- (1) During the year F.Y. 2025-26, the company has employed 56 additional employees. All these employees contribute to a recognized provident fund. 39 out of 56 employees joined on 1.6.2025 on a salary of ₹15,000 per month, 14 joined on 1.7.2025 on a salary of ₹45,700 per month, and 3 joined on 1.11.2025 on a salary of ₹22,000 per month. The salaries of 9 employees who joined on 1.6.2025 are being settled by bearer cheques every month. Audit under section 44AB has been done before the due date.
- (2) The Company opted for concessional rate of tax and exemption from MAT under Section 115BAB for Assessment year 2025-26.

Compute the total income and tax payable for the Assessment Year 2026-27 clearly starting the reasons for treatment of each item.

**Ans.**

Particulars	Amount (in ₹)	
<b>Profits and gains of business and profession</b>		
Net profit as per Statement of profit and loss		1,20,00,000
Add: Overvaluation of opening stock [ ₹55,00,000 x 10/110 ]	5,00,000	
Undervaluation of closing stock [ ₹54,00,000 x 10/90 ]	6,00,000	
Add: <b>Items debited but to be considered separately or to be disallowed</b>		
<b>(1) Sales commission to Mr. John, a non - resident , for procuring orders from outside India</b>	Nil	
[The commission paid to Mr. John, non - resident agent, for services rendered outside India is not chargeable to tax in India. His commission is paid in foreign currency directly to him and is, therefore, not received by him or on his behalf in India. Since commission income for procuring orders by non - resident who remains outside India is not subject to tax in India, disallowance under section 40 (a) (i) is not attracted in respect of payment of commission to such non - resident outside India even though tax has not been deducted at source.]		
<b>(2) Payment to Mr. Raj , an employee , on his retirement</b>	Nil	
[Section 40A (3) provides for disallowance @ 100 % of the expenditure incurred exceeding ₹10,000 otherwise than by an account payee cheque drawn on a bank or an account payee bank draft or use of electronic clearing system through a bank account or through such other electronic mode as may be prescribed . However , no disallowance under section 40A ( 3 ) is to be made as the amount paid to Mr. Raj is on his retirement since such sum payable does not exceed ₹50,000 . This exception is provided in Rule 6DD ]		
<b>(3) Expenses in connection with inauguration of a new branch for expanding business</b>	Nil	
[Expenses in connection with inauguration of a new branch for expanding business is allowable as revenue expenditure since it is incurred wholly or exclusively for business purpose . Since the same is already debited in statement of profit and loss , no further adjustment is required ]		

	<b>(4) Penalty to Government for failure in performance of a contract</b> [The penalty of ₹20,000 paid for non - fulfilment of a contract within stipulated time is not for the breach of law but was paid for breach of contractual obligations and therefore, is an allowable expense. Since it is already debited in statement of profit and loss, no further adjustment is required]	Nil	
	<b>(5) Voluntary Retirement Scheme expenditure</b> [Only 1 / 5th of expenditure on voluntary retirement scheme is allowable over a period of five years u/s 35DDA . Since whole amount of expenditure is debited to statement of profit and loss, 4 / 5th has to be added back [ ₹5,00,000 x 4/5].]	4,00,000	
	<b>(6) Interest paid to non - resident buyers of goods , on deposits made by them</b> [ Interest paid to non - resident buyer of goods , on deposits made by them is deemed to accrue or arise in India since such interest is paid by the company , a resident , which used such deposit for the purpose of business carried on by it in India . Thus , such interest is chargeable to tax in India and ABC Ltd. is required to deduct tax at source on such interest . Disallowance @ 100 % of interest paid is attracted under section 40 ( a ) ( i ) , since tax has not been deducted at source therefrom . ]	75,000	
	<b>(7) Salary paid to employees through bearer cheques</b> [Salary paid through bearer cheques ( 9 employees x ₹15,000 x 10 months ) will attract disallowance u / s 40A ( 3 ) and hence , the same has to be added back ] [ See Note at the end of the solution ]	13,50,000	29,25,000
	Less:Items credited but chargeable to tax under another head / expenses allowed but not debited		1,49,25,000
1.	<b>Profit on sale of shares of M / s VKL Ltd.</b> [Capital Gain arising on sale of shares of VKL Ltd. is taxable under the head " Capital Gains " . Since the profit on sale of shares has been credited to the statement of profit and loss , the same has to be deducted while computing business income ]	3,50,000	
2.	<b>Short term capital gain on sale of capital asset on which no depreciation is allowable</b> [Short term capital gain arising on sale of capital asset is taxable under the head " Capital Gains " . Since such STCG has been credited to the statement of profit and loss , the same has to be deducted while computing business income ]	75,000	
3.	<b>Profit on sale of plot of land to 100 % subsidiary</b> [Taxability or otherwise to be considered under the head " Capital Gains " . Since such profit has been credited to the statement of profit and loss, the same has to be deducted while computing business income ]	7,20,000	
4.	<b>Dividend received from domestic company</b> [Dividend income from domestic company is taxable under the head " Income from other sources " . Since the said dividend has been credited to the statement of profit and loss, the same has to be deducted while computing business income]	50,000	11,95,000
			1,37,30,000
	<b>Capital Gains</b>		
1.	<b>Long term capital gain on sale of shares of M / s . VKL Ltd.</b> [ Since shares were held for more than 12 months ]  [ Full value of consideration ( 2,000 x 250 ) ] Less : Cost of acquisition - Higher of ( i ) and ( ii )	5,00,000 3,50,000	1,50,000

<p>(i) Actual cost of acquisition ( 2,000 x 75 ) 1,50,000</p> <p>(ii) 3,50,000 , being lower of fair market value as on 31.1.2018 (i.e., ₹ 3,50,000 , being 2,000 x 175 ) and sale consideration ( i.e.,</p> <p><b>2. Short term capital gain on sale of capital asset</b> on which no depreciation is allowable</p> <p><b>3. Profit on sale of plot of land to 100 % subsidiary</b></p> <p>[Short - term capital gains arise on sale of plot of land held for less than 24 months . However , in this case , since the transfer is to a 100 % subsidiary company and the subsidiary company is an Indian company , the same would not constitute a transfer for levy of capital gains tax ]</p>	
	75,000 Nil
	2,25,000
<b>Income from Other Sources</b>	55,555
<b>Dividend income from domestic company</b> [ 50,000 / 90 x 100 ]	1,40,10,555
<b>Gross Total Income</b>	14,49,000
<b>Deduction u / s 80JJAA</b> [ See Working Note below ]	1,25,61,555
<b>Total Income</b>	1,25,61,560
<b>Total Income ( Rounded Off )</b>	

Computation of tax payable by ABC Ltd. for the A.Y. 2026-27 under section 115BAB

Particulars	₹
Tax on long - term capital gains in excess of ₹1.25 lakh @ 12.5 % u / s 112A [ ₹50,000 x 10 % ]	3,125
Tax on short term capital gain of ₹75,000 derived from transfer of a capital asset on which no depreciation is allowable @ 22 %	16,500
Tax on dividend income of 55,555 @ 22 %	12,222
Tax on business income @ 15 % of ₹1,22,81,000 ( i.e. , ₹1,37,30,000 - ₹14,49,000 )	<u>18,42,150</u>
Add : Surcharge @ 10 %	18,73,997
	<u>1.87,399</u>
Add : Health and education cess @ 4 %	20,61,397
Total Tax liability	<u>82,456</u>
Less : TDS on dividend income	21,43,852
<b>Net Tax payable</b>	<u>5,555</u>
<b>Net Tax payable ( Rounded Off )</b>	<u>21,38,297</u>
	<b>21,38,300</b>

## Working Note - Computation of deduction u/s 80JJAA

No of eligible additional employees [ 56 ( - ) 14 = 42 ] [14 employees who joined on 1.7.2025 do not qualify as " additional employees " since their monthly emoluments exceed ₹ 25,000. However, 3 employees who joined on 1.11.2025 qualify as additional employees, since they have been employed for more than 150 days during the P.Y.2025-26 .] Additional employee cost means the total emoluments paid or payable to additional employees employed during the P.Y.2025-26 . However , the additional employee cost in respect of 9 employees who joined on 1.6.2025 , whose salary is paid by bearer cheque would be Nil . Additional employee cost [₹ 15,000 x 30 employees ( 39 - 9 ) x 10 months ] + [₹ 22,000 x 3 employees x 5 months] = ₹ 45,00,000+ ₹ 3,30,000 Eligible deduction = 30 % of ₹ 48,30,000	33 ₹ 48,30,000 ₹ 14,49,000
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**Note** - Since it is logical to assume that remuneration paid to employees has been debited to statement of profit and loss, consequently, disallowance would be attracted in respect of remuneration paid to 9 employees by bearer cheque every month. Accordingly, ₹13,50,000, being salary paid to 9 employees during the P.Y.2025-26 has been added back while computing profits and gains of business or profession. If a view is taken that the details of remuneration paid to employees, given by way of "Additional Information", are only for the purpose of computation of deduction under section 80JJAA, then, the computation of income under the head "Profits and gains of business and profession" would be without providing for disallowance under section 40A(3) in respect of payment to employees by bearer cheque.

### Special Tax Rates

15. Compute the income-tax payable by Mr. Abhinav, aged 32 years, who has the following income for the A.Y.2026-27:

(i) Interest on fixed deposits with SBI (Gross)	₹1,10,000
(ii) Interest on savings bank account with SBI	₹15,000
(iii) Consideration received for transfer of VDA	₹62,000
(iv) Cost of acquisition	₹21,000
(v) Expenses on transfer of VDA	₹1,000

**[Calculation of Gain on VDA]**

**Ans.** Total income (excluding Income from transfer of VDA) is below the basic exemption limit of ₹2,50,000. Therefore, tax on income, other than income from VDA, is Nil. Income of ₹41,000 (₹62,000 - ₹21,000) from transfer of VDA would be taxable@30% (plus cess of 4%), even if the total income including income from transfer of VDA is less than the basic exemption limit. The tax on income from transfer of VDA would be ₹12,792, being 31.2% of ₹41,000. The expenses on transfer of VDA is not allowable as deduction. Section 194S provides for deduction of tax on payment on transfer of virtual digital asset to a resident at the rate of 1% of consideration. Hence, the transferor would have deducted tax of ₹620, being 1% of ₹62,000. Tax@10% under section 194A would have been deducted by SBI from ₹1,10,000. TDS u/s 194A = ₹11,000 Net tax payable by Mr. Abhinav would be ₹1,172 (₹12,792 - ₹11,000 (TDS u/s 194A) - ₹620 (TDS u/s 194S)).

16. Compute the income-tax payable by Mr. Siddhanth, aged 24 years, who has the following income for the A.Y.2026-27

(i) Income from Salaries (computed)	₹8,40,000
(ii) Interest on savings bank account with Axis Bank	₹12,000
(iii) Consideration received on transfer of VDA to Mr. Harsh	₹50,000
(iv) Cost of acquisition of VDA transferred	₹5,000

Mr. Harsh is employed with ABC Ltd. on a monthly salary of ₹50,000. In addition, he has interest on savings bank account with Bank of India.

Mr. Siddhanth has not exercised option to shift out of section 115BAC. Ignore TDS on income other than VDA.

**[Calculation of Gain on VDA]**

**Ans.** **Tax payable by Mr. Siddhanth for A.Y. 2026-27**

Particulars	Amount in ₹
Total income (excluding income from transfer of VDA) [₹8,40,000 + ₹12,000]	8,52,000
Income from VDA (₹50,000 - ₹5,000)	45,000
<b>Total Income</b>	<b>8,97,000</b>
Tax on income other than VDA	
Upto ₹4,00,000	Nil
₹4,00,001 to ₹8,00,000 @5%	₹20,000

₹8,00,001 to ₹8,52,000 @10%	₹5,200	25,200
Tax on income from VDA @30%		13,500
Less Rebate U/s 87A [ Only allowed on Normal Income]		38,700
Add: Health and education cess @ 4% → 60,000	↓	(25,200)
→ Taxation Normal Inc		13,500
Less: TDS under section 194S [Mr. Harsh is a specified person since he does not have income under the head "Profits and gains of business and profession" and the consideration payable by him does not exceed ₹50,000. Accordingly, Mr. Harsh need not deduct tax u/s 194S on consideration payable to Siddhanth]		540
<b>Net tax payable</b>		14,040
		Nil
		<b>14,040</b>

17.	Compute the income-tax payable by Mr. Raj, aged 32 years, who has the following income for the A.Y.2024-25
(i)	Business loss ₹3,18,000
(ii)	Interest on fixed deposits with HDFC Bank ₹18,000
(iii)	Consideration received on transfer of VDA ₹4,20,000
(iv)	Cost of acquisition of VDA transferred ₹20,000

**[Calculation of Gain on VDA]**

Ans.	As per section 71, business loss of the current year can be set off against income from other sources of that year. Therefore, business loss of ₹3,18,000 can be set off against interest of ₹18,000 from fixed deposits. As per section 115BBH, business loss cannot be set off against income from transfer of VDA. Therefore, balance business loss of ₹3,00,000 cannot be set off against Income from VDA of ₹4,00,000 (₹4,20,000 – ₹20,000). The same has to be carried forward to A.Y.2026-27 for set-off against business income of that year. Tax on Income from VDA would be ₹1,24,800 (i.e., 31.2% of ₹4 lakh). Section 194S provides for deduction of tax on payment on transfer of virtual digital asset to a resident at the rate of 1% of consideration. Hence, the transferor would have deducted tax of ₹4,200, being 1% of ₹4,20,000. Net tax payable by Mr. Raj = ₹1,24,800 – ₹4,200 = ₹1,20,600.
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18.	Mr. A, aged 34 years, is a salaried employee with TKM Limited. He has furnished the following details:
S.N.	Particulars
1	Gross Salary 23,00,000
2	Business Loss from a new part time business of trading in Mobiles (4,50,000)
3	Short Term Capital Loss on sale of Property ( computed ) (3,60,000)
4	Mr. A purchased 1000 Bibcoins, a virtual digital currency on 01.04.2025 for ₹1,000 per coin, which he sold on 15.02.2026 for ₹1,300 per coin, Commission for transfer of Bibcoins is 2% of the sale value.

You are required to compute the total income of Mr. A, assuming that he has not opted for section 115BAC for the Assessment year 2026-27 as per the provisions of the Income-tax Act, 1961. **[May 23]**

**Ans. Computation of total income of Mr. A (under regular provisions of the Income-tax Act, 1961)**

	Particulars	Amount (₹)	Amount (₹)
I	<b>Salaries</b> Gross Salary Less : Standard deduction under section 16 ( ia )	23,00,000 50,000	22,50,000
II	<b>Profit and gains from business or profession</b> Business loss from part time business Loss from business cannot be set off against salary income. No set off of business loss is allowed against income from transfer of virtual digital assets. Business loss of ₹4,50,000 has to be carried forward to A.Y. 2027-28.	(4,50,000)	
III	<b>Capital Gains</b> Short term capital loss on sale of property		(3,60,000)

<b>IV</b>	[Short term capital loss cannot be set off against any income other than Capital gains. Short term capital loss of ₹3,60,000 has to be carried forward to A.Y. 2027-28 ]. It is not eligible for set off against income arising from transfer of virtual digital asset.	3,00,000	25,50,000
	<b>IFOS</b> Income from transfer of virtual digital assets [(₹1,300 - ₹1,000) x 1,000 bib coins] [No deduction in respect of any expenditure other than cost of acquisition is allowed] <b>Total Income</b>		

**19.** Mr. Amit, an Indian resident, invested in Virtual Digital Assets (VDAs) such as crypto currencies and Non-fungible Tokens (NFTs).  
On 15 April, 2025, he purchased 1 Bitcoin (BTC) for ₹60 lakhs. His friend, Sushil gifted him NFTs (the transfer of these tokens does not result in transfer of underlying tangible asset) having FMV of ₹5 lakhs on his birthday on 16.8.2025. Sushil has bought these NFTs for ₹4.5 lakhs. Amit also buys NFTs worth ₹10 lakhs on 16.11.2025. Due to some financial need, on 1.12.2025, he sold 0.5 BTC for ₹28 lakhs and NFTs received from friend for ₹6.50 lakhs. He incurred expenses of 0.1% on transfer of BTC and NFTs.  
He has other income of ₹6,50,000 during the P.Y. 2025-26.  
Compute the tax payable by Mr. Amit for A.Y. 2026-27 assuming he has exercised the option to shift out of section 115BAC.

**Ans.****Tax payable by Mr. Amit for A.Y. 2026-27**

Particulars	Amount in ₹	Amount in ₹
<b>On sale of Bitcoin</b> Sale consideration <i>Less: Cost of acquisition [₹60 lakhs/2]</i>	28,00,000 <u>30,00,000</u>	
[Expenses on transfer of VDA is not allowable as deduction] Loss from transfer of VDA not allowable to be set off against any other income	(2,00,000)	
<b>On sale of NFTs</b> Sale consideration <i>Less: Cost of acquisition [FMV of NFTs on 16.8.2025, being the date of receiving the gift]</i>	6,50,000 <u>5,00,000</u>	
[Expenses on transfer of VDA is not allowable as deduction]		1,50,000
<b>Gift received from Mr. Sushil</b> Taxable [Since the FMV of NFTs on 16.8.2025 exceeds ₹50,000] Other income	5,00,000 <u>6,50,000</u>	11,50,000
<b>Total Income</b>		<b>13,00,000</b>
Tax on other income of ₹ 11,50,000 [₹ 1,12,500 plus ₹ 45,000 @ 30% of ₹1,50,000] Tax on income from transfer of VDA income of ₹1,50,000 @30%		1,57,500
<i>Add: Health and education cess @ 4%</i>		<u>45,000</u>
<i>Less: TDS under section 194S [₹28 lakhs x 1% + ₹6.50 lakhs x 1%]</i>		2,02,500
<b>Net tax payable</b>		<u>8,100</u>
		2,10,600
		<u>34,500</u>
		1,76,100

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