

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2020

Course: Taxation Law

Programme: B.BA.LL.B. (Corporate Law/ BFIT) &

B. Com. LLB Taxation Law/ Media and Entertainment Law

Course Code: CLCC4001

Semester: V

Time: 03 hrs.

Max. Marks: 100

SECTION A

1. Each Question will carry 5 Marks

2. Instruction: Write a short note on following. Attempt all questions in this section. Support your answers with relevant legal provisions and case laws (if any)

S. No.		Marks	CO
Q 1	Progressive and regressive tax systems	5	CO 1
Q 2	Assessment Year and Previous Year	5	CO 1
Q 3	Import Vs. Exports	5	CO 1
Q 4	Concept of tax havens	5	CO 1
Q 5	Clubbing of income	5	CO 1
Q6	Allowance Vs. Perquisites	5	CO 1

SECTION B

1. Each Question will carry 10 Marks

2. Instruction: Attempt all questions in this section. Support your answers with relevant legal provisions and case laws (if any).

Q 7	<i>"No taxes can be levied or collected without the authority of law"</i> . In light of this statement, discuss the constitutional basis of taxes in India.	10	CO 2
Q 8	What are the basic conditions for being resident of India, under Income Tax Act, 1961?	10	CO 3
Q 9	Write a note on Shom committee's recommendations on curbing tax evasion by big corporates, how these recommendations have been implemented by government of India?	10	CO 2
Q 10	Discuss scope of supply under the GST. Support your answer with relevant illustrations and exceptions, if any.	10	CO 2
Q 11	What are various deductions/ expenditure allowed in respect of income under the head Profits and Gains from Business and Profession, along with relevant case laws.	10	CO 2

SECTION C

1. Each Question will carry 10 Marks

2. Instruction: Attempt any two questions in this section. Support your answers with relevant legal provisions and case laws (if any).

Q 12	Seth Lal Chand is a moneylender. He gave loan to a farmer Balbir Kumar, from whom Lal Chand got 10 Bigha land on mortgage. Lal Chand gave this land to another farmer, Raghuraj, on rent for agricultural purposes. Raghuraj is paying Rs240000/ rent every year, and Lal Chand is claiming this rental income as his agricultural income in his income tax return. However, assessing officer has considered it as a business income coming from Lal Chand's money lending business. Decide the problem along with all legal provisions related to agricultural income and decided case laws.	10	CO 3
Q 13	In order to make any income taxable under the head salary, first and foremost requirement is that there must be a relation of employer and employee. In light of this statement, explain the pre-requisites of income under head salary. Also, state if employment has to be a full-time regular employment or it can be a part time employment as well. Also, state the difference between prerequisites and allowances.	10	CO 3
Q14	<i>Mr. A, a resident of India earned income from various sources in India. In the year 2009, a consent decree was passed against him awarding maintenance to his wife and children. The decree as such did not create any charge upon his income. In the assessment year 2010-11, he claimed income tax deduction of the amount paid under the decree from his total income stating the same to be diverted to the wife and children who received a portion of his income in form of maintenance.</i> In light of the above facts, state the difference between Application of Income and Diversion of income by overriding title. Support your answer with the help of suitable case laws.	10	CO 3

