

## **Summary of the recent decisions:**

1. PCIT v. NRA Iron and Steel (P.) Ltd. (SC) (103 taxmann.com 48):

Mere filing of primary evidence is not sufficient to establish the credit worthiness of the investor companies. The assessee is under a legal obligation to prove the receipt of share Capital/premium to the satisfaction of the AO, failure of which, would justify addition of the said amount to the income of the Assessee.

2. PCIT v. UTV Software Communication Ltd (Bom. HC) (103 taxmann.com 12):

When assessee sold its entire shareholding in its subsidiary to a third party, it is a mere transfer of shares of its subsidiary and there was no transfer of undertaking of its subsidiary. Such change in the shareholding would not make it a case of slump sale.

3. PCIT v. Jindal Steel (Bom. HC) (ITA No. 1723 of 2016):

Merely because for the purpose of arriving at a proper valuation for transfer of the entire unit in the valuation report obtained by the purchaser, the valuer assigned separate valuation to different parts of the unit would not take away the fact that what was sold by the assessee was entire unit as a going concern. The term in the agreement used was "Unit" meant "all the tangible and intangible assets and liabilities of the entire unit".

4. PCIT v. N.R. Portfolio (P.) Ltd. (Del HC) (103 taxmann.com 17):

Where Tribunal rejected assessee's cross objection and assessee did not appeal and when High Court decide revenue's appeal in its favour, assessee filed rectification application before Tribunal regarding earlier cross objection, same would be barred by principle of finality.

5. Rajeev Tandon v. Rashmi Tandon (103 taxmann.com 7) (Del. HC)

As per section 4 of Prohibition of Benami Transactions Act, 1988, a suit would not lie to enforce any right in respect of property held Benami against person in whose name property is held, no defence can be based on any right in regard to any properties held benami.

6. Precilion Holdings Limited v. DCIT (Bom. HC) (WP 3342 of 2018):

When there is no failure on the part assessee to disclose truly and fully all material facts, reopening of assessment beyond the period of four years was simply not permissible. Also, merely because in the later year, the Assessing Officer takes a different view on the basis of similar material, which may have been collected during such process, would not permit he Assessing Officer to reopen the assessment.