Test Series: March, 2021

MOCK TEST PAPER 1 INTERMEDIATE (IPC) COURSE

PAPER – 4: TAXATION SECTION – A: INCOME TAX

SOLUTIONS

Division A – Multiple Choice Questions

MCQ No.	Sub-part	Most Appropriate Answer
1.	(i)	(c)
	(ii)	(a)
	(iii)	(d)
	(iv)	(c)
	(v)	(b)

MCQ No.	Most Appropriate Answer
2.	(c)
3.	(a)
4.	(d)

Division B - Descriptive Questions

1. Computation of total income and tax liability of Mr. Alok for A.Y. 2021-22

Particulars	Rs.	Rs.	Rs.
Income from house property			
Gross annual value ¹ (Rs. 35,000 x 12)		4,20,000	
Less: Municipal taxes paid by Mr. Alok		8,200	
Net annual value		4,11,800	
Less: Deductions under section 24			
(a) 30% of Net Annual Value		1,23,540	
(b) Interest on house borrowing (allowed in full in case			
of let out property)		<u>2,01,500</u>	
			86,760
Profits and gains of business or profession			
Income from profession			
Fees from legal services		49,60,000	
Less: Expenses allowable as deduction			
- Staff salary and bonus	17,50,000		
- Other general and administrative expenses	22,00,000		
- Office rent	1,48,000		
- Motor car maintenance (Rs. 72,000 x 2/3)	48,000		
- Car loan interest – not allowable, since Mr. Alok follows cash system of accounting and no interest is paid during			
the previous year)		41,46,000	
		8,14,000	

 $^{^{\,1}\,}$ Rent receivable has been taken as the gross annual value in the absence of other information

Less: Depreciation u/s 32			
- Motor car Rs. 9,50,000 x 15% x 50% x 2/3, being put to	47,500		
use for less than 180 days	,		
- Books being annual publications [Rs. 80,000 x 40%]	32,000		
- Computer @40% of Rs. 52,000 x 50%, since the same is	40.400	22.222	
put to use for less than 180 days	10,400	89,900	
For the P.Y. 2020-21, the gross receipts of		7,24,100	
Mr. Alok is Rs. 49,60,000. Since, it does not exceed Rs. 50,00,000, he is eligible to opt for presumptive tax scheme under section 44ADA			
In such case, his professional income would be Rs. 24,80,000, being 50% of Rs. 49,60,000			
It is more beneficial for Mr. Alok to declare profit of Rs. 7,24,100 as per books of accounts which is lower than the profits computed on presumptive basis under section 44ADA. However, for declaring lower profits, he has to maintain books of account under section 44AA and get the same audited under section 44AB			
Income from share speculation business	1,20,000		
Less: Loss from commodity speculation business set off against income from share speculation business. Balance loss of Rs. 60,000 from commodity speculation business to be carried forward to A.Y. 2022-23	<u>1,20,000</u>	<u>Nil</u>	7,24,100
Capital Gains			7,21,100
Long-term capital gains on sale of 5800 listed shares			
Sale consideration		5,95,000	
Less: Cost of acquisition is higher of		4,35,000	1,60,000
- Cost of acquisition	1,21,800		
 Lower of Rs. 4,35,000 (Rs. 75 x 5800), being fair market value as on 31.1.2018 and Rs. 5,95,000, being full value of consideration on transfer 	4,35,000		
Income from other sources			
Cash Gift of Rs. 84,000 i.e., Rs. 21,000 x 4, received from his four friends is taxable u/s $56(2)(x)$, since aggregate amount of cash gifts exceeds Rs. $50,000$			84,000
Gross Total Income			10,54,860
Less: Deductions under Chapter VI-A			
Section 80C			
Life insurance premium	49,000		
Repayment of housing loan	1,80,000		
PPF subscription	<u>1,50,000</u>		
	3,79,000		
Restricted to Rs. 1,50,000		1,50,000	

Section 80G		
Contribution to PM Cares Fund (100% of Rs. 1,21,000) by way of bank draft	1,21,000	
Section 80GGC		
Donation to registered political party made by way of cheque	3,50,000	
		6,21,000
Total Income		4,33,860
Tax liability		
Tax @10% under section 112A on long-term capital gains exceeding Rs. 1,00,000 i.e.,Rs. 60,000		6,000
Tax @5% on Rs. 23,860 [Rs. 2,73,860 (total income excluding		
LTCG u/s 112A) - Rs. 2,50,000, being basic exemption limit]		<u>1,193</u>
		7,193
Less: Rebate u/s 87A [Since the total income does not exceed Rs. 5 lakhs. Rebate u/s 87A is not available on tax on LTCG		
taxable u/s 112A]		<u>1,193</u>
		6,000
Add: Health and Education cess@4%		240
Tax liability		<u>6,240</u>

2. Determination of residential status

Mr. Raghu would be a resident in India in P.Y. 2020-21, if he satisfies any one of the following conditions:

- (i) He has been in India during the previous year for a total period of 182 days or more, or
- (ii) He has been in India during the 4 years immediately preceding the previous year for a total period of 365 days or more and has been in India for at least 60 days in the previous year.

If he satisfies any one of the conditions mentioned above, he is a resident. If both the above conditions are not satisfied, he would be a non-resident.

During the P.Y. 2020-21 Mr. Raghu stayed in India for 179 days i.e., 365 days – 186 days [78 days + 34 days + 74 days] and 380 days i.e., more than 365 days during the 4 preceding previous years. He satisfies the second basic condition for being a resident. Hence, he is a resident in India for A.Y.2021-22.

A person would be "Not ordinarily Resident" in India in any previous year, if such person, inter alia.:

- (a) has been a non-resident in 9 out of 10 previous years preceding the relevant previous year; or
- (b) has during the 7 previous years immediately preceding the relevant previous year been in India for 729 days or less.

For the previous year 2020-21, Mr. Raghu would be "Resident but not ordinarily resident" since he stayed for less than 729 days during the 7 previous years immediately preceding P.Y. 2020-21.

Computation of total income of Mr. Raghu for A.Y.2021-22

Particulars	Amount (Rs.)
(1) Salary from Indian company received in a bank account in 15,00,000 India	0

	Less: Standard deduction u/s 16(ia) 50,000	14,50,000
(2)	Dividend of Rs. 48,000 received from Singapore based company transferred to his bank account in Singapore is not taxable in the hands of the resident but not ordinarily resident since the income has neither accrued or arisen in India nor has it been received in India.	Nil
(3)	Interest on fixed deposit with PNB credited to his savings bank account is taxable in the hands of Mr. Raghu as Income from other sources, since it has accrued and arisen in India and is also received in India.	10,500
Gross Total Income		14,60,500
Less: Deduction u/s 80TTB		10,500
Tota	Total Income	

3. Computation of income from house property of Mr. Naveen for A.Y. 2021-22

Particulars	Rs.	Rs.
Annual value is nil (since house is self occupied)		Nil
Less: Deduction under section 24(b)		
Interest paid on borrowed capital Rs.15,00,000 @ 12%	1,80,000	
Pre-construction interest Rs.3,60,000/5	72,000	
	2,52,000	
As per second proviso to section 24(b), interest deduction restricted to		2,00,000
Loss under the head "Income from house property" of Mr. Naveen		(2,00,000)

Computation of income from house property of Mr. Vikas for A.Y. 2021-22

	Particulars	Ground floor Self occupied)	First floor
Gross	s annual value (See Note below)	Nil	60,000
Less:	: Municipal taxes (for first floor)		4,000
Net a	nnual value(A)	Nil	56,000
Less:	Deduction under section 24		
(a)	30% of net annual value		16,800
(b)	interest on borrowed capital		
	Current year interest		
	$Rs.10,00,000 \times 10\% = Rs.1,00,000$	50,000	50,000
	Pre-construction interest		
	Rs.10,00,000 x 10% x 21/12 = Rs.1,75,000		
	Rs.1,75,000 allowed in 5 equal installments		
	Rs.1,75,000/5 = Rs.35,000 per annum	<u>17,500</u>	<u>17,500</u>
	Total deduction under section 24	<u>67,500</u>	<u>84,300</u>
Incon	ne from house property (A)-(B)	(67,500)	(28,300)
1	under the head "Income from house property" of Mr. Vikas ground floor and first floor)	(95,800)	

Note: Computation of Gross Annual Value (GAV) of first floor of Vikas's house

If a single unit of property (in this case the first floor of Vikas's house) is let out for some months and self-occupied for the other months, then the Expected Rent of the property shall be taken into account for determining the annual value. The Expected Rent shall be compared with the actual rent and whichever is higher shall be adopted as the annual value. In this case, the actual rent shall be the rent for the period for which the property was let out during the previous year.

The Expected Rent is the higher of fair rent and municipal value. This should be considered for 6 months since the construction of property was completed only on 30.9.2020.

Expected rent = Rs.50,000 being higher of -

Fair rent = $1,00,000 \times 6 / 12 = Rs.50,000$ Municipal value = $72,000 \times 6 / 12 = Rs.36,000$

Actual rent = Rs.60,000 (Rs.20,000 p.m. for 3 months from October to December,

2020)

Gross Annual Value = Rs.60,000 (being higher of Expected Rent of Rs.50,000 and actual rent of Rs.60,000)

4. Computation of Gross total income of Mr. Farhan for the A.Y.2021-22

Particulars	Rs.	Rs.
Salaries		
Income from Salary	4,18,000	
Less: Loss from house property set-off against salary	(2,00,000)	2,18,000
[As per section 71(3A), loss from house property to the extent of Rs. 2,00,000 can be set-off against any other head of income.]		
Profits and gains of business or profession		
Income from trading business	2,80,000	
Less: Brought forward loss from trading business of A.Y. 2015-16 can be set off against current year income from trading business as per section 72(1), since the eight-year time limit as specified under section	(40,000)	
72(3), within which set-off is permitted, has not expired.	(12,000)	
Less: Unabsorbed depreciation	<u>(1,00,000)</u>	1,68,000
Income from speculative business BPO	25,000	
Less: Loss from speculative business MNO set-off as per section 73(1)	(12,000)	
Loss from speculative business MNO brought forward from A.Y. 2017-18 as per section 73(2), can be set off to the extent of Rs. 13,000. Balance loss will be lapsed, since four years his expired	(13,000)	-
Capital Gains		
Long term capital gain on sale of urban land	2,05,000	
Less: Long term capital loss on sale of shares (STT not paid) set-off as per section 71(3)	(85,000)	
Less: Long-term capital loss on sale of listed equity shares on which STT is paid can also be set-off as per section 71(3), since long-term capital arising on sale of such shares is taxable under section 112A		
	(1,10,000)	
Less: Short-term capital loss under section 111A as per section 71(2)	(10,000)	-
Gross Total Income		3,86,000

Items eligible for carried forward to A.Y.2022-23

Particulars	Rs.
Loss from house property	20,000
As per section 71B, balance loss not set-off can be carried forward to the next year for set-off against income from house property of that year. It can be carried forward for a maximum of eight assessment years i.e., upto A.Y. 2029-30, in this case.	
Loss from specified business under section 35AD	45,000
Loss from specified business under section 35AD can be set-off only against profits of any other specified business. If loss cannot be so set-off, the same has to be carried forward to the subsequent year for set off against income from specified business, if any, in that year. As per section 73A(2), such loss can be carried forward indefinitely for set-off against profits of any specified business.	
Short-term capital loss under section 111A	75,000
Short-term capital loss under section 111A can be set-off against long term or short term capital gains. If it cannot be so set-off, it has to be carried forward to the next year for set-off against capital gains, if any, in that year. It can be carried forward for a maximum of eight assessment years, i.e., upto A.Y.2029-30, in this case, as specified under section 74(1).	

5. (a) Computation of Advance Tax Payable for the A.Y 2021-22

Particulars	Rs.
Tax Payable	5,50,000
Less: TDS (deductible but not deducted), cannot be reduced for computing advance tax liability	Nil
Less: TCS	20,000
Net Tax Payable	5,30,000

Due dates for payment of advance tax

Due date of installment	Amount payable		
On or before 15th June, 2020	Rs. 79,500		
	[15% of Rs. 5,30,000]		
On or before 15th September, 2020	Rs. 1,59,000		
	[Rs. 2,38,500 (45% of Rs. 5,30,000) less Rs. 79,500,		
	(amount paid in earlier installment)]		
On or before 15th December, 2020	Rs. 1,59,000		
	[Rs. 3,97,500 (75% of Rs. 5,30,000) Less		
	Rs. 2,38,500 (amount paid in earlier installment or		
	installments)]		
On or before 15th March, 2021	Rs. 1,32,500,		
	[Rs. 5,30,000 (whole amount of advance tax liability		
	less Rs. 3,97,500 (amount paid in earlier installment or		
	installments)]		

- **(b)** If any person fails to furnish a return within the time allowed to him under section 139(1), he may furnish the belated return for any previous year at any time -
 - (i) before the end of the relevant assessment year; or
 - (ii) before the completion of the assessment, whichever is earlier.

The last date for filing return of income for A.Y.2021-22, therefore, is 31st March 2022.

Thereafter, Mr. Prayeen cannot furnish a belated return after this date.

Consequences for non-filing return of Income within the due date under section 139(1)

<u>Carry forward and set-off of certain losses:</u> Business loss, speculation business loss, loss from specified business under section 35AD, loss under the head "Capital Gains"; and loss from the activity of owning and maintaining race horses, would not be allowed to be carried forward for set-off against income of subsequent years, where a return of income is not furnished within the time allowed under section 139(1).

Interest under section 234A: Interest under section 234A@1% per month or part of the month for the period commencing from the date immediately following the due date under section 139(1) till the date of furnishing of return of income is payable, where the return of income is furnished after the due date.

<u>Fee under section 234F</u>: Fee of Rs. 5,000 would be payable under section 234F, if the return of income is not filed on or before the due date specified in section 139(1) but filed on or before 31st December of the assessment year and Rs. 10,000 would be the fee payable under section 234F where the return is furnished after 31st December of the assessment year. However, such fee cannot exceed Rs. 1.000, if the total income does not exceed Rs. 5.00.000.

SECTION B - INDIRECT TAXES (50 MARKS) SUGGESTED ANSWERS

Division A - Multiple Choice Questions Answer

Answer Key

Question No.	Answ	er
1.1	(c)	i & iii
1.2	(c)	i & iii
1.3	(d)	1 st October
1.4	(b)	Explore Logistics is liable to pay GST
1.5	(d)	i, iii and iv
2.	(c)	Rs. 150
3.	(d)	No
4.	(c)	Valid till it is cancelled

Division B - Descriptive Answer

1. Computation of GST payable on outward supplies

S. No.	Particulars	CGST @ 9% (Rs.)	SGST @ 9% (Rs.)	IGST @ 18% (Rs.)	Total (Rs.)
(i)	Intra-State supply of goods for Rs. 11,20,000	1,00,800	1,00,800		2,01,600
(ii)	Inter-State supply of goods for Rs. 4,20,000			75,600	75,600
	Total GST payable				2,77,200

Computation of total ITC

Particulars	CGST @ 9% (Rs.)	SGST @ 9% (Rs.)	IGST @ 18% (Rs.)
Opening ITC	79,800	Nil	98,000
Add: ITC on Intra-State purchases of goods valuing Rs. 2,80,000	25,200	25,200	Nil
Add: ITC on Inter-State purchases of goods valuing Rs. 70,000	Nil	Nil	12,600
Total ITC	1,05,000	25,200	1,10,600

Computation of minimum GST payable from electronic cash ledger

Particulars	CGST	SGST	IGST	Total
	@ 9% (Rs.)	@ 9% (Rs.)	@ 18% (Rs.)	(Rs.)
GST payable	1,00,800	1,00,800	75,600	2,77,200

Less: ITC [First ITC of IGST should be utilized in full - first against IGST liability and then against CGST and SGST liabilities in a manner to minimize cash outflow]	(Nil) IGST	(35,000) IGST	(75,600) IGST	1,10,600
	(1,00,800) CGST	(25,200) SGST		1,26,000
Minimum GST payable in cash	Nil	40,600	Nil	40,600

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.

2. (a) Computation of total value of taxable supplies made by Hangover Ltd. during the month of March

Particulars	Amount (Rs.)
List price of the goods	24,00,000
Subsidy amounting to Rs.3,36,000 received from the Central Government	NIL
[Since the subsidy is received from the Government, the same is not includible in the value in terms of section 15]	
Subsidy received from NGO	80,000
[Since the subsidy is received from a non-Government body and directly linked to the supply, the same is includible in the value in terms of section 15]	
Tax levied by the Municipal Authority	32,000
[Includible in the value as per section 15]	
Packing charges	24,000
[Being incidental expenses, the same are includible in the value as per section 15]	
Late fees paid by recipient of supply for delayed payment	<u>8,136</u>
[Includible in the value as per section 15- As the amount of interest received is a lump sum amount, the same has to be taken as inclusive of GST] [Rs.9,600 x 100/118] rounded off	
Total value of taxable supplies	25,44,136

- (b) (i) Tax on services supplied by a recovery agent to, *inter alia*, a non- banking financial company (NBFC) is payable under reverse charge by such non-banking financial company.
 - Therefore, in the given case, person liable to pay GST is the NBFC Neelkanth Credits Ltd.
 - (ii) As per section 13(3) of the CGST Act, the time of supply of service on which GST is payable under reverse charge is earlier of the following:-
 - Date of payment as entered in the books of account of the recipient (18th April) or the date on which the payment is debited in his bank account (20th April), whichever is earlier:
 - Date immediately following 60 days since issue of invoice by the supplier, i.e. 9th April.

 Thus, time of supply of service is 9th April.

- 3. (a) As per section 22 read with *Notification No. 10/2019 CT dated 07.03.2019*, a supplier is liable to be registered in the State/Union territory from where he makes a taxable supply of goods and/or services, if his aggregate turnover in a financial year exceeds the threshold limit. The threshold limit for a person making exclusive intra-State taxable supplies of goods is as under:-
 - (a) Rs. 10 lakh for the Special Category States of Mizoram, Tripura, Manipur and Nagaland.
 - (b) Rs. 20 lakh for the States, namely, States of Arunachal Pradesh, Meghalaya, Puducherry, Sikkim, Telangana and Uttarakhand.
 - (c) Rs. 40 lakh for rest of India except persons engaged in making supplies of ice cream and other edible ice, whether or not containing cocoa, Pan masala and Tobacco and manufactured tobacco substitutes.

The threshold limit for a person making exclusive taxable supply of services or supply of both goods and services is as under:-

- (a) Rs. 10 lakh for the Special Category States of Mizoram, Tripura, Manipur and Nagaland.
- (b) Rs. 20 lakh for the rest of India.

As per section 2(6), aggregate turnover includes the aggregate value of:

- (i) all taxable supplies,
- (ii) all exempt supplies,
- (iii) exports of goods and/or services and
- (iv) all inter-State supplies of persons having the same PAN.

The above is computed on all India basis. Further, the aggregate turnover excludes central tax, State tax, Union territory tax, integrated tax and cess. Moreover, the value of inward supplies on which tax is payable under reverse charge is not taken into account for calculation of 'aggregate turnover'.

Section 9(2) provides that CGST is not leviable on five petroleum products i.e. petroleum crude, motor spirit (petrol), high speed diesel, natural gas and aviation turbine fuel. As per section 2(47), exempt supply includes non-taxable supply. Thus, supply of high speed diesel in Delhi, being a non-taxable supply, is an exempt supply and is, therefore, includible while computing the aggregate turnover.

In the backdrop of the above-mentioned discussion, the aggregate turnover of Fair Oils for the month of April is computed as under:

S. No.	Particulars	Amount (in Rs.)
(i)	Supply of machine oils in Delhi	9,00,000
(ii)	Add: Supply of high speed diesel in Delhi	18,00,000
(iii)	Add: Supply of machine oil made by Fair Oils from its branch located in Punjab	12,00,000
	Aggregate Turnover	39,00,000

Fair Oils is making exclusive supply of goods and hence the threshold limit for registration would be Rs. 40,00,000. Since the aggregate turnover does not exceed Rs. 40,00,000, Fair Oils is not liable to be registered.

(b) Narayan Singh is required to issue a receipt voucher at the time of receipt of advance payment with respect to services to be supplied to Shelly. A receipt voucher is a document evidencing receipt of advance money towards a supply of goods and/or services or both. A registered person, on receipt of advance payment with respect to any supply of goods or services or both, shall issue a receipt voucher or any other document, evidencing receipt of such payment.

Where, on receipt of advance payment with respect to any supply of goods or services or both the registered person issues a receipt voucher, but subsequently no supply is made and no tax invoice is issued in pursuance thereof, the said registered person may issue to the person who had made the payment, a refund voucher against such payment. Therefore, in case subsequently no services are supplied by Narayan Singh, and no tax invoice is issued in pursuance thereof, Narayan Singh may issue a refund voucher against such payment to Shelly

- 4. (a) Services by a person by way of renting of precincts of a religious place meant for general public, owned or managed by an entity registered as a trust or an institution under section 10(23C)(v) of the Income-tax Act are exempt provided renting charges of premises, community halls, kalyanmandapam or open area are not Rs. 10,000 or more per day. Thus, in the given case, renting of community hall by Milan Charitable Trust is exempt from GST, as rent is less than Rs. 10,000 per day.
 - (b) Interest is payable under Section 50 of the CGST Act, 2017 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.

As per proviso to Section 50(1), interest is payable on the net tax liability paid in cash, only if the return to be filed for a tax period under Section 39, has been filed after the due date to furnish such return.

In the above scenario, Alpy Ltd., has defaulted in making the payment for Rs. 72,000 on self-assessment basis in the return for the month of July, 2020. Accordingly, interest is payable on the gross liability and proviso of sub-section 50(1) shall not be applicable.

Thus, the amount of interest payable by Alpy Ltd., is as under:-

Period of delay = 21st August, 2020 to 20th October, 2020 = 60 days

Hence, amount of interest = Rs. $72,000 \times 18\% \times 60/365 = Rs. 2,130$ (rounded off)

Alternatively, if Alpy Ltd., have filed the return for the month of July, 2020 on 20.10.2020, beyond the stipulated due date of 20.08.2020 and if the self-assessed tax for July, 2020 has been paid on 20.10.2020, Interest under proviso to Section 50(1) shall be payable on the tax paid through Electronic Cash Ledger only.

Hence Interest is payable from 21st August 2020 till 20th October 2020 = 60 days

Amount of Interest = Rs. $54,000 \times 18\% \times 60/365 = Rs. 1,598$ (rounded off)

- 5. (a) Petroleum crude, diesel, petrol, ATF and natural gas are presently not leviable to GST. GST will be levied on these products from a date to be notified on the recommendations of the GST Council. Till such date, central excise duty continues to be levied on manufacture/production of petroleum crude, diesel, petrol, ATF and natural gas and inter-State/intra-State sale of the same is subject to CST/ VAT respectively.
 - (b) In GST 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 in the tables specifically provided for the purposes of amending previously declared details.

As per section 39(9), omission or incorrect particulars discovered in the returns filed u/s 39 can be rectified in the return to be filed for the month 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.