

Tax Assemblage 2018



Sr. No	Particulars	Citation/Source	Sent on
1	India signs first ever bilateral APA with the U.S.A.	www.taxsutra.com	8 January 2018
2	KPMG Tax Highlights - 2017	-----	8 January 2018
3	Annual franchise fees paid to BCCI to operate and participate in IPL are allowed as revenue expenditure	Knight Riders Sports Private Limited v. ACIT [2018] [2018] 193 TTJ 313 (Mum)	9 January 2018
4	CBDT issues press release relaxing MAT provisions for the companies undergoing corporate insolvency resolution process	CBDT press release, dated 6 January 2018	9 January 2018
5	KPMG India Tax Konnect – January 2018	-----	10 January 2018
6	KPMG Tax Assemblage - 2017	-----	11 January 2018
7	The amendment with respect to specified domestic transaction by the Finance Act, 2017 is deemed to be omitted from its inception	Texport Overseas Private Limited v. DCIT – [IT (TP)A No. 1722/Bang/2017]	11 January 2018
8	Ex-gratia from employer for settling industrial dispute is eligible for exemption under Section 10(10B) of the Income-tax Act	Vishnu Mohan T. Nair v. ITO [2018] 61 ITR(T) 796 (Ahd)	12 January 2018
9	Jaipur Tribunal's decision on revenue recognition in case of real estate developer	Vastukar Township Pvt. Pvt. Ltd. v. DCIT (ITA No. 105/JP/2017)	12 January 2018
10	Liberalisation of the Foreign Direct Investments Policy	Press release titled 'FDI policy further liberalized in key sectors Cabinet approves amendments in FDI policy' dated 10 January 2018	12 January 2018
11	Space provided by an organiser to a foreign entity for rendering services relating to an event constitutes a PE in India	Production Resource Group (2018) 401 ITR 255 (AAR)	19 January 2018
12	Payment for offshore supply of an equipment is not taxable in India, whereas, supervisory services for installation of such equipment are taxable in India	Michelin Tamil Nadu Tyres Pvt Ltd [2018] 401 ITR 164 (AAR)	19 January 2018
13	Interest on inter-corporate deposits which have become NPA is not taxable under the Income-tax Act – Supreme Court	CIT v. Vasisth Chay Vyapar Ltd [2018] 253 Taxman 401 (SC)	22 January 2018
14	Capital gains arising from indirect transfer of shares of an Indian company on sale of shares of German company are not taxable in India	GEA Refrigeration Technologies GmbH [2018] 401 ITR 115 (AAR)	23 January 2018

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15	No Service PE in India under the India-UAE tax treaty since the period of working of employees is less than nine months	Booz & Company (ME) FZ-LLC v. DDIT [2018] 192 TTJ 33 (Mum)	25 January 2018
16	India Economic Survey 2017-18 – Key Highlights	www.indiabudget.nic.in	29 January 2018
17	The Supreme Court refers matter to the larger bench on the issue of applicability of deemed dividend provisions	National Travel Services v. CIT [2018] 89 taxmann.com 332 (SC)	31 January 2018
18	Union Budget 2018-19	www.indiabudget.nic.in	2 February 2018
19	Union Budget 2018 – Transfer pricing proposals relating to Country-by-Country Report regulations	www.indiabudget.nic.in	2 February 2018
20	Union Budget 2018 - Life Science	www.indiabudget.nic.in	2 February 2018
21	Union Budget 2018 - Private Equity	www.indiabudget.nic.in	2 February 2018
22	Union Budget 2018 - Healthcare	www.indiabudget.nic.in	2 February 2018
23	Union Budget 2018 - Transport & Logistics	www.indiabudget.nic.in	2 February 2018
24	Union Budget 2018 - Financial Services	www.indiabudget.nic.in	2 February 2018
25	Union Budget 2018 - Energy and Natural Resources	www.indiabudget.nic.in	2 February 2018
26	Union Budget 2018 - Technology Media and Telecom	www.indiabudget.nic.in	2 February 2018
27	Union Budget 2018 - Education	www.indiabudget.nic.in	2 February 2018
28	Union Budget 2018 - Industrial Manufacturing	www.indiabudget.nic.in	2 February 2018
29	CBDT issues FAQs on new taxation regime of long-term capital gains proposed in Finance Bill, 2018	CBDT FAQs F.No. 370149/20/2018-TPL, dated 4 February 2018	5 February 2018
30	No withholding of tax on salaries paid by an employer in India to its non-resident employees working outside India. Foreign Tax credit may be availed at withholding stage for resident employee	Texas Instruments (India) Pvt. Ltd [2018] 253 Taxman 509 (AAR)	9 February 2018
31	AAR rulings dealing with the taxability of capital gains under the India-Mauritius tax treaty	AB Holdings, Mauritius-II [2018] 402 ITR 37 (AAR)	12 February 2018
32	CBDT issues instruction with respect to the conduct of assessment proceedings in scrutiny cases electronically	CBDT Instruction No. 01/2018, dated 12 February 2018	13 February 2018
33	Rule 8D of the Income-tax Rules is prospective in nature and cannot be applied prior to AY 2008-09 – Supreme Court	CIT v. Essar Teleholdings Ltd [2018] 90 taxmann.com 2 (SC)	13 February 2018
34	Indian FRRO registration, visa extension, conversion, etc goes digital	https://indianfro.gov.in/eservices/	15 February 2018
35	While making a payment for purchase of property from a non-resident, tax is to be deducted on actual sale consideration and not on stamp duty value	Shri Bhagwandas Nagla v. ITO (ITA No. 143/Hyd/2017) – Taxsutra.com	15 February 2018
36	KPMG India Tax Konnect – February 2018	-----	15 February 2018
37	SEBI approves easing of access norms for investment by Foreign Portfolio Investor (FPIs)	www.sebi.gov.in	16 February 2018

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38	Capital gains invested in house property along with furniture and fixtures eligible for deduction	Rajat B Mehta v. ITO [2018] 62 ITR(T) 334 (Ahd)	22 February 2018
39	Acceptance of Bank Guarantees by Clearing Corporations in International Financial Services Centre	SEBI Circular No. CIR/MRD/DRMNP/41/2018, dated 20 February 2018	22 February 2018
40	SEBI circular issued for computation methodology of Daily Contract Settlement Value for Interest Rate Futures	SEBI Circular No. SEBI/40/MRD/DRMNP/CIR/P/2018/27, dated 20 February 2018	22 February 2018
41	In case of conflict between the tax rate prescribed in Section 206AA of the Income-tax Act and in a tax treaty, the tax treaty rate would apply	Danisco India Private Limited v. UOI [2018] 404 ITR 539 (Del)	23 February 2018
42	India signs first ever two APAs on Advertising, Marketing and Promotion (AMP) controversy	www.taxsutra.com	26 February 2018
43	Carry forward and set off of losses are not allowed in view of change in shareholding, however, it does not impact unabsorbed depreciation	DCIT v. Credila Financial Services Private Limited [2018] 64 ITR(T) 324 (Mum)	27 February 2018
44	RBI revised guidelines relating to participation of a person resident in India and Foreign Portfolio Investor in the Exchange Traded Currency Derivatives (ETCD) Market	www.rbi.org.in	27 February 2017
45	If the POEM of an enterprise is not situated in one of the contracting states but is situated in the third state, the benefit of the shipping and air transport article of the India-Mauritius tax treaty cannot be granted	ADIT v. Bay Lines (Mauritius) [2018] 91 taxmann.com 110 (Mum)	1 March 2018
46	Separate limit of Interest Rate Futures for Foreign Portfolio Investors	www.rbi.org.in	5 March 2018
47	Employees' Provident Fund Organisation makes submission of claims through online mode mandatory if the settlement amount of the provident fund is above INR10 lakhs	EPFO Circular – https://epfindia.gov.in/site_docs/PDFs/Circulars/Y2017-2018/WSU_OnlineModeSettlement_20514.pdf Accessed on 7 March 2018	7 March 2018
48	Referral fees are not in the nature of FTS but business income and not taxable in India	DCIT v. Credit Suisse AG [2018] 90 taxmann.com 181 (Mum)	9 March 2018
49	Carry forward and set off of losses are permissible even when 51 per cent of the voting power is beneficially held by the same persons during the year of loss as well as in the year of set-off	Wadhwa & Associates Realtors Private Ltd v. ACIT [2018] 92 taxmann.com 37 (Mum)	9 March 2018
50	Sale of shares of the subsidiary to the second step down subsidiary is exempt under the provisions of Section 47(iv) of the Income-tax Act	Emami Infrastructure Limited v. ITO [2018] 91 taxmann.com 62 (Kol)	9 March 2018
51	KPMG India Tax Konnect – March 2018	-----	9 March 2018
52	Separate limit of Interest Rate Futures for Foreign Portfolio Investors	www.sebi.gov.in	9 March 2018
53	Service of notice on the authorised representative of the taxpayer is deemed to be served on the taxpayer – Supreme Court	ITO v. Dharam Narain [2018] 253 Taxman 479 (SC)	12 March 2018
54	Once deduction under Section 10AA has been accepted in the first year, it cannot be withdrawn in the subsequent year by	Macquarie Global Services Pvt. Ltd. v. DCIT (ITA No.:-6794/Del/2017) – Taxsutra.com	14 March 2018

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	examining factors which were required to be seen in the first year		
55	Clarification in respect of investment by certain category II FPIs	https://www.sebi.gov.in	14 March 2018
56	Proposed amendments to the Finance Bill, 2018	www.taxsutra.com	15 March 2018
57	Transfer pricing amendments to the Indian Budget proposals	www.taxsutra.com	15 March 2018
58	Conversion of loan into equity as a part restructuring is a genuine transaction and it does not violate provisions of Section 269T of the Income-tax Act and hence levy of penalty is to be deleted	Arkit Vincom Pvt Ltd v. ACIT (ITA No. 2397/Kol/2016) – Taxsutra.com	16 March 2018
59	Revision of limits relating to requirement of underlying exposure for currency derivatives contracts - SEBI	www.sebi.gov.in	16 March 2018
60	Disallowance under Section 14A of the Income-tax Act is applicable to expenditure in relation to exempt income from strategic investment/stock-in-trade - Supreme Court	Maxopp Investment Ltd v. CIT [2018] 402 ITR 640 (SC)	20 March 2018
61	Marketing and business development services are not in the nature of FTS and in the absence of a PE under the India-Singapore tax treaty, such services are not taxable in India	Fractal Analytics Pvt Ltd v. DCIT [2018-TII-81-ITAT-MUM-INTL]	20 March 2018
62	Highlights of the tax treaty between India and Hong Kong	Source: IBFD	23 March 2018
63	Indian APA accepts Customs Valuation as Arm's Length Price (ALP) for Transfer Pricing	www.taxsutra.com	23 March 2018
64	OECD interim report on the tax challenges arising from digitalisation pursuant to BEPS Action Plan 1	www.oecd.org	23 March 2018
65	The Government of India issues notification on enhancing maximum gratuity amount from the existing INR10 lakh to INR20 lakh under the Payment of Gratuity Act, 1972	http://egazette.nic.in/WriteReadData/2018/184298.pdf http://egazette.nic.in/WriteReadData/2018/184299.pdf Accessed on 2 April 2018	2 April 2018
66	KPMG Tax Assemblage – January to March 2018	-----	2 April 2018
67	The Government of India will contribute employer's full Provident Fund contribution for certain new employees under the Pradhan Mantri Rojgar Protsahan Yojana	Press Release, Press Information Bureau, Government of India dated 28 March 2018, Accessed on 2 April 2018	2 April 2018
68	Services provided by the seconded employees of a foreign company to its subsidiary in India do not result in permanent establishment	Samsung Electronics Company Ltd v. DCIT [2018-TII-91-ITAT-DEL-INTL]	3 April 2018
69	Reimbursement of lease line charges having no income element is not taxable in India. Amendment in the Income-tax Act does not apply to the provisions of India-U.S. tax treaty	T3 Energy Services India Pvt. Ltd v. JCIT [2018] 91 taxmann.com 334 (Pune)	5 April 2018
70	Payment for intellectual property rights is taxable as royalty in India	Dorf Ketel Chemicals LLC v. DCIT [2018] 193 TTJ 390 (Mum)	6 April 2018
71	Payments by television channel entity to advertising agencies are 'commission'	The Director, Prasar Bharti v. CIT [2018] 403 ITR 161 (SC)	6 April 2018

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	under Section 194H of the Income-tax Act and therefore liable for deduction of tax at source		
72	Revision of Investment limit in Government Securities and State Development Loans for Foreign Portfolio Investors	www.rbi.org.in	9 April 2018
73	Fees received for domain name registration are taxable as royalty under Section 9(1)(vi) of the Income-tax Act	Godaddy.com LLC v. ACIT [2018] 170 ITD 217 (Del)	10 April 2018
74	Foreign Exchange Management (Cross Border Merger) Regulations, 2018	RBI Notification No. FEMA.389/2018 dated 20 March 2018.	10 April 2018
75	Vessels engaged in seismic surveys on the high seas, in connection with the exploration of mineral oil/natural resources, constitute fixed place PE under the India-UAE tax treaty	SeaBird Exploration FZ LLC [2018] 403 ITR 82 (AAR)	10 April 2018
76	Government of India issues detailed visa guidelines	https://mha.gov.in/MHA1/TourVisa.html	10 April 2018
77	KPMG India Tax Konnect – April 2018	-----	12 April 2018
78	CBDT draft notification - proposed amendment to advance ruling rules and forms in line with BEPS Action Plan 5	CBDT Draft Notification (F. No. 370142/34/2016-TPL) (Part), dated 10 April 2018	12 April 2018
79	Clarification on investment limit for FPIs owned by foreign governments	www.sebi.gov.in	12 April 2018
80	SEBI Clarification on Know Your Client Requirements for Foreign Portfolio Investors	www.sebi.gov.in	12 April 2018
81	CBDT notifies Income Tax Return forms for Assessment Year 2018-19	CBDT Notification No. 16/2018 (F. No. 370142/1/2018-TPL), dated 3 April 2018	13 April 2018
82	Employees' Provident Fund Organisation decides to keep the instruction on mandatory submission of online withdrawal claims in abeyance	EPFO Circular dated 13 April 2018 Accessed on 13 April 2018	16 April 2018
83	DIPP Notification on the procedure for 'startups' to avail tax benefit	DIPP Notification No. 364(E), dated 11 April 2018, suppressing its earlier Notification No. 501(E) dated 23 May 2017	17 April 2018
84	Employees' Provident Fund Organisation issues directions to its officers for monitoring the Provident Fund Trusts of exempted establishments	EPFO Circular dated 9 April 2018 Accessed on 17 April 2018	17 April 2018
85	Foreign Tax Credit is allowed in India in proportion to the income arising in the foreign country and the balance is allowed as business expenditure	Elitecore Technologies Pvt Ltd v. DCIT [2018-TII-121-ITAT-AHM-INTL]	19 April 2018
86	CBDT draft notification – clarification with respect to nature of acquisitions of equity shares where the requirement of payment of STT shall not apply to avail concessional tax rate on long term capital gains	CBDT Press Release and Notification dated 24 April 2018	25 April 2018
87	Acceptance of arm's length price in case of one party cannot prevent the Revenue to determine the arm's length price of the same transaction in the hands of the other party	Filtrex Technologies Pvt. Ltd v. ACIT [2018] 93 taxmann.com 301 (Bang)	25 April 2018
88	Deduction from long-term capital gains available in respect of investment in house property funded partially by home loan	Amit Parekh v. ITO [2018] 170 ITD 213 (Kol)	26 April 2018

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89	Interest earned out of the share application money deposited in the bank due to the statutory requirement is inextricably linked with raising of share capital and thus adjustable towards share issue expenditure – Supreme Court	CIT v. Shree Rama Multi Tech Ltd [2018] 403 ITR 426 (SC)	27 April 2018
90	Reserve Bank of India eases Minimum Maturity requirement for investments in Debt securities by Foreign Portfolio Investors	www.rbi.org.in	30 April 2018
91	Lease equalisation charge determined in accordance with ICAI Guidance Note is allowed as a deduction while computing the lease rental income under the Income-tax Act – Supreme Court	CIT v. Virtual Soft Systems Ltd. [2018] 255 Taxman 352 (SC)	3 May 2018
92	Redemption of stock appreciation rights are not taxable as perquisite under the erstwhile law – Supreme Court	ACIT v. Bharat V. Patel [2018] 302 CTR 110 (SC)	4 May 2018
93	CBDT draft notification prescribes the manner of determination of FMV of the inventory which has been converted into, or treated as, capital asset	CBDT Press Release & Draft Notification, dated 3 May 2018 www.incometaxindia.gov.in	5 May 2018
94	Lumpsum payment of royalty for use of trade mark is revenue in nature and therefore allowed as business expenditure	Hilton Roulunds Ltd. v. CIT [2018] 255 Taxman 209 (Del)	5 May 2018
95	KPMG India Tax Konnect – May 2018	-----	7 May 2018
96	Lump sum allowance paid without proof of expenses to assignees for boarding and lodging outside India is fully taxable	Sun Outsourcing Solutions Pvt. Ltd. v. CIT [2018] 92 taxmann.com 339 (Hyd)	8 May 2018
97	Waiver of loan taken for purchase of a capital asset is not taxable as business income under the Income-tax Act – Supreme Court	The Commissioner v. Mahindra and Mahindra Ltd. [2018] 255 Taxman 305 (SC)	8 May 2018
98	Reassessment proceedings cannot be initiated on the basis of change of opinion and under the same facts and circumstances which existed at the time of assessment – Supreme Court	ITO v. Techspan India Private Ltd. & Anr. [2018] 302 CTR 74 (SC)	8 May 2018
99	Expenditure excluded from 'export turnover' shall also be excluded from 'total turnover' for computing deduction under Section 10A of the Income-tax Act – Supreme Court	CIT v. HCL Technologies [2018] 404 ITR 719 (SC)	8 May 2018
100	Amendment to Section 40(a)(ia) with respect to 'no disallowance if TDS has been deposited before the due date of return filing' is retrospective in nature – Supreme Court	CIT v. Calcutta Export Company [2018] 404 ITR 654 (SC)	9 May 2018
101	'Inland Container Depots' are 'Inland Ports' and therefore eligible for benefit under Section 80-IA of the Income-tax Act – Supreme Court	CIT v. Container Corporation of India Ltd. [2018] 404 ITR 397 (SC)	10 May 2018
102	The Government of India issues notification on reducing the administrative charges under Employees' Provident Funds and Miscellaneous Provisions Act, 1952	EPFO Notification dated 21 May 2018	23 May 2018
103	Payment for marketing and distribution rights of Google Adwords Program is taxable as royalty	Google India (P.) Ltd. v. JDIT [2018] 194 TTJ 385 (Bang)	24 May 2018

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104	Supreme Court decision on the period to avail deduction under Section 80-IC of the Income-tax Act vis-à-vis other deductions availed by the taxpayer earlier	Mahabir Industries v. Pr.CIT [2018] 256 Taxman 201 (SC)	24 May 2018
105	The Indian company, having franchise rights from a foreign company, does not constitute agency PE of such foreign company in India under the India-U.S. tax treaty	DCIT v. Domino's Pizza International Franchising Inc. [2018] 171 ITD 321 (Mum)	25 May 2018
106	The Delhi High Court restores the matter to the Tribunal to examine the taxability of the payments made under technical support and crew lease agreements under the Income-tax Act as well as under the India-Germany tax treaty	DIT v. Modiluft Ltd. [2018] 255 Taxman 481 (Del)	26 May 2018
107	Prior to amendments introduced in the Rules, the weighted deduction under Section 35(2AB) cannot be disallowed based on DSIR certification	Cummins India Ltd. v. DCIT [2018] 96 taxmann.com 576 (Pune)	28 May 2018
108	Government of India declares 8.55 per cent interest rate on Employees' Provident Funds Scheme for Financial Year 2017-18	EPFO Circular dated 25 May 2018 Accessed on 28 May 2018	29 May 2018
109	In the absence of documentary evidence produced by the taxpayer, the tax officer has been directed to inquire into the genuineness and validity of the issue of shares to a sister concern under a family realignment without consideration	Gagan Infraenergy Ltd. v. DCIT [2018] 65 ITR(T) 514 (Del) http://itatonline.org	30 May 2018
110	DCF valuation method adopted by the taxpayer has been rejected to determine the taxability under Section 56(2)(viib) of the Income-tax Act	Agro Portfolio Private Limited v. ITO [2018] 171 ITD 74 (Del)	30 May 2018
111	Payments for marketing of taxpayer's BPO services in foreign countries are not taxable as FTS under the Income-tax Act as well as under the India-U.S. tax treaty	Onprocess Technology India Pvt. Ltd. v. DCIT (ITA No. 1047/Kol/2016) – Taxsutra.com	31 May 2018
112	AAR decision on the taxability of the loan related fees paid to the non-resident under the India-France tax treaty	Societe De Promotion Et De Participation Pour La Cooperation Economique [2018] 256 Taxman 129 (AAR)	31 May 2018
113	Payments received for the content delivery solutions for accelerating content and business processes online are not in the nature of FTS/royalty	Akamai Technologies Inc. [2018] 404 ITR 495 (AAR)	1 June 2018
114	Membership fees and contribution received by a foreign non-profit organisation are not liable to tax in India on the principle of mutuality	International Zinc Association [2018] 404 ITR 766 (AAR)	5 June 2018
115	Issue of fresh equity shares is not a transfer of capital asset and therefore not taxable under the Income-tax Act	Supermax Personal Care Private Limited v. ACIT (ITA No. 6107/Mum/2016) – taxsutra.com	6 June 2018
116	Payments received by a foreign company for global reservation/other services are chargeable to tax in India under the Income-tax Act as well as under the India-Luxembourg tax treaty	FRS Hotel Group (LUX) S.A.R.L. [2018] 404 ITR 676 (AAR)	7 June 2018
117	Payment of marketing survey expenses made directly by AE on behalf of Indian taxpayer held to be at ALP	BMW India Pvt Ltd v. ACIT (ITA No. 6160/Del./2014)	7 June 2018

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118	AMP transaction does not exist in the absence of an agreement with the AE	Colgate Palmolive (India) Limited v. ACIT [2018] 96 taxmann.com 515 (Mum)	12 June 2018
119	The majority members of the special bench of the Delhi Tribunal hold that foreign telecom company does not have a PE in India. However, dissenting view by the third member	Nokia Networks OY v. JCIT [2018] 65 ITR(T) 23 (Del)	13 June 2018
120	Share premium received from the foreign holding companies is on account of capital transaction and is not an income chargeable to tax in India	DCIT v. Finproject India (P.) Ltd. [2018] 171 ITD 82 (Mum)	14 June 2018
121	Foreign Investment Reporting - Single Master Form	RBI vide its A.P (DIR Series) Circular No.30, dated 7 June 2018	15 June 2018
122	KPMG India Tax Konnect – June 2018	-----	15 June 2018
123	Amount received for providing training services and access to Centralised Reservation System is not chargeable as Fees for Technical Services under the India-Netherlands tax treaty	Renaissance Services BV v. DDIT [2018] 171 ITD 381 (Mum)	15 June 2018
124	RBI and SEBI modifies the operational aspects of Foreign Portfolio Investors investments in Debt securities	www.rbi.org.in and www.sebi.gov.in	18 June 2018
125	Indian subsidiary does not constitute a PE of a foreign company in India under the India-Saudi Arabia tax treaty	Saudi Arabian Oil Company [2018] 405 ITR 83 (AAR)	20 June 2018
126	Even though the taxpayer has not furnished TRC, the benefit of a tax treaty cannot be denied	Skaps Industries India Pvt Ltd v. ITO [2018] 171 ITD 723 (Ahd)	27 June 2018
127	CBDT issues a final notification on special transitional provisions for a foreign company said to be resident in India on account of POEM	CBDT Notification No. 29/2018, dated 22 June 2018	28 June 2018
128	KPMG Tax Assemblage – April to June 2018	-----	4 July 2018
129	CBDT issues guidance on confidentiality and appropriate use of CBC Reports	CBDT Instruction No. 2/2018, dated 27 June 2018	4 July 2018
130	The Limitation of Relief provisions under Article 24 of the India-Singapore tax treaty do not apply to capital gain which is taxable in Singapore under Article 13(4) of the tax treaty	DCIT v. D.B. International (Asia) Ltd [2018] 96 taxmann.com 75 (Mum)	6 July 2018
131	Section 56(2)(vii) of the Income-tax Act is not applicable to a buy-back transaction	Vora Financial Services P. Ltd. v. ACIT [2018] 171 ITD 646 (Mum)	6 July 2018
132	KPMG India Tax Konnect – July 2018	-----	12 July 2018
133	India signs first ever substantive revision to India-U.K. Bilateral APA	www.tp.taxsutra.com	13 July 2018
134	CBDT Circular – revision of monetary limits and certain conditions for the tax department to file appeals before the Income-tax Appellate Tribunal, High Courts and Supreme Court	CBDT Circular No.3/2018, dated 11 July 2018	13 July 2018
135	SEBI issues circular directing RTAs to monitor FPI	www.sebi.gov.in	16 July 2018
136	Global payment solution provider company has a permanent establishment in India	MasterCard Asia Pacific Pte. Ltd [2018] 406 ITR 43 (AAR)	17 July 2018

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137	If certain benefits/limitations are given in a Protocol then it shall apply to the respective tax treaty because the Protocol is part of the tax treaty	Ericsson Telephone Corporation India AB v. DDIT [2018] 96 taxmann.com 258 (Del)	19 July 2018
138	SEBI circular on Physical Settlement of stock derivatives	www.sebi.gov.in www.nseindia.com	19 July 2018
139	Amalgamation of a Limited Liability Partnership into a Company under the provisions of the Companies Act 2013	NCLT Note No. CP/123/CAA/2018 [TCA/157/CAA/2017]	20 July 2018
140	Expenses and salary reimbursed by a foreign head office to its Indian liaising office not liable to GST	Habufa Meubelen B.V. [2018-VIL-98-AAR, dated 16 Jun 2018]	23 July 2018
141	CBDT amends the Tax Audit Report (Form 3CD)	CBDT Notification No.33/2018, dated 20 July 2018	25 July 2018
142	Sub-contracted sourcing services provided to associate concern abroad – Taxable Service	Esprit De Corp. [2018-VIL-108-AAA]	26 July 2018
143	CBDT issues Central Action Plan for 2018-19	www.taxguru.com	28 July 2018
144	The MFN clause under the India-Israel tax treaty is automatic and it applies prospectively	DCIT v. Sun Pharmaceutical Laboratories Ltd [2018] 96 taxmann.com 105 (Ahd)	28 July 2018
145	Tax authorities may allow deposit of less than 20 per cent of demand to grant stay of demand on the basis of facts of each case – Supreme Court	PCIT v. LG Electronics India Pvt Ltd (Civil Appeal No. 6850 OF 2018) – Taxsutra.com	30 July 2018
146	Retained issuance charges on lapsed reward points subject to levy of GST	Loyalty Solutions and Research Pvt. Ltd. (AAR No. HAR/HAAR/R/2017/18/4, dated 11 April 2018)	1 August 2018
147	Portfolio Investors - Monthly Update- July 2018	-----	1 August 2018
148	Discounts offered to be pre-determined and agreed upon in the agreement	Ultratech Cement Limited (2018-VIL-112-AAR, dated 27 June 2018)	2 August 2018
149	The tax officer has been directed to enquire into the applicability of deemed dividend provisions to buy-back of shares prior to the introduction of buy-back related specific provisions	Fidelity Business Services India Pvt Ltd v. ACIT [2018] 257 Taxman 266 (Kar)	2 August 2018
150	No disallowance of year end provisions of expenses on non-deduction of tax at source – Gujarat High Court	Pr.CIT v. Sanghi Infrastructure Ltd. [2018] 257 Taxman 371 (Guj)	4 August 2018
151	Exemption notification is to be interpreted strictly and therefore benefit of ambiguity in exemption notification cannot be claimed by the taxpayer – Supreme Court	CC v. Dilip Kumar and Company & Ors. [2018-TIOL-302-SC-CUS-CB dated 30 July 2018]	6 August 2018
152	The taxpayer does not constitute an installation PE under the India-Cyprus tax treaty	Bellsea Ltd v. ADIT [ITA No 5759/Del/2011] – Taxsutra.com	6 August 2018
153	Foreknowledge of the tax liability – important factor in determining applicability of penalty	N & N Chopra Consultants Pvt. Ltd v. PCIT [2018-TIOL-1462-HC-DEL-ST, dated 24 July 2018]	7 August 2018
154	GST Notifications - Exemption from levy of GST extended for supplies received from unregistered supplier and special procedure for completing GST migration	Notification 22/2018 – Central Tax (Rate), 23/2018 – Integrated Tax (Rate) and 31/2018 – Central Tax dated 6-Aug-2018	7 August 2018
155	MAT credit is allowed inclusive of surcharge and education cess	Consolidated Securities Ltd. v. ACIT [2018] 96 taxmann.com 418 (Del)	8 August 2018

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156	GST Amendment Bills introduced in Lok Sabha	-----	9 August 2018
157	Taxpayer's methodology to set off and carry forward unabsorbed loss/depreciation for the purpose of MAT computation has been rejected	Milan Intermediates LLP v. ITO [2018] 96 taxmann.com 338 (Ahd)	10 August 2018
158	GST Notification updates on GSTR-1 and GSTR 3B	Notification 32/2018 – Central Tax, 33/2018 – Central Tax and 34/2018 – Central Tax dated 10-Aug-2018	10 August 2018
159	Services by employees at corporate office to units located in other states shall be treated as supply – AAR Karnataka	Columbia Asia Hospitals Private Limited [2018-VIL-126-AAR dated 27 July 2018]	14 August 2018
160	Derivative Contracts - Conversion of electronic vault receipts representing diamonds to e-units (Securities) would constitute supply – AAR Karnataka	Rajarithnam's Jewel's (2018-VIL-121-AAR, dated 27 July 2018)	16 August 2018
161	Update in Customs circular – Simplification and rationalisation of processing of the AEO-T1 application	Circular no. 26/2018 – Customs dated 10-Aug-2018	17 August 2018
162	KPMG India Tax Konnect – August 2018	-----	17 August 2018
163	CBDT circular - amendments to Tax Audit Report pertaining to GAAR and GST kept in abeyance till 31 March 2019	CBDT Circular No. 6/2018, dated 17 August 2018	19 August 2018
164	CBDT draft notification – Amendments in the Income-tax Rules with respect to the issue of a certificate for no deduction/lower deduction or collection of tax at source	CBDT draft notification (F.No.370142/10/2018-TPL, dated 17 August 2018)	21 August 2018
165	Canada Tax Court's decision on control and management - the Netherlands entity to be a resident of Canada	www.taxsutra.com	21 August 2018
166	SEBI Circular extending the time limit to Know Your Client Requirement for FPIs	www.sebi.gov.in	21 August 2018
167	Service Tax – Assessee cannot take shelter under a faulty software programme – Madras High Court	Sify Technologies Ltd. [2018-TIOL-1656-HC-MAD-ST, dated 10-Aug-2018]	24 August 2018
168	Deduction under Section 80-IC of the Income-tax Act availed for the first five years at 100 per cent would be available at 25 per cent only even if 'substantial expansion' has been carried out in the subsequent year – Supreme Court	CIT v. Classic Binding Industries [2018] 257 Taxman 324 (SC)	27 August 2018
169	Common Application Form for registration of FPIs	-----	27 August 2018
170	Transportation of goods for Transshipment - Conveyance details in part B of the e-way bill not required – Allahabad High Court	SBGC Logistics [2018-TIOL-106-HC-ALL-GST dated. 3-May-2018]	28 August 2018
171	ICAI implementation guide on the amendments to Tax Audit Report (Form 3CD)	CBDT Circular No. 6 of 2018, dated 17 August 2018	28 August 2018
172	CBDT instruction on the conduct of assessment proceedings through 'E-Proceedings' facility	CBDT Instruction No. 3/2018, dated 20 August 2018	29 August 2018
173	Service Tax – Acceptance of revenue neutrality as a grounds for defence, will make the entire scheme of RCM futile – CESTAT, Mumbai	The Board of Control for Cricket in India [2018-TIOL-2641-CESTAT-MUM dated 6-Aug-2018]	30 August 2018
174	Foreign companies may attract penalties and prosecution proceedings for non-filing of a tax return in India	-----	31 August 2018

Sr. No	Particulars	Citation/Source	Sent on
175	Portfolio Investors - Monthly Update- August 2018	-----	31 August 2018
176	CBDT issues draft notification amending Income-tax Rules and forms for PAN application	CBDT Draft Notification No. F. No. 370142/40/2016-TPL (Part-I)	3 September 2018
177	CBDT notification - Rules for determination of FMV for taxability of conversion of inventory into capital asset	CBDT Notification No. 42/4018 (F. No. 370142//05/2018-TPL, dated 30 August 2018)	5 September 2018
178	GST Notification updates – changes in GST Rules	CBIC Notification No. 39/2018 – Central Tax, No. 40/2018 – Central Tax and No. 41/2018 – Central Tax dated 4 September 2018,	5 September 2018
179	GST circular updates on an alternate procedure for recovery and clarifies issues concerning refund applications	CBIC Circular 57/31/2018-GST, 58/32/2018-GST, 59/33/2018-GST, 60/34/2018-GST, 61/34/2018-GST dated 4 September 2018	6 September 2018
180	CENVAT credit admissible on payments made for discharging CSR activities — CESTAT Mumbai	Essel Propack Ltd. [2018-VIL-621-CESTAT-MUM-ST]	6 September 2018
181	Deduction under Section 80-IA of the Income-tax Act is available on the interest on fixed deposits and compensation received for non-supply of spare parts	Tema Exchangers Manufactures Pvt Ltd v. ACIT (ITA No. 415 of 2004) – Taxsutra.com	11 September 2018
182	GST notification updates on GSTR 1 and GSTR-3B	CBIC Notification No. 43 & 44/2018 – Central Tax and 45 & 46/2018 – Central Tax dated 10 September 2018 and 48/2018 – Central Tax dated 10 September 2018	11 September 2018
183	Committee's Recommendation on KYC Circular	www.sebi.gov.in	11 September 2018
184	CBDT releases the second APA annual report. Indicates positive trends in new APA filings and growing preference towards Bilateral APAs in FY 2017-18	CBDT APA Annual Report 2017-18 - August 2018	12 September 2018
185	GST notification and circular updates – TDS and TCS made effective from 1 October 2018 and audit report format notified, GST on PSLC	CBIC Notification No. 49/2018 – Central Tax, No. 50/2018 – Central Tax, No. 51/2018 – Central Tax dated 14 September 2018	14 September 2018
186	Companies (Prospectus and Allotment of Securities) Rules 2014 Rule 9A - Issue of securities in dematerialised form by unlisted public companies	GOI (MCA) Notification dated 11 September 2018	14 September 2018
187	Exemption to interest income on specified off-shore Rupee Denominated Bonds	https://www.incometaxindia.gov.in	18 September 2018
188	Liberalisation of External Commercial Borrowing norms	RBI Circular No. A.P. (Dir Series) Circular No.9 dated 19 September 2018 Source: https://www.rbi.org.in	20 September 2018
189	KPMG India Tax Konnect – September 2018	-----	20 September 2018
190	GST Notification update – Rate of tax collection at source has been notified	CBIC Notification No. 52/2018 – Central Tax and 2/2018 – Integrated Tax dated 20 September 2018	21 September 2018
191	Assured return received by a non-resident on advance payment to a developer is	Sh. Mohinder Singh Sanghera and Jatinder Singh Chatta v. ADIT (ITA Nos. 372 to 374/Chd/2016) – Taxsutra.com	24 September 2018

Sr. No	Particulars	Citation/Source	Sent on
	taxable as interest under the India-U.K. tax treaty		
192	Revised Norms on KYC Requirement for FPIs	www.sebi.gov.in	24 September 2018
193	Mumbai NCLT rejects scheme involving merger of Promoter Holding Company into Listed Company on account of the scheme not being in public interest, potential tax revenue loss and GAAR	Mumbai NCLT Order in the matter of. CSP No. 995 and 996 of 2017 in CSA No. 791 & 792 of 2017	25 September 2018
194	Excess premium received on issue of preference shares is not taxable as cash credit	ACIT v. Golden Line Studio Pvt Ltd [2018] 173 ITD 200 (Mum)	27 September 2018
195	Supply of solar power generating system as a whole is a composite supply – AAR Uttarakhand	Eapro Global Limited [2018-VIL-174-AAR]	28 September 2018
196	Pharmacy run by hospital dispensing medicine to outpatients not covered under the ambit of health care services – AAR, Kerala	Ernakulam Medical Centre Pvt. Ltd. [2018-VIL-179-AAR]	3 October 2018
197	CBDT final notification clarifying the nature of acquisitions of equity shares where the requirement of payment of STT shall not apply to avail concessional tax rate on long-term capital gains	CBDT Notification No. 60/2018, dated 1 October 2018	4 October 2018
198	Liberalisation of external commercial borrowing norms for oil marketing companies	RBI A.P. (DIR Series) Circular No. 10 dated 3 October 2018 Source: https://www.rbi.org.in	5 October 2018
199	The assessing officer should consider the taxpayer's genuine hardship to allow a stay application	Samms Juke Box v. ACIT [2018] 257 Taxman 37 (Mad)	8 October 2018
200	KPMG Tax Assemblage – July to September 2018	-----	12 October 2018
201	Supply of complimentary tickets free of charge, subject to levy of GST – AAR, Punjab	K.P.H. Dream Cricket Private Limited [2018-VIL-209-AAR]	16 October 2018
202	Disallowance of expenditure under Section 40(a)(i) of Income-tax Act are not applicable to India-Mauritius tax treaty	DDIT v. Unocol Bharat Ltd. (ITA No. 1388/Del/2012) – Taxsutra.com	17 October 2018
203	Time limit for claiming ITC in a statute does not violate the right guaranteed under the constitution – Supreme Court	ALD Automotive Pvt. Ltd. [2018-VIL-28-SC]	19 October 2018
204	Prosecution proceedings are initiated for failure to furnish tax return within the time limit and for non-compliance with the notices issued by the tax department	Karan Luthra v. ITO [2018] 259 Taxman 209 (Del)	20 October 2018
205	India signs its first APA renewal	www.taxsutra.com	1 November 2018
206	FTS is not taxable in India where services are for the purposes of making or earning any income from any source outside India	PCIT v. Motif India Infotech Pvt Ltd [2018-TII-60-HC-AHM-INTL]	1 November 2018
207	The Bombay High Court decision on application for stay of demand	Bhupendra Murji Shah v. DCIT [2018] 259 Taxman 45 (Bom)	1 November 2018
208	Portfolio Investors - Monthly Update- October 2018	-----	1 November 2018

Sr. No	Particulars	Citation/Source	Sent on
209	GST notification updates on TDS	CBIC Notification No. 61/2018 – Central Tax dated 5 November 2018	6 November 2018
210	Salary received in India by non-resident for services rendered outside India not taxable in India despite the absence of TRC	Smt. Maya C Nair v. ITO (ITA No.2407/Bag/2018, dated 31 October 2018)	13 November 2018
211	Liquidation of shares allotted under ESOP to be taxed as capital gains and not as a perquisite	Dr. Muthian Sivathanu v. ACIT [2018] 100 taxmann.com 49 (Chny)	14 November 2018
212	Cost of the tools supplied for free should be added to the value of goods supplied – AAR, Karnataka	Nash Industries (I) Pvt. Ltd. [2018-VIL-266-AAR]	15 November 2018
213	Perquisite arises as on date of allotment of shares under ESOP	Bharat Financial Inclusion Ltd v. DCIT [2018] 172 ITD 198 (Hyd)	15 November 2018
214	Service Tax – Credit availed on telecom towers, shelter and accessories are admissible under the CENVAT Credit Rules – Delhi High Court	Vodafone Mobile Services Limited, Indus Towers Limited, Tower Vision India Pvt. Ltd. and Bharti Infratel Limited [2018-VIL-506-DEL-CE]	15 November 2018
215	Recovery of penal interest cannot be construed as additional interest – AAR, Maharashtra	Bajaj Finance Ltd [2018-VIL-275-AAR]	20 November 2018
216	Common expenditure should be allocated to the tax holiday unit while computing deduction under Section 80-IA of the Income-tax Act	Rajasthan State Mines & Minerals Ltd. v. DCIT (ITA No. 704/JP/2018) – Taxsutra.com	20 November 2018
217	OECD guidance for the development of synthesised texts to provide clarity on the impact of the Multilateral Instruments	www.oecd.org and www.taxsutra.com/	23 November 2018
218	Employees' Provident Fund Organisation stipulates the procedure for extension of Certificate of Coverage beyond the normal period covered in respective Social Security Agreements	EPFO Circular - https://www.epfindia.gov.in/site_docs/PDFs/Circulars/Y2018-2019/IWU_COC_20112018.pdf <i>Accessed on 28 November 2018</i>	28 November 2018
219	Currency Derivatives Segment - Weekly Options contracts on USDINR	www.sebi.gov.in	29 November 2018
220	India visa regime gets more liberalised	Press Release dated 28 November 2018 http://pib.nic.in/PressReleaseDetail.aspx?PRID=1552720	30 November 2018
221	Mauritius Revenue Authority issues POEM guidelines laying down twin conditions for determining the tax residency status of a company in Mauritius	Mauritius Revenue Authority Statement of Practice (SP 17/18) www.mra.mu	30 November 2018
222	The Mumbai Tribunal decision on taxation aspects of conversion of a private limited company into a limited liability partnership	ACIT v. Celerity Power LLP [2018] 100 taxmann.com 129 (Mum)	4 December 2018
223	Portfolio Investors - Monthly Update- November 2018	-----	4 December 2018
224	Tax is not required to be deducted on reimbursement of manpower expenditure to the foreign company in the absence of any income element	DCIT v. DLF Projects Ltd (ITA No. 5178/Del/2014) – Taxsutra.com	5 December 2018

Sr. No	Particulars	Citation/Source	Sent on
225	The due date for filing of GST annual return and GST audit report extended	CBIC Press Release dated 7 December 2018	8 December 2018
226	The right of set-off of one-time non-refundable entry fee against the upfront fee payable for allotment of telecom licenses is not a 'capital asset' and therefore not taxable as capital gain	Telenor (India) Communications Pvt Ltd v. ACIT (ITA No. 7541/Del/2017) – Taxsutra.com	10 December 2018
227	No penalty on account of human error – High Court, Kerala	Rai Prexim India Pvt. Ltd [2018-VIL-553-KER]	10 December 2018
228	Registration not required of a location where goods are imported – AAR, Maharashtra	Sonkamal Enterprises Private Limited [GST-ARA-48/2018-19/B-123 dated 27 September 2018]	10 December 2018
229	Reduction in share capital amounts to 'transfer' and therefore capital losses are allowed to be set-off	Jupiter Capital Pvt Ltd v. ACIT (ITA No. 445/Bang/2018) – Taxsutra.com	12 December 2018
230	In the case of joint buyers, the tax is not required to be deducted if the individual's share in a purchase consideration to acquire an immovable property does not exceed INR50 lakh	Vinod Soni and others v. ITO (ITA No. 2736/Del/2015) – Taxsutra.com	13 December 2018
231	Basis of clubbing of investment limits	-----	14 December 2018
232	Provisions of Section 56(2)(vii)(c) of the Income-tax Act do not apply to the proportionate issue of right shares	ACIT v. Shri. Subhodh Menon (ITA No. 676/Mum/2015, dated 7 December 2018) – Taxsutra.com	18 December 2018
233	OECD report on the peer review of tax rulings in accordance with BEPS Action Plan 5 - India update	www.oecd.org	21 December 2018
234	GST Council recommendations in its 31st meeting	GST Council 31 st Meeting held on 22 December 2018	22 December 2018

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