Daily Tax Law Briefing
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Goods & Services Tax (GST) *(3 judgments)*

TITLE	BRIEF FACTS	RATIO
Cvent India Private Limited v. Assistant Commissioner of CGST, Gurugram **CWP No. 22461 of 2023** **Punjab and Haryana High Court** Click to view	The petitioner, engaged in exporting information technology and business support services to its overseas parent company in the USA, sought refund of unutilized Input Tax Credit (ITC) for the period January 2019 to March 2019 under Section 16(3) of the IGST Act read with Section 54(3) of the CGST Act. The refund was rejected by the adjudicating authority and the appellate authority on the ground that the petitioner was an "intermediary" under Section 2(13) of the IGST Act and, therefore, not an exporter of services eligible for refund. The petitioner challenged the appellate order, contending that refunds had been granted for identical services for the periods before and after the disputed period.	The High Court held that once the department had consistently treated the petitioner as an exporter of services and granted refund of unutilized ITC for identical services during earlier and subsequent periods, it could not deny the same benefit for the intervening period without any material demonstrating a change in the nature of services. Such inconsistent treatment violated the principle of consistency and was arbitrary and discriminatory. As the department failed to establish that the services rendered during January 2019 to March 2019 were different so as to classify the petitioner as an intermediary, the rejection of refund was held to be illegal. The writ petition was allowed, the appellate order dated 16.12.2022 was set aside, and the respondent was directed to release the refund along with applicable interest within four weeks.
M/s. C. Eswara Reddy and Co. v. The Joint Director, Directorate General of GST Intelligence & Others **W.P. No. 18602 of 2025** **Andhra Pradesh High Court** Click to view	The petitioner, a registered partnership firm engaged in works contract services, challenged the Order-in-Original dated 27.03.2025 and the Summary Order in Form GST DRC-07 dated 29.03.2025 passed for the tax periods 2020-21 and 2021-22. The petitioner contended that the adjudicating authority passed a composite order covering multiple tax periods without considering its objections, without following the statutory procedure, and despite earlier	The High Court held that, in view of its earlier decision in W.P. No. 11028 of 2025 & batch, a single show cause notice or a single composite assessment order cannot be issued for more than one tax period or financial year. Such a course adversely affects statutory rights, including the right to seek benefits under the Act and the right to appeal. Accordingly, the impugned Order-in-Original and Form GST DRC-07 were set aside. The authorities were granted liberty to issue separate notices for the relevant tax periods and proceed afresh

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	proceedings relating to one of the tax periods being pending before the High Court.	in accordance with law after providing an opportunity of hearing. The period between the impugned order and receipt of the High Court's order was directed to be excluded for limitation purposes. Writ Petition Allowed.
M/s. Vatech Wabag Limited v. The Union of India & Others **Writ Petition No. 19161 of 2026** **Andhra Pradesh High Court** Click to view	The petitioner, a registered GST assessee, challenged a Show Cause Notice in Form GST DRC-01 dated 19.06.2026 issued under Section 74 of the Central Goods and Services Tax Act, 2017. The notice covered multiple financial years, namely 2020-21, 2021-22, 2022-23 and 2023-24, in a single proceeding. The petitioner contended that clubbing different assessment years in one notice was impermissible under the CGST Act and that the invocation of Section 74 was without jurisdiction.	The Division Bench followed its earlier decision in S.J. Constructions v. The Assistant Commissioner & Others (W.P. No.11028 of 2025 & batch) and held that a single show cause notice or composite assessment order cannot be issued for more than one tax period or more than one financial year after the due date for filing the annual return. As the impugned notice covered multiple financial years in one proceeding, it was held to be unsustainable and was set aside. Liberty was granted to the authorities to issue separate notices for each assessment year and proceed in accordance with law after providing due opportunity to the petitioner. The period from the date of the impugned notice till receipt of the Court's order was directed to be excluded for the purpose of limitation. Petition Allowed.

Income Tax *(4 judgments)*

TITLE	BRIEF FACTS	RATIO
Damanjeet Singh Oberoi v. Deputy Commissioner of Income Tax-1(1), Raipur (Cross Appeal: Deputy Commissioner of Income Tax-1(1), Raipur v. Damanjeet Singh Oberoi) **ITA No. 319/RPR/2025 & ITA No. 409/RPR/2025** **Income Tax Appellate Tribunal, Raipur** Click to view	The assessee challenged the order of the Commissioner of Income Tax (Appeals), NFAC, arising from reassessment proceedings initiated under Sections 147/148 of the Income-tax Act, 1961. The reassessment culminated in an order dated 26.05.2023 treating ₹3.80 crore as unexplained money under Section 69A. The assessee principally contended that the reassessment proceedings were invalid because the approval for the order under Section 148A(d)	The Tribunal held that for Assessment Year 2016-17, where more than three years had elapsed from the end of the relevant assessment year, Section 151(ii) mandated prior approval from the Principal Chief Commissioner/Chief Commissioner before passing an order under Section 148A(d) and issuing notice under Section 148. Since the approval had been obtained only from the Principal Commissioner of Income Tax, the reassessment proceedings were initiated without jurisdiction. Relying upon the decisions of the Supreme Court

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	and the notice under Section 148 was granted by the Principal Commissioner of Income Tax instead of the competent authority prescribed under Section 151(ii). The Revenue filed a cross appeal against the CIT(A)'s treatment of the amount as capital gains instead of unexplained money.	in Union of India v. Rajeev Bansal and various High Courts, the Tribunal held that the notice under Section 148 dated 18.07.2022 and the consequential reassessment order dated 26.05.2023 were void ab initio. The assessee's legal ground was allowed, other grounds were left unadjudicated as academic, and the Revenue's cross appeal was dismissed as academic. Assessee's appeal partly allowed. Revenue's appeal dismissed as unadjudicated.
DCIT, CC-8(1), Mumbai v. Deepak Nitrite Limited (along with Deepak Nitrite Limited v. DCIT, CC-8(1)) **ITA Nos. 1127 & 1128/Mum/2026; CO Nos. 193 & 194/Mum/2026; ITA Nos. 148 & 149/Mum/2026** **Income Tax Appellate Tribunal, Mumbai** Click to view	The appeals arose from assessments framed pursuant to a search under section 132 conducted on the Deepak Group on 15.11.2018. The disputes related to weighted deduction under section 35(2AB) for in-house R&D expenditure, allowability of the balance additional depreciation under section 32(1)(iia), and computation of disallowance under section 14A read with Rule 8D. The Revenue challenged the relief granted by the CIT(A) for A.Y. 2016-17, while the assessee challenged the restriction of weighted deduction for A.Ys. 2017-18 and 2018-19 after DSIR approved only part of the R&D expenditure.	The Tribunal held that for A.Y. 2016-17, prior to the amendment to Rule 6(7A), DSIR approval of the R&D facility in Form 3CM was sufficient and deduction under section 35(2AB) could not be restricted merely because Form 3CL certified a lower expenditure. It further upheld the assessee's entitlement to the balance 50% additional depreciation under section 32(1)(iia) and held that Rule 8D requires adoption of gross total assets as appearing in the balance sheet, not WDV or net current assets. For A.Ys. 2017-18 and 2018-19, the Tribunal held that after the amendment effective from 01.07.2016, DSIR's quantification in Form 3CL is binding for weighted deduction under section 35(2AB). However, rejection of weighted deduction does not automatically bar deduction under sections 35(1)(i) or 35(1)(iv) read with section 35(2); those alternate claims were restored to the Assessing Officer for fresh examination. Consequently, the Revenue's appeals were dismissed, the assessee's appeals for A.Ys. 2017-18 and 2018-19 were partly allowed for statistical purposes, the Department's appeal for A.Y. 2017-18 was dismissed as not pressed, and the assessee's cross-objections were dismissed as not pressed.
Principal Commissioner of Income Tax (Exemption), Ahmedabad v. Shree	The respondent-trust applied in Form No. 10AB for registration under Section 12A of the Income-	The High Court held that the issue was settled by the decisions of the Supreme Court in Commissioner of Income Tax v.

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Naminath Shwetamber Murtipujak Tapagachh Jain Religious Trust **R/Tax Appeal No. 257 of 2025** **Gujarat High Court** Click to view	tax Act after obtaining provisional approval. The Commissioner of Income Tax (Exemptions) issued a show cause notice alleging that the trust's objects primarily benefited a particular religious community and, relying on Section 12AB(4), rejected the application and cancelled the provisional registration. The Income Tax Appellate Tribunal allowed the trust's appeal and remanded the matter for fresh adjudication, holding that registration could not be denied solely on the basis of Section 13(1)(b). The Revenue challenged the Tribunal's order before the High Court.	Dawoodi Bohara Jamat and earlier Gujarat High Court judgments. It reiterated that Section 13(1)(b) pertains to the stage of granting exemption under Sections 11 and 12 and cannot be invoked while considering an application for registration under Section 12A. The Tribunal rightly remanded the matter with a direction not to reject registration solely on that ground. As no substantial question of law arose from the Tribunal's order, the Tax Appeal was dismissed.
Rajesh D. Gaikwad v. Income Tax Officer, Ward-14(1), Pune **ITA No. 230/PUN/2026** **Income Tax Appellate Tribunal, Pune** Click to view	The assessee challenged the order of the CIT(A), NFAC affirming an assessment framed under Sections 147 read with Sections 144 and 144B of the Income-tax Act for AY 2016-17. The Assessing Officer treated the execution of a Joint Development Agreement (JDA) dated 05.02.2016 as giving rise to long-term capital gains and also made additions towards credit card payments and investment. The assessee contended that possession of the land was never handed over during the relevant year because contractual preconditions, including removal of encumbrances such as electricity infrastructure and drainage lines, remained unfulfilled, and the commencement certificate as well as RERA registration were obtained only in later years.	The Tribunal held that no transfer of the capital asset had taken place during AY 2016-17 within the meaning of Section 2(47) of the Income-tax Act because possession was not delivered to the developer and the conditions precedent under the JDA had not been fulfilled. As the commencement certificate was issued only in January 2020 and construction commenced thereafter, no capital gains could arise under Section 45 in the relevant assessment year. Relying on CIT v. Eastern Ceramics Ltd. (Bombay High Court) and Balasaheb Popatrao Phadol v. ITO (ITAT Pune), the Tribunal deleted the addition of long-term capital gains. It also deleted the additions of ₹2,25,040 and ₹444 after finding that the credit card payments and investment were made from disclosed income through banking channels. Grounds relating to interest were treated as consequential, while the jurisdictional grounds were dismissed as not argued. Appeal Partly Allowed.

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