



ETHICS
EDUCATION
XCELLENCE

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IN ASSOCIATION WITH



Souvenir



NATIONAL TAX CONFERENCE

HONORING THE PAST — ENRICHING THE PRESENT — SHAPING THE FUTURE

17th & 18th January, 2026

Bihar Chamber of Commerce & Industries
Khemchand Chaudhary Marg, Patna-800001





NATIONAL TAX CONFERENCE, 2026



EDITORIAL



ASHISH PRASAD
ADVOCATE

Dear Friends and Well Wishers,

It gives me immense pleasure & pride to present this souvenir on the auspicious occasion of Golden Jubilee Year of AIFTP, established with vision to unite tax professionals across the nation. AIFTP has over the last five decades grown into excellence in taxation, professionals ethics and knowledge, leadership. It is only such platform where all tax professionals like C A. Advocates, Tax Practitioners are sharing their views/ideas under one platform, and Centenary year of Bihar Chamber of Commerce & Industries which is not only the voice of Trade & Industries since 1926 but also the largest and oldest apex association of business & Trade organisation in the country. It is one of the Founder Organisation of "Federation of Indian Chamber of Commerce & Industries (FICCI)", New Delhi the apex national body.

This Souvenir serves as a cherished keepsake, capturing the memorable moments, achievements and vibrant spirit of our journey together our past 100 years of BCCI and 50 Glorious year of AIFTP.

As a chairman of the Souvenir Committee I am deeply grateful for unwavering support, dedication and enthusiasm shown by every member of our team, the organising committee, contributors, sponsors and participants. Their collective efforts have made our events, initiatives and milestones truly remarkable. This Souvenir is a testament to our shared commitment to excellence, unity and growth. It is my sincere hope that this souvenir will not only evoke fond memories but also inspire us to greater heights in the future.

I extend my heartfelt thanks to the Bihar Income Tax Bar Association and Bihar Commercial Tax Bar Association who have given their consent to be part of this events jointly also thanks to Souvenir Committee for their tireless work in compiling this beautiful edition. May it find a special place in your hearts and homes as a reminder of the wonderful times we have shared.

Friends, Articles published in this souvenir are compiled after getting from different tax professionals and these are their point of view for discussions amongst professionals for academic purpose and not to be treated as legal opinion. Editor of this souvenir are not responsible for any articles published in this souvenir.

Wishing you all continued success, good health and prosperity

With warm regards

ASHISH PRASAD
Advocate



NATIONAL TAX CONFERENCE, 2026



ALL INDIA FEDERATION OF TAX PRACTITIONERS (EZ)
&
BIHAR CHAMBER OF COMMERCE & INDUSTRIES
in association with
BIHAR INCOME TAX BAR ASSOCIATION
BIHAR COMMERCIAL TAX BAR ASSOCIATION

PROGRAMME SCHEDULE

DAY - 1 **17th January, 2026 (Saturday)**

BREAKFAST - (8.00 AM - 9.30 AM]

9.45 AM-11.15 AM

INAUGURAL SESSION

TEA BREAK

11.30 AM-01:00 PM	1st TECHNICAL SESSION "Offences, Penalties & Compounding under Chapter XIX of GST Act " Session Chairman: Sr. Advocate D. V. Pathy, Patna High Court Guest Speaker : CA Anchal Kapoor, Amritsar
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LUNCH (01:00 PM-02.00 PM)

02.00 PM-03:30 PM	2TM TECHNICAL SESSION " Practical Responses to Search Under Income Tax Law" (Recording of Statement, Admission, Retraction, Penalties & Prosecution) Session Chairman: Advocate D.B.Gupta, Patna Guest Speaker: CA Prashanth G S, Bengaluru
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TEA BREAK

03.45 PM-04.15 PM	3 TECHNICAL SESSION 'The New Income-tax Act, 2025: from Complexity to Clarity " : "A Bird's-Eye View ' " Session Chairman : Adv. V. P. Gupta, New Delhi Guest Speaker: CA Giridhar Dhelia, Kolkata
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04.15 PM-05.30 PM	4th TECHNICAL SESSION " Easing Work with AI: A Practical Approach " Session Chairman : CA Bharat M Sachdev, Thane Guest Speaker : CA Shyam Agarwal, Kolkata
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HI-TEA

06.00 PM ONWARDS	NEC MEETING
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NATIONAL TAX CONFERENCE, 2026



ALL INDIA FEDERATION OF TAX PRACTITIONERS (EZ)

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BIHAR INCOME TAX BAR ASSOCIATION

BIHAR COMMERCIAL TAX BAR ASSOCIATION

PROGRAMME SCHEDULE

DAY - 2

18th January, 2026 (Sunday)

BREAKFAST - (8.00 AM - 9.30 AM]

10.00 AM-01:00 PM	<p>5TH" TECHNICAL SESSION A Comparative Insight into the Income Tax Act 1961 & The New Income Tax Act 2025 with the special emphasis on Capital Gain & Reassessment Session Chairman: Senior Advocate Ajay Kumar Rastogi, Patna High Court Guest Speaker: CA Dr. Girish Ahuja, New Delhi</p>
	<p>6TH TECHNICAL SESSION "Issues in Presumptive Taxation under IT Act 1961 & IT Act 2025" Session Chairman: CA Anil Mathur, Jaipur Guest Speaker : CA R.S. Kalra, Jalandhar</p>
	Question & Answer Session

LUNCH [01:00 PM-02.00 PM)

02.00 PM-02.30 PM	<p>7th TECHNICAL SESSION Discount & Incentive under GST: " A Bird's-Eye view" Session Chairman: CA Gopal Prasad Tulsyan Guest Speaker : CA Sunil Agrawal</p>
02.30 PM-04.00 PM	<p>8TH TECHNICAL SESSION : Brain Trust Trustees Sr. Adv. D. V. Pathy, Adv. D.B. Gupta CA Lalit Kumar Kejriwal, CA A. K. Srivastava Moderators Adv. Sanjeev K. Anwar, CA Rajesh Khaitan</p>
04.00 PM ONWARDS	VALEDICTORY SESSION

HI-TEA



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NATIONAL TAX CONFERENCE, 2026



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Vasantha Kumar Reddy
CA Janak Vaghani
Mr. Kishor Vanjara

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Adv. Niraj Kumar Nayak, Secretary (EZ)
Adv. Bhaskar Sinha Roy, Treasurer (EZ)

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Ajay Kumar
Akhilesh Kumar
Chetan Patel
Debasish Mondal
Deepak Kumar Patel
Gyaneshwar Prasad
Jyoti Poddar

Natabar Panda
Navneet Kumar
Piyush Baid
Rajesh Kumar Mishra
Rajiv Kumar
Rakesh Kumar
Rohit Poddar
Shyam Agarwal

Soumyasri Debashish Nayak
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Uttam Kumar Roy
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NATIONAL TAX CONFERENCE, 2026



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Adv. Rajat Kumar Rastogi, Vice President
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Adv. Santosh Kumar, Joint Secretary
Adv. Smit Sourabh, Joint Secretary
Adv. Navneet Kumar, Asstt. Secretary
Adv. Krishna Nandan Prasad, Vigilance Committee
Adv. Nitish Prasad Sinha, Vigilance Committee
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Adv. Shiv Shankar Mahto, Treasurer
Adv. Rajiv Kumar II, Jt. Secretary
Adv. Vishal Raushan, Asstt. Secretary





NATIONAL TAX CONFERENCE, 2026



MESSAGE

Rajeev Ranjan Prasad



9, Circular Road,
Patna

Dated 12.01.2026

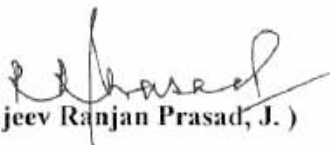
Message

I am glad to know that Bihar Chamber of Commerce and Industries (BCCI) in its Centenary Year is organizing the '**National Tax Conference -- 2026**' in association with the All India Federation of Tax Practitioners (AIFTP) and on this prestigious occasion, BCCI is going to release 'Conference Souvenir'.

The Bihar Chamber of Commerce and Industries, one of the oldest chambers in the nation, was established in 1926 and is today proudly celebrating its centenary year. Over the years, the Chamber has worked extensively for the welfare and betterment of society and the economy, while supporting the implementation of government policies to bridge the gap between marginalized and privileged sections of the business community.

I hope this conference would certainly provide a platform for the Tax Practitioners in India to deliberate upon the contemporary issues, recent developments and future challenges of Trade and Industries in the field of Direct and Indirect Taxation.

I end this message with my all wishes to The Bihar Chamber of Commerce and Industries and to All India Federation of Tax Practitioners which is commencing its Golden Jubilee year so it should carry its purpose to spread education in the matters relating to tax laws. I whole heartedly wish a great success of the National Tax Conference - 2026 and express my thanks to the Organizers.


(Rajeev Ranjan Prasad, J.)



NATIONAL TAX CONFERENCE, 2026



मंगल पाण्डेय

मंत्री
स्वास्थ्य एवं विधि विभाग
बिहार, पटना



बिहार सरकार

Mangal Pandey

Minister
Health & Law Department
Bihar, Patna

पत्रांक 105 (अक)

दिनांक 01-01-2026



"MESSAGE"

It gives me immense pleasure to know that the Bihar Chamber of Commerce & Industries (BCCI), during its Centenary Year Celebrations, in association with the All India Federation of Tax Practitioners (AIFTP), commemorating its Golden Jubilee, is organizing the National Tax Conference 2026 on 17th and 18th January, 2026 at Patna.

I appreciate the efforts of BCCI and AIFTP, two apex bodies of trade, industry, and tax professionals, for taking this important initiative to deliberate on contemporary issues, recent developments, and future challenges in the field of Direct and Indirect Taxation. Such platforms play a vital role in promoting professional excellence, ethical practices, and informed dialogue, which are essential for sustainable economic growth and strengthening the ease of doing business.

I extend my best wishes to the organizers for the grand success of the National Tax Conference 2026 and hope that the Conference proves to be meaningful, enriching, and beneficial for all the delegates.


(Mangal Pandey)

कार्यालय : विकास भवन, प्रथम तल, बेली रोड, पटना - 800015, दूरभाष : 0612-2215330, फैक्स नं. : 0612-2215603, मो. : 09470034488
आवास : 04 टेलर रोड, पटना - 800001, दूरभाष : 0612-2233855, 2217050, फैक्स नं. : 2233980
ई-मेल : mpbjp72@gmail.com



NATIONAL TAX CONFERENCE, 2026



बिजेन्द्र प्रसाद यादव

मंत्री

ऊर्जा, योजना एवं विकास, मद्य निषेध, उत्पाद एवं
निबंधन, वित्त एवं वाणिज्य-कर विभाग
बिहार, पटना



बिहार सरकार

Bijendra Prasad Yadav

Minister

Energy, Planning & Development, Prohibition Excise,
Registration, Finance & Commercial Taxes Department
Bihar, Patna

पत्रांक : ०४/वित्त

दिनांक : ०२-०१-२०२६

Message

I am extremely happy to know that the "National Tax Conference – 2026" is going to be organized by the Bihar Chamber of Commerce, in its Centenary Year Celebration and hosted by All India Federation of Tax Practitioners in its Golden Jubilee year at Sahu Jain Hall, Bihar Chamber of Commerce & Industries, Khem Chand Chaudhary Marg, Patna - 800001 from 17th to 18 January, 2026.

I hope this Golden Jubilee conference of AIFTP will provide great opportunity for Students, Intellectual persons and all the people of Bihar to interact with experienced minds and I am sure that the interactive sessions by national organisation of Tax Practitioners in India will enhance understanding of most of the Direct and Indirect Taxation, with special emphasis on ease of doing business and economic growth of our Country and State.

I wish my warm greetings to all the Tax Practitioners, delegates and organisers of this conference for its great success.

Bijendra Prasad Yadav
(Bijendra Prasad Yadav)

कार्यालय : मुख्य सचिवालय, बिहार, पटना-800015

दूरभाष : उर्जा विभाग 0812-2508224(का०)/योजना एवं विकास विभाग 0812-2217564(का०)/
मद्य निषेध, उत्पाद एवं निबंधन विभाग, 0812-2231303(का०)/वित्त विभाग 0812-2217894(का०).
0812-2217839, (फैक्स)/वाणिज्य-कर विभाग 0812-2233955(का०)



NATIONAL TAX CONFERENCE, 2026



डॉ० दिलीप कुमार जायसवाल
मंत्री
उद्योग विभाग, बिहार सरकार



Dr. Dilip Kumar Jaiswal
Minister
Department of Industries, Govt. of Bihar

पत्रांक.....14-61.....

दिनांक 22-12-25

MESSAGE

It gives me immense pleasure to know that **National Tax Conference, Patna-2026** is celebrating Tax Conference on the occasion of Centenary Year of **Bihar Chamber of Commerce & Industries (BCCI)**. This prestigious conference is being organised by the **BCCI** in association with **All India Federation of Tax Practitioners (AIFTP)** coinciding with its **Golden Jubilee** occasion. The publication of the '**Conference Souvenir**' on this auspicious occasion is commendable.

I hope this conference will prove a tremendous path to resolve the contemporary issues and future challenges of trade and industries in the field of direct and indirect taxation with respect to recent developments. It is expected that the initiatives taken by the dedicated team of this conference will foster awareness and promote the importance of tax-education on ease of doing business in shaping economic growth by nurturing young professionals.

I extend my heartiest congratulations to the management and best wishes for the success of the publication of **Conference Souvenir**.

(Dr. Dilip Kumar Jaiswal)



NATIONAL TAX CONFERENCE, 2026



सत्यमेव जयते

जयंत मिश्र, भा.रा.से.
JAYANT MISRA, I.R.S.

भारत सरकार

GOVERNMENT OF INDIA

कार्यालय प्रधान मुख्य आयकर आयुक्त बिहार और झारखण्ड
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF INCOME TAX
BIHAR & JHARKHAND

प्रथम तल, केंद्रीय राजस्व भवन वीरचंद पटेल मार्ग, पटना-८००००१

1st FLOOR C.R. BUILDING, BIRCHAND PATEL MARG, PATNA - 800001

दूरभाष नं./Tel No.: 0612-2504447,

ईमेल/Email - patna.pccit@incometax.gov.in

F. No. PCCIT/B&J/Patna/JM/2025-26/ 11914

Dated: ०४.01.2026

I am very pleased to know that Bihar Chamber of Commerce & Industries (BCCI), in its Centenary Year Celebrations, in association with the All India Federation of Tax Practitioners (AIFTP), which is commemorating its **Golden Jubilee (50th Year)**, is organizing the "**National Tax Conference-2026**" on 17th and 18th January, 2026 at Sahu Jain Hall, Bihar Chamber of Commerce & Industries at Patna.

It is worthwhile to say that the theme of the Conference "Promoting education, ethics and professional excellence amongst its members" is timely and pertinent to the current landscape. I am confident that this initiative will bring to light the contemporary issues like recent developments and future challenges of Trade and Industries in the field of Direct and Indirect Taxation with special emphasis on ease of doing business and economic growth which is the need of the hour.

I wish to express my sincere appreciation to the **Bihar Chamber of Commerce and All India Federation of Tax Practitioners** for organizing this event. May the deliberations and insights from this conference pave the way for new horizons and transformative progress in the commerce and industry sectors.

Wishing the event a grand success. - x

(Jayant Misra)

Principal Chief Commissioner of Income Tax,
Bihar & Jharkhand, Patna



NATIONAL TAX CONFERENCE, 2026



MESSAGE



SHRI S VENKATRAMNI, C.A.
2026 NATIONAL PRESIDENT, BANGALORE AND

The All India Federation of Tax Practitioners (AIFTP) proudly commemorates its Golden Jubilee Year in 2026, marking fifty years of dedicated and distinguished service to the tax profession and to the nation.

At the outset, I express my sincere and heartfelt gratitude to the seniors of the Federation, our Past Presidents, and all esteemed members for the trust and confidence reposed in me by entrusting me with the responsibility of serving as President of the Federation for the year 2026. It is indeed a privilege and an honour to carry forward the Federation's cherished guiding principles-the 3Es: **Ethics, Education, and Excellence** - which truly reflect the vision, values, and enduring legacy of AIFTP.

As we step into this historic milestone, it gives me immense pleasure to warmly welcome delegates from across the country to Patna (formerly known as Pataliputra), the capital city of Bihar, for the **Golden Jubilee Celebration National Tax Conference (NTC)**. This grand celebration is especially significant as it coincides with the **Centenary Year of the Bihar Chamber of Commerce & Industries**, Patna, alongside the Golden Jubilee of AIFTP.

The two-day conference features four thoughtfully curated technical sessions focusing on contemporary and relevant subjects, including recent developments under the Goods and Services Tax, penalty provisions under the Income-tax Act, a comparative analysis of the Income-tax Act, 1961 and the proposed New Income-tax Act, 2025, as well as the practical application of Artificial Intelligence in the tax profession. These sessions have been thoughtfully designed to address pressing issues and emerging trends, offering valuable opportunities for learning, professional growth, and meaningful exchange of ideas.

I place on record my sincere appreciation to all the eminent speakers and paper writers who have graciously contributed their time, knowledge, and expertise to make this Golden Jubilee Celebration NTC a resounding success. I also extend my heartfelt thanks to the dedicated and dynamic organising team whose commitment and tireless efforts have been instrumental in planning and executing this landmark event.

I am deeply grateful to each delegate for gracing this Conference with your presence, participation, and support. As we continue our collective journey guided by the principles of 3Es: Ethics, Education, and Excellence, I wish you all an enriching, inspiring, and memorable Conference.

With warm regards and best wishes for the "**Golden Jubilee Celebration NTC, Patna**".

CA S Venkataramani
National President - AIFTP



NATIONAL TAX CONFERENCE, 2026



MESSAGE



P. K. AGRAWAL

It gives me immense pleasure to extend my warm greetings and best wishes to the organizers and participants of the National Tax Conference – 2026, being jointly organized by the Bihar Chamber of Commerce & Industries (BCCI) and the All India Federation of Tax Practitioners (AIFTP) on 17th and 18th January, 2026 at Patna.

This Conference holds special significance as it coincides with two historic milestones—the Centenary Year of the Bihar Chamber of Commerce & Industries and the Golden Jubilee celebrations of the All India Federation of Tax Practitioners. These milestones reflect decades of dedicated service, institutional strength, and unwavering commitment towards promoting trade, industry, professional ethics, and capacity building in the field of taxation.

In the present era of rapid economic transformation and evolving tax regimes, forums such as this National Conference play a crucial role in fostering informed dialogue on contemporary taxation issues, policy reforms, and their implications for businesses and the economy at large. Constructive engagement among tax professionals, industry leaders, policymakers, and stakeholders is vital for building a transparent, efficient, and growth-oriented tax ecosystem that contributes meaningfully to nation-building.

I am confident that the deliberations, technical sessions, and exchange of ideas during this Conference will enrich professional knowledge, encourage ethical practices, and generate valuable recommendations for strengthening India's taxation framework.

I commend the efforts of BCCI and AIFTP for conceptualizing this prestigious event and wish the National Tax Conference – 2026 every success.

With best wishes for fruitful deliberations and a memorable conference.

P. K. AGRAWAL

President, BCCI



NATIONAL TAX CONFERENCE, 2026



MESSAGE



SAMIR S. JANI

Respected Past Presidents, Office Bearers & Members,
Greetings for the day.

As the present tenure draws to a close, I take this opportunity to place on record my sincere appreciation and heartfelt gratitude for your dedicated service as a esteemed advisors and valued Member of the Managing Committee.

Your commitment to the Federation went far beyond routine participation. Your preparedness, constructive inputs, and readiness to shoulder responsibility whenever required reflected not only diligence but also a deep sense of institutional loyalty.

Throughout this tenure, your consistent support, balanced approach, and cooperative spirit contributed meaningfully to the smooth functioning and collective decisionmaking of the Managing Committee.

What deserves special acknowledgment is the manner in which you discharged your responsibilities—with maturity, restraint, and an unwavering focus on the larger interest of the Federation. Such dedication strengthens the very foundation of our institution and inspires confidence in its governance.

I thank you sincerely for your contribution, cooperation, and trust during my tenure as National President. I am confident that the Federation will continue to benefit from your experience, wisdom, and goodwill in the years ahead.

With warm regards and best wishes,

Yours sincerely,

Samir S. Jani

Immediate Past President



NATIONAL TAX CONFERENCE, 2026



MESSAGE



M. SRINIVASA RAO

The All India federation of Tax Practitioners (Eastern Zone) proudly conducting National tax conference in the capital Bihar, Patna on 17th & 18th January 2026 the sunrise eastern zone of AIFTP is the 1st programme of in the year of golden jubilee of 5 decades 50 years of federation initiation. I am congratulating on behalf of me and as a whole AIFTP to Sri Smith Sourabh Advocate & Golden jubilee year Eastern zone chairman and his team, I extend my heartfelt gratitude to all the stake holders for making this event a grant success.

I will extend my best wishes to the Bihar chamber of commerce & Industries in association with Bihar Income tax bar association, Bihar commercial tax bar association. The technical sessions, selection of discourses on the 2 days topics are very well taken by the organizers, this deliberations of 2 days by the eminent speakers and the chairmans will enrich a greater knowledge will definitely get each and every delegate who will active participate in all the sessions for the better professional services rendering to the taxpayers & stake holders in large in and around the country.

With learning the all delegates get the blessings of patna saheb gurudwar for the happy new year, Health wealth and success. More over the organizers also arranged separate programmes to other holy places in and around Bihar as well as Nepal also.

Once again I congratulate the all Eastern zone team members for a grant success of the NTC and NEC of Patna, I can also extend My heartily congratulations and wishes to the National President CA S Venkataramani office bearers other zonal chairmans, all zonal management committee members, National Committees, National Committee chairman and other office bearers co-opted members special invitees for the year 2026 a grant success which will be bench mark forever.

Long Live AIFTP

(M. SRINIVASA RAO)

Past President, AIFTP

Cell-9885796999



NATIONAL TAX CONFERENCE, 2026



BIBEKANANDA MOHANTI
SENIOR ADVOCATE

MESSAGE

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Cuttack-753012, Odisha
Mobile: +91 9937255573
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1st January, 2026

"Jai Jagannath"

It gives me immense pleasure to convey my warm greetings and best wishes to all delegates, speakers, and distinguished guests on the occasion of the National Tax Conference at Patna, being organised by the All India Federation of Tax Practitioners in association with the Bihar Chamber of Commerce & Industries, the Bihar Income Tax Bar Association and the Bihar Commercial Tax Bar Association.

This Conference assumes special significance as it is the first National Tax Conference in the Golden Jubilee Year of AIFTP, a landmark moment in the illustrious journey of an institution that has, for five decades, remained committed to ethics, education, and excellence in tax practice. This conference also marks and celebrates the Centenary Celebrations of the Bihar Chamber of Commerce and Industries, Patna. The theme - "Honouring the Past, Enriching the Present, Shaping the Future," is both timely and profound. It calls upon us to acknowledge with humility the foundational contributions of our seniors and pioneers who built robust principles of tax jurisprudence; to strengthen the present by engaging critically with contemporary reforms, technology-driven compliance, and evolving adjudicatory mechanisms; and to responsibly shape the future by preparing the next generation of professionals to uphold integrity, competence, and independence in an increasingly complex fiscal environment.

The theme also reminds us that progress in taxation is not merely about frequent legislative changes, but about continuity of values, clarity of interpretation, and fairness in administration. As tax professionals, we have a vital role to play in ensuring that the law serves both revenue interests and taxpayer rights, and that the system remains transparent, predictable, and just.

Under the able leadership of CA Shri S. Venkataramani, National President of AIFTP, and with the dynamic stewardship of Shri Smit Sourabh, Advocate, Zonal Chairman, AIFTP-Eastern Zone, this Conference is poised to offer meaningful deliberations on issues of contemporary relevance and future importance. I am confident that the discussions over these two days will enrich professional understanding and contribute constructively to the evolution of tax law and practice in India.

I take this opportunity to place on record my appreciation for the tireless efforts of the organisers, speakers, sponsors, and contributors to this Souvenir, which will stand as a valuable repository of ideas and insights from this historic gathering.

I wish the National Tax Conference at Patna every success and trust that all participants will return with renewed professional purpose, deeper learning, and enduring memories of fellowship.

With warm regards and best wishes,

Bibekananda Mehanti
National Vice President, AIFTP



NATIONAL TAX CONFERENCE, 2026



MESSAGE



VIVEK AGARWAL

Dear Organizers,

On behalf of the All India Federation of Tax Practitioners, I extend my heartfelt congratulations to the ****All India Federation of Tax Practitioners (Eastern Zone)****, ****Bihar Chamber of Commerce & Industries****, in association with the ****Bihar Income Tax Bar Association**** and ****Bihar Commercial Tax Bar Association****, for successfully organizing the prestigious ****National Tax Conference**** scheduled to be held in Patna on ****17th and 18th January 2026****.

This initiative reflects the commitment and dedication of the Eastern Zone and its collaborating partners towards fostering knowledge, professional excellence, and meaningful dialogue on critical taxation matters. Such conferences play a pivotal role in bringing together tax professionals, policymakers, and industry experts from across the country, thereby enriching the understanding of contemporary tax issues and contributing to the growth of the tax fraternity.

As an Advisory Committee Member and Office Bearer of the All India Federation of Tax Practitioners, I take immense pride in this endeavour and assure my full support for its grand success. I am confident that the conference will set new benchmarks in intellectual discourse and professional networking.

Wishing the entire organizing team continued strength and success in all future endeavours.

Warm regards,

VIVEK AGARWAL

Advisory Committee Member & Office Bearer

All India Federation of Tax Practitioners



NATIONAL TAX CONFERENCE, 2026



MESSAGE



SUBHASH PATWARI

It gives me immense pleasure to extend my warm greetings and best wishes on the occasion of the Joint Programme being organised by the Bihar Chamber of Commerce & Industries in its Centenary Year Celebrations, in association with the All India Federation of Tax Practitioners, commemorating its Golden Jubilee (50th Year), through the National Tax Conference 2026 scheduled on 17th and 18th January 2026.

This Conference provides a timely and meaningful platform for academicians, professionals, policymakers and industry representatives to deliberate on contemporary issues, recent developments and future challenges faced by trade and industry in the field of direct and indirect taxation. The focused discussions on ease of doing business and economic growth are particularly relevant in the present economic environment, where a transparent, stable and growth-oriented tax regime plays a pivotal role.

I am confident that the deliberations and outcomes of this Conference will contribute significantly towards strengthening the tax ecosystem, promoting compliance, and fostering a business-friendly environment that supports sustainable industrial and economic development.

I congratulate the organisers for this commendable initiative and wish the National Tax Conference 2026 every success.

With best regards,

SUBHASH PATWARI

Immediate Past President, BCCI, Patna



NATIONAL TAX CONFERENCE, 2026



MESSAGE



SRI BRIJ NANDAN PRASAD GUPTA
SR. ADVOCATE

Dear Members of the All India Federation of Tax Practitioners (AIFTP) & Bihar Income Tax Bar Association (BITBA),

I am delighted to learn that the All India Federation of Tax Practitioners in association with Bihar Income Tax Bar Association is organising its Conference during the Golden Jubilee Year at Patna, a city of immense historical, cultural, and intellectual significance.

Completing fifty glorious years of dedicated service to the cause of tax professionals and the development of tax jurisprudence is a remarkable milestone. AIFTP and BITBA has consistently played a pivotal role in fostering professional excellence, ethical practice, and continuous legal education across the country. Its contribution towards bridging the gap between the tax administration, judiciary, and professionals is truly commendable.

Organising this prestigious conference at Patna will not only enrich the professional fraternity of this region but will also provide an opportunity for meaningful deliberations on contemporary issues in taxation and allied laws.

I am confident that the conference will be a grand success and will further strengthen the bond among tax professionals nationwide.

I extend my warm congratulations to the office bearers, organising committee, and all members of AIFTP and BITBA on this historic occasion, and wish the Golden Jubilee Conference every success.

With best wishes,

Sri Brij Nandan Prasad Gupta
Advocate



NATIONAL TAX CONFERENCE, 2026



MESSAGE



DESH BANDHU GUPTA

Dear Organizers of National Tax Conference, 2026,

The Patna Tax Conference 2026, jointly organized by the All India Federation of Tax Practitioners (EZ) & Bihar Chamber of Commerce & Industries in Association with Bihar Income Tax Bar Association & Bihar Commercial Taxes Bar Association promises to be a significant gathering for tax professionals.

It gives me great pleasure to extend my warm greetings and best wishes for the success of this esteemed event on January 17th and 18th, 2026. Such conferences play a vital role in fostering knowledge exchange, addressing contemporary tax challenges, and promoting professional development among advocates, chartered accountants, and tax practitioners across India.

I commend the organizers for their dedication to advancing tax jurisprudence and contributing to national discourse on fiscal reforms. Wishing all participants an insightful and productive conference.

Regards,

DESH BANDHU GUPTA

Chairman 2nd Technical Session



NATIONAL TAX CONFERENCE, 2026



MESSAGE



CA SUMAN KUMAR NAYAK
(PRESIDENT)

Chartered Accountants Society of Bihar

It gives me immense pleasure to extend my heartfelt greetings to the All India Federation of Tax Practitioners (EZ) on the occasion of organising the Golden Jubilee National Tax Conference at Patna.

The completion of fifty illustrious years by AIFTP is not merely a celebration of time, but a tribute to five decades of dedicated service to the cause of taxation, professional excellence, ethical values, and the development of tax jurisprudence in India. AIFTP has played a pivotal role in nurturing informed tax practice and fostering constructive dialogue among professionals, the judiciary, and the tax administration.

The decision to host this prestigious national conference at Patna, a city of rich historical, intellectual, and legal heritage, adds special significance to this landmark occasion. It is a matter of pride for the professional fraternity of Bihar that such a national event is being organised in our state.

On this auspicious occasion, I also extend my warm congratulations and best wishes to the Bihar Chamber of Commerce & Industries (BCCI) on the celebration of its Centenary Year. Completing one hundred years of distinguished service to trade, commerce, and industry is a remarkable achievement, and BCCI's contribution to the economic development of Bihar and the nation is truly commendable.

Conferences and celebrations of this stature provide an invaluable platform for exchange of ideas, deliberation on contemporary challenges, and strengthening synergy among professionals, industry, and institutions. I am confident that the Golden Jubilee National Tax Conference will be intellectually enriching and professionally rewarding for all participants.

On behalf of the CA Society of Bihar, I extend my warm congratulations to AIFTP (EZ) and the entire organising team, and wish the Golden Jubilee National Tax Conference and the Centenary Celebrations of BCCI grand success.

With warm regards,

CA SUMAN KUMAR NAYAK



NATIONAL TAX CONFERENCE, 2026



MESSAGE



P. K. MISHRA, Advocate
President

[Bihar Commercial Taxes Bar Association, Patna]

It is with a deep sense of responsibility, humility, and commitment that I address you as the President of the Bihar Commercial Taxes Bar Association, Patna.

It gives me immense pleasure to extend my warm greetings to all the delegates, professionals, dignitaries, and participants attending the Tax Conference organized by our Association.

In an era of rapidly evolving tax laws, regulatory reforms, and increasing reliance on technology, forums such as this conference play a vital role in enhancing professional competence and encouraging meaningful dialogue. This conference has been thoughtfully designed to provide a platform for sharing knowledge, exchanging ideas, and deliberating on contemporary issues and emerging challenges in the field of taxation.

I am confident that the deliberations by eminent speakers and experienced professionals will offer valuable insights and practical perspectives, enabling participants to navigate the complexities of the tax regime with greater clarity and confidence. Such interactions not only strengthen professional skills but also contribute to the overall development of a transparent and robust tax ecosystem.

I sincerely appreciate the efforts of the organizing committee, sponsors, and all those who have contributed towards making this conference a reality. Their dedication and commitment deserve special recognition.

It is a matter of great pleasure to be associated with this Tax Conference. In today's dynamic tax environment, such conferences serve as an essential platform for learning, discussion, and professional growth.

I commend the organizers for their commendable efforts and wish the conference every success. I extend my best wishes for the grand success of the conference and hope that all participants find the sessions enriching, informative, and professionally rewarding.

With best regards,

[P. K. MISHRA, Advocate]

President

[Bihar Commercial Taxes Bar Association, Patna]



NATIONAL TAX CONFERENCE, 2026



MESSAGE



CA SUDEEP NOPANY

Heartfelt Congratulations to the All India Federation of Tax Practitioners (Eastern Zone) , Bihar Chamber of Commerce & Industries, in association with the Bihar Income Tax Bar Association , Bihar Commercial Tax Bar Association, on the successful organising of the National Tax Conference scheduled to be held in Patna on 17th and 18th January 2026.

This landmark event, bringing together tax professionals, industry leaders, and experts from across the country to the historic city of Patna, is a proud moment for the entire tax fraternity in Bihar and the Eastern Zone.

As a member of the National Executive Committee of the All India Federation of Tax Practitioners, I feel immensely privileged and delighted to see this long-cherished dream of hosting a National Tax Conference in Patna turning into reality through your dedicated efforts and exemplary teamwork.

I extend my best wishes for the grand success of the conference and am confident that it will provide a vibrant platform for meaningful deliberations, knowledge sharing, and strengthening professional bonds.

Once again, hearty congratulations to the entire organising team for this outstanding initiative!

CA Sudeep Nopany



NATIONAL TAX CONFERENCE, 2026



MESSAGE



ADV. NIRAJ KUMAR NAYAK

It is a matter of immense pleasure that the All India Federation of Tax Practitioners (Eastern Zone), in collaboration with the Bihar Chamber of Commerce & Industries and in association with the Bihar Income Tax Bar Association and the Commercial Tax Bar Association, is organizing the National Tax Conference 2026 at Patna on 17th & 18th January 2026, during the Golden Jubilee Year of the Federation.

The All India Federation of Tax Practitioners (AIFTP), established on 11th November 1976, is a premier national body of Advocates, Chartered Accountants, and Tax Practitioners, devoted to the advancement of tax jurisprudence and professional excellence through academic deliberations.

The theme of the Conference — “Honoring the Past, Enriching the Present and Shaping the Future” — aptly reflects the vision of the Federation, emphasizing scholarly dialogue and a future anchored in Ethics, Education, and Excellence.

It gives me pleasure to be associated with this prestigious Conference, which provides a national platform for tax professionals to deliberate, share experiences, and strengthen professional unity. I place on record my appreciation to the National Leadership and the Organizing Committee for their dedicated efforts.

I am confident that the deliberations at this Conference will be insightful and rewarding for all delegates. I wish the National Tax Conference a great success and a memorable experience for everyone.

Warm regards,

ADV. NIRAJ KUMAR NAYAK

Secretary, AIFTP (EZ)



NATIONAL TAX CONFERENCE, 2026



MESSAGE



JAGADISH KUMAR

Best wishes for the final preparations!

Our enthusiastic colleagues in the organizing team have worked very hard for this, and I am confident that it will be a great success and a historic event. After a gap of 20 years (since 2005), the two-day All India Tax Conference is being organized again in the historic city of Patna, thanks to the combined efforts and cooperation of all the organizers.

Though many of our senior colleagues, who are also our mentors, are no longer with us, but I am confident that their blessings are always with the organizers this time, and with their blessings, this tax conference will establish its own identity at the All India level. I am fortunate to have had a small part in both these events.

My best wishes to the organizers for the smooth and successful conduct of the seminar and I will eagerly await news of its success.

Best wishes to everyone for the big day!

JAGADISH KUMAR

Advocate, Patna



R. P. NAYAK

Wishing everyone a successful and productive National Tax Conference, 2026 to be held at Patna and hope this event is both informative and inspiring. We wish all delegates a memorable and impactful experience at the Conference.

I hope this Conference is a huge success and provides ample opportunities, professional growth and inspiration. Thanks to all the Speakers, Organizing Committee members and Delegates.

R. P. NAYAK



NATIONAL TAX CONFERENCE, 2026



MESSAGE



SMIT SOURABH
CHAIRMAN – EAST ZONE

It is my privilege to extend warm greetings to all esteemed members of our Federation on the **National Tax Conference**, to be held on **17th and 18th January 2026**, during the **Golden Jubilee Year of our Federation**. The hosting of this Conference at Patna further gains significance as it coincides with the **Centenary Year celebrations of the Bihar Chamber of Commerce and Industries**, a historic institution that has contributed immensely to the nation's commercial and professional ecosystem.

The theme of conference — **“Honoring the Past, Enriching the Present and Shaping the Future”** — aptly reflects this momentous confluence of milestones. As we honour the legacy built by our seniors over five decades, the Conference seeks to enrich the present through **academically robust, professionally relevant, and quality-driven deliberations**, while shaping a future founded on **Ethics, Education and Excellence**.

On behalf of the East Zone, I wish to reaffirm our collective commitment that the Conference shall remain **academically rich, practically relevant, and intellectually stimulating**. Our focus is not merely on the number of sessions, but on the **depth of discussion, quality of speakers, and value addition to members**. Meaningful knowledge sharing, clarity of concepts, and professional excellence must remain at the core of every session.

I sincerely thank the National Leadership, Organizing Committee, and all contributors who have worked tirelessly to make this Conference possible. I am confident that **this National Tax Conference will set new benchmarks in academic quality and professional enrichment**.

SMIT SOURABH

(Advocate- Income Tax)

Chairman -AIFTP (EZ)



NATIONAL TAX CONFERENCE, 2026



ALL INDIA FEDERATION OF TAX PRACTITIONERS

About us

All India Federation of Tax Practitioners is a Common platform of all practitioners in the field of Taxation irrespective of they are Advocates, Chartered Accountants, Tax Practitioners having licence to practice in the field of Taxation with a common goal of education, ethics and excellence.

It has been established in the year 1976 of 11th November under the presidentship of Shri B. C. Joshi and in the presence of former chief justice of India, Hon'ble Justice J.C. Shah, distinguished Jurist Padma Vibhushan Dr. N. K. Palkhivala Sr. Advocate and Shri Ram Rao Adik, Sr. Advocate, Advocate General of Maharashtra Shri N. C. Mehta, C A Mumbai was elected as Founder President of The All India Federation of Tax Practitioners and Shri P.C. Joshi, advocate was elected as Secretary General.

The AIFTP is now celebrating Golden Jubilee Years of its existence.

The AIFTP has its registered Head Office at 215, Rewa Chambers, 31, New Marine Lines, Mumbai- 400 020. The total strength of National Executive Committee Members is 65 headed by the National President, Deputy President, five Vice-Presidents, Secretary General, Treasurer, five Joint Secretaries. The National President (2025) is Mr. Samir S. Jani, Advocate from Junagadh and Deputy President CA. S. Venkataramani from Bengaluru.

The AIFTP is divided into five zones namely, Central Zone, Eastern Zone, Northern Zone, Southern Zone and estern Zone. Each Zone is headed by a Chairman, and Vice Chairman from each State to which Zone represents, One Secretary and two Joint Secretaries and Treasurer as Office Bearers. The term of the Zonal Office bearers and Managing Committee coincide with the terms of the National Executive Committee.

The membership of the AIFTP comprise of Senior Advocates, Advocates, Solicitors, Chartered Accountants, Company Secretaries, Cost Accountants and Tax Practitioners who are practicing on Direct & Indirect Taxes, from all States and union territory of the Country. Members of the AIFTP enjoy a strong bond of fellowship leading to fraternal brotherhood amongst professionals. The AIFTP is the only voluntary professional organisation of our country which has 146 Professional Associations as its affiliated members and more than 11,000 individuals as life members from 29 States and 4 Union Territories.

For spreading the educational activities, the AIFTP has various Sub-Committees, such as, Journal Committee, Law & Representation Committee (Direct & Indirect Taxes), ITAT Bar Associations' Coordination Committee, Membership Development, Times Committee, Publication Committee, etc.

The AIFTP publishes a monthly Journal covering the latest reported and unreported decisions of the Supreme Court, High Courts and Income Tax Appellate Tribunals, allied laws, and also the articles, opinions and Q&A. The unique feature of the AIFTP Journal is that every quarter, the gist of important case Laws which are published in 33 Tax Magazines, www.itatonline.org are published section wise. Yearly digest of case laws from 2003 onwards are also available on the website i.e., www.aiftponline.org which can be



NATIONAL TAX CONFERENCE, 2026



downloaded by the members and tax professionals. From 2019 onwards, AIFTP also publishes a monthly Journal on Indirect Tax & Corporate Laws Journal.

AIFTP publishes a monthly newsletter called AIFTP TIMES which is sent / emailed to all the members free of charge. Newsletter contains important Notifications, Circulars and other topical information and also information about various activities of the AIFTP.

AIFTP website i.e., www.aiftponline.org, have been revamped in 2023 and is an informative source for the members. The website is regularly updated by a team of dedicated professionals. The Journals and Times are uploaded every month on the website of AIFTP. Professionals can apply Membership, Journal Subscriptions, ID card through website.

AIFTP has been making representations for better tax law and tax administration. AIFTP and Associate members have filed more than 37 Public Interest Petitions (PILs) before various Courts for better administration of tax laws and to uphold the independency of judicial forums. AIFTP regularly sends Pre- and Post-Budget Memorandums. Many of the suggestions and the recommendations are accepted. It regularly publishes books in simple language and question-answer format at a low cost. It has published more than 48 publications till date.

AIFTP jointly with the Association Members, organise National Seminars, Conferences and Conventions in various parts of the Country to update its members on Direct and Indirect Taxation. A unique feature of the AIFTP is that its faculties, chairmen, trustees, office bearers and members of the National Executive and Zonal Committees pay a registration fee and bear their own travel and stay expenses. From April 2020 to September 2021 during the period of Covid-19 Pandemic, the AIFTP has conducted more than 200 Webinars on various subjects and all webinars were without any charges. AIFTP as an association with the help of their members have contributed an amount of Rs. 11 lakhs to the Prime Minister Cares Fund. In the year, 1999 the AIFTP had published a publication titled "NRI - A Legal companion" which was dedicated to the War Heroes of Kargil and the entire surplus of the said publication was handed over to the Defence fund. AIFTP members have sponsored various awards in memories of their respective parents in various categories i.e., Best Conference, Best Zone, Best Chairman, Best Upcoming Speakers, etc.

Since 2004, AIFTP conducts regular International Study tours, in the first study tour a seminar was held at Law Society of England and Wales on April 24, 2004, wherein a publication titled "India-A Global Business Destination" was released at England.

AIFTP has voluntarily adopted a Code of Ethics for its members in its Constitution.

On request of the AIFTP the Government of India has released Commemorative Postage Stamp in Memory of Padma Vibhushan Late Dr. N. A. Palkhivala, Senior Advocate on 16th January, 2004. The then Hon'ble Prime Minister of India, Shri Atal Bihari Vajpayee released the Commemorative Postage Stamp at Mumbai.

Many members of the AIFTP have been elevated as Judges of the Supreme Court, High Courts, Tribunals and also appointed as Advocate General of various States.

The AIFTP has always believed in professional brotherhood. For support of the members of the AIFTP it has set aside a corpus of Rs 1 crores for welfare of the members of the AIFTP. During the pandemic the AIFTP has supported financial aides many deserving members from across the country. The AIFTP is also proposing to have a group insurance scheme for the benefit of its members.

The AIFTP is the symbol and spirit of National Integration of tax professionals, and with active support of the members it is one of the leading National Tax professional organisations.





NATIONAL TAX CONFERENCE, 2026



BIHAR CHAMBER OF COMMERCE & INDUSTRIES

About us

A chamber of commerce is a forum to work for the cause of trade & commerce. The first chamber of commerce was founded on 5th August, 1539 in Merseille, France to organise the protection of French Merchant ships against pirates in the Mediterranean sea. It is recognised by letters patent of Henry - IV on April 15, 1600.

*The Chamber was formed in 1926 as Behar and Orissa Chamber of Commerce with a membership of only 19 members. Today it has on its roll approx. **700 members** comprising associations like chamber of commerce working at district levels, trade wise, commercial organisations and leading industrial and trading houses of the state of Bihar. The Chamber registered on the 4th June, 1926 as Behar And Orissa Chamber of Commerce. **The formal inauguration of the chamber was however made on 9th September, 1926. An Executive Committee with Rai Bahadur Radha Krishna Jalan as a President and Sri Ram Chandra Pandit as Honorary Secretary was elected.** Rai Bahadur Banshidhar Dhandhania from Bhagalpur was elected Vice President. Messrs B.A. Collins ICS, CIE and D. C. Gupta, Directors of Board of Industries were admitted as Honorary members to the Chamber. The following were elected committee members:-*

- 1. Rai Bahadur Ram Ranvijay Sinha, Dumraon Maharaj.*
- 2. Mr. K C Dey, Orissa*
- 3. Babu Devadhari Singh, Vishwakarma Mills Ltd., Digha*
- 4. Babu Guru Prasad Singh, Aryans Mills, Danapore*
- 5. Chhotanagpur Banking Association, Hazaribagh*
- 6. Babu Radhakrishna, B & O Automobiles Company, Muzaffarpur and*
- 7. Babu Devi Lal Sahu, Merchant, Motihari*

In the month of December, 1926, the chamber got recognition from the Government Mr. S.D.J. Bowstead, under Secretary to the Government wrote a letter to the chamber on 21st December, 1926 say "I am directed to say that, the Governor in council has been pleased to accord recognition to the Behar and Orissa Chamber of Commerce."

The Chamber has also steadily come to enjoy the confidence of the Government through Persistent efforts interpreting the needs and grievances of the trade and industry to them. It has scrupulously kept the larger interests of the people of the state and the country at large in view and has subordinated the sectarian and limited interest for the sake of the larger good.



NATIONAL TAX CONFERENCE, 2026



On the eve of 19th AGM held in 21st February, 1946 Sir Thomas George Rutherford, governor of Bihar laid down the foundation stone for the construction of Chamber's main building.

Bihar Chamber of Commerce & Industries has also fulfilled its social obligations to start Skill Development Programme in its own campus to teach economically weaker section's male and female by providing them vocational cases of sewing & knitting, Computer Training Courses, Beautician courses absolutely free and offering cent percent job placement facilities amongst its own members and to encourage them for self employment by practising themselves to start their own Boutique etc. These all activities were initiated by the then President of BCCI Shri P K Agrawal on 8th February, 2014. It is also a matter of pride for us that we are also celebrating Centenary Year of BCCI under Chairmanship, guidance and guardianship of present President Shri P. K. Agrawal.

The Chamber is travelling on an endless journey started from 1926, with vision by our founders.

- 1. The day 18th May, 1952 was a glorious one for the chamber when **H.E. Dr. Rajendra Prasad, First President of the country visited the chamber on the occasion of Silver Jubilee Celebration.***
- 2. The day 24th February, 1977 it was a golden moment in the history of chamber. **Golden Jubilee function was inaugurated by Hon'ble Justice K B N Singh, Chief Justice of Patna High Court.***
- 3. The day 28th October, 2002 will be remembered forever by us, when **Government of India released a commemorative postage stamp on Bihar Chamber of Commerce to Commemorate its Platinum Jubilee Year.***
- 4. The day 31st May, 2003 was another milestone for the chamber when **H.E. Dr. A. P. J. Abdul kalam, Hon'able President of India visited the Chamber in the closing ceremony of the Platinum Jubilee Celebrations.***

Now the journey will never end we are celebrating Centenary Year in 2026 and we feeling very proud to start before you all and expecting great and greatest celebrations in between the whole years.





NATIONAL TAX CONFERENCE, 2026



THE BIHAR INCOME TAX BAR ASSOCIATION

About us

Bihar Income Tax Bar Association was founded in the year 1972 by the Tax Professionals across the State of Bihar and was registered under The Societies Registration Act, 1860 vide Certificate of Registration dated 06th May, 1972.

Its first President was Late Vishnu Deo Narayan, Advocate and its first Secretary was Late Lakshmi Narayan Rastogi, Senior Advocate and its members were Late K. N. Jain, Senior Advocate, Late Rajdeva Narayan, Advocate Muzaffarpur, Late Surya Narayan Agrawal, Advocate Muzaffarpur, Late R. N. Banerjee, Advocate Muzaffarpur, Late Motilal Sureka, Advocate Darbhanga, Late Ram Gopal Khandelia, Advocate Munger, Late Bishwanath Nayak, Advocate, Sudhir Kumar Narayan, Advocate and Krishna Nandan Prasad, Advocate to name a few. It has more than 250 members from all over the State of Bihar & Jharkhand.

Two members of the Association namely Late Justice G. C. Bharuka and Justice Vikash Jain were elevated as Judges of Hon'ble Patna High Court. The Association has regularly been holding conferences & seminars besides regular interaction of its members on the current tax issues (both Direct & Indirect Taxes) under the aegis of Centre for Legal Research & Studies.





NATIONAL TAX CONFERENCE, 2026



THE BIHAR COMMERCIAL TAXES BAR ASSOCIATION

About us

The Bihar Commercial Taxes Bar Association is a registered professional body of advocates, engaged in the field of taxation. Established with the objective of promoting knowledge, professional excellence, and ethical standards, the Association has been actively contributing to the development of tax jurisprudence and professional competence.

Over the years, the BCTBA has served as a common platform for interaction, learning, and exchange of views on matters relating to Direct and Indirect Taxes.

The BCTBA is a professional body dedicated to the advancement of tax knowledge and professional excellence. Through conferences, seminars, and continuous learning initiatives, the Association strives to keep its members abreast of developments in taxation while upholding the highest ethical standards. The Association continuously endeavors to keep its members updated with the ever-evolving tax laws, judicial pronouncements, and regulatory changes

The BCTBA also plays a constructive role in representing the views and concerns of the tax fraternity before various authorities and stakeholders, thereby contributing to the development of a fair, transparent, and efficient tax administration. Emphasis is laid on nurturing young professionals and encouraging academic excellence, research, and ethical practice.

Our Association has been fortunate to be enriched by the wisdom, experience, and integrity of its senior members. Many of our distinguished seniors have not only guided the Bar with exemplary professionalism but have also earned the honour of being designated as Senior Advocates, up to the level of Additional Advocate General as well as Additional Solicitor General of India (Supreme Court) and elevated as Hon'ble Judges of the High Court. Their journey stands as a source of pride and inspiration for the entire Association.

For our junior members, the Association offers a unique opportunity to learn from such eminent personalities. The guidance, mentorship, and values imparted by our seniors extend far beyond technical knowledge of law and taxation. Their commitment to ethics, discipline,



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and service to justice provides a strong foundation for young professionals to build their careers with confidence and integrity.

The interaction between seniors and juniors within the Association fosters a culture of learning, mutual respect, and professional excellence. By observing the conduct, dedication, and intellectual rigour of our senior members, junior members are encouraged to aspire not only for professional success but also for contribution to the institution of justice.

The Association firmly believes that the legacy of its senior members will continue to shape future generations of professionals. We remain committed to nurturing young talent under the able guidance of our seniors, ensuring that the values and traditions of the Bar are preserved and strengthened.

The BCTBA looks forward to continuing its journey of service, learning, and leadership in the field of taxation, contributing meaningfully to the profession and the nation.





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CHARITABLE TRUSTS AND INSTITUTIONS : REGD. NPO KEY PROVISIONS UNDER NEW INCOME TAX ACT, 2025

**CA. RAJESH MEHTA
INDORE**

1. Is there any change in definition of Charitable Purpose under new Income Tax Act, 2025 as compared I.T. Act, 1961?

No, there is no change in definition of Charitable purpose. Earlier in 1961 Act the definition was U/s. 2(15) now in the New Act the definition is U/s. 2(49). The definition is, "Charitable purpose includes:- (a) relief of the poor; (b) education; (c) yoga; (d) medical relief; (e) preservation of environment (including watersheds, forests and wildlife); (f) preservation of monuments or places or objects of artistic or historic interest; (g) the advancement of any other object of general public utility." Earlier there was a proviso U/s. 2(15) regarding restriction on business activities by trust or institution carrying out any other object of general public utility, the said proviso is now U/s. 346 of New Income Tax Act, 2025.

2. Earlier under I.T. Act, 1961 trust or institution or any other legal obligation words were used for entities eligible for exemption, now under the New I.T. Act, 2025 which words/nomenclature are used ?

Under the New Income Tax Act, 2025 it is stated that, these entities are eligible for registration to be treated as Registered Non-profit Organisation:- (a) public trust or (b) Society or (c) Sec. 8 company or (d) a University established by law or any other educational institution affiliated thereto or recognised by the Government; or (e) institution financed wholly or in part by the Govt. or a local authority; or (f) (Sch. III Table S. No. 27 to 29)- Investor Protection Fund, Sch. III 36 –[Old Sec. 10(46)], Sch. VII Table S.No. 42 (Old Sec. 10(46A), Sch. VII S.No. 10 to 19 [Old Sec. 10(23C)(i to iiiiaaaa) PMCARES FUND, PM Fund (for folk art), PM Aid to students fund, Swachh Bharat Kosh, Clean Ganga fund, CM Relief Fund, [Old Sec. 10(23C)(iiiab, iiic, iiid, iiiae)] Sch. VII Table S.No. 17. University or other educational institution wholly or substantially financed by Govt., 18. hospital or other institution wholly or substantially financed by Govt., 19(a, b) university or other educational institution, hospital or other educational institution solely for education, hospital solely for philanthropic purposes, not for profit, aggregate annual receipts not exceed Rs. 5 Crores. (g) Any other person notified by the Board in this behalf.

3. What are other conditions for entities referred above in S.No. (a to g) as per Sec. 332(1), to be eligible for registration as Registered Non-Profit Organisation (RNPO)?

The entities to be eligible for registration under New Act, if:- (a) such person is constituted or



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registered or incorporated in India for carrying out one or more charitable purposes, as referred to in section 2(23) or one or more public religious purposes; and (b) the properties of such person are held for the benefit of the general public under an irrevocable trust- (i) wholly for charitable or religious purposes in India; or (ii) partly for charitable or religious purposes in India, if such person was constituted prior to commencement of Income-tax Act, 1961.

4. Whether provisions for Regd. NPO (RNPO) contained in Chapter XVII-B Sec. 332 to 355 can be treated and considered as complete code in itself as compared to provisions specified under various chapters of I. T. Act, 1961?

Yes, Provisions relating to RNPO are consolidated at a single place in Part B of Chapter XVII of New Income Tax Act, 2025, and it is affirmed in Sec. 334(2) for Part-B of Chapter XVII, “The provisions of this Chapter shall apply irrespective of anything to the contrary contained in any other provision of this Act other than sections 96 to 98.” Whereas in the I. T. Act, 1961 provisions relating to religious trusts and institutions were under different chapters.

Under I. T. Act, 1961 it was stated U/s. 11(1), “Subject to the provisions of sections 60 to 63, the following income shall not be included in the total income of the previous year of the person in receipt of the income”. From comparison of above provisions of 1961 Act and new 2025 Act, it is clear that under new Act Sec. 334(2) specifies that provisions of Chapter XVII-B shall have overriding effect over all other provisions of the Income Tax Act 2025.

5. Under Sec. 332(2)(b) of Income Tax Act 2025 it is specified that person eligible to be as Regd. NPO should be under an irrevocable trust wholly for charitable or religious purposes in India. Does it mean that trust should be either for charitable or for religious purposes and cannot be for mixed purposes i.e. cannot be for charitable and religious purposes both under one trust?

No, to remove this ambiguity, there is given an interpretation (like definition) of, “wholly for charitable or religious purposes”, U/s. 355(p) of the ITA, 2025, “wholly for charitable or religious purposes” shall mean “wholly for charitable purposes or wholly for religious purposes or wholly for charitable and religious purposes”.

6. Earlier under ITA, 1961 requirements and conditions for claiming exemption U/s. 11 and 12 were given U/s.12A(1)(ac) (i to vi) by specifying that to claim exemption when to register and period of validity etc., are there similar provisions under ITA, 2025? Is there any major change as compared to ITA, 1961?

Yes, similar provisions are there given in tabular format U/s. 332(3) of ITA, 2025, with welcome changes of relaxing time limit to apply in two situations i.e. in table at S.No. 1 and 6.



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TABLE

Sl. No.	Case	Time limit for furnishing application	Time limit for passing order	Validity of registration
A	B	C	D	E
1.	Where the activities of the applicant have not commenced and it has not been registered under any specified provision at any time before making the application.	At any time during the tax year beginning from which registration is sought.	One month from the end of the month in which application is made.	Three tax years commencing from the tax year in which such application is made.
2.	Where the activities of the applicant have commenced and it has not been registered under any specified provision at any time before making the application.	At any time during the tax year, beginning from which registration is sought.	Six months from the end of the quarter in which application is made.	Five tax years commencing from the tax year in which such application is made.



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3.	Where the applicant has been granted provisional registration and activities have commenced.	Within six months of the commencement of activities.	Six months from the end of the quarter in which application is made.	Five tax years commencing from the tax year in which such application is made.
4.	Where the provisional registration of the applicant is due to expire and activities have not commenced.	At least six months prior to the expiry of the provisional registration.	Six months from the end of the quarter in which application is made.	Five tax years following the tax year in which such application is made.
5.	Where the registration of the applicant is due to expire, other than cases mentioned at serial number 4.	At least six months prior to the expiry of the registration.	Six months from the end of the quarter in which application is made.	Five tax years following the tax year in which such application is made.
6.	Where the registration of the applicant has become inoperative due to switching over of regime under section 333.	At any time during the tax year beginning from which the registration is sought to be made operative.	Six months from the end of the quarter in which application is made.	Five tax years commencing from the tax year in which such application is made.



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7.	Where the applicant, being a registered non-profit organisation, has adopted or undertaken modification of its objects which do not conform to the conditions of registration.	Within thirty days of the date of such adoption or modification.	Six months from the end of the quarter in which application is made.	Five tax years commencing from commencement of the tax year in which such application is made.
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If the application made for **S. No. 1 to 7** in the **table under Sec. 332(3)** is made beyond the time allowed, the PCIT/CIT may, if he considers that there is a **reasonable cause for delay** in furnishing the application, **condone such delay** and such application shall be deemed to have been made within time. If delay is not condoned in cases at S. No. **3, 4, 5, 7** then as per Sec. 332(6) such person shall be liable to pay **tax on accreted income** under section **352**.

If the total income of applicant at S. No. 3 to 7 in the table at Sec. 332(3), without giving effect to the provisions of this Part (i.e. Chapter XVII-B), **does not exceed 5 crore rupees** during each of the **two tax years, preceding** the tax year in which such application is made, the registration shall be granted for **10 years**.

7. Can any trust registered earlier under ITA, 1961 U/s. 10(23C) or 12AB can be called and treated as RNPO under ITA, 2025 on or after 1-4-2026 until its old registration expires? Or Will the existing registered non-profit organisations be again required to get themselves registered under the new provisions?

From the following interpretations in Sec. 355 it is clear that until old registration granted under ITA, 1961 expires there is no need to apply under new provisions of ITA, 2025 and even through on or from the old registered trusts and institutions will be called and treated as Regd. NPo (RNPO). **Sec. 355(f): “registration” includes** provisional registration, provisional approval or approval, as referred to in the second proviso to section **10(23C) or 12AB (1) of the Income-tax Act, 1961** and under section 332, but shall not include approval under the second proviso to section 80G(5) of the said Act or section 354. **Sec. 355(g): Registered Non-profit Organisation (RNPO)** means any person having a valid registration under any **specified provision** and such registration has not been cancelled. **Sec. 355(l): “specified person”** means any person which is registered under any **specified provision** at any time since its incorporation or creation. **Sec. 355(m): “specified provision”,** means section 12A, 12AA or 12AB or section 10(23C) of the Income-tax Act, 1961 or section 332.



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8. How to compute taxable regular income and regular income under new ITA, 2025 of a RNPO?

Tax on taxable regular income at the rate applicable on taxable regular income (Sec. 335) and any residual income for such tax year under other provisions of this Act. Regular income means:-

- (a) income from any charitable or religious activity, for which such NPO is registered;
- (b) income derived from property, deposit or investment held wholly for charitable or religious purposes;
- (c) income derived from any property, deposit or investment held in part for charitable and religious purposes 332(2)(b)(ii);
- (d) voluntary contributions received, and
- (e) gains of any commercial activity permissible under sections 344, 345 and 346, computed in such manner, as may be prescribed.

Taxable Regular Income means:-

- (a) nil, where 85% or more of the regular income applied as per provisions of Sec. 341 or accumulated U/s. 342 for charitable or religious purposes; and
- (b) in any other case, 85% of the regular income as reduced by its application for charitable or religious purposes as per provisions of Sec. 341 or accumulation thereof U/s. 342.

9. What is specified income under new ITA, 2025, is there any specified rate of tax for this?

Specified income is taxable @30% U/s. 337 of ITA, 2025. Such incomes are **Anonymous Donation** :- Received by **RNPO** for charitable purposes (excluding Rs. 1 Lakh or 5% of total donations whichever is higher), exclude received for religious purposes, Income applied directly or indirectly for **benefit of related person, investment or deposit made in contravention** : **Sec. 350**, Income accumulated - applied to other than charitable or religious purposes for which it is accumulated or set apart, Income not received hence could not be applied [Sec. 341(5)], treated as deemed application - prescribed form furnished on or before ITR due date, such income even though could not be applied in the immediately succeeding year in which derived or in the immediately succeeding year in which received, accumulated income : credited or paid to any other RNPO, income applied to purposes other than charitable or religious purposes for which it is registered, income determined by AO U/s. 344 in excess of income shown in the books of account of the business undertaking, FMV of any asset, not converted in modes specified in paragraph 1(1) to (30) of Schedule XVI (permitted modes of investment Sec. 350) even after the expiry of one year from the end of the tax year in which such asset is acquired (Taxable in the year immediately following the expiry of one year), income applied outside India by charitable NPO in contravention (without CBDT approval, which does not promote international welfare in which India is interested): Sec. 338(a).

10. What is Corpus donation? Whether corpus donation is defined under ITA, 2025?

As per Sec. 339 Corpus donation means:- any donation made with a specific direction by the donor that it shall form part of the corpus of the RNPO, provided that such donation is invested or deposited in any of the modes permitted U/s. 350 maintained specifically for such corpus.



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As per Sec. 338 Corpus donation received by RNPO not to be included in regular income.

11. How to compute application of income under new ITA, 2025?

Application of income is:- Sum applied for charitable or religious purpose in India for which NPO is registered and such sum is paid during the tax year, 85% of donation paid to other RNPO, Amount invested or deposited back into corpus in modes permitted U/s. 350 maintained specifically for such corpus, within five years from end of the tax year in which such application (after 31-3-2021) of income was made from the corpus, amount repaid, during the tax year, towards any loan or borrowing, within five years from end of the tax year in which such application (after 31-3-2021) of income was made from the loan or borrowing.

12. What is deemed application under new ITA, 2025?

Sec. 341(5): Where regular income applied by RNPO towards charitable or religious purposes in India, is less than 85% of regular income, the shortfall, at the option of RNPO, may be treated as deemed application. Any deemed application under sub-section (5) shall be applied by RNPO for its objects in India,-

- (a) during the tax year in which the income is received or in the tax year immediately succeeding such tax year, where such shortfall is for the reason that the whole or any part of the income has not been received during that tax year;
- (b) in the tax year immediately succeeding the tax year in which the income was derived, where such shortfall is for any other reason.

Such option shall be exercised on or before the due date specified in section 263(1) for furnishing the return of income for such tax year.

13. Claims not allowed as application under new ITA, 2025.

Deduction or allowance by way of depreciation or otherwise claimed in respect of an asset acquisition of which has been claimed as an application of income in the same or any other tax year, set off or deduction or allowance of any excess application of any of the years preceding the tax year, corpus donation to any other RNPO.

14. Capital Gain from Transfer of Capital Asset under ITA, 2025?

Sec. 341(9) Whole of such capital gain is deemed as application of income if whole of the net consideration is utilised in acquiring the new capital asset, If part of net consideration is utilised then Excess of amount utilised over cost of transferred asset is treated as application of income.

15. What is accumulated income new ITA, 2025?

As per Sec. 342 RNPO can accumulate or set apart any part of its regular income by furnishing a prescribed form on or before Sec. 263(1) due date (ITR due date), stating therein the purpose and period, not exceeding five years, [As per ITA, 1961 under Sec. 11(2) - two month prior to due date of 139(1) Form 10]. Amount credited or paid out of above, to any other RNPO shall not be treated as application of income. U/s. 343 deemed accumulated is stated, to the extent of 15% of regular income, shall be considered as deemed accumulated income, to be invested or deposited in modes specified U/s. 350 (Sch. XVI)



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16. What are the provisions under ITA, 2025 regarding books of account and audit and ITR ?

Sec. 347 to Sec. 349: specifies to Maintain prescribed books of account if total income exceeds maximum amount not chargeable to tax, and get audited and furnish by such date audit report in prescribed form and **Return of Income** [Old Sec. 139(4A), 12A(1)(ba)]: Where the total income of RNPO, without giving effect to the provisions of this Part (Chapter XVII PART B), exceeds the maximum amount which is not chargeable to income-tax, it shall furnish the return of income as per provisions of Sec. 263(1)(a)(iii) and (2) [income exceeding maximum amount not chargeable to tax], within the time limit allowed under section 263(1)(c) [Due date 31st October].

17. What are other violation and tax implication under new ITA, 2025?

As per Sec. 353 if RNPO (a) fails to maintain books of account Sec. 347; or (b) fails to get books of account audited Sec. 348; or (c) fails to furnish its return of income Sec. 349; or (d) carrying out advancement of any other object of GPU, carries out any commercial activity in contravention of provisions of Sec. 346, In such cases regular income for such tax year as reduced by the expenditure referred to in Sec. 353(3) shall be taxable regular income which shall be chargeable to tax as per the provisions of Sec. 334 (Earlier in ITA, 1961 Sec. 115BBI and Sec. 13 had similar provisions).

18. What are allowable expenditure in case of other violation U/s. 353?

In such case following are allowable expenditure (other than capital expenditure):-

- (a) such expenditure shall be incurred in India;
- (b) such expenditure shall be for the objects;
- (c) such expenditure is not made from the opening balance of corpus
- (d) such expenditure is not out of any loan or borrowing;
- (e) the claim of depreciation is not in respect of an asset, acquisition of which has been claimed as application of income, in the same or any other tax year;
- (f) such expenditure is not in the form of any contribution or donation to any person;
- (g) such expenditure is not on account of a payment or aggregate of payments made to a person in contravention to the provisions of section 36(4), (5), (6) and (7); (cash payment)
- (h) such payment is allowable under section 35(b)(i) (TDS default)

19. What changes and what was need of new Chapter of NPOs in New Income Tax Act, 2025?

In FAQs issued on Income Tax Bill in Feb. 2025 CBDT has stated that:-

Total E-filed ITR for Charitable and Religious trusts and institutions in AY 2023-24 is 2.50 Lakh and total amount applied by these trusts and institutions in F.Y. 2022-23 is Rs. 10 Lakh crores, Therefore, it was considered necessary to simplify and consolidate all the provisions relating to non-profit organisations for ease of understanding and compliance.

In the Income Tax Act, 1961 there are 12800 words about NPOs which have been reduced to 7600 words in the New Income Tax Bill 2025 (Now became Act).

Overall 5.12 Lakh words of Income Tax Act, 1961 has been reduced to 2.60 Lakh words in New Income Tax Bill, 2025 (Now became Act).



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LEVY OF GST ON DEAD PERSON IS A BANE

**C. SANJEEVA RAO,
TAX ADVOCATE, VISAKHAPATNAM**

"Nothing is certain except death and taxes." Thus spake Benjamin Franklin in his letter of November 13, 1789 to Jean Baptiste Leroy. To tax the dead is a contradiction in terms. Tax laws are made by the living to tax the living.

What survives the dead person is what is left behind in the form of such person's property. The same principle applies under the GST Act, 2017, meaning thereby the GST shall not leave the dead person, even after the death of taxable person; the GST shall be collected from the heirs of the deceased taxable person.

Section 93(1) of the CGST Act, has borrowed the provision from Insolvency and Bankruptcy Code, 2016 (Act 31 of 2016), to collect the tax, interest and penalty from the heirs of the dead person which was determined before the death of the registered taxable person but has remained unpaid or is determined after his death. The Section is reads as follows:

93. Special provisions regarding liability to pay tax, interest or penalty in certain cases.

- (1) Save as otherwise provided in the Insolvency and Bankruptcy Code, 2016 (31 of 2016), where a person, liable to pay tax, interest or penalty under this Act, dies, then-
 - (a) if a business carried on by the person is continued after his death by his legal representative or any other person, such legal representative or other person, shall be liable to pay tax, interest or penalty due from such person under this Act; and
 - (b) if the business carried on by the person is discontinued, whether before or after his death, his legal representative shall be liable to pay, out of the estate of the deceased, to the extent to which the estate is capable of meeting the charge, the tax, interest or penalty due from such person under the Act,

Whether such tax, interest or penalty has been determined before his death but has remained unpaid or is determined after his death.

From the Section 93(1)(b), it understands that the GST shall be collected from the legal representative, but out of the estate of the deceased to the extent to which the estate is capable of meeting such tax, interest or penalty. However, the legal heirs or legal representative are required to intimate the death of the registered taxable person to the GST Department.

Thus, the above statement is contradictory in terms that tax laws made by the living to tax the even dead person.

Recently, the Honourable Courts are granting relief to dead person but directing the officers to send



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the notices to the legal representatives or legal heirs of the deceased, to collect the tax, interest or penalty from out of the estate of the deceased.

Unlike the Income-tax Act, 1961 and Central Excise Act, 1944, the GST had inserted right from 01.07.2017 the provision of Section 93 to collect the tax, interest or penalty from the dead person out of the business done during his/her survival.

In one Writ Petition, Hon'ble High Court of Andhra Pradesh (W.P. No.10447 of 2025 dated 07.05.2025) held that "Even assuming that such notices had been sent in the name of the late father of the petitioner, the same cannot be treated to be notices served on the petitioner. In any event, in view of the ambiguity as to the service of the notice, it would only be appropriate that the impugned order of assessment, dated 28.02.2024, is set aside and the matter is remanded back to the Assessing Authority for an appropriate decision after due notice is given to the petitioner."

Conclusion:

With this, I, opined that even dead person's liability is not exempted from GST and after his/her death also the living legal representatives or legal heirs of such deceased are responsible to discharge the liability of tax, interest or penalty as determined by the GST Department. But, as tax consultants, we should guide the legal representatives or legal heirs of deceased and advice them to intimate the death of the registered taxable person to the department so as to the department can initiate the appropriate action.

"Wish you every one a Happy Learning".





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SECTION 69 FAMILY IN INCOME TAX ACT 2025 (ITA'25) VS INCOME TAX ACT 1961 (ITA'61) : SECTION 69A, 69B & SEC 69C OF ITA'61 VS SEC 103, 104 & 105 OF ITA'25

- VIVEK JALAN, FCA

More Stringent; Unexplained expenses added u/s 69C of ITA'61 may be claimed as a deduction other than under a head of Income; However, u/s 105 of ITA'25 these disallowances cannot be claimed as a deduction under entire Act

Section 105 of ITA'25 has become more stringent so to say as against Sec 69C of ITA'61. Under Section 69C the use of the words “**may be**” has been replaced with “**shall be**”. This therefore leaves no option for Courts to interpret the same in the assesses favour incase of any ambiguity.

The Hon'ble Supreme Court in case of CIT v. Smt. P.K. Noorjahan [1999] 237 ITR 570 (SC) in context of section 69 - Unexplained investments has held that, “3...a discretion has been conferred on the ITO under section 69 to treat the source of investment as the income of the assessee if the explanation offered by the assessee is not found satisfactory and the said discretion has to be exercised keeping in view the facts and circumstances of the particular case.”

Relying on the above decision of the Hon'ble Apex Court, in case of PCIT v. Rama Shankar Yadav [2017] 85 taxmann.com 173 (Allahabad), the High Court has held that, “10. At the same time, the use of the word “may” in the aforesaid provision makes the deeming provision discretionary and not mandatory. In other words, even if not explanation is offered or it is found to be unsatisfactory, it is not mandatory to treat such unexplained expenditure to be the income of the assessee... 17. The question raised above is answered in favor of the assessee and against the department and it is held that as the provision of Section 69C of the Act is not mandatory in nature, the Assessing Authority has full discretion either to add or not to add the unexplained expenditure in the income of the assessee based upon sound judicial principles...”

Further, The proviso to Sec 69C is much more expanded in scope under Section 105(2). Lets understand the history of the proviso to Section 69C. Circular No. 772 dated 23rd December 1998 explained the necessity of introduction of such Proviso. It states that as per section 69C of the Act, the expenditure was deemed to be income of the assessee, however, there is no corresponding provision for disallowance of such expenditure. This used to enable the taxpayer whose income was charged to tax under section 69C to claim the expenditure as deduction under section 37 defeating the very objective of the section.

Now incase of say such expenses which can be categorised as CSR expenses. Incase the AO invokes Sec 69C and incase such expenses would otherwise be classified as CSR, then it may be claimed as a deduction u/s 80G so to say incase it satisfies other conditions. This is because ITA'61 only debars the



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expenditure to be claimed under any “head of Income”. However, u/s 105 of ITA'25, this expenses cannot be claimed under the Entire Act, including Section 133 ('Section 133 of ITA25 - Deduction in respect of donations to certain funds, charitable institutions, etc.))

69C. Where in any financial year an assessee has incurred any expenditure and he offers no explanation about the source of such expenditure or part thereof, or the explanation, if any, offered by him is not, in the opinion of the 2[Assessing] Officer, satisfactory, the amount covered by such expenditure or part thereof, as the case may be, may be deemed to be the income of the assessee for such financial year:]

3[Provided that, notwithstanding anything contained in any other provision of this Act, such unexplained expenditure which is deemed to be the income of the assessee shall not be allowed as a deduction under any head of income.]

105. Unexplained expenditure.

(1) Where any expenditure has been incurred by the assessee in any tax year, and—(a) the assessee offers no explanation about the source of such expenditure or part thereof; or (b) the explanation offered about the source of such expenditure by the assessee is not satisfactory in the opinion of the Assessing Officer, then, the amount covered by such expenditure or part thereof, shall be deemed to be the income of the assessee for that tax year.

(2) Irrespective of any other provision of this Act, the amount deemed as income in sub-section (1) shall not be allowed as a deduction under this Act.

Section 69A of ITA'61 unexplained money and valuable articles ambit expanded to Unexplained asset in Section 104 of ITA'25

Way back, a scam was reported in the West Bengal media. The scam consisted of transporters of bitumen, lifted from oil companies, misappropriating the bitumen and not delivering the quantity lifted to the various Divisions of the Road Construction Department of the Government of Bihar. The scam had its repercussion in the assessments under the Income Tax Act. The AO, taking note of the scam, issued SCNs, alleging that the transporters had lifted say 100 tonnes of bitumen but delivered only say 70 tonnes. This meant that the transporters had not delivered 30 tonnes. The AO added a corresponding sum by finding that 30 tonnes had not been delivered. This was done by invoking Section 69A of the Act.

The Apex Court has in an important judgement in the matter of M/s D.N. SINGH Vs COMMISSIONER OF INCOME TAX, CENTRAL, PATNA [2023-VIL-20-SC-DT] set aside the orders ruling that to apply Section 69A of the Act. It has held that it is indispensable there must be a “valuable article”. It has also thus laid down the basis of terming an article as a “valuable article”. It has held that Section 69A provides for unexplained 'money, bullion, jewellery'. It is thereafter followed by the words 'or other valuable articles'. The intention of the law-giver in introducing Section 69A was to get at income which has not been reflected in the books of account but found to belong to the assessee. Not only it must belong to the assessee, but it must be other valuable articles.



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If the 'article' is to be found 'valuable', then in small quantity it must not just have some value but it must be 'worth a good price' or 'worth a great deal of money' and not that it has 'value'. Section 69A would then stand attracted. But if to treat it as 'valuable article', it requires ownership in large quantity, in the sense that by multiplying the value in large quantity, a 'good price' or 'great deal of money' is arrived at then it would not be valuable article. Thus, it was concluded that 'bitumen' as such cannot be treated as a 'valuable article'. For purpose of Section 69A of Income Tax Act, it is therefore declared that an 'article' shall be considered 'valuable' if the concerned article is a high-priced article commanding a premium price.

However, this precedence may be set to rest wherein corresponding Section 104 is christened "Unexplained asset" which also includes VDA. Hence it is to be seen whether an asset other than a 'valuable article' may also come within the purview.

Section 104 ITA'25. Unexplained asset.

(1) Where in any tax year, any asset has been found to be owned by or belonging to the 1[assessee] which is not recorded in the books of account, if any, maintained by such assessee for any source of income, or the Assessing Officer finds that the amount expended in acquiring such asset exceeds the amount recorded in such books of account and—

(a) the assessee offers no explanation about the nature and source of acquisition of such asset, or such excess amount, as the case may be; or

(b) the explanation offered about the nature and source of acquisition of such asset by the assessee, is not satisfactory in the opinion of the Assessing Officer,

then, the value of such asset, or such excess amount, as the case may be, shall be deemed to be the income of the assessee of the tax year in which such asset has been found to be owned by, or belonging to, the assessee.

(2) For the purposes of this section, "asset" includes money, bullion, jewellery, virtual digital asset or other valuable article.

Section 69A ITA'61- Unexplained money, etc.

69A. Where in any financial year the assessee is found to be the owner of any money, bullion, jewellery or other valuable article and such money, bullion, jewellery or valuable article is not recorded in the books of account, if any, maintained by him for any source of income, and the assessee offers no explanation about the nature and source of acquisition of the money, bullion, jewellery or other valuable article, or the explanation offered by him is not, in the opinion of the 2[Assessing] Officer, satisfactory, the money and the value of the bullion, jewellery or other valuable article may be deemed to be the income of the assessee for such financial year.]

1[Amount of investments, etc., not fully disclosed in books of account.

69B. Where in any financial year the assessee has made investments or is found to be the owner of any bullion, jewellery or other valuable article, and the 2[Assessing] Officer finds that the amount



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expended on making such investments or in acquiring such bullion, jewellery or other valuable article exceeds the amount recorded in this behalf in the books of account maintained by the assessee for any source of income, and the assessee offers no explanation about such excess amount or the explanation offered by him is not, in the opinion of the 3[Assessing] Officer, satisfactory, the excess amount may be deemed to be the income of the assessee for such financial year.]

For 'Unexplained Investments' inadequately recorded, under Income Tax Act 2025 (ITA'25), the AO may also "find out the value" ... scope seems to be expanded vis-à-vis Section 69B of Income Tax Act 1961 (ITA'61)

The Scope of the unexplained investments inadequately recorded under Section 69B seems to have been expanded under ITA'25. Section 69B requires that where the assessee has made investments in a FY or and the AO finds that the amount expended exceeds the amount recorded books, then the excess amount can be deemed to be the income

Section 103 of ITA'25 clubs 69 and 69B of ITA'61 and provides that if the Assessing Officer finds that the amount of any investment are under-recorded in the books, even then the higher rate of tax can be triggered.

The words the amount expended seems to have been removed in Section 103. It is pertinent to note that the words find a place in Section 104 which is for amount of asset inadequately recorded.

Hence for example – very recently it was found out that the foreign investments were not fully recorded or disclosed in ITR's or Books. If these foreign investments, in the form of say mutual funds/ shares/ deposits are thereafter disclosed after receiving a SCN from the Department, then whether the Current Market Value would be considered as undisclosed or amount of original investments would be considered as undisclosed is to be seen going forward.

Section 69 & 69B of ITA'61 which has been replaced by Section 103 of ITA'25 provides as follows -
Unexplained investments.

69. Where in the financial year immediately preceding the assessment year the assessee has made investments which are not recorded in the books of account, if any, maintained by him for any source of income, and the assessee offers no explanation about the nature and source of the investments or the explanation offered by him is not, in the opinion of the 1[Assessing] Officer, satisfactory, the value of the investments may be deemed to be the income of the assessee of such financial year.

Amount of investments, etc., not fully disclosed in books of account.

69B. Where in any financial year the assessee has made investments or is found to be the owner of any bullion, jewellery or other valuable article, and the 2[Assessing] Officer finds that the amount expended on making such investments or in acquiring such bullion, jewellery or other valuable article exceeds the amount recorded in this behalf in the books of account maintained by the



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assessee for any source of income, and the assessee offers no explanation about such excess amount or the explanation offered by him is not, in the opinion of the 3[Assessing] Officer, satisfactory, the excess amount may be deemed to be the income of the assessee for such financial year.]

Section 103 of ITA'25 pursuant to Section 69 of ITA'61 provides as follows -

103. Unexplained investments.

Where in any tax year, any investment has been made by the assessee which is not recorded in the books of account, if any, maintained by such assessee for any source of income, or, the Assessing Officer finds that the amount of such investment exceeds the amount recorded in such books of account and—

- (a) the assessee offers no explanation about the nature and source of such investment, or such excess amount, as the case may be; or
- (b) the explanation offered about the nature and source of such investment by the assessee, is not satisfactory in the opinion of the Assessing Officer,

then, the value of such investment, or such excess amount, as the case may be, shall be deemed to be the income of the assessee of that tax year.



Glimpses of Patna Tax Conferences



Glimpses of Patna Tax Conferences



Glimpses of Bihar Chamber of Commerce & Industries



Silver Jubilee celebration of BCCI by
Dr. Rajendra Prasad, First President of India.



Golden Jubilee celebration of BCCI by
Justice K. B. N. Singh



Diamond Jubilee celebration of BCCI by
H.E. R. Venkatraman.



Honoring H.E. President of Mauritius.



Workshop on Cyber Security.



Free Eye Camp at BCCI.



Honoring Dr. Manmohan Singh,
Prime Minister of India by BCCI.

Glimpses of Bihar Chamber of Commerce & Industries



Demand Draft presented to Sri. Atal Bihari Bajpayee for Gujrat Earthquake victims by BCCI.



Memento presented to H.E. A. P. J. Abdul Kalam by BCCI.



Independence Day celebration by BCCI.



Newly joined NDA Cabinet Ministers on 07.12.2010.



Free Health Camp during Covid.



Holi Milan Samaroh at BCCI.



A commemorative Postage Stamp issued on BCCI to Commemorate Platinum Jubilee



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SCRUTINY ASSESSMENTS BASED ON SBN DEPOSITS

- BY CA G. P. TULSYAN

Due to demonetization announced by the Prime Minister in the evening of 08.11.2016, there was a sudden change in the business process with effect from 09.11.2016 to 31.12.2016, especially with regard to the SBN, which was required to be deposited in the bank accounts within this period of 09.11.2016 to 31.12.2016, failing which the possession of SBN currency was declared illegal.

During the demonetization period, the government invariably came out with so many notifications and clarifications, to address the difficulties posed to the depositors. Simultaneously, thereafter the CBDT visualized that SBN deposits during demonetization period must be commensurate with the income of the depositor earned before 08.11.2016 or for permitted entities income received during the demonetization period.

In the beginning of the year 2017, the CBDT launched a drive, whereby depositors were given notices requiring the details of their deposits in various banks in the prescribed form giving the sources of such cash representing SBN or alternatively offered an opportunity to disclose such SBN by opting under **PRADHAN MANTRI GARIB KALYAN YOJNA**, 2016, whereby the source of such SBN would not be required.

After the Income Tax Returns for the year ending 31.03.2017, i.e., for AY 2017-18 were filed, the CASS (Computer Assisted Scrutiny Scheme) was fed with certain criteria, which led to large scale selection of the I.T.Cases of AY 2017-18 for scrutiny to be completed before December 2019, both under the category "LIMITED SCRUTINY" and "COMPLETE SCRUTINY".

Broadly, the scrutiny cases selected as explained above, consisted of following types:

- i. Non- filers of ITR of AY 2017-18 of both category i.e. business and non business cases , on the pretext of LARGE CASH DEPOSITS during the demonetization period.
- ii. Filers of ITR of AY 2017-18, other than business cases, where LARGE CASH DEPOSITS during the demoneti-zation period were made.
- iii. ITR returns of business cases filed in AY 2017-18, where LARGE CASH DEPOSITS during the demonetization period were made.
- iv. ITR filed for AY 2017-18 in cases of special survey conducted during November 2016 to March 2017 in respect of business, where LARGE CASH DEPOSITS during the demonetization period were made.

At the time of scrutiny, the concerned officer ,issued proper notices u/s 142(1), 143(2), u/s 131 and other provisions of the Income Tax Act, 1961 as applicable. In the meanwhile from June 2019 to October 2019, the CBDT regularly issued instructions and guidelines to the departmental officers



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under OPERATION CLEAN MONEY regarding deposits of SBN. In this respect, the main focus of the department were as below:--

- Comparison of Cash deposited by the assessee in banks during FY 2015-16 and FY 2016-17.
- Comparison of Cash deposited in banks during November 2015 to December 2015 and November 2016 to December 2016.
- The comparative analysis of monthly sales during FY 2015-16 and FY 2016-17.
- Comparison of sales during November 2015 to December 2015 and November 2016 to December 2016.
- Examination of availability of cash as on 08.11.2016 with the assessee and if the amount pertained to opening cash balance from 01.04.2016 or the availability of cash arising from operations of FY 2015-16, the validity.

In addition the A.O. , had to apply all the techniques and methods required to assess the Real Income of the assessee for the purpose of taxation. The assessment of income by A.O., is the process of determination of True and Real income based on the provisions of I. Tax Act, 1961, applicable to such assessee. No doubt, certain estimations were required to be done by the A.O., where the assessee failed to substantiate the details given in his ITR. But in the interest of natural justice and prudence, such estimates ought to be BEST ESTIMATE and LOGICAL ESTIMATE, depending on the circumstances.

However, in most of the cases, the A.O.'s resorted to Improper Estimates, Assumptions and Punitive beliefs leading to high pitched assessments. From the analysis of the various orders passed by A.O's in above cases, most common observation and the basis of assessments for making such high pitched orders , are as below:

- Large amounts deposited during November 2016 to December 2016 as compared to the same period in the immediately preceding year.
- Large cash sales/ debtor collections during April 2016 to October 2016 as compared to the similar periods of immediately preceding year.
- Cash balance carried forward from 01.04.2016, where the source of cash was supported by transactions of FY 2015-16 recorded.
- Non Filers of returns explaining the deposits during demonetization from their cash in hand balance kept with them from sale of land or other valuables effected in cash, much prior to the FY 2016-17.
- Cash balance carried forward by the assessee depositor since long before deposit during demonetization , even though the depositor was having bank accounts.
- Cash deposited during demonetization period were treated as unexplained money and therefore Section 69A was invoked to treat such deposits as deemed income. Also, the provisions of Section 115BBE were made applicable on such deposits during demonetization period irrespective of its amendment with effective Amendment Notification promulgated on 15.12.2016.



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Now, from the above discussions, the following points of considerations, emerge in respect of such assessed income:

- i. Income has been defined u/s 2(24). It is an inclusive definition, containing all sorts of income which are not specifically covered by the provisions Sec 2(24) of I. Tax Act, 1961.
- ii. The total income has been defined in Section 2(45). It refers to Section 5, which gives the scope of total income and mandates that the income has to be computed in the manner laid down in this Act.
- iii. For the purpose of computation of Total Income u/s 14, five heads of Income have been prescribed and any income to be so taxable, has necessarily to fall under any of the heads.
- iv. Section 69A has created a deeming fiction in the I. Tax Act, 1961, whereby the amount falling under this section, belonging to any category of assessee shall be taxable income under Income from Other Sources.

Considering the provisions of Section 69A, which mandates the amount falling under this Section as necessarily to be considered as income, even though not finding place in Section 2(24) are therefore taxable income. The analysis of Section 69A mandates primarily the following conditions:

- i. Assessee is found to be the owner of any money, bullion, jewellery, etc.;
- ii. Such money is not recorded in the books of accounts, if any, maintained by him for any source of income; and
- iii. Assessee offers no explanation or explanation is found not satisfactory by the A.O.

Both the conditions given at point number (ii) and (iii) are cumulative and satisfaction of either of the conditions does not automatically trigger rigors of Section 69A. We can infer that if the assessee has recorded such money, bullion, jewellery, etc in his books of accounts, then no explanation is required to be offered for the purpose of Section 69A. Addition u/s 69A can be made only when such money is not recorded in the books of accounts and assessee has not offered any satisfactory reply to the A.O.

In Smt. TEENA BETHALA V/S ITO (ITA NO. 1383/ BANG/ 2019 dated. 28.09.2019)[2019 TAXPUB (DT) 5876 (BAG-Trib.)) & Dy. CIT V/S KARTHIK CONSTRUCTION CO. (ITA NO.2292/MUM/2016 dated. 23.03.2018) [(2018 TAXPUB (DT) 1507 (MUM-Trib.)], the above issues were examined and ITAT opined that the addition u/s 69A was bad in law.

In AGONS GLOBAL PVT. LTD. V/S ACIT (ITA NO. 3741 TO 3746/DEL/2019), the Delhi Tribunal has held that mere addition on the ground that there is deviation in ratio is not proper. When the assessee had regular cash sale and deposit of cash in bank accounts and if nothing incriminating is found contrary then addition u/s 68/69A of such cash sale would tantamount to double taxation.

Cash deposited in Bank account against the cash balance already held as on that day was upheld to be legal and valid, requiring no adverse view was observed in the following cases:

- i. CIT V/S KULWANT RAI (2007) 291ITR36 (DEL);
- ii. CIT V/S SMT. VEENA AWASTHI (ITA NO. 215/LKW/2016, dated 30.11.2018);
- iii. NEETA BREJA V/S ITO (ITA NO. 524/DELHI/2017, dated 25.11.2019).



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Cash deposited by assessee carrying on a business and assessable under Presumption Scheme was upheld to be legal and valid requiring no adverse view in following cases:

- i. CIT V/S SURINDER PALANAND (2011) 242 CTR 61 (P & H);
- ii. THOMAS EAPEN V/S ITO (ITA NO 451/COCHIN/2019, dated 19.11.2019).

Cash deposited by an individual who is not carrying on any business was also upheld to be legal and valid requiring no adverse view in the following cases:

- i. KANPUR ORGANICS PVT. LTD. V/S Dy. CIT (ITA NO. 675/LUCKNOW BENCH/2018 dated 10.01.2020);
- ii. SALEMSREE RAMABHILASH CHIT CO. PVT. LTD. V/S Dy. CIT [WRIT NO. 1732 OF 2020 dated 04.02.2020 (107, CCH0322, CHENNAI HIGH COURT)];
- iii. SMT. AISH GANDHI V/S ITO [ITA NO. 1224/CHANDIGARH TRIBUNAL/2018, dated 29.08.2019 75ITR (Trib.) 0036/(2019) 201 TTJ0900 (CHD)].

In this context, other arguments that may be adduced before the appellate authority are as below:

- i. Once the assessee has proved by way of books of accounts and evidences that the cash deposited during demonetization was belonging to the assessee as on 08.11.2016, the onus is shifted to the department to prove the contrary beyond doubt.
- ii. The comparisons and estimations as given in the instructions in OCM, may be a guiding factor for making assessment for the A.O. But, unless and until the A.O. is able to bring concrete and corroborative material on record to invoke Section 69A and affords adequate opportunity to the assessee to counter, the addition is not sustainable.
- iii. In case of business assesses, whose books of accounts are duly audited and books of accounts have been produced before A.O., addition of cash deposited during demonetization cannot sustain, unless and until the books of accounts are rejected.
- iv. In case of non business assesses, where the source of money is explained beyond doubts and supported by the concrete evidences, simply a considerable time lag in depositing the same money during demonetization period, cannot render the deposited money unexplained and therefore, Section 69A cannot be invoked.
- v. Also the money deposited during the demonetization period, though undisclosed, but from explained and known sources, the tax rate U/S115BBE, cannot be applied.
- vi. Retrospective invocation of Sec115BBE for income subject to the provisions of Sec69A, before 15.12.2016, is bad and illegal.





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CONSOLIDATING INDIRECT TAX JURISPRUDENCE : THE LEGAL EMERGENCE OF THE GST APPELLATE TRIBUNAL

- AALOK SWAROOP, ADVOCATE

OVERVIEW & PURPOSE: -

The establishment of the Goods and Service Tax Appellate Tribunal (GSTAT) marks an important development in India's indirect tax administration. When the Goods and Services Tax was introduced on 1st July, 2017, it replaced multiple central and state indirect taxes with a unified system intended to simplify compliance and Strengthen tax governance. Although GST brought uniformity in law, it also generated a new category of disputes relating to classification of goods and services, imposition of penalties, admissibility of input tax credit, assessment orders, refund rejections, and other matters also involving tax interpretation frictions. These disputes first passed through adjudicating authorities and then through first appellate authorities, but beyond that stage India did not have a specialised tribunal to hear GST appeals. Aggrieved tax payers were perforce required to turn directly for the writ jurisdiction of High Courts, which were already burdened with judicial delay. The absence of a dedicated appellate mechanism was a normative lacuna created delays, fragmented interpretation of the law, and uncertainty for businesses. The conception of GSTAT was, therefore, not merely administrative innovation but a constitutional necessity flowing from the imperatives of certainty, uniformity, and judicial economy. Its goal is faster, more cost – effective dispute resolution and to reduce burden on high courts.

LEGAL BASIS & PUBLIC LAUNCH: -

The statutory foundation for establishing the Tribunal lies squarely in Section 109 of the Central Goods and Services Tax Act, 2017, and corresponding state GST Acts, operating under Article 323B of the India constitution. Section 109 of the CGST Act, 2017, empowers the Central Government, acting upon the recommendations of the GST council, to constitute a national appellate body with jurisdiction over orders passed under the CGST, SGST, UTGST and the Integrated GST regime.

After Several rounds of legal refinement, the central government issued a formal notification on 31st July, 2024 constituting the Tribunal with effect from 1st September, 2023. This notification laid down the Structure of the Tribunal, notified the Creation of a Principal Bench, and approved the formation of State Benches across the Country. The public launch of GSTAT took place in New Delhi on 24th September, 2025, presided over by the Union Finance Minister with her remarks correctly identified the Tribunal a Constitutional milestone and as the ultimate fact-finding and law interpreting forum for GST disputes below the Supreme Court. The finance minister also described it as a long awaited institutional strengthening measure that would reduce litigation pressure on High Courts, accelerate dispute resolution and reinforce certainty in India's tax climate.



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STRUCTURE & COMPOSITION: -

Structurally, the Tribunal reflects a blend of judicial expertise with technical knowledge of taxation. The Principal Bench in New Delhi is presided over by a judicial head or president while appointments to both principal and multiple State Benches include two judicial members, one technical member (Centre) and one technical member (State). This composition reflects the principle of cooperative federalism that underlies the GST system itself. It also ensures that the adjudicatory function is rooted equally in constitutional reasoning and administrative realism.

POWERS & FUNCTIONS: -

The jurisdiction of GST Appellate Tribunal Covers appeals against orders issued by first appellate or revisional authorities under GST law. The Tribunal possesses powers equivalent to a Civil Court under the Code of Civil Procedure, 1908 and is empowered to examine legal and factual disputes concerning tax-liability, interest and penalty, valuation, classification, exigibility, input tax credit eligibility, refunds, place of supply, controversies, and interpretative questions which routinely determine the fate of multi cross assessments. Matters of exceptional constitutional or economic significance can be brought before the Principal Bench. By consolidating the appellate function under a single statutory forum, the Tribunal helps ensure Consistency in the interpretation of GST provisions that apply across all states and union territories.

APPEAL PROCESS AND PROCEDURE: -

An equally important feature of the new system is its digital orientation. Alongside the inauguration of the Tribunal, the government introduced mandatory online filing and case tracking mechanism. This system allows litigants to file appeals electronically on the GSTAT Portal in Form GST APL – 05 within three months of the date the impugned order is communicated, upload documentary evidences accompanied with a certified copy of the order being appealed against, a statement of facts, the grounds of challenge articulated with legal precision and payment of a prescribed fee, And an additional 10% of the disputed tax (beyond the 10% already paid at the first appeal stage) must also be paid as a pre-deposit. This digital orientation steps of the Tribunal also ensures the litigants to receive notices digitally and monitor the progress of their appeals without the delays associated with physical paper work. Virtual hearings are also expected to evolve a regular feature, reducing travel time and unwarranted chronic litigation expenditures for businesses, especially for small and medium enterprises. Although the Tribunal has been just notified and launched, some aspects of its functioning are expected to evolve gradually, once operational frame works will be fully active and settled. The statute also contemplates disposing of Tribunal appeal applications within one year, although this time frame is not strictly mandatory. Despite these transitional challenges, there is a broad legal and economic consensus that GSTST fills a structural gap in the GST regime.

SIGNIFICANCE: -

The establishment of GSTAT carries clear benefits for India's tax environment. It removes the compulsion on taxpayers to approach High Courts for routine appellate matters, freeing those



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courts to address constitutional and substantial legal challenges rather than day-to-day tax appeals. It promotes uniformity of interpretation, because a centralised tribunal is more likely to deliver consistent rulings on classification, exemptions, and administrative procedures. It strengthens ease of doing business, by giving companies a predictable and time-bound appellate process rather than a prolonged and costly legal route. It also reinforces confidence among domestic and foreign investors, who often evaluate the reliability of adjudication systems before committing capital.

CONCLUSION: -

The creation of the Goods and Services Tax Appellate Tribunal represents a major step in the institutional maturation of India's indirect tax system. The GST regime began with an ambitious objective of eliminating fragmented taxation and creating a seamless national market. The Tribunal adds another layer of administrative strength by guaranteeing a specialised appellate path for taxpayers who seek clarity and fairness in tax administration. Over time, as benches become fully functional and jurisprudence develops, GSTAT is expected to become a cornerstone of indirect tax adjudication in India, ensuring faster justice, better compliance, and greater trust in the taxation framework.





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THE 2025 LABOUR CODE : ARCHITECTING INDIA'S FUTURE-READY WORKFORCE

BY CA SHISHIR KUMAR

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On November 21, 2025, India reached a pivotal milestone in its economic journey. By sunseting 29 antiquated laws - some dating back to the British Raj - and replacing them with four cohesive Labour Codes, the nation has signalled its intent to become a global manufacturing and services powerhouse.

This isn't just a legal consolidation; it is a fundamental shift in the "social contract" between the state, the employer, and the worker.

1. The Code on Wages: Redefining the Pay check

The Code on Wages is the most immediate point of impact for India's 500 million+ workers. It standardizes the definition of "wages" across all states, removing the ambiguity that previously led to endless litigation.

The 50% Threshold: A Double-Edged Sword

The most discussed provision is the mandate that "Wages" (Basic Pay + DA + Retaining Allowance) must equal at least 50% of the total CTC.

- **The Intent:** For decades, employers used a "thin basic, fat allowance" strategy to lower their liability for Provident Fund (PF) and Gratuity. This reform forces a shift toward long-term social security.
- **The Reality:** While employees will retire with significantly larger corpuses, the immediate effect is a reduction in monthly liquidity (take-home pay). For a workforce already grappling with inflation, this transition requires careful personal financial planning.

The National Floor Wage

The Central Government now has the power to set a National Floor Wage. No State Government can set a minimum wage lower than this floor, ensuring a "baseline of dignity" for even the most vulnerable migrant labourers.

2. Social Security: Bringing the "Invisible" Workforce to Light

Perhaps the most progressive element of the 2025 reform is its inclusivity.

- **Gig & Platform Workers:** Previously, delivery partners and ride-hail drivers existed in a legal vacuum—neither "employees" nor "independent contractors." The new code creates a Social Security Fund specifically for them, funded by a 1-2% contribution from aggregators' annual turnover.



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- The End of the 5-Year Gratuity Wait: In an era of "job-hopping" and project-based work, the 5-year eligibility for gratuity was outdated. Now, Fixed-Term Employees are eligible for gratuity proportionately after just one year of service.
- Universal Social Security: The goal is to eventually issue every worker a Universal Account Number (UAN) that tracks their benefits regardless of sector or state boundaries.

3. Industrial Relations: Flexibility Meets Responsibility

To attract Foreign Direct Investment (FDI), the government has introduced "Ease of Doing Business" measures that were previously considered politically impossible.

- The 300-Worker Threshold: Establishments with up to 300 workers can now undertake layoffs or closures without seeking prior government approval (up from 100). This allows MSMEs to scale up without the fear of "legal rigor mortis."
- Worker Re-Skilling Fund: To balance this flexibility, employers must contribute to a fund that provides 15 days of wages to laid-off workers, specifically for re-skilling.
- Strikes and Lockouts: To prevent sudden industrial disruptions, a 14-day notice period is now mandatory for all establishments before a strike can occur.

4. OSH Code: Safety in the Modern Era

The Occupational Safety, Health, and Working Conditions (OSH) Code addresses the physical and mental well-being of the workforce.

- Women in the Workforce: The code removes "glass ceilings" by allowing women to work night shifts across all sectors, provided safety standards and transport are guaranteed.
- Health as a Right: For workers over 40 years of age, annual health check-ups are now a statutory requirement paid for by the employer.
- Inter-State Migrants: The definition has been broadened. Migrants who come to a state on their own (not just through contractors) are now eligible for all benefits, including the Public Distribution System (PDS) and insurance.

The Road Ahead: Challenges in Implementation

Despite the legal rollout, three major hurdles remain:

1. State-Level Rules: Since Labour is a "Concurrent" subject, the final impact depends on the specific rules notified by each state. We are currently seeing a "patchwork" implementation.
2. HR Tech Overhaul: Companies are scrambling to update payroll software to handle the new 50% wage calculations and the complex overtime rules (calculated on a weekly basis).
3. The Informal Gap: Bringing the millions of workers in the "unorganized" sector (small kirana stores, domestic help) into the digital UAN system remains a massive administrative challenge.



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SUMMARY TABLE : THE SHIFT AT A GLANCE

Feature	Legacy System (Pre-2025)	New Labour Code (2025)
Laws	29 Central Laws	4 Unified Codes
Minimum Wage	Varying drastically by State	National Floor Wage applies
Gig Workers	No legal recognition	Covered under Social Security
Gratuity	5-year minimum for all	1-year minimum for Fixed-Term
Overtime	Vague/Seldom enforced	Mandatory 2x rate after 8 hours
Compliance	Multiple registrations/filings	Single Window / One Return

Strategic Note: For businesses, the focus must shift from "cost minimization" to "compliance-led productivity." For workers, the focus is on long-term financial security over immediate cash-in-hand.





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UNBLOCKING THE LEDGER: A PRACTITIONER'S GUIDE TO NAVIGATING RULE 86A OF THE CGST RULES, 2017

– BY ANUBHAV KHOWALA

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Introduction: The Draconian Nature of Rule 86A

In the landscape of the GST regime, very few provisions have caused as much anxiety and dismay among businesses and tax practitioners as Rule 86A of the CGST Rules, 2017. Designed as an emergency measure to protect revenue interests, Rule 86A empowers the Commissioner or an authorized officer to block the Electronic Credit Ledger (ECL) of a taxpayer.

While the intent is to prevent the utilization of fraudulently availed Input Tax Credit (ITC), the implementation has often been characterized by arbitrariness and a lack of due process. For taxpayers, the sudden freezing of working capital (in the form of ITC) can paralyze business operations. This article explores the legal nuances of Rule 86A, drawing on recent judicial precedents to provide a roadmap for challenging arbitrary blocking orders.

I. The Silent Statute and the Roar of Natural Justice

A primary grievance in Rule 86A proceedings is the denial of a pre-decisional hearing. Tax authorities often block the ECL unilaterally, arguing that the Rule does not expressly mandate a hearing prior to the action.

However, the Courts have consistently held that the silence of a statute regarding a right to hearing does not imply the exclusion of the principles of natural justice. As noted in the case of *K-9 Enterprises v. State of Karnataka* [2024] 167 taxmann.com 499 (Karnataka High Court), blocking ITC entails serious "civil consequences" for the taxpayer, warranting compliance with natural justice even if the rule is silent. Aggrieved by the High Court's decision to quash the blocking orders, the State of Karnataka approached the Supreme Court via a Special Leave Petition (SLP) [*State of Karnataka v. K-9 Enterprises* [2025] 174 taxmann.com 701 (SC)]. The Hon'ble Supreme Court dismissed the petitions "on the ground of delay as well as on merits". By finding "no merit" in the State's challenge, the Supreme Court has effectively affirmed the High Court's findings that:

- A pre-decisional hearing is required before invoking Rule 86A.
- The Revenue cannot block credit based on "borrowed satisfaction" without independent verification.
- Blocking orders passed without these safeguards are liable to be quashed.

The Supreme Court, in *Sahara India (Firm) v. CIT* (2008 (226) ELT 22), established that unless a



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statutory provision specifically excludes natural justice, the requirement of a reasonable opportunity to be heard is to be read into the statute. Similarly, in *C.B. Gautham v. Union of India* [1992] 65 Taxman 440/199 ITR 530 (SC), the Hon'ble Apex Court warned against making a fortress out of the dictionary, stating that observing fair play is a pragmatic requirement of law.

Action Point for Practitioners:

When a client's ECL is blocked without notice, the first ground of appeal should be the violation of the principle of Audi Alteram Partem (right to be heard). Citing the judgement of Hon'ble Supreme Court in *Canara Bank v. V. K. Awasthy* (2005 (6) SCC 321), practitioners must argue that even administrative orders involving civil consequences such as material deprivation or infringement of property rights, the GST Department must adhere to natural justice before exercising the harsh action of blocking the credit ledger.

II. "Reasons to Believe": The Fetters on Administrative Power

Rule 86A is not a license for mechanical or automatic blocking. The rule requires the authority to have "reasons to believe" that credit has been fraudulently availed or is ineligible. These reasons must be recorded in writing.

Mandatory Recording of Reasons: -

The Gujarat High Court, in *New Nalbandh Traders v. State of Gujarat* [2022] 136 taxmann.com 284 (Gujarat), clarified that the word "may" in the context of recording reasons conveys an imperative command. The officer must record reasons in every case. An unreasoned order violates the doctrine of fair play. Furthermore, these reasons cannot be kept in the office file, and they must be communicated necessarily to the assessee. As held in *Tvl. J.M. Traders v. Deputy Commissioner (ST)* [2024] 159 taxmann.com 458 (Madras), the mere mentioning of a supplier's name who may have allegedly been a party to forwarding fraudulent ITC without specific reasons for the belief of fraud is insufficient ground for blocking the credit ledger of a genuine taxpayer.

Objective vs. Subjective Satisfaction:

The power under Rule 86A requires an objective determination based on "intelligent care and evaluation," distinguishable from purely subjective suspicion. For example, if an officer blocks a ledger solely because a premise was found closed during an inspection on a specific date, without further inquiry or communication, this constitutes an arbitrary exercise of power.

III. The Controversy of "Negative Blocking"

Perhaps the most aggressive tactic employed by the Department is "Negative Blocking" i.e. inserting a debit entry that exceeds the available balance in the ECL, effectively creating a negative balance. This practice prevents the taxpayer from utilizing future credit accumulations as well and may also restrict the flow of credit for utilisation in filing of the subsequent monthly GSTR 3B Returns which opens the doors for future litigations.



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Jurisdictional Overreach:

Recent judgments have declared negative blocking illegal. The Gujarat High Court, in *Samay Alloys India Pvt. Ltd. v. State of Gujarat* 2022 (2) TMI 843 (Gujarat High Court) has held that the condition precedent for invoking Rule 86A is the availability of credit in the ledger. If the credit balance is Nil, the authority has no jurisdiction to block it. The Rule allows temporarily blocking the debit of an amount equivalent to the credit available in ECL and in no way does it authorize the insertion of a negative balance for credit to be availed in the future.

Not a Recovery Mechanism:

The Delhi High Court in *Best Crop Science Pvt. Ltd. v. Principal Commissioner & Ors.* 2024 (9) TMI 1543 (Delhi High Court), reinforced that Rule 86A is an emergent protective measure, not a machinery provision for the recovery of tax dues. Creating a negative balance forces the taxpayer to replenish the ECL with valid ITC to cover past alleged liabilities, effectively turning Rule 86A into a recovery tool without following the adjudication processes under Sections 73 or 74 of the GST Act. The Court set aside orders that disallowed debits in excess of the ITC available at the time of the order.

The Consensus:

Various High Courts across jurisdictions, including the Telangana High Court in *M/S. Laxmi Fine Chem v. Assistant Commissioner* 2024 (5) TMI 509 (Telangana High Court), have ruled that authorities cannot block credit to be availed in the future. If the credit is not present in the ECL, the power under Rule 86A cannot be exercised.

IV. The Sunset Clause: Expiry and Validity

It is crucial for clients to monitor the timeline of any blocking order. Rule 86A (3) explicitly states that an order blocking the ECL is operative for a maximum period of one year.

Automatic Unblocking:

If the Department continues to keep the ECL blocked beyond one year, it is a gross violation of statutory provisions. Once the proceedings under Chapters XII, XIV, or XV commence, or if the one-year period lapses, the restriction must be lifted. Continued blocking effectively acts as a permanent recovery, which is legally impermissible under this Rule.

V. Strategic Roadmap for Tax Practitioners

To effectively tackle the blocking of Electronic Credit Ledgers, practitioners should adopt the following multi-step strategy:

1. Immediate Fact-Finding:

- Check if the taxpayer received a "speaking order" or just an order sheet upload.
- Verify the date of blocking. If it exceeds one year, demand immediate unblocking.



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- Assess the balance at the time of blocking. If the Department has created a negative balance, this is a primary ground for challenge.

2. Drafting the Representation/Writ:

- Challenge the Procedure: Argue that the action violates the principles of natural justice if no pre-decisional hearing was granted before the blocking.
- Challenge the "Reasons": Demand the copy of written recorded reasons for the action.
- Challenge Negative Blocking: Cite Samay Alloys and Best Crop Science judgment to assert that Rule 86A cannot apply to future credit or result in a negative ledger balance.

3. Distinguish Between Protection and Recovery:

- Remind the authorities that Rule 86A is for securing revenue temporarily, not for final adjudication. If they allege fraud, they must proceed with proper adjudication under Section 73/74 rather than indefinitely paralyzing the business.

Conclusion

The power to block an Electronic Credit Ledger is an extraordinary one, intended to be used with utmost circumspection and not in a mechanical manner. While the revenue must be protected from fraudulent fly-by-night operators, legitimate businesses cannot be strangled by procedural overreach.





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WHY THE INCOME-TAX ACT, 2025 MAKES TAX LIFE EASIER

BY ADVOCATE ARADHANA GUPTA, PATNA

Digital Assessments, AI Scrutiny, and Taxpayer Clarity—

A Practitioner's View

The Income-tax Act, 1961 became complex over decades through amendments, provisos, and scattered provisions, complicating digital processes and eroding taxpayer trust. The Income-tax Act, 2025 streamlines this to 536 sections from over 800, introducing logical sequencing, uniform terminology, and plain language for faceless assessments effective April 1, 2026. Enacted on August 21, 2025, it unifies "Assessment Year" and "Previous Year" into a single "Tax Year" while retaining existing tax rates and slabs

Digital Assessment

The 1961 Act's manual-era structure caused inconsistent notices and litigation in faceless systems. The 2025 Act fixes this with sequenced provisions (charge ? computation ? compliance ? remedies), embedded timelines, and reduced references. Digital portals now handle returns and assessments swiftly, cutting discretion.

AI Scrutiny made Smarter

The 1961 Act's manual-era structure caused inconsistent notices and litigation in faceless systems. The 2025 Act fixes this with sequenced provisions (charge ? computation ? compliance ? remedies), embedded timelines, and reduced references. Digital portals now handle returns and assessments swiftly, cutting discretion.

Common taxpayer understanding

Long provisos and amendments intimidated average users, pushing reliance on pros. The 2025 Act uses short clauses, descriptive headings, and simple sentences, plus a Taxpayer Charter for fairness. Taxpayers grasp dues, deductions, notices and remedies directly, boosting voluntary filing. In essence, the Income-tax Act, 2025 shifts Indian taxation from an interpretation-driven model to an information-driven model.

This article is intended for academic and professional discussion among tax practitioners and does not constitute legal advice.





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INDIA'S ASPIRATION OF A USD 5 TRILLION ECONOMY: A TAX AND GOVERNANCE PERSPECTIVE

**– BY DEEPAK KUMAR, FCA
M.NO.449070**

Introduction

India's aspiration of becoming a **USD 5 trillion economy** represents a defining milestone in the nation's economic journey. It is not merely a numerical target but a comprehensive vision encompassing accelerated growth, institutional strengthening, global competitiveness, and inclusive development. Achieving this objective requires coordinated efforts across governance, taxation, judiciary, industry, and professional institutions.

In this national endeavour, tax professionals and organisations such as the All India Federation of Tax Practitioners (AIFTP) play a pivotal role in fostering informed discourse, facilitating compliance, and upholding the rule of law.

Economic Context of the Five Trillion Vision

India is among the fastest-growing major economies in the world. A large domestic market, favourable demographic profile, expanding digital infrastructure, and increasing integration with global markets form the backbone of this ambition. Sectors such as manufacturing, services, infrastructure, start-ups, and the digital economy are expected to drive sustained growth.

Government initiatives like Make in India, Digital India, Start-up India, and massive infrastructure investments reflect a long-term policy focus on economic resilience and capacity creation.

Tax Reforms as Growth Enablers

Taxation is a crucial instrument of economic policy, directly influencing investment decisions, business confidence, and revenue mobilisation. Over the past decade, India has undertaken landmark tax reforms aimed at simplification, transparency, and widening of the tax base.

The introduction of the Goods and Services Tax (GST) created a unified national market and reduced cascading of indirect taxes. Rationalisation of corporate tax rates, digitisation of compliance, faceless assessment mechanisms, and data-driven administration have enhanced efficiency while reducing discretionary intervention.

These reforms have strengthened revenue collection and improved ease of doing business—both essential for financing infrastructure, welfare schemes, and long-term development goals.

Legal Certainty and Role of Judiciary

A stable tax regime requires certainty, consistency, and fairness. Efficient dispute resolution



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mechanisms and balanced judicial interpretation reduce prolonged litigation and enhance investor confidence. Indian courts and tribunals have consistently interpreted tax laws in harmony with constitutional principles such as equality, reasonableness, and natural justice. Judicial oversight ensures that tax administration remains within legal bounds while protecting the legitimate revenue interests of the State.

Predictable tax jurisprudence is indispensable for sustaining economic growth and global investor confidence.

Role of Tax Professionals and AIFTP

Tax professionals serve as a vital bridge between taxpayers and the administration. Their role extends beyond compliance to advisory, interpretation, and dispute resolution, thereby promoting voluntary compliance and reducing avoidable litigation.

Institutions like AIFTP have made invaluable contributions by promoting professional excellence, ethical conduct, and continuous learning. Through seminars, conferences, and publications, AIFTP has consistently facilitated meaningful dialogue on evolving tax laws and policies.

As AIFTP celebrates its Golden Jubilee, its legacy stands as a testament to the importance of professional institutions in nation-building.

Challenges Ahead

Despite significant progress, several challenges remain on the path towards achieving the USD 5 trillion economy:

- High volume of tax litigation
- Compliance challenges for MSMEs
- Policy uncertainty due to frequent amendments
- Balancing revenue objectives with taxpayer facilitation
- Adapting to global developments such as digital taxation and BEPS

These challenges necessitate collaborative efforts among policymakers, administrators, judiciary, and professionals.

Way Forward

To realise the USD 5 trillion economy vision, India must continue to focus on:

- A simple, stable, and predictable tax regime
- Trust-based tax administration
- Strengthening dispute resolution mechanisms
- Encouraging investment through policy clarity
- Leveraging technology with transparency and accountability

Tax professionals must increasingly act as partners in governance and policy implementation.



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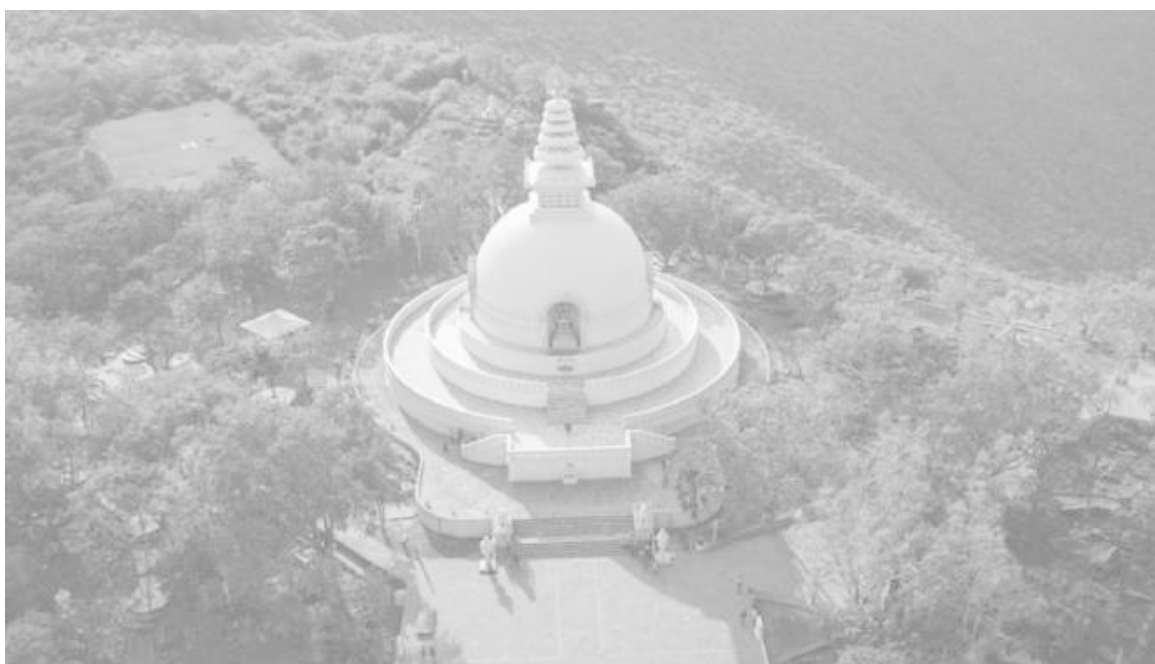


Conclusion

India's aspiration of becoming a USD 5 trillion economy is a shared national mission. Sustainable growth demands harmony between economic policy, sound taxation, judicial balance, and ethical professional practices.

As AIFTP completes fifty years of distinguished service, it is uniquely positioned to contribute meaningfully to this national vision. With collective commitment, institutional integrity, and adherence to the rule of law, India's economic aspiration can be transformed into a sustainable and inclusive reality.

1. GOVERNMENT TENDER OF CONSTRUCTION
2. HOSPITAL SERVICES
3. COMMISSION AND BROKERAGE SERVICES
4. LAYER FARMING
5. DSA FOR HOME LOAN
6. FOOD PRODUCT AND ALLIED ACTIVITIES





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CONSTITUTIONAL SUPREMACY AND INSTITUTIONAL DIALOGUE : TRACING THE JOURNEY OF THE LEGISLATURE, EXECUTIVE, AND JUDICIARY IN INDIA

SUNIL SARAF (ADVOCATE)

The idea of supremacy within the Indian constitutional framework is rooted not in the dominance of any single organ of the State, but in the overarching authority of the Constitution itself. As the supreme law of the land, the Constitution envisages a governance structure founded on cooperation, accountability, and constitutional fidelity. While it does not incorporate the doctrine of separation of powers in rigid terms, it establishes a carefully calibrated functional division among the Legislature, Executive, and Judiciary, ensuring that no organ transgresses constitutional boundaries while discharging its duties.

This functional separation is intended to foster effective governance while preserving constitutional supremacy. Yet, the very flexibility that allows institutional overlap has also given rise to recurring tensions. The Indian constitutional experience has therefore been marked by a continuous process of negotiation, adjustment, and recalibration among the three organs, rather than a static division of authority.

Evolution of Institutional Roles

Following independence, the Constitution entrusted Parliament with law-making authority, reflecting the democratic will of the people. At the same time, the judiciary was assigned the role of guardian of the Constitution, responsible for upholding fundamental rights and maintaining the rule of law. The executive, positioned as the implementing arm, was vested with extensive powers to ensure administrative efficiency and responsiveness.

The early years of constitutional governance witnessed a strong emphasis on parliamentary sovereignty, driven by the need for socio-economic transformation in a newly independent nation. However, judicial review emerged as a counterbalancing force, ensuring that legislative and executive action remained within constitutional limits. Article 13 subjected all State action to constitutional scrutiny, while Articles 73 and 162 made executive power co-extensive with legislative competence, reflecting India's preference for functional overlap rather than strict separation.

Judicial interpretation soon became the primary site of institutional contestation. Cases such as *Re Delhi Laws Act* and *Ram Jawaya Kapur* clarified that while overlap was constitutionally permissible, usurpation was not. The Constitution thus envisioned cooperation tempered by restraint.

Legislature and Judiciary: A History of Tension

The relationship between Parliament and the judiciary has been shaped by landmark constitutional



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moments. The debate over Parliament's power to amend the Constitution under Article 368 crystallised in *Golak Nath*, where the Supreme Court placed fundamental rights beyond legislative reach. This assertion of judicial supremacy triggered a series of constitutional amendments aimed at restoring parliamentary authority.

The conflict reached its constitutional resolution in *Kesavananda Bharati*, where the Court recognised Parliament's power to amend the Constitution while simultaneously limiting it through the basic structure doctrine. This judgment recalibrated institutional power by affirming constitutional supremacy over both parliamentary sovereignty and judicial absolutism.

Subsequent developments during the Emergency period further tested this balance, ultimately strengthening the judiciary's role as a constitutional sentinel. Judicial review expanded, most notably in *Maneka Gandhi*, where the interpretation of Article 21 transformed executive discretion into a constitutionally regulated power subject to standards of fairness, reasonableness, and non-arbitrariness.

The evolution of the collegium system represents another facet of this institutional journey. While intended to protect judicial independence, it also highlighted the tensions inherent in self-regulating institutions and raised enduring questions of transparency and accountability. These developments underscore the complexity of maintaining constitutional balance in a system characterised by overlapping authority.

Executive Power and Functional Necessity

While legislative–judicial tensions have historically drawn greater attention, the judiciary–executive relationship is equally central to understanding Indian constitutionalism. The Constitution vests the executive with broad discretionary powers, particularly in circumstances demanding swift administrative action. This design reflects an acknowledgment that governance cannot always await legislative deliberation.

The exercise of executive power, however, is not immune from constitutional discipline. Judicial review has operated as a mechanism to ensure that discretion does not devolve into arbitrariness. The COVID-19 pandemic illustrated this dynamic vividly, as executive action through ordinances and administrative directions became essential to protect life and public health. Judicial intervention during this period largely refrained from policy substitution, focusing instead on aligning executive action with constitutional obligations.

This approach reflects a constitutional philosophy that privileges functional necessity while preserving normative restraint. The judiciary's role, in this context, has been to ensure that executive action remains anchored in constitutional morality without paralysing governance.

The Presidential Reference and Recalibration of Power

The 2025 Presidential Reference on the powers of the Governor and the President marks a significant moment in this ongoing constitutional journey. Invoked in the wake of uncertainty created by *State of Tamil Nadu v. Governor of Tamil Nadu*, the Reference sought authoritative



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clarification on Articles 200 and 201, particularly concerning assent to legislation.

In its advisory opinion, the Constitution Bench reaffirmed that the functions of the Governor and the President while granting, withholding, or reserving assent are not adjudicatory and are generally not justiciable. The Court clarified that the dialogic process envisaged under Articles 200 and 201 is a constitutional mechanism distinct from executive action in the ordinary sense. Subjecting such functions to routine judicial review, it held, would disrupt the delicate balance underlying the separation of powers.

Crucially, the Court departed from the earlier imposition of timelines and the concept of deemed assent. It held that while constitutional urgency is implicit in the phrase “as soon as possible,” it cannot be judicially converted into rigid deadlines. Nor can courts deem assent through Article 142, as doing so would amount to constitutional substitution rather than interpretation.

At the same time, the advisory opinion did not legitimise indefinite inaction. Acknowledging that prolonged, unexplained withholding of Bills could frustrate the legislative process, the Court recognised a narrow scope for limited judicial scrutiny. Where inaction becomes constitutionally suspect, courts may issue directions requiring the Governor to act, without examining the merits of the discretion exercised.

This nuanced position reflects a judicial reaffirmation of restraint rather than abdication. It reinforces the principle that constitutional governance depends not on institutional dominance but on mutual respect for functional boundaries.

Conclusion: Constitutionalism as Managed Tension

The Indian constitutional scheme is premised not on watertight separation but on calibrated interdependence. The Legislature enacts, the Executive implements, and the Judiciary adjudicates, yet none operates in isolation. Conflict, when it arises, is not necessarily a sign of dysfunction but an inevitable consequence of a living Constitution adapting to evolving governance needs.

The journey of India's constitutional organs reveals a pattern of assertion followed by correction, expansion tempered by restraint. Judicial review has served as a vital safeguard against excess, but its legitimacy rests equally on self-limitation. Executive efficiency remains indispensable, but it must operate within constitutional parameters. Legislative supremacy, while central to democracy, is bounded by constitutional morality.

Ultimately, the Constitution's vision is fulfilled not through institutional confrontation but through dialogue sustained by restraint. Constitutional supremacy lies not in the triumph of one organ over another, but in the collective fidelity of all three to the principles that bind them together.





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INCOME-TAX ACT 2025 : MODERN, DIGITAL AND 'SIMPLER — "THE DOUBLE-EDGED REFORM"

ADVOCATE SHWETA KUMARI

PATNA HIGH COURT : BR/728/2010 : EUIN – 10302

The Income-Tax Bill, 2025 was introduced in Lok Sabha on the 13th February, 2025. The statement of objects and reasons of the Bill clearly states that as a result of amendments, the basic structure of the Income-tax Act, 1961 has been overburdened and language has become complex, increasing cost of compliance for taxpayers and hampering efficiency of direct-tax administration. Therefore, the Income-Tax Bill, 2025 has been prepared to make the law concise, lucid and easy to read and understand. The mandated function of a Select Committee on a Bill is to go through the text of the Bill, clause-by-clause, in order to see that the provisions of the Bill bring out clearly the intention behind the measure, that there will be no procedural defect in its working, that the Bill does not offend provisions of the existing law and that the object proposed to be achieved is adequately brought out.

The Income-tax Act, 1961 replaced the Income Tax Act of 1922 following the recommendations of the Law Commission in 1958 and the Direct Tax Administration Enquiry Committee. The Income-Tax Act, 2025 will replace the old Income-Tax Act, 1961, which has been in force for more than six decades. It was written in traditional legal language, which maybe challenging for a common person to understand. It uses long-winded sentences with several provisos, explanations etc. Over time, amendments and additions have resulted in a structure that is fragmented and difficult to navigate. The difficulty is compounded by the existence of several redundant provisions that are no longer in use. Therefore, simplifying its language and format has become essential for the tax system to effectively serve as a reliable, equitable and efficient foundation of India's fiscal framework.

The law aims to make compliance simpler, reduce litigation and disputes, and render tax laws more "user-friendly". A major conceptual change i.e. instead of separate "PREVIOUS YEAR - FINANCIAL YEAR - ASSESSMENT YEAR" the new law introduces a "TAX YEAR" concept. That means Income earned in a given year will be taxed in that same year---simplifying timing and accounting.

The new Act contains 536 sections (across 23 chapters and 16 schedules), designed to modernize, simplify and rationalize the income-tax law.

The Act is scheduled to come into force from 1 April 2026 i.e. from FY 2026-2027. According to CBDT and government releases, this is positioned as a major overhaul of India's direct tax code, focusing on simplification, not on rate hikes.

PRIMARY GOAL

4. **SIMPLIFICATION AND MODERNISATION:** - Language is updated to be clearer and more contemporary. Obsolete and rarely used provisions are removed, and scattered provisions are consolidated.



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5. **REDUCTION OF SECTIONS:** - The no. of sections is cut from about 819(1961 Act) to (536 (2025 Act)), across 23 chapters and 16 schedules.
6. **SETTLEMENT AND RESOLUTION:** - The act aims to standardise interpretation and resolve litigation by clearer drafting and structure.

**BELOW IS A COMPARATIVE TABLE SUMMARIZING MAJOR DIFFERENCES BETWEEN THEM
(OLD VS NEW).**

FEATURE / FRAMEWORK	INCOME-TAX ACT, 1961	INCOME-TAX ACT, 2025
STATUS / EFFECTIVE DATE	Old tax law governing direct taxes in India for 64 years (from 1962).	Replaces 1961 Act — got Presidential assent in August 2025. Effective from 1 April 2026 (unless specified otherwise).
STRUCTURE: CHAPTERS & SECTIONS	47 chapters, 819 sections	23 chapters, 536 sections — significantly streamlined.
LENGTH (WORD COUNT / SIZE / READABILITY)	5.12 lakh (512,000) words.	2.60 lakh (260,000) words — 50% reduction; simpler, more concise language.
TERMINOLOGY: YEAR DEFINITIONS	Uses terms “previous year” and “assessment year” for income tax computations.	Simplifies by introducing a single unified term: “tax year”. “Previous year” / “assessment year” removed.
PRESENTATION (FORMAT, CLARITY)	Traditional legal style: lengthy prose, many provisos, explanations, cross-references, amendments over decades — complex for laypersons.	More structured: use of tables and formulae for tax computations (e.g. for salary, deductions, TDS/TCS, exemptions), reducing complexity.
RETENTION OF TAX RATES / SLABS / CORE TAX-POLICY	Existing tax slabs & rates (as per amendments over time).	No changes to basic tax rates or slabs under the new Act. The Bill simplifies law structure but retains the existing tax regime.
REDUNDANT / OBSOLETE PROVISIONS	Over decades, many amendments — leading to legacy, archaic, overlapping, redundant provisions.	Many unnecessary / outdated provisions removed. The Act aims to eliminate unnecessary complexity and outdated clauses to make tax law more relevant & streamlined.
ORGANIZATION OF INCOME CATEGORIES, DEDUCTIONS, EXEMPTIONS	Exemptions, deductions, definitions etc. spread across many sections — sometimes inconsistent, dispersed.	Provisions are reorganized: similar items consolidated; definitions & general terms centralized; deduction / exemption clauses more uniformly structured.
COMPLIANCE, CLARITY, LITIGATION POTENTIAL	Complexity often led to ambiguity, interpretation issues — sometimes leading to disputes/litigation.	Simpler language, clearer structure, formula /tables reduces ambiguity — aimed at fewer disputes, greater transparency & easier compliance.
TAX-PAYER FRIENDLINESS / EASE OF UNDERSTANDING	More suited to professionals (tax lawyers, chartered accountants); difficult for common taxpayers to easily understand.	More accessible also for non-experts; intended to make tax law easier to read and comply with.



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LEGACY OF AMENDMENTS OVER TIME

Because 1961 Act was amended many times over decades, it became bulky and sometimes contradictory.

The new Act consolidates and rationalizes — merging amendments, removing redundancies, reorganizing — giving a fresh, clean statute.

Despite having many benefits—such as easier language, better compliance and efficiency, modernization for the digital economy, and being citizen-friendly—it also has drawbacks.

While primarily simplifying, the Act may introduce short-term hurdles in adaptation without altering core tax rates or slabs (Budget 2025 rates apply). The Income-Tax Act 2025, though focused on simplification and digital modernization, may cause transition challenges, offer limited relief on slabs and deductions, create digital access and compliance burdens (especially for less tech-savvy users and non-profits), and risk filing errors if removed provisions miss important edge cases.

Reference:

- Select Committee Report, The New Income Tax Bill 2025
- india-briefing.com

