Roll No: --------------------------

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination – December, 2017

Program:	B. Com., LL.B. (Hons.) Taxation Law	**Semester –**	V
Subject (Course):	Taxation Law	**Max. Marks**	**: 100**
Course Code	**:** LLBL 443	**Duration**	**: 3 Hrs**
No. of page/s:	**2**		

Section A: 10 Marks

Question 1: Write short notes on the following: **(Attempt any 2)**

i. Tax avoidance Vs. Tax evasion
ii. Transfer pricing
iii. Rule of beneficial construction.

[**2*5= 10 Marks]**

Section B: 20 Marks

Question 2: What is the punishment prescribed for the following offences in the Customs Act, 1962? Also mention the relevant section of the Customs Act, 1962?

a. Deliberate evasion of customs duty amounting to Rs. 50 crores.
b. Attempted export of red sanders valued at Rs. 5 crores.
c. Attempt to fraudulently claim drawback amounting to Rs. 10 lakhs.
d. Deliberate evasion of customs duty amounting to Rs. 20 lakhs.

[10 Marks]

Question 3: What is General Anti Avoidance Rule (GAAR)? Explain the difference between GAAR and Specific Anti Avoidance Rule.

[10 Marks]

Section C: 20 marks

Question 4: What is Limitation of Benefit clause? Discuss it in context of Double Taxation Avoidance Agreement (DTAA).

[10 Marks]

Question 5: What is composition levy under GST? What is the eligibility category for opting for composition levy?

[10 Marks]

Section D: 50 marks

Question 6: Find out the residential status of Mr. P for A.Y. 2015-16, an Indian citizen in the following situations:

a. If he leaves for a visit to London for the first time on 17th April, 2014 and returned on 18th December, 2014.
b. If he leaves India on 17th December, 2014 for taking up job in London.
c. If he leaves India on 15th September, 2014, for taking up employment in London.

[20 Marks]

Question 7: Mr. D, an Indian citizen, leaves India on 22nd September, 2013 for the first time, to work as an officer of a company in France. Determine his residential status for the A.Y. 2014-15.

[10 Marks]

Question 8: Under the provisions of a tax treaty between India and country XYZ, any capital gains arising from the sale of shares of an Indian company would be taxable only in XYZ, if the transferor is a resident of XYZ. There is further provision condition under the treaty that gains from alienation of shares issued by an Indian company wherein for more than an interest of XYZ in the capital stock of that Indian company can be taxed in India. A company resident in XYZ owns more than X % shareholding in an Indian Company. It sells shares of that Indian Company (being less than X % interest each at short intervals thus, cumulatively transferring more than "X"%. It thus escapes liability for capital gains tax in India even though it owns more than X% interest in the Indian company. Will the revenue authorities invoke General Anti Avoidance Rule (GAAR) in this case? Discuss.

[20 Marks]

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