

Moti B. Totlani

That where assessee trust, registered under section 12AA, had evidently demonstrated failure on part of revenue to issue prior intimation to assessee before making an adjustment under section 143(1)(a) by way of disallowing its claim of exemption under section 11, such adjustment was to be deleted (Income-tax Officer (Exemption) v. Camellia Educare Trust - [A. Y.2020-21] MAY 30, 2023) - 152 taxmann.com 304 (Kolkata - Trib.) That penalty or a confiscation is a proceeding in rem, and therefore, a loss in pursuance to same is not available for deduction regardless of nature of business, as a penalty or confiscation cannot be said to be incidental to any business (Commissioner of Income-tax v. Prakash Chand Lunia (D) 149 taxmann.com 416 (SC) dt. APRIL 24, 2023) That once an amount is disallowed for A Y 2012-13 AND 2013- 14 und.....