

- 1. The two sections, i.e., section 271(1)(c) and section 271AAA are not only worded differently, with thus different concomitant scopes, are rather mandated to operate exclusively.** The ingredients of section 271AAA vary substantially from that of section 271(1)(c) (*Explanation 5*), in as much as the former provides for substantiation of the manner in which the undisclosed income, as disclosed as per section 132(4), is derived by the assessee. In fact, the Commissioner (Appeals) records the ingredients of *Explanation 5* to section 271(1)(c), while *Explanation 5A* to section 271(1)(c) alone is relevant for a search initiated under section 132 on and after 1-6-2007, as in the instant case; the former applying only in case of a search initiated before 1-6-2007. The two sections, i.e., section 271(1)(c) and section 271AAA are not only worded differently, with thus different concomitant scopes, are rather mandated to operate exclusively. **Assistant Commissioner of Income-tax, Central Circle-13, Mumbai v. Prakash Steelage Ltd. [2015] 153 ITD 493 (Mumbai - Trib.).**
- 2. Section 2(15) - Protecting, maintaining and developing Indian breed of cows are charitable purposes-** ITAT Mumbai Bench in the case of *Shree Nashik Panchvati Panjarpole v. DIT (Exemption) [2014] 148 ITD 343* held that the assessee trust was established for the purpose of cow breeding and protection of cows and oxen. In this case, the Tribunal held that the trust can be considered as one created for charitable purpose. The dominant function of the trust was to provide asylum for old, maimed, sock, dry, weak, disabled and stray animals and birds, more particularly cows and other such cattle milk and to bring about improvement in breeding cattle for the beneficial promotion, upkeep, maintenance and propagation of cows and other types of cattle. Thus, the dominant object of the trust is to run Panjrapole and activities related to it. The Tribunal held that these objects constitute charitable purposes. While holding so, the Tribunal relied on the judgment of Hon'ble Gujarat High Court in the case of *CIT v. Swastik Textile Trading Co.(P) Ltd., [1978] 113 ITR 852*, wherein, the Hon'ble High Court has held that establishing and maintaining Gaushalas and Panjrapole constitutes charitable purpose. In view of above, it is held that the Id CIT was not justified in refusing grant of registration to the assessee -trust on this count. **Bharatiya Govansh Rakshan Samvardhan Parishad v. Commissioner of Income-tax, Guwahati[2015] 153 ITD 636 (Guwahati - Trib.)**