1. **Payment made to swiss company for rendering consultancy services about raising of finance from international market, amounted to "Fee for technical service' liable to tax in India.** The singular question that remains to be answered is whether the payment made by the assessee to NRC as success fee would be deemed to be taxable in India under section 9(1)(*vii*). The assessee has not invoked Double Taxation Avoidance Agreement between India and Switzerland. That being not there, one is only concerned with as to whether the 'success fee' as termed by the assessee is 'Fee for technical service' as enjoined under section 9(1)(*vii*). As the factual matrix in the case at hand, would exposit the NRC had acted as a consultant. It had the skill, acumen and knowledge in the specialized field *i.e.* preparation of a scheme for required finances and to tie-up required loans. The nature of activities undertaken by the NRC has earlier been referred to by us. The nature of service referred by the NRC, can be said with certainty would come within the ambit and sweep of the term 'consultancy service' and, therefore, it has been rightly held that the tax at source should have been deducted as the amount paid as fee could be taxable under the head 'fee for technical service'. Once the tax is payable/paid the grant of 'No Objection Certificate' was not legally permissible. Ergo, the judgment and order passed by the High Court are absolutely impregnable. **GVK Industries Ltd. *v.* Income-tax Officer)/[2015] 371 ITR 453 (SC)/[2015] 275 CTR 121 (SC).**

2. **No entitlement to interest u/s 244A on refund, where assessee deposited excess self assessment tax u/s 140A voluntarily.** That there cannot be a general rule that whenever a refund of income tax paid in excess is to be made, the revenue must necessarily pay interest on the refunded amount. The letter and spirit of the law on the subject is that the party which committed the error in proper calculation (or delay in proper assessment) must bear the burden. If the excess amount is paid due to erroneous assessment by the revenue, having exacted such burden wrongfully and inequitably on the assessee and having retained the excess amount thus received, the reimbursement must be accompanied by payment of interest at the statutorily prescribed rate. Conversely, if the assessee is to blamed for the miscalculation (or for delay or, for that matter, want of claim of refund), the revenue does not owe any interest even if the excess payment of tax is liable to be refunded. In absence of explanation as to how the assessee erred in calculation of self-assessment tax, and there being no allegation that such excess deposit was pursuant to demand by the revenue, the claim for interest on excess payment voluntarily made cannot be sustained. **Commissioner of Income-tax *v.* Engineers India Ltd [2015] 275 CTR 354 (Delhi)(MAG.)**