

## 8. INCOME FROM OTHER SOURCES

### PROBLEM NO.1

- a) Any sum of money received by an individual on the occasion of the marriage of the individual is exempt. This provision is, however, not applicable to a cash gift received during a wedding function celebrated on completion of 60 years of age.

The gift of Rs.51,000 received from a non-relative is, therefore, chargeable to tax under section 56(2)(x) in the hands of Mrs. Hemali.

- b) The provisions of section 56(2)(x) are not attracted in respect of any sum of money or property received from a relative. Thus, the gift of diamond necklace received from her sister is not taxable under section 56(2)(x), even though jewellery falls within the definition of "property".
- c) To be exempt from applicability of section 56(2)(x), the property should be received on the occasion of the marriage of the individual, not that of the individual's son or daughter. Therefore, this exemption provision is not attracted in this case.

Any sum of money received without consideration by an individual is chargeable to tax under section 56(2)(x), if the aggregate value exceeds Rs.50,000 in a year. "Sum of money" has, however, not been defined under section 56(2)(x).

**Therefore, there are two possible views** in respect of the value of fixed deposit assigned in favour of Mrs. Hemali –

- (i) The first view is that fixed deposit does not fall within the meaning of "sum of money" and therefore, the provisions of section 56(2)(x) are not attracted. It may be noted that fixed deposit is also not included in the definition of "property".
- (ii) However, another possible view is that fixed deposit assigned in favour of Mrs. Hemali falls within the meaning of "sum of money" received.

#### **Income assessable as "Income from other sources":**

- If the first view is taken**, the total amount chargeable to tax as "Income from other sources" would be Rs.51,000, being cash gift received from a friend on her Shasti Poorthi.
- As per the second view**, the provisions of section 56(2)(x) would be attracted in respect of the fixed deposit assigned and the "Income from other sources" of Mrs. Hemali would be Rs.1,02,000 (Rs.51,000 + Rs.51,000).

### PROBLEM NO.2

#### Computation of total income of Mr.Y for A.Y. 2018-19

Particulars	Rs.	Rs.	Rs.
<b>Capital Gains</b>			
<b>Short term capital gains (on sale of flat)</b>			
i) Sale consideration	3,60,000		
ii) Stamp duty valuation	<u>3,70,000</u>		
Consideration for the purpose of capital gains as per section 50C (stamp duty value, since it is higher than sale consideration)		3,70,000	
Less: Cost of acquisition [As per section 49(4), cost to be taken into consideration for 56(2)(x) will be the cost of acquisition]		<u>3,40,000</u>	30,000
<b>Long term capital loss on sale of equity shares of X Pvt. Ltd</b>			
Sale consideration		2,80,000	
Less: Indexed cost of acquisition (Rs.3,50,000 X 272/122)		<u>7,80,328</u>	
<b>Long term capital loss to be carried forward</b> (See Note 1 below)		<b>5,00,328</b>	

<b>Income from other sources:</b>			
Gift from friends by way of immovable property on 30.11.2017 [See Note 3 below].			3,40,000
Gift received from a close friend (unrelated person) [See Note 2 below]			<u>75,000</u>
<b>Total Income</b>			<b><u>4,45,000</u></b>

**Notes:**

- In the given problem, unlisted shares of X Pvt. Ltd. have been held for more than 24 months and hence, constitute a long term capital asset. The loss arising from sale of such shares is, therefore, a long-term capital loss. As per section 70(3), long term capital loss can be set-off only against long-term capital gains. Therefore, long-term capital loss cannot be set-off against short-term capital gains. However, such long-term capital loss can be carried forward to the next year for set-off against long-term capital gains arising in that year.
- Any sum received from an unrelated person will be deemed as income and taxed as income from other sources if the aggregate sum received exceeds Rs. 50,000 in a year [Section 56(2)(x)].
- Receipt of immovable property without consideration would attract the provisions of section 56(2)(x).

**PROBLEM NO.3**

**Computation of income chargeable to tax under the heads "Income from Other Sources"  
in hands of Smt. Lakshmi for A.Y. 2018-19**

No.	Particulars	Rs.
a)	Cash gifts of Rs.1,20,000 received on the occasion of her marriage is not taxable since gifts received by an individual on the occasion of marriage is excluded under section 56(2)(x), even if the same are from non-relatives.	Nil
b)	Even though mother's maternal uncle does not fall within the definition of "relative" under section 56(2)(x), gift of Rs.40,000 received from him by cheque is not chargeable to tax since the aggregate sum of money received by Smt. Lakshmi without consideration from non-relatives (other than on the occasion of marriage) during the previous year 2017-18 does not exceed Rs.50,000.	Nil
c)	Purchase of land for inadequate consideration on 01.12.2017 would attract the provisions of section 56(2)(x). Where any immovable property is received for a consideration which is less than the stamp duty value of the property by an amount exceeding Rs.50,000, the difference between the stamp duty value and consideration is chargeable to tax in the hands of Individual. Therefore, in the given case Rs.75,000 is taxable in the hands of Smt. Lakshmi.	75,000
d)	Since shares are included in the definition of "property" and difference between the purchase value and fair market value of shares is Rs.55,000 (Rs.1,15,000 - 60,000) i.e. it exceeds Rs.50,000, the difference would be taxable under section 56(2)(x).	55,000
	<b>Amount chargeable to tax</b>	<b>1,30,000</b>

**PROBLEM NO.4****Tax implications under section 56(2)**

- a) Since paintings are included in the definition of "property", therefore, when paintings are received without consideration, the same is taxable under section 56(2)(x), as the aggregate fair market value of paintings exceed Rs.50,000.

Therefore, Rs.2,00,000, being the value of painting gifted by his nephew, would be taxable under section 56(2)(x) in the hands of Mr. Tejpal, since "nephew" is not included in the definition of "relative" there under.

- b) Any property received without consideration by a HUF from its relative is not taxable under section 56(2)(x). Since Verma's son is a member of Verma HUF, he is a "relative" of the HUF. Therefore, if Verma HUF receives any property (shares, in this case) from its member, i.e., Verma's son, without consideration, then, the fair market value of such shares will not be chargeable to tax in the hands of the HUF, since gift received from a "relative" is excluded from the scope of section 56(2)(x).

- c) The difference between the aggregate fair market value of shares of a closely held company and the consideration paid for purchase of such shares is deemed as income in the hands of the purchasing company under section 56(2)(viiia), if the difference exceeds Rs. 50,000.

Accordingly, in this case, the difference of Rs.1,80,500 [i.e., (Rs.105 – Rs.86) × 9,500] is taxable under section 56(2)(viiia) in the hands of Sunshine (P) Ltd.

- d) The provisions of section 56(2)(viib) are attracted in this case since the shares of a closely held company are issued at a premium (i.e., the issue price of Rs. 18 per share exceeds the face value of Rs.10 per share) and the issue price exceeds the fair market value of such shares.

The consideration received by the company in excess of the fair market value of the shares would be taxable under section 56(2)(viib).

Therefore, Rs. 84,000 {i.e., (Rs.18 – Rs. 15) × 28,000 shares} shall be the income chargeable under section 56(2)(viib) in the hands of Bijali (P) Ltd.

- e) As per section 145A(b), interest received on enhanced compensation shall be deemed to be the income of the previous year in which it is received, irrespective of the method of accounting followed by the assessee. Therefore, in this case, interest on enhanced compensation received by Mr. Sharan in January, 2018 shall be deemed to be the income of P.Y.2017-18, i.e., the year of receipt, irrespective of the method of accounting followed by him. Such interest is taxable under section 56(2)(viii).

Interest Income (Rs. 1,20,000 + Rs. 1,60,000 + Rs. 2,00,000 + Rs. 60,000)	Rs. 5,40,000
Less: Deduction under section 57(iv) @ 50% of Rs. 5,40,000	<u>Rs. 2,70,000</u>
	<u>Rs. 2,70,000</u>

### **PROBLEM NO.5**

1. **Tax implications on sale of a building representing a capital asset in the hands of Mr. Suraj, a salaried employee**

- a) **Tax implications in the hands of Mr. Suraj for A.Y.2018-19**

The building represents a capital asset in the hands of Mr. Suraj, a salaried employee. On sale of the building, the provisions of section 50C are attracted and Rs. 89 lakh, being the difference between the stamp duty value on the date of agreement (i.e., Rs. 150 lakh) and the purchase price (i.e., Rs. 61 lakh) would be chargeable as short-term capital gains in the hands of Mr. Suraj.

It may be noted that under section 50C, there is option to adopt the stamp duty value on the date of agreement, if the date of agreement is different from the date of registration and part of the consideration has been received on or before the date of agreement **by way of an account payee cheque or account payee bank draft or use of electronic clearing system through a bank account.**

- b) **Tax implications in the hands of Mr. Rohan for A.Y.2018-19**

The building purchased would be a capital asset in the hands of Mr. Rohan, who is engaged in the business of artificial jewellery. The provisions of section 56(2)(x) would be attracted in the hands of Mr. Rohan who has received immovable property, being a capital asset, for inadequate consideration. For the purpose of section 56(2)(x), Mr.Rohan can take the stamp duty value on the date of agreement instead of the date of registration since he has paid part of the consideration by a mode other than cash on the date of agreement.

Therefore, Rs.70 lakh, being the difference between the stamp duty value of the property on the date of agreement (i.e., Rs.150 lakh) and the actual consideration (i.e., Rs.80 lakh) would be taxable as per section 56(2)(x) under the head "Income from other sources" in the hands of Mr. Rohan.

2. **Tax implications if Mr. Suraj is a property dealer**

- a) **Tax implications in the hands of Mr. Suraj for A.Y.2018-19**

If Mr. Suraj is a property dealer who has sold the building in the course of his business, the provisions of section 43CA would be attracted, since the building represents his stock-in-trade and he has transferred the same for a consideration less than the stamp duty value. For the purpose of section 43CA, Mr.Suraj can take the stamp duty value on the date of agreement instead of the date of registration since he has received part of the consideration by a mode other than cash on the date of agreement.

Therefore, Rs.89 lakh, being the difference between the stamp duty value on the date of agreement (i.e., Rs. 150 lakh) and the purchase price (i.e., Rs. 61 lakh), would be chargeable as business income in the hands of Mr. Suraj.

**b) Tax implications in the hands of Mr. Rohan for A.Y.2018-19**

There would be no difference in the taxability in the hands of Mr. Rohan, whether Mr. Suraj is a property dealer or a salaried employee. Therefore, the provisions of section 56(2)(x) would be attracted in the hands of Mr. Rohan who has received immovable property, being a capital asset, for inadequate consideration. Consequently, Rs. 70 lakh, being the difference between the stamp duty value of the property on the date of agreement (i.e., Rs. 150 lakh) and the actual consideration (i.e., Rs. 80 lakh) would be taxable as per section 56(2)(x) under the head "Income from other sources" in the hands of Mr. Rohan.

**PROBLEM NO.6**

**Tax implications on sale of house property and rural agricultural land at a price lower than the stamp duty value:**

**1. Tax implications in the hands of Mr. Sunil**

As per section 50C, the stamp duty value of house property (i.e. Rs.78 lakh) would be deemed to be the full value of consideration arising on transfer of property. Therefore, Rs. 33 lakh (i.e. Rs. 78 lakh – Rs.45 lakh, being the purchase price) would be taxable as short-term capital gains in the A.Y.2018-19.

Since rural agricultural land is not a capital asset, the gains arising on sale of such land is not taxable in the hands of Mr. Sunil.

**2. Tax implications in the hands of Mr. Ravi**

In case immovable property is received for inadequate consideration, the difference between the stamp value and actual consideration would be taxable under section 56(2)(x), if such difference exceeds Rs. 50,000.

Therefore, in this case Rs. 8 lakh (Rs. 78 lakh – Rs. 70 lakh) would be taxable in the hands of Mr. Ravi under section 56(2)(x).

Since rural agricultural land is not a capital asset, the provisions of section 56(2)(x) are not attracted in respect of receipt of rural agricultural land for inadequate consideration, since the definition of "property" under section 56(2)(x) includes only the capital assets specified there under.

**3. TDS implications in the hands of Mr. Ravi**

Since the sale consideration of house property exceeds Rs. 50 lakh, Mr. Ravi is required to deduct tax at source under section 194-IA. The tax to be deducted under section 194-IA would be Rs. 70,000, being 1% of Rs.70 lakh. TDS provisions under section 194-IA are not attracted in respect of transfer of rural agricultural land.

**PROBLEM NO.7**

**Taxability of certain transactions under section 56(2)(x)**

	Taxable/ Non-taxable	Amount liable to tax (Rs.)	Reason
a)	Non-taxable	Nil	"Car" is not included in the definition of property for the purpose of section 56(2)(x), therefore, the same shall not be taxable.
b)	Taxable	65,000	As per the provisions of section 56(2)(x), in case the aggregate fair market value of property, other than immovable property, received without consideration exceeds Rs.50,000, the whole of the aggregate value shall be taxable. In this case, the aggregate fair market value of shares (Rs.30,000) and jewellery (Rs.35,000) exceeds Rs.50,000. Niece is not covered within the definition of relative, hence, the entire amount of Rs.65,000 shall be taxable.

c)	Taxable	55,000	Sum of money exceeding Rs. 50,000 received without consideration from a non relative is taxable under section 56(2)(x). Son of Mr. Manish's sister is not a relative of Manish HUF, since he is not a member of Manish HUF.
d)	Non-taxable	Nil	Immovable property received without consideration by a HUF from its relative is not taxable under section 56(2)(x). Since Shivang is a member of the HUF, he is a relative of the HUF.

**PROBLEM NO.8**

S.No.	Taxable / Not Taxable	Amount liable to tax (Rs.)	Reason
a)	Taxable	1,20,000	The exemption from applicability of section 56(2)(x) would be available if, inter alia, gift is received from a relative or gift is received on the occasion of marriage of the individual himself. In this case, since gift is received by Mr. Raj from a non-relative on the occasion of marriage of his son, it would be taxable in his hands under section 56(2)(x).
b)	Taxable	25,000	As per section 56(2)(viii), interest on enhanced compensation is taxable in the year in which it is received. Deduction of 50% in respect of the said income is allowed under section 57(iv). Therefore, Rs. 25,000 (i.e., Rs. 50,000 – Rs. 25,000) is taxable in the hands of Mr. Yogesh in the F.Y.2017-18.
c)	Taxable	48,000	As per section 145A, interest received by the assessee on enhanced compensation shall be deemed to be the income of the year in which it is received, irrespective of the method of accounting followed by the assessee. Interest of Rs.96,000 on enhanced compensation is chargeable to tax in the year of receipt i.e. P.Y. 2017-18 under section 56(2)(viii) after providing deduction of 50% under section 57(iv). Therefore, 48,000 is chargeable to tax under the head "Income from other sources".

**PROBLEM NO.9**

**Computation of income of Pankaj chargeable under the head "Income from other sources" for the A.Y. 2018-19**

Particulars	Rs.	Rs.
1. Directors' fees		10,000
2. Interest on bank deposit		3,000
3. Income from undisclosed source (taxable @ 60% plus surcharge of 25% u/s 115BBE)		12,000
4. Royalty on books written (See Note below)	9,000	
Less: expenses	<u>1,000</u>	8,000
5. Lectures in seminars		5,000
6. Interest on loan given to a relative		7,000
7. Interest on listed debentures		
Net Received	3,600	
Add: T.D.S. @ 10%		
$\frac{3600 \times 10}{100 - 10}$	400	4,000
8. Interest on Post Office Savings Bank [exempt under section 10(15)]		-
9. Interest on Government securities 2,200		2,200
10. Interest on Post Office Monthly Income Scheme 33,000		33,000
11. Winnings from lotteries (taxable @ 30% u/s 115BB)		
Net	35,000	

Add: T.D.S. @ 30% $\left( \frac{35,000 \times 30}{100 - 30} \right)$	15,000	50,000
<b>Income from Other Sources</b>		<b>1,34,200</b>

**Note:** Royalty income has been offered to income under other sources head as it was assumed that the same has not chargeable to tax under PGBP head.

### **PROBLEM NO.10**

#### **Computation of amount chargeable to tax under the head “Income from other sources” in the hands of Mrs. Rupali for A.Y. 2018-19**

	<b>Particulars</b>	<b>Amount</b>
(i)	Since shares are included in the definition of “property” and difference between the purchase value and fair market value of shares exceeds Rs.50,000 i.e., Rs.75,000 (Rs.1,55,000 – Rs.80,000), the difference would be chargeable to tax under section 56(2)(x)	75,000
(ii)	Any sum of money received by an individual on the occasion of the marriage of the individual is exempt. This provision is, however, not applicable to a cash gift received on the occasion of wedding anniversary. The gift of Rs.1,01,000 received from a non-relative is, therefore, chargeable to tax under section 56(2)(x) in the hands of Mrs. Rupali.	1,01,000
(iii)	The provisions of section 56(2)(x) are not attracted in respect of any sum of money or property received from a relative. Thus, the gift of platinum ring received from her brother is not taxable under section 56(2)(x), even though jewellery falls within the definition of “property”.	NIL
(iv)	To be exempt from applicability of section 56(2)(x), the property should be received on the occasion of the marriage of the individual, not that of the individual’s son or daughter. Therefore, this exemption provision is not attracted in this case. Any sum of money received without consideration by an individual is chargeable to tax under section 56(2)(x), if the aggregate value exceeds Rs.50,000 in a year. Since, the aggregate value of cash gifts received by Mrs. Rupali exceeds Rs. 50,000 during the previous year 2017-18, the cash gifts aggregating Rs. 25,000 received from her four friends would be chargeable to tax in her hands.	25,000
(v)	The provisions of section 56(2)(x) are not attracted in respect of any sum of money or property received from a relative. Since maternal uncle is a relative, the amount of Rs. 49,000 received by way of cheque from him would not be chargeable to tax in her hands.	NIL
	<b>Amount chargeable to tax under the head “Income from other Sources”</b>	<b>2,01,000</b>

**THE END**