

A Poetic Tribute to Landmark Judgments of Supreme Court in the Year 2023



Friends, the Year 2023 will be remembered for some of the landmark judgements passed by the hon'ble Supreme Court in Tax Laws. As we bid adieu to the Year 2023, and Welcome the New Year 2024, I take pleasure in sharing my Poetic Tribute to the Landmark Judgements passed by Hon'ble Supreme Court in the Year 2023, capturing all the important ratio decidendi in these judgements in a poetic manner. Hope You will find it enjoyable and useful.

Landmark SC Judgements in 2023- A Poetic Tribute

*As Year 2023 is Passing-by,
Let us Recapitulate some landmark SC Judgements over 'Chai'.*

*In one of its kind cases of 'AO vs Nestle SA',
The mightiness of the small word 'IS' came into Play.*

*Observing that the expression 'IS' has Present Signification,
Third countries need to be OECD Member at the time of DTAA signing as per SC's
Interpretation.*

*For the benefit of MFN Clause to be Taken,
SC emphasizes on the Necessity of Govt's separate Notification.*

*In the case of 'CIT vs Bharti Hexacom',
SC considered 'Revenue vs. Capital' tussle of Annual License Fees of Telecoms.
Holding the Manner & Mode of Payment to be Irrelevant,
SC held that Annual License Fees is to be Capitalised by Telecoms, in its Judgement.*

*In the case of Abhisar Buildwell,
Revenue approached SC chiming Litigation Bell.
For Additions in Search related Unabated Assessments to Sustain,
Discovery of Incriminating Material during Search is Mandatory, SC Maintained.*

*In the case of Gameskraft,
Karnataka HC interpreted the Online Rummy Gaming as that of Skill & Art.
Thereby holding the GST rate of 18% and not 28% as Applicable,
Karnataka HC Judgement made the Gaming Industry Business Feasible.*

*But then Revenue filed an Appeal before the Supreme Court,
And SC Stayed the Karnataka HC's Judgement for giving it a Second Thought.*

*In the Case of Suncraft Energy',
Rejecting Revenue's SLP SC Upholds ITC's Authenticity.
Holds that if prescribed conditions in section 16(2) of CGST are Complied,
The ITC Claim of the Buyer not to be Denied
For GSTR 2A & GSTR 3B Mismatch,
The Buyer's lawful ITC Entitlement can't be Snatched.*

*Wishing You All a very 'Happy New Year 2024',
Blessed with Success, Happiness, Merriment & Opportunities Galore.*

[By Mayank Mohanka]

