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Continouing offence - implications

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Dr. L.Kailasam (sao) 03 March 2013

Dear members,

I came across with an interesting situation. The situation is as follows:-

An assessee violated some of the provisions of the tax law.

As per provisions of the law he has to pay heavy penalty for the offence. This offence was committed four years back and continuing.

Meanwhile the taxation act in the third year was amended and the particular portion of the violation was removed and as per new amendement the act of assessee is not at all violation.

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However he is charged to pay penalty with reference to the old act reasoning that it is a continuing offence and the new act is applicable to the violation if any happened freshly.

Please tell your opinion, which may help me to enrich my knowledge.

Yours

Dr L Kailasam



••• [P C Agrawal](#) (Vice President (Corporate)) [🕒 25 May 2013](#)

You have to check wording of the amendment as to the date from which it is effective. If it is not effective retrospectively, then the department seems to be correct.



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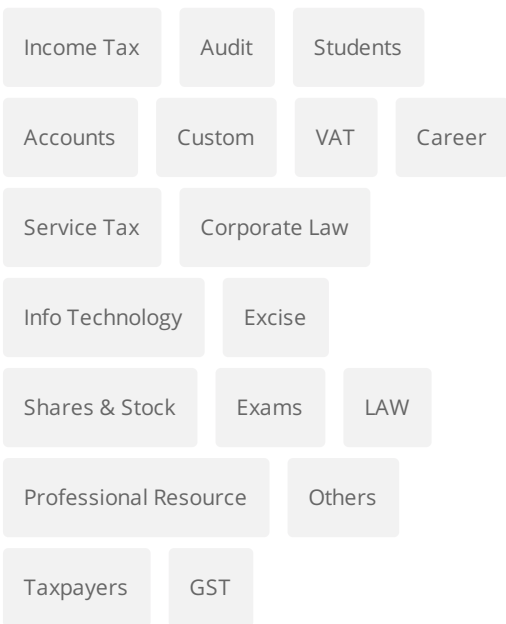
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