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**From:** [S K Tyagi](#)

**To:** [Dipesh Singhania](#) ; [Ashish Goyal](#)

**Sent:** Saturday, January 29, 2011 10:53 AM

**Subject:** Fw: Judgement of Supreme Court - Reg. Payment of MAT in advance

Dear Sir,

Recently, the Supreme Court has passed a judgement in the case of *JCIT Vs. Rolta India Ltd. [2011] 330 ITR 470 (SC)*.

It has been held in this case that there is no exclusion of section 115J / 115JA in the levy of interest under section 234B of the Income-Tax Act, 1961 (the Act). The expression 'Assessed tax' is defined to mean the tax assessed on regular assessment, which means the tax determined on the application of section 115J / 115JA in the regular assessment. Therefore, interest under section 234B is payable on failure to pay advance tax in respect of tax payable under section 115JA of the Act.

Further, the Supreme Court, on page 479 of the Report has also made the following observations :

*"Thus, it can be concluded that interest under sections 234B and 234C shall be payable on failure to pay advance tax in respect of tax payable under section 115JA / 115JB".*

In the light of the aforesaid judgement of the Supreme Court, the MAT payable by a company will be required to be paid in advance, as laid down under section 207 of the Act.

It is, therefore, advised that a company required to pay MAT, under the provisions of section 115JB of the Act, should pay MAT in advance, as per the provisions of section 207 of the Act.

Kindly acknowledge the receipt of this e-mail.

With warm regards,

S.K.Tyagi

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