

Vivaad Se Vishwas

Decision Support Report

What You're Looking For

Keywords: "fees for technical service" AND "software"

Applicable Sections: 9 AND 195

Forum: ITAT Delhi

Case Filed in: April 2019

Overview

While every case involves a lot of variables, the following factors are important in determining whether you should settle your income tax case -

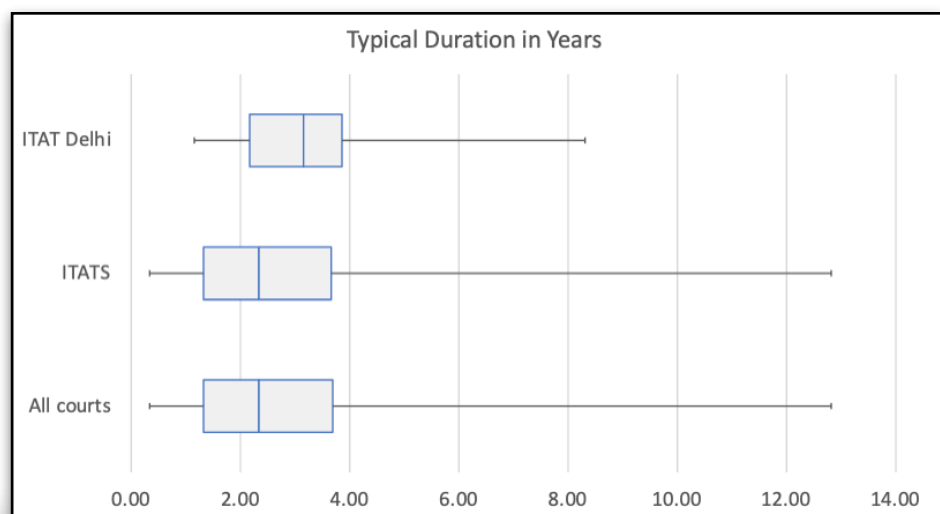
- **Expected Duration of case:** Longer case duration leads to increased litigation cost as well as loss of income on money deposited with court
- **Possible Outcome of case:** One would be less inclined to settle a case where the probability of the outcome being in your favour is greater.
- **Appellant in the Case:** The Vivaad se Vishwas scheme is implemented differently for appeals filed by revenue and appeals filed by assessee.

The Journey of Your Case - Duration Analysis

Cases similar to yours usually take **2.75 Years** to get decided on a national level across all courts.

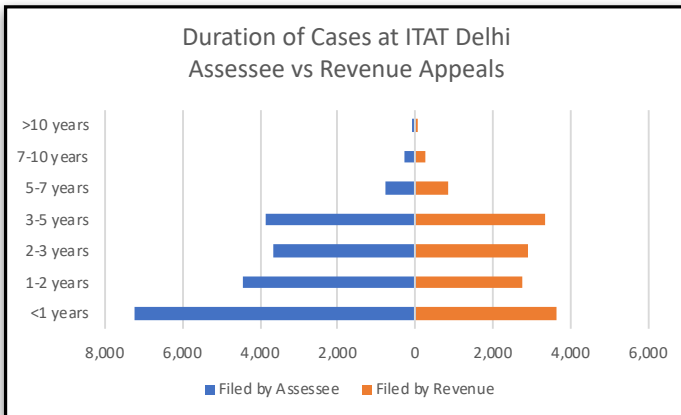
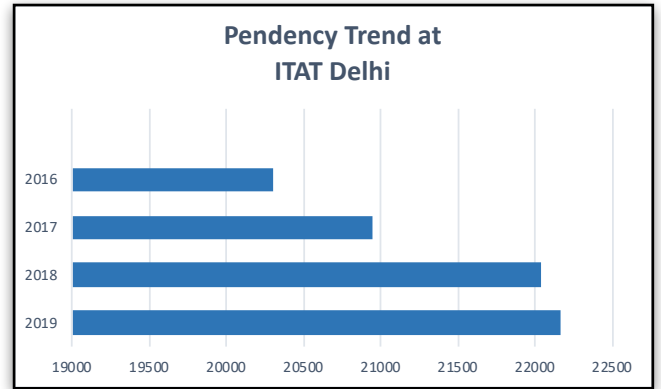
Average duration of all such cases nationally at the ITAT level is **2.8 Years**.

At **ITAT Delhi**, the average duration of such cases is **3.2 Years** which is **greater than the national average**.



Factors Affecting Pendency of Case

When was it filed: Your average pendency may go up depending on rate of disposal of the year in which your case was filed

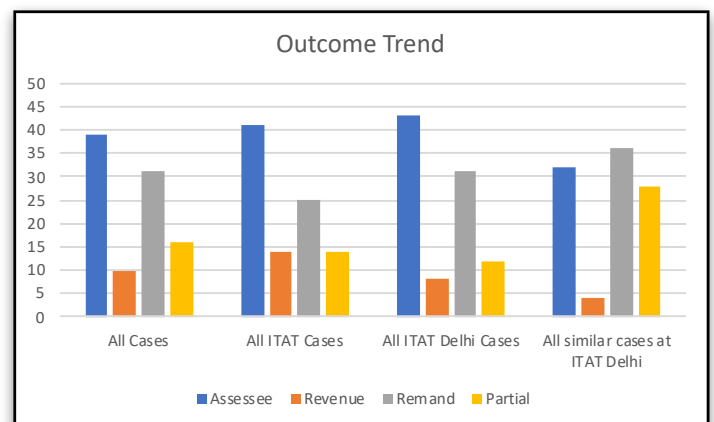
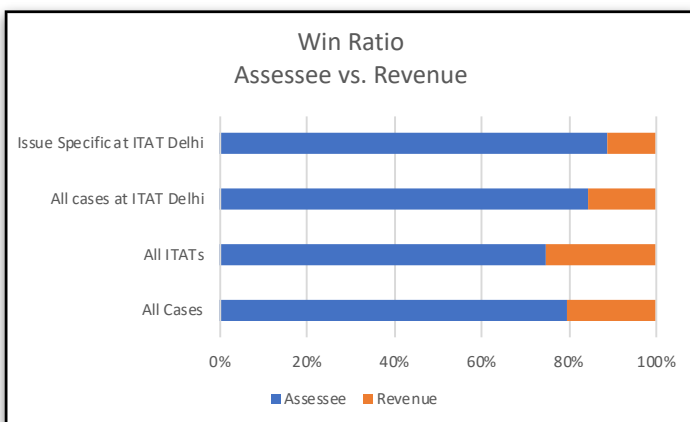


Who Filed the case: This is a breakdown of the average duration of cases at ITAT Delhi based on whether it was an assessee appeal or a revenue appeal.

Endgame - Outcome Analysis

The Trend: Overall in tax cases, atleast **39% of all cases** are decided in favour of the **Assessee**. Here is a comparison of outcome trends at a national level with the outcome trend at **ITAT Delhi**.

Understanding Outcome: Outcome in favour of **assessee** or **revenue** means that all issues in a case were decided in their favour. A **partial** result means that certain issues were decided in favour of assessee and others in favour of revenue. **Remand** outcome occurs when one or more issues are remanded back to a lower forum for reconsideration.



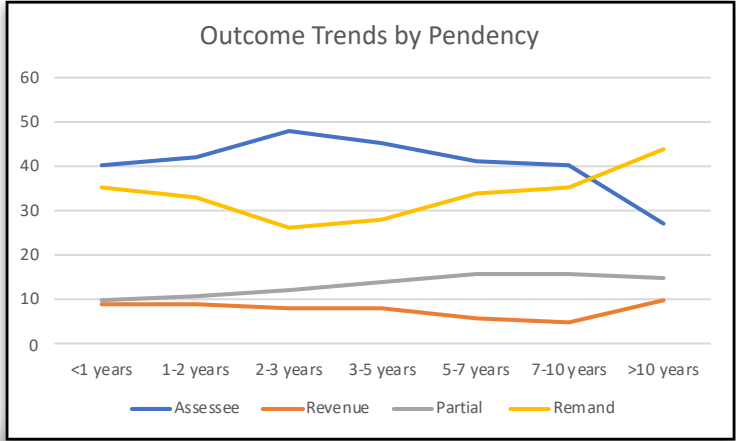
Across all ITATs, **41%** cases are decided in favour of assessee while **14%** are in favour of revenue. Assessee wins **43%** of all cases while revenue wins **8%** at **ITAT Delhi**. In cases similar to yours, the assessee wins **32%** of the cases while revenue wins **4%** cases at **ITAT Delhi**.

Justice Delayed = Justice Denied?

Here is how outcome trends vary at **ITAT Delhi** according to duration of pendency.

Assessee won the maximum proportion of cases (**48%**) with an average duration of **2 to 3 years**.

Assessee won the least proportion of cases (**27%**) with an average duration of **more than 10 years**.

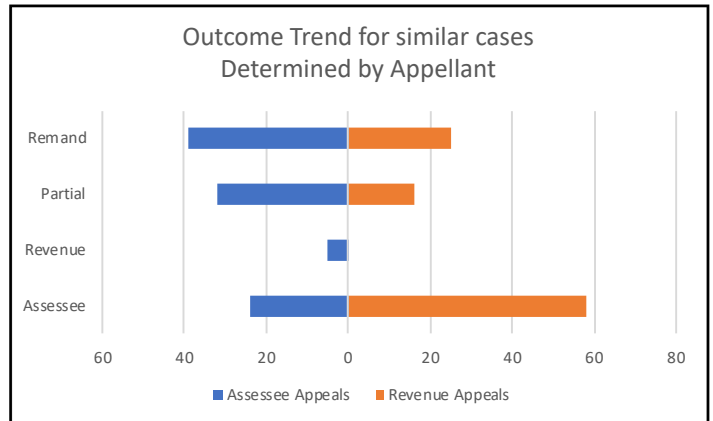
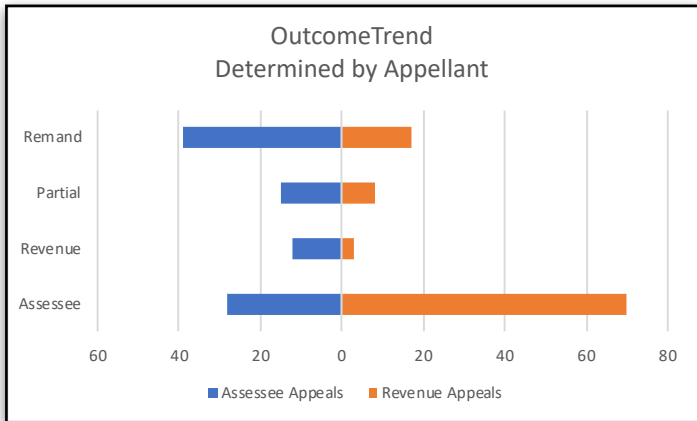


Who's Appeal is it Anyway - Appellant Analysis

Since the Vivaad Se Vishwas scheme specifies different parameters for case settlement depending on who has filed the appeal, here is a breakdown of outcome trends on the basis of appellant in a case -

All Cases at ITAT Delhi

Similar Cases as yours at ITAT Delhi



For all cases at ITAT Delhi -

Appeals filed by the **assessee** are successful **28%** of the time, while **12%** are decided in favour of **revenue**.

Appeals filed by the **revenue** are successful **3%** of the time, while **70%** are decided in favour of the **assessee**.

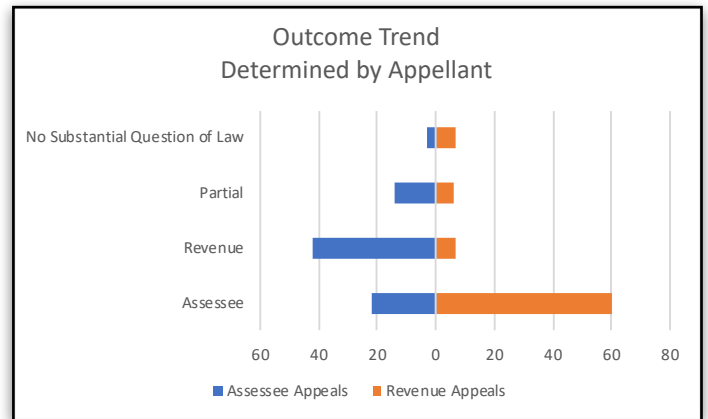
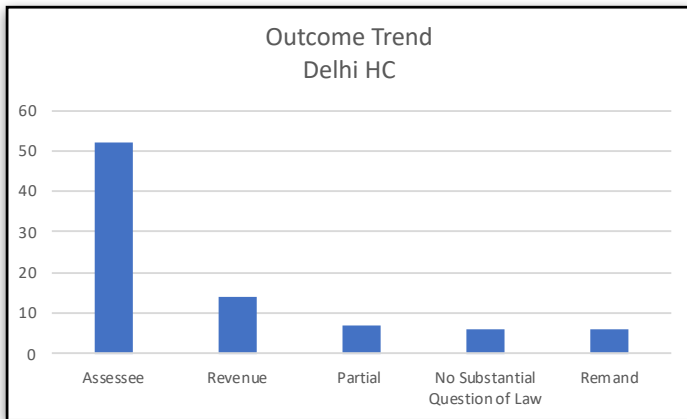
For cases similar to yours at ITAT Delhi -

Appeals filed by the **assessee** are successful **24%** of the time, while **5%** are decided in favour of **revenue**.

Appeals filed by the **revenue** are successful **0%** of the time, while **58%** are decided in favour of the **assessee**.

The Road Ahead - Appellate Forum Analysis

In general 33% of all tax cases are appealed to the higher forum from the current forum. Here is a quick look at the outcome trend for the appellate forum for ITAT Delhi, the **Delhi High Court**.



Points to Note:

77% of all appeals filed at **Delhi High Court** are filed by the **revenue**.

6% of all appeals are dismissed by the **Delhi HC** for **not having a substantial question of law in issue**, the outcome is in favour of the **assessee 52%** of the time, and **14%** are decided in favour of revenue.

3% of **assessee appeals** are dismissed for **not having a substantial question of law in issue** while **7%** of **revenue appeals** are dismissed for the same reason.