

# National Seminar for Members of Income Tax Appellate Tribunal

[SE-3]

28<sup>th</sup> and 29<sup>th</sup> October 2017

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2.	Kay, John. <b><i>“The Rationale of Taxation”</i></b> , <i>Oxford Review of Economic Policy</i> , vol. 2, no. 2, 1986, pp. 1–6
3.	Fitzgerald, Mark J, <b><i>“Justice in Taxation”</i></b> , Review of Social Economy, vol. 15, no. 2, 1957, pp. 138–145
4.	Vogel, Klaus, <b><i>“The Justification for Taxation: A Forgotten Question.”</i></b> American Journal of Jurisprudence 33 (1988): 19-60
5.	Pallack D. Sheldon, <b><i>“Origins of the Modern Income Tax”</i></b> , The Tax Lawyer, Vol. 66, No. 2 (WINTER 2013), pp. 295-330
6.	Pandey T.N., <b><i>“Evolution and Development of Direct Taxes”</i></b> , Chapter 10 Book: Fifty Years of the Supreme Court of India., ILI Seventh Impression 2013, Oxford University Press
7.	Ranka N.M., <b><i>“Tax Jurisprudence-Challenges Ahead,”</i></b> aiftponline.org, Jan 20, 2014, Available <span style="float: right;">at:</span> <a href="http://www.aiftponline.org/journal/Journal_Jan%202014/Tax%20Jurisprudence%20E2%80%93%20Challenges%20Ahead.htm">http://www.aiftponline.org/journal/Journal_Jan%202014/Tax%20Jurisprudence%20E2%80%93%20Challenges%20Ahead.htm</a> .
8.	Chandra Girish Revised by Dr. Furqan Ahmad, <b><i>“Law of Taxation”</i></b> , 2015, Available from: <a href="http://14.139.60.114:8080/jspui/bitstream/123456789/738/17/Law%20of%20Taxation.pdf">http://14.139.60.114:8080/jspui/bitstream/123456789/738/17/Law%20of%20Taxation.pdf</a>
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1.	Preston, Nicola, <b><i>“The Interpretation of Taxing Statutes: The English Perspective.”</i></b> Akron Tax Journal 7 (1990): 43-60
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4.	Agrawal Bharat, <b><i>“Interpretation of Taxing Statutes”</i></b> , Dec 2013 AIFTP Journal. Available at :

	<a href="http://www.aiftponline.org/journal/Dec_Journal%202013/Interpretation%20of%20Taxing%20Statutes.htm">http://www.aiftponline.org/journal/Dec_Journal%202013/Interpretation%20of%20Taxing%20Statutes.htm</a>	
5.	Jain Deepak, “ <i>Cardinal Rules for Interpretation of Tax Statutes</i> ”, AIFTP Journal, April 2010	
6.	Noonan, Robert, “ <i>Justice Day by Day: Taxation</i> ”, <i>The Furrow</i> , vol. 40, no. 4, 1989, pp. 210–214.	
7.	Williams, David W, “ <i>Taxing Statutes Are Taxing Statutes: The Interpretation of Revenue Legislation</i> ”, <i>The Modern Law Review</i> , vol. 41, no. 4, 1978, pp. 404–422	
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1.	Tralshawala Deepak, “ <i>Assessment Proceedings – Procedure and Practical Issues</i> ,” Retrieved from: <a href="https://www.wirc-icai.org/material/ASSESSMENT-PROCEEDINGS-Procedure-and-Practical-Issues.pdf">https://www.wirc-icai.org/material/ASSESSMENT-PROCEEDINGS-Procedure-and-Practical-Issues.pdf</a>	
2.	Hemani Tushar P., “ <i>Practical aspects of Assessment Proceedings</i> ,” 30th January, 2013, ICAI, Ahmedabad, Retrieved from- <a href="https://icaiahmedabad.com/Practical-aspects-of-Assessment-Proceedings-ICAI-Ahmedabad-30-01.pdf">https://icaiahmedabad.com/Practical-aspects-of-Assessment-Proceedings-ICAI-Ahmedabad-30-01.pdf</a>	
3.	Singh Ajay , “ <i>A Comprehensive Guide To The law Of Reopening Of Assessments Under Sections 147 To 153 Of The Income-tax Act, 1961</i> ,” October 31, 2016, Retrieved from: <a href="http://www.itatonline.org/articles_new/a-comprehensive-guide-to-the-law-of-reopening-of-assessments-under-sections-147-to-153-of-the-income-tax-act-1961/">http://www.itatonline.org/articles_new/a-comprehensive-guide-to-the-law-of-reopening-of-assessments-under-sections-147-to-153-of-the-income-tax-act-1961/</a>	
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4.	<b><i>Avtec Limited Vs. Dy. Commissioner of Income Tax</i></b> , 2017 SCC online Del8809: (2017) 395 ITR 434	
5.	<b><i>Commissioner of Income Tax – III, Pune Vs. Sinhgad Technical Education Society</i></b> , 2017 SCC OnLine 1091	
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7.	<i>Commissioner of Income Tax (Central) – I, New Delhi Vs. Vatika Township Private Limited</i> , (2015) 1 SCC 1: 2014 SCC OnLine SC 712	
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2.	Hoffmaster Barry, <b>“Understanding Judicial Discretion”</b> , Law and Philosophy, Vol. 1, No. 1 (Apr., 1982), pp. 21-55	
3.	Blackshield Tony, <b>“Judicial Reasoning”</b> , Oxford Companion to the High Court of Australia. Online edition 2007	
4.	Pollock G.Stewart, <b>“The Art Of Judging”</b> , New York University- Law Review, Volume 71 June 1996 Number 3	
5.	Perell M.Paul, <b>“Stare Decisis And Techniques Of Legal Reasoning And Legal Argument”</b> , 3 Legal update 11, 1987 2:2	
6.	Epstein Daniel Z., <b>“Rationality, Legitimacy, &amp; The Law”</b> , Washington University Jurisprudence Review, Volume 7, Issue 1, 2014	
7.	Smith Alexander B. and Blumberg Abraham S., <b>“The Problem Of Objectivity In Judicial Decision-Making”</b> , Oxford University Press, <i>Social Forces</i> 46.1 (1967): 96-105., <a href="http://www.jstor.org/stable/2575326">http://www.jstor.org/stable/2575326</a>	
8.	Cohen Alma, Klement Alon, Neeman Zvika, <b>“Judicial Decision Making: A Dynamic Reputation Approach”</b> , Journal of Legal Studies 2015, Harvard Law School John M. Olin Center Discussion Paper No. 803	
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1.	Andhyarujina Firoze B. , <b>“Why Is The Evidence Act So Critical For Income-tax Proceedings: Entire Law Explained With All Imp Judgements”</b> , AIFTP Journal, April 2017	
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3.	Sethia Aradhya, <b><i>“Rethinking admissibility of Electronic Evidence”</i></b> <i>International Journal of Law and Information Technology</i> , 2016, 24, 229–250	
4.	Karia, Tejas; Anand, Akhil; Dhawan, Bahaar, <b><i>“The Supreme Court of India Re-Defines Admissibility of Electronic Evidence in India”</i></b> , <i>Digital Evidence and Electronic Signature Law Review</i> 12 (2015): 33-37	
5.	Dr. Swati Mehta, <b><i>“Cyber Forensics and Admissibility of Digital Evidence”</i></b> , (2011) 5 SCC J-54	
6.	Sadler, Alex E.; Ray, Jennifer A, <b><i>“Electronic Tax Trials: Taking Advantage of the Tax Court's Electronic (North) Courtroom.”</i></b> <i>Journal of Tax Practice and Procedure</i> 10.4 (2008): 31-64	