

# AGGREGATION OF INCOME, SET-OFF AND CARRY FORWARD OF LOSSES

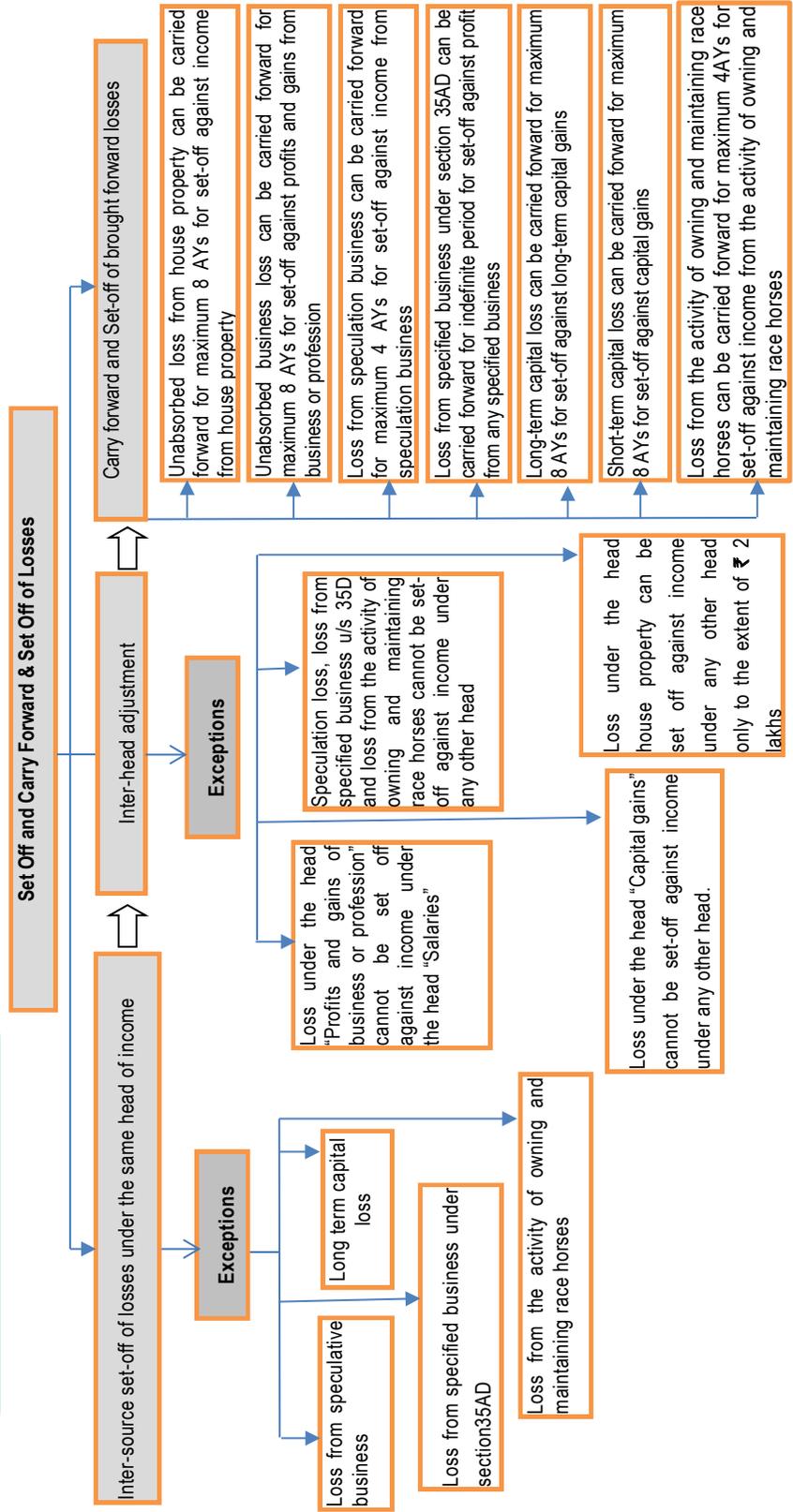


## LEARNING OUTCOMES

After studying this chapter, you would be able to–

- ❑ identify the permissible inter-source and inter-head adjustments;
- ❑ identify the restrictions to inter-source and inter-head set-off of losses;
- ❑ comprehend the conditions to be satisfied for carry forward and set-off of losses under different heads;
- ❑ state the maximum period for which different losses can be carried forward;
- ❑ comprehend and arrange the order of set-off of losses;
- ❑ apply the above provisions to arrive at the total income of an assessee.

**CHAPTER OVERVIEW**





## 1. AGGREGATION OF INCOME

In certain cases, some amounts are deemed as income in the hands of the assessee though they are actually not in the nature of income. These cases are contained in sections 68, 69, 69A, 69B, 69C and 69D. These are discussed in detail in Chapter 1. The Assessing Officer may require the assessee to furnish explanation in such cases. If the assessee does not offer any explanation or the explanation offered by the assessee is not satisfactory, the amounts referred to in these sections would be deemed to be the income of the assessee. Such amounts have to be aggregated with the assessee's income.



## 2. CONCEPT OF SET-OFF AND CARRY FORWARD OF LOSSES

Specific provisions have been made in the Income-tax Act, 1961 for the set-off and carry forward of losses. In simple words, "Set-off" means adjustment of losses against the profits from another source/head of income in the same assessment year. If losses cannot be set-off in the same year due to inadequacy of eligible profits, then such losses are carried forward to the next assessment year for adjustment against the eligible profits of that year. The maximum period for which different losses can be carried forward for set-off has been provided in the Act.



## 3. INTER SOURCE ADJUSTMENT [SECTION 70]

- (i) **Inter-source set-off of losses:** Under this section, the losses incurred by the assessee in respect of one source shall be set-off against income from any other source under the same head of income, since the income under each head is to be computed by grouping together the net result of the activities of all the sources covered by that head. In simpler terms, loss from one source of income can be adjusted against income from another source, both the sources being under the same head.

**Example 1:** Loss from one house property can be set off against the income from another house property.

**Example 2:** Loss from one business, say textiles, can be set off against income from any other business, say printing, in the same year as both these sources of income fall under one head of income. Therefore, the loss in one business may be set-off against the profits from another business in the same year.

(ii) **Impermissible inter-source set-off:** Inter-source set-off, however, is not permissible in the following cases -

(a) **Long-term capital loss [Section 70(3)]**

Short-term capital loss is allowed to be set off against both short-term capital gain and long-term capital gain. However, long-term capital loss can be set-off only against long-term capital gain and not short-term capital gain.

(b) **Speculation loss [Section 73(1)]**

A loss in speculation business can be set-off only against the profits of any other speculation business and not against any other business or professional income.

However, losses from other business can be adjusted against profits from speculation business.

(c) **Loss from the activity of owning and maintaining race horses [Section 74A(3)]**

Such loss can be set-off only against income from the activity of owning and maintaining race horses.

(d) **Losses from Specified business [Section 73A(1)]**

A loss in any specified business referred in section 35AD can be set-off only against any other specified business.

However, losses from other business can be set-off against profits from specified business.

It must be noted that **loss from an exempt source** cannot be set-off against profits from a taxable source of income. For example, share of loss from a partnership firm cannot be set-off against business income, since share of income of the firm is exempt under section 10(2A).



## 4. INTER HEAD ADJUSTMENT [SECTION 71]

Loss under one head of income can be adjusted or set off against income under another head. However, the following points should be considered:

(i) **Loss under any head other than capital gains:** Where the net result of the computation under any head of income (other than 'Capital Gains') is a loss,

the assessee can set-off such loss against his income assessable for that assessment year under any other head, including 'Capital Gains'.

- (ii) **Loss under the head "Profits and gains from business or profession:** Where the net result of the computation under the head "Profits and gains of business or profession" is a loss, such loss cannot be set off against income under the head "Salaries".
- (iii) **Loss under the head "Capital Gains":** Where the net result of computation under the head 'Capital Gains' is a loss, such capital loss cannot be set-off against income under any other head.
- (iv) **Loss under the head "Income from house property":** Where the net result of the computation under the head "Income from house property" is a loss and the assessee has income assessable under any other head of income, the amount of such loss exceeding ₹ 2 lakhs would not be allowable to be set-off against income under the other head. In other words, the maximum loss from house property which can be set-off against income from any other head is ₹ 2 lakhs.
- (v) **Speculation loss, loss from the activity of owning and maintaining race horses and losses from specified business referred to in section 35AD** cannot be set off against income under any other head.

### ILLUSTRATION 1

Mr. A (aged 35 years) submits the following particulars pertaining to the A.Y. 2020-21:

<b>Particulars</b>	<b>₹</b>
<i>Income from salary (computed)</i>	4,00,000
<i>Loss from self-occupied property</i>	(-) 70,000
<i>Loss from let-out property</i>	(-) 1,50,000
<i>Business loss</i>	(-) 1,00,000
<i>Bank interest (FD) received</i>	80,000

Compute the total income of Mr. A for the A.Y. 2020-21.

**SOLUTION****Computation of total income of Mr. A for the A.Y. 2020-21**

Particulars	Amount (₹)	Amount (₹)
Income from salary	4,00,000	
Less: Loss from house property of ₹ 2,20,000 to be restricted to ₹ 2 lakhs by virtue of section 71(3A)	(-) 2,00,000	2,00,000
<b>Balance loss of ₹ 20,000 from house property to be carried forward to next assessment year</b>		
Income from other sources (interest on fixed deposit with bank)	80,000	
Business loss set-off	(-) 1,00,000	-
Business loss of ₹ 20,000 to be carried forward for set-off against business income of the next assessment year		
<b>Gross total income [See Note below]</b>		<b>2,00,000</b>
Less: Deduction under Chapter VI-A		Nil
<b>Total income</b>		<b>2,00,000</b>

**Note:** Gross Total Income includes salary income of ₹ 2,00,000 after adjusting loss of ₹ 2,00,000 from house property. The balance loss of ₹ 20,000 from house property to be carried forward to next assessment year for set-off against income from house property of that year.

Business loss of ₹ 1,00,000 is set off against bank interest of ₹ 80,000 and remaining business loss of ₹ 20,000 will be carried forward as it cannot be set off against salary income.



## 5. CARRY FORWARD & SET-OFF OF LOSS FROM HOUSE PROPERTY [SECTION 71B]

- (i) **Set-off and Carry Forward & Set-off of losses:** In any assessment year, if there is a loss under the head 'Income from house property', such loss will first be set-off against income from any other head to the extent of ₹ 2,00,000 during the same year. The unabsorbed loss will be carried

forward to the following assessment year to be set-off against income under the head 'Income from house property'.

- (ii) **Maximum period for carry forward & set-off of losses:** The loss under this head is allowed to be carried forward upto 8 assessment years immediately succeeding the assessment year in which the loss was first computed.

For example, loss from one house property can be adjusted against the income from another house property in the same assessment year. Any loss under the head 'Income from house property' can be set off against any income under any other head to the extent of ₹ 2,00,000 in the same assessment year. However, if after such set off, there is still any loss under the head "Income from house property", then, the same shall be carried forward to the next year.

**Note:** It is to be remembered that once a particular loss is carried forward, it can be set off only against the income from the same head in the forthcoming assessment years.



## 6. CARRY FORWARD AND SET-OFF OF BUSINESS LOSSES [SECTIONS 72]

Under the Act, the assessee has the right to carry forward the loss from business and profession in cases where such loss cannot be set-off due to the absence or inadequacy of income under any other head in the same year. The loss so carried forward can be set-off against the profits of subsequent previous years.

Section 72 covers the carry forward and set-off of losses arising from a business or profession.

### Conditions

The assessee's right to carry forward business losses under this section is, however, subject to the following conditions:

- (i) The loss should have been incurred in business, profession or vocation.
- (ii) The loss should not be in the nature of a loss in the business of speculation.
- (iii) **Loss from one business can be carried forward & set-off against the income from any other business:** The loss may be carried forward and set-off against the income from business or profession though not necessarily

against the profits and gains of the same business or profession in which the loss was incurred.

However, a loss carried forward cannot, under any circumstances, be set-off against the income from any head other than "Profits and gains of business or profession".

- (iv) **Person who incurred the loss alone is entitled to carry forward & set-off the loss:** The loss can be carried forward and set off only against the profits of the assessee who incurred the loss. That is, only the person who has incurred the loss is entitled to carry forward & set off the same. Consequently, the successor of a business cannot carry forward & set off the losses of his predecessor except in the case of succession by inheritance.
- (v) **Maximum period for carry forward & set-off of losses:** A business loss can be carried forward for a maximum period of 8 assessment years immediately succeeding the assessment year in which the loss was incurred.

### ILLUSTRATION 2

Mr. B, a resident individual, furnishes the following particulars for the P.Y. 2019-20:

Particular	₹
Income from salary (computed)	45,000
Income from house property	(24,000)
Income from business – non-speculative	(22,000)
Income from speculative business	(4,000)
Short-term capital losses	(25,000)
Long-term capital gains	19,000

What is the total income chargeable to tax for the A.Y.2020-21?

### SOLUTION

#### Total income of Mr. B for the A.Y. 2020-21

Particulars	Amount (₹)	Amount (₹)
Income from salaries	45,000	
Income from house property	(24,000)	21,000

<b>Profits and gains of business and profession</b>		
Business loss to be carried forward [Note 1]	(22,000)	
Speculative loss to be carried forward [Note 2]	(4,000)	
<b>Capital Gains</b>		
Long term capital gain	19,000	
Short term capital loss	(25,000)	
Short term capital loss to be carried forward [Note 3]	(6,000)	
<b>Taxable income</b>		<b>21,000</b>

**Note 1:** Business loss cannot be set-off against salary income. Therefore, loss of ₹ 22,000 from the non-speculative business cannot be set off against the income from salaries. Hence, such loss has to be carried forward to the next year for set-off against business profits, if any.

**Note 2:** Loss of ₹ 4,000 from the speculative business can be set off only against the income from the speculative business. Hence, such loss has to be carried forward.

**Note 3:** Short term capital loss can be set off against both short term capital gain and long term capital gain. Therefore, short term capital loss of ₹ 25,000 can be set-off against long-term capital gains to the extent of ₹ 19,000. The balance short term capital loss of ₹ 6,000 cannot be set-off against any other income and has to be carried forward to the next year for set-off against capital gains, if any.

## 7. LOSSES IN SPECULATION BUSINESS [SECTION 73]

The meaning of the expression 'speculative transaction' as defined in section 43(5) and the treatment of income from speculation business has already been discussed under the head "Profits and gains of business or profession".

- (i) **Set-off and Carry forward & set-off of loss from speculation business:**  
 Since speculation is deemed to be a business distinct and separate from any other business carried on by the assessee, the losses incurred in speculation can be neither set off in the same year against any other non-speculation income nor be carried forward and set off against other income in the subsequent years.

Therefore, if the losses sustained by an assessee in a speculation business cannot be set-off in the same year against any other speculation profit, they can be carried forward to subsequent years and set-off only against income from any speculation business carried on by the assessee.

- (ii) **Maximum period for carry forward & set-off of losses:** The loss in speculation business can be carried forward only for a **maximum period of 4 years** from the end of the relevant assessment year in respect of which the loss was computed. Loss from the activity of trading in derivatives, however, is not to be treated as speculative loss.
- (iii) **When a business of a company deemed to be carrying on a speculation business:** The *Explanation* to this section provides that where any part of the business of a company consists in the purchase and sale of the shares of other companies, such company shall be deemed to be carrying on speculation business to the extent to which the business consists of the purchase and sale of such shares.

However, this deeming provision does not apply to the following companies –

- (1) A company whose gross total income consists of mainly income chargeable under the heads “Interest on securities”, “Income from house property”, “Capital gains” and “Income from other sources”;
- (2) A company, the principal business of which is –
  - (i) the business of trading in shares; or
  - (ii) the business of banking; or
  - (iii) the granting of loans and advances.

Thus, these companies would be exempted from the operation of this *Explanation*. Accordingly, if these companies carry on the business of purchase and sale of shares of other companies, they would not be deemed to be carrying on speculation business.



## 8. CARRY FORWARD & SET OFF OF LOSSES OF SPECIFIED BUSINESSES [SECTION 73A]

- (i) **Set-off and Carry forward & set-off of losses of specified business:** Any loss computed in respect of the specified business referred to in section 35AD shall be set off only against profits and gains, if any, of any other specified business. The unabsorbed loss, if any, will be carried forward for

set off against profits and gains of any specified business in the following assessment year and so on.

- (ii) **Loss can be set-off indefinitely:** There is no time limit specified for carry forward and set-off and therefore, such loss can be carried forward indefinitely for set-off against income from specified business.

**Note** - The loss of an assessee claiming deduction under section 35AD in respect of a specified business can be set-off against the profit of another specified business under section 73A, irrespective of whether the latter is eligible for deduction under section 35AD. An assessee can, therefore, set-off the losses of a hospital or hotel which begins to operate after 1<sup>st</sup> April, 2010 and which is eligible for deduction under section 35AD, against the profits of the existing business of operating a hospital (with atleast 100 beds for patients) or a hotel (of two-star or above category), even if the latter is not eligible for deduction under section 35AD.

## 9. LOSSES UNDER THE HEAD 'CAPITAL GAINS' [SECTION 74]

**Carry forward & set-off of losses:** Section 74 provides that where, for any assessment year, the net result under the head 'Capital gains' is short term capital loss or long term capital loss, the loss shall be carried forward to the following assessment year to be set off in the following manner:

- (i) **Short-term capital loss:** Where the loss so carried forward is a short-term capital loss, it shall be set off against any capital gains, short term or long term, arising in that year.
- (ii) **Long-term capital loss:** Where the loss so carried forward is a long-term capital loss, it shall be set off only against long term capital gain arising in that year.
- (iii) **Loss under head capital gains:** Net loss under the head capital gains cannot be set off against income under any other head.
- (iv) **Maximum period for carry forward & set-off of loss:** Any unabsorbed loss shall be carried forward to the following assessment year up to a maximum of 8 assessment years immediately succeeding the assessment year for which the loss was first computed.

**Note** - With effect from 1<sup>st</sup> April 2018, the long-term capital gain exceeding ₹ 1,00,000 arising on sale of equity shares or units of equity oriented fund or unit of business trust on which STT is paid

- in respect of equity shares, both at the time of acquisition and sale and
- in respect of units of equity oriented fund or unit of business trust, at the time of sale

is taxable under section 112A @10%. Long-term capital loss on sale of such shares/units can, therefore, be set-off and carried forward for set-off against long-term capital gains by virtue of section 70(3) and section 74.

### ILLUSTRATION 3

During the P.Y. 2019-20, Mr. C has the following income and the brought forward losses:

<i>Particulars</i>	₹
Short term capital gains on sale of shares	1,50,000
Long term capital loss of A.Y.2018-19	(96,000)
Short term capital loss of A.Y.2019-20	(37,000)
Long term capital gain	75,000

What is the capital gain taxable in the hands of Mr. C for the A.Y.2020-21?

### SOLUTION

#### Taxable capital gains of Mr. C for the A.Y. 2020-21

<i>Particulars</i>	₹	₹
Short term capital gains on sale of shares	1,50,000	
Less: Brought forward short term capital loss of the A.Y.2019-20	(37,000)	1,13,000
Long term capital gain	75,000	
Less: Brought forward long term capital loss of A.Y.2018-19	(75,000)	Nil
<b>[See Note below]</b>		
<b>Taxable short-term capital gains</b>		<b>1,13,000</b>

**Note:** Long-term capital loss cannot be set off against short-term capital gain. Hence, the unadjusted long term capital loss of A.Y.2018-19 of ₹ 21,000 (i.e.

₹ 96,000 – ₹ 75,000) has to be carried forward to the next year to be set-off against long-term capital gains of that year.



## 10. LOSSES FROM THE ACTIVITY OF OWNING AND MAINTAINING RACE HORSES [SECTION 74A(3)]

- (i) **Set-off and Carry forward & set-off of loss:** According to the provisions of section 74A(3), the losses incurred by an assessee from the activity of owning and maintaining race horses cannot be set-off against the income from any other source other than the activity of owning and maintaining race horses.
- (ii) **Maximum period for carry forward & set-off of losses:** Such loss can be carried forward for a maximum period of 4 assessment years for being set-off against the income from the activity of owning and maintaining race horses in the subsequent years.
- (iii) **Meaning of certain terms:**

Term	Meaning
<b>Amount of loss incurred by the assessee in the activity of owning and maintaining race horses</b>	<p>(i) <b>In case assessee has no income by way of stake money</b> – amount of revenue expenditure incurred by the assessee wholly &amp; exclusively for the purpose of maintaining race horses.</p> <p>(ii) <b>In case assessee has income by way of stake money</b> - The amount by which such income by way of stake money falls short of the amount of revenue expenditure incurred by the assessee wholly &amp; exclusively for the purpose of maintaining race horses. i.e. Loss = Stake money – revenue expenditure for the purpose of maintaining race horses.</p>
<b>Horse race</b>	A horse race upon which wagering or betting may be lawfully made.
<b>Income by way of stake money</b>	The gross amount of prize money received on a race horse or race horses by the owner thereof on account of the horse or horses or any one or more of the horses winning or being placed second or in any lower position in horse races.

**ILLUSTRATION 4**

Mr. D has the following income for the P.Y. 2019-20:

<i>Particulars</i>	<i>₹</i>
<i>Income from the activity of owning and maintaining the race horses</i>	<i>75,000</i>
<i>Income from textile business</i>	<i>85,000</i>
<i>Brought forward textile business loss (relating to A.Y. 2019-20)</i>	<i>50,000</i>
<i>Brought forward loss from the activity of owning and maintaining the race horses (relating to A.Y. 2017-18)</i>	<i>96,000</i>

What is the total income in the hands of Mr. D for the A.Y. 2020-21?

**SOLUTION****Total income of Mr. D for the A.Y. 2020-21**

<i>Particulars</i>	<i>₹</i>	<i>₹</i>
Income from the activity of owning and maintaining race horses	75,000	
Less: Brought forward loss from the activity of owning and maintaining race horses	96,000	
Loss from the activity of owning and maintaining race horses to be carried forward to A.Y.2021-22	(21,000)	
Income from textile business	85,000	
Less: Brought forward business loss from textile business.	50,000	35,000
<b>Total income</b>		<b>35,000</b>

**Note:** Loss from the activity of owning and maintaining race horses cannot be set-off against any other source/head of income.

**11. ORDER OF SET-OFF OF LOSSES**

As per the provisions of section 72(2), brought forward business loss is to be set-off before setting off unabsorbed depreciation. Therefore, the order in which set-off will be effected is as follows -

- (a) Current year depreciation / Current year capital expenditure on scientific research and current year expenditure on family planning, to the extent allowed.
- (b) Brought forward loss from business/profession [Section 72(1)]
- (c) Unabsorbed depreciation [Section 32(2)]
- (d) Unabsorbed capital expenditure on scientific research [Section 35(4)].
- (e) Unabsorbed expenditure on family planning [Section 36(1)(ix)]

**ILLUSTRATION 5**

Mr. E has furnished his details for the A.Y.2020-21 as under:

<i>Particulars</i>	<i>₹</i>
<i>Income from salaries (computed)</i>	<i>1,50,000</i>
<i>Income from speculation business</i>	<i>60,000</i>
<i>Loss from non-speculation business</i>	<i>(40,000)</i>
<i>Short term capital gain</i>	<i>80,000</i>
<i>Long term capital loss of A.Y. 2018-19</i>	<i>(30,000)</i>
<i>Winning from lotteries (Gross)</i>	<i>20,000</i>

What is the taxable income of Mr. E for the A.Y.2020-21?

**SOLUTION****Computation of taxable income of Mr. E for the A.Y.2020-21**

<b>Particulars</b>	<b>₹</b>	<b>₹</b>
Income from salaries		1,50,000
Income from speculation business	60,000	
Less : Loss from non-speculation business	(40,000)	20,000
Short-term capital gain		80,000
Winnings from lotteries		20,000
<b>Taxable income</b>		<b>2,70,000</b>

**Note:** Long term capital loss can be set off only against long term capital gain. Therefore, long term capital loss of ₹ 30,000 has to be carried forward to the next assessment year.



## 12. SUBMISSION OF RETURN OF LOSSES [SECTION 80]

As per section 80, business loss under section 72(1), speculation business loss under section 73(2), loss from specified business under section 73A(2), loss under the head "Capital Gains" under section 74(1) and loss from activity of owning and maintaining race horses under section 74A(3), which has not been determined in pursuance of a return filed under section 139(3) can be carried forward and set-off. Thus, the assessee must have filed a return of loss under section 139(3) in order to carry forward and set off of such losses.

Such a return of loss should be filed within the time allowed under section 139(1). However, this condition does not apply to a loss from house property carried forward under section 71B and unabsorbed depreciation carried forward under section 32(2).

## EXERCISE

### Question 1

Compute the gross total income of Mr. F for the A.Y. 2020-21 from the information given below –

Particulars	₹
Income from house property (computed)	1,25,000
Income from business (before providing for depreciation)	1,35,000
Short term capital gains on sale of unlisted shares	56,000
Long term capital loss from sale of property (brought forward from A.Y. 2019-20)	(90,000)
Income from tea business	1,20,000
Dividends from Indian companies carrying on agricultural operations	80,000
Current year depreciation	26,000
Brought forward business loss (loss incurred six years ago)	(45,000)

### Answer

#### Gross Total Income of Mr. F for the A.Y. 2020-21

Particulars	₹	₹
Income from house property (Computed)		1,25,000
<b>Income from business</b>		
Profits before depreciation	1,35,000	
Less: Current year depreciation	26,000	
Less: Brought forward business loss	45,000	
	64,000	
Income from tea business (40% is business income)	48,000	1,12,000
<b>Capital gains</b>		
Short term capital gains		56,000
<b>Gross Total Income</b>		<b>2,93,000</b>

### Note:

(1) Dividend from Indian companies is exempt from tax under section 10(34) to

the extent of ₹ 10 lakh.

- (2) 60% of the income from tea business is treated as agricultural income and therefore, exempt from tax;
- (3) Long-term capital loss can be set-off only against long-term capital gains. Therefore, long-term capital loss of ₹ 90,000 brought forward from A.Y. 2019-20 cannot be set-off in the A.Y. 2020-21, since there is no long-term capital gains in that year. It has to be carried forward for set-off against long-term capital gains, if any, during A.Y. 2021-22.

### Question 2

Mr. Soohan submits the following details of his income for the assessment year 2020-21:

<i>Particulars</i>	<i>₹</i>
<i>Income from salary</i>	3,00,000
<i>Loss from let out house property</i>	(-) 40,000
<i>Income from sugar business</i>	50,000
<i>Loss from iron ore business b/f (discontinued in P.Y. 2014-15)</i>	(-) 1,20,000
<i>Short term capital loss</i>	(-) 60,000
<i>Long term capital gain</i>	40,000
<i>Dividend</i>	5,000
<i>Income received from lottery winning (Gross)</i>	50,000
<i>Winnings from card games (Gross)</i>	6,000
<i>Agricultural income</i>	20,000
<i>Short-term capital loss under section 111A</i>	(-) 10,000
<i>Bank interest on Fixed deposit</i>	5,000

Calculate gross total income and losses to be carried forward.

**Answer****Computation of Gross Total Income of Mr. Soohan for the A.Y. 2020-21**

Particulars	₹	₹
<b>Salaries</b>		
Income from salary	3,00,000	
<i>Less:</i> Loss from house property set-off against salary income as per section 71	(40,000)	2,60,000
<b>Profits and gains of business or profession</b>		
Income from sugar business	50,000	
<i>Less:</i> Brought forward loss from iron-ore business set-off as per section 72(1)	(50,000)	Nil
Balance business loss of ₹ 70,000 of P.Y. 2014-15 to be carried forward to A.Y. 2021-22		
<b>Capital gains</b>		
Long term capital gain	40,000	
<i>Less:</i> Short term capital loss set-off	(40,000)	Nil
Balance short-term capital loss of ₹ 20,000 to be carried forward		
Short-term capital loss of ₹ 10,000 under section 111A also to be carried forward		
<b>Income from other sources</b>		
Winnings from lottery	50,000	
Winnings from card games	6,000	
Bank interest	5,000	61,000
<b>Gross Total Income</b>		<b>3,21,000</b>
<b>Losses to be carried forward to A.Y.2020-21</b>		
Loss of iron-ore business (₹ 1,20,000 – ₹ 50,000)	70,000	
Short term capital loss (₹ 20,000 + ₹ 10,000)	30,000	

**Notes:**

- The following income are exempt under section 10 –

- (i) Dividend income [Exempt under section 10(34)], assuming that dividend is received from a domestic company.
- (ii) Agricultural income [Exempt under section 10(1)].
2. It is presumed that loss from iron-ore business relates to P.Y. 2013-14, the year in which the business was discontinued.

### Question 3

Mr. Batra furnishes the following details for year ended 31.03.2020:

<i>Particulars</i>	<i>₹</i>
<i>Short term capital gain</i>	<i>1,40,000</i>
<i>Loss from speculative business</i>	<i>60,000</i>
<i>Long term capital gain on sale of land</i>	<i>30,000</i>
<i>Long term capital loss on sale of unlisted shares</i>	<i>1,00,000</i>
<i>Income from business of textile (after allowing current year depreciation)</i>	<i>50,000</i>
<i>Income from activity of owning and maintaining race horses</i>	<i>15,000</i>
<i>Income from salary (computed)</i>	<i>1,00,000</i>
<i>Loss from house property</i>	<i>40,000</i>

Following are the brought forward losses:

- (i) Losses from activity of owning and maintaining race horses-pertaining to A.Y.2017-18 ₹25,000.
- (ii) Brought forward loss from business of textile ₹60,000 - Loss pertains to A.Y. 2012-13.

Compute gross total income of Mr. Batra for the Assessment Year 2020-21. Also determine the losses eligible for carry forward to the Assessment Year 2021-22.

### Answer

#### Computation of Gross Total Income of Mr. Batra for the A.Y. 2020-21

<i>Particulars</i>	<i>₹</i>	<i>₹</i>
<b>Salaries</b>	1,00,000	
<i>Less: Current year loss from house property</i>	(40,000)	60,000
<b>Profit and gains of business or profession</b>		
<i>Income from textile business</i>	50,000	

<i>Less:</i> Loss from textile business brought forward from A.Y. 2012-13	60,000	
Balance business loss of A.Y. 2012-13 <b>[See Note 1]</b>	(10,000)	NIL
<b>Income from the activity of owning and maintaining race horses</b>	15,000	
<i>Less:</i> Loss from activity of owning and maintaining race horses brought forward from A.Y. 2017-18	25,000	
Loss to be carried forward to A.Y. 2021-22 <b>[See Note 2]</b>	(10,000)	NIL
<b>Capital Gain</b>		
Short term capital gain		1,40,000
Long term capital gain on sale of land	30,000	
<i>Less:</i> Long term capital loss on sale of unlisted shares	1,00,000	
Loss to be carried forward to A.Y. 2021-22 <b>[See Note 3]</b>	(70,000)	NIL
<b>Gross Total Income</b>		<b>2,00,000</b>

#### Losses to be carried forward to A.Y. 2021-22

Particulars	₹
Current year loss from speculative business <b>[See Note-4]</b>	60,000
Current year long term capital loss on sale of unlisted shares	70,000
Loss from activity of owning and maintaining of race horse pertaining to A.Y.2017-18	10,000

#### Notes:-

- (1) As per section 72(3), business loss can be carried forward for a maximum of eight assessment years immediately succeeding the assessment year for which the loss was first computed. Since the eight year period for carry forward of business loss of A.Y. 2012-13 expired in the A.Y. 2020-21, the balance unabsorbed business loss of ₹ 10,000 cannot be carried forward to A.Y. 2021-22.
- (2) As per section 74A(3), the loss incurred on maintenance of race horses cannot be set-off against income from any source other than the activity of owning and maintaining race horses. Such loss can be carried forward for a maximum period of 4 assessment years.

- (3) Long-term capital loss on sale of unlisted shares can be set-off against long-term capital gain on sale of land. The balance loss of ₹ 70,000 cannot be set-off against short term capital gain or against any other head of income. The same has to be carried forward for set-off against long-term capital gain of the subsequent assessment year. Such long-term capital loss can be carried forward for a maximum of eight assessment years.
- (4) Loss from speculation business cannot be set-off against any income other than profit and gains of another speculation business. Such loss can, however, be carried forward for a maximum of four years as per section 73(4) to be set-off against income from speculation business.

#### Question 4

Mr. A furnishes you the following information for the year ended 31.03.2020:

		(₹)
(i)	Income from plying of vehicles (computed as per books) (He owned 5 light goods vehicle throughout the year)	3,20,000
(ii)	Income from retail trade of garments (Computed as per books) (Sales turnover ₹ 1,21,70,000) Mr. A had declared income on presumptive basis under section 44AD for the first time in A.Y. 2019-20.	7,50,000
(iii)	He has brought forward depreciation relating to A.Y. 2018-19	1,00,000

Compute taxable income of Mr. A and his tax liability for the assessment year 2020-21 with reasons for your computation.

#### Answer

##### Computation of total income and tax liability of Mr. A for the A.Y. 2020-21

Particulars	₹
Income from retail trade – as per books (See Note 1 below)	7,50,000
Income from plying of vehicles – as per books (See Note 2 below)	3,20,000
	10,70,000
Less : Set off of brought forward depreciation relating to A.Y. 2018-19	1,00,000
<b>Total income</b>	<b>9,70,000</b>
Tax liability	1,06,500
Add: Health and Education cess @4%	4,260
<b>Total tax liability</b>	<b>1,10,760</b>

**Note:**

1. **Income from retail trade:** Presumptive business income under section 44AD is ₹ 9,73,600 i.e., 8% of turnover of ₹ 1,21,70,000 assuming the amount of sales turnover was received in cash. However, the income computed as per books is ₹ 7,50,000 which is to be further reduced by the amount of unabsorbed depreciation of ₹ 1,00,000. Since the income computed as per books is lower than the income deemed under section 44AD, the assessee can adopt the income as per books.

However, if he does not opt for presumptive taxation under section 44AD, he has to get his books of accounts audited under section 44AB, since his turnover exceeds ₹ 1 crore. Also, his case would be falling under section 44AD(4) and hence tax audit is mandatory.

2. **Income from plying of light goods vehicles:** Income calculated under section 44AE(1) would be ₹ 7,500 x 12 x 5 which is equal to ₹ 4,50,000. However, the income from plying of vehicles as per books is ₹ 3,20,000, which is lower than the presumptive income of ₹ 4,50,000 calculated as per section 44AE(1). Hence, the assessee can adopt the income as per books i.e. ₹ 3,20,000, provided he maintains books of account as per section 44AA and gets his accounts audited and furnishes an audit report as required under section 44AB.

It is to be further noted that in both the above cases, had presumptive income provisions been opted, all deductions under sections 30 to 38, including depreciation would have been deemed to have been given full effect to and no further deduction under those sections would be allowable.

**If the assessee opted for income to be assessed on presumptive basis, his total income would be as under:**

Particulars	₹
Income from retail trade under section 44AD [₹ 1,21,70,000 @ 8%]	9,73,600
Income from plying of light goods vehicles under section 44AE [₹ 7,500 x 12 x 5]	4,50,000
	14,23,600
<i>Less:</i> Set off of brought forward depreciation – not possible as it is deemed that it has been allowed and set off	Nil
<b>Total income</b>	<b>14,23,600</b>

Tax thereon	2,39,580
Add : Health and Education cess @4%	9,583
<b>Total tax liability</b>	<b>2,49,163</b>
<b>Total tax liability (rounded off)</b>	<b>2,49,160</b>

### Question 5

Mr. Aditya furnishes the following details for the year ended 31-03-2020:

Particulars	Amount (₹)
Loss from speculative business A	25,000
Income from speculative business B	5,000
Loss from specified business covered under section 35AD	20,000
Income from salary (computed)	3,00,000
Loss from house property	2,50,000
Income from trading business	45,000
Long-term capital gain from sale of urban land	2,00,000
Long-term capital loss on sale of shares (STT not paid)	75,000
Long-term capital loss on sale of listed shares in recognized stock exchange (STT paid at the time of acquisition and sale of shares)	1,02,000

Following are the brought forward losses:

- (1) Losses from owning and maintaining of race horses pertaining to A.Y. 2018-19 ₹2,000.
- (2) Brought forward loss from trading business ₹5,000 relating to A.Y. 2015-16.

Compute the total income of Mr. Aditya and show the items eligible for carry forward.

### Answer

#### Computation of total income of Mr. Aditya for the A.Y.2020-21

Particulars	₹	₹
<b>Salaries</b>		
Income from Salary	3,00,000	
<b>Less:</b> Loss from house property set-off against salary		

income as per section 71(3A)	2,00,000	1,00,000
<b>Profits and gains of business or profession</b>		
Income from trading business	45,000	
<b>Less:</b> Brought forward loss from trading business of A.Y. 2015-16 can be set off against current year income from trading business as per section 72(1), since the eight year time limit as specified under section 72(3), within which set-off is permitted, has not expired.	5,000	40,000
<b>Income from speculative business B</b>	5,000	
<b>Less:</b> Loss from speculative business A set-off as per section 73(1)	25,000	
Loss from speculative business A to be carried forward to A.Y.2021-22 as per section 73(2)	20,000	
<b>Loss from specified business covered under section 35AD</b> to be carried forward for set-off against income from specified business as per section 73A.	20,000	
<b>Capital Gains</b>		
Long term capital gain on sale of urban land	2,00,000	
<b>Less:</b> Long term capital loss on sale of shares (STT not paid) set-off as per section 74(1)]	75,000	
<b>Less:</b> Long-term capital loss on sale of listed shares on which STT is paid can also be set-off as per section 74(1), since long-term capital arising on sale of such shares is taxable under section 112A	1,02,000	23,000
<b>Total Income</b>		<b>1,63,000</b>

#### Items eligible for carried forward to A.Y.2021-22

Particulars	₹
<b>Loss from House property</b>	50,000
As per section 71(3A), Loss from house property can be set-off against any other head of income to the extent of ₹ 2,00,000 only.	
As per section 71B, balance loss not set-off can be carried forward to the next year for set-off against income from house property of that year. It can be carried forward for a maximum of eight assessment years i.e., upto A.Y. 2028-29, in this case.	

<p><b><u>Loss from speculative business A</u></b></p> <p>Loss from speculative business can be set-off only against profits from any other speculation business. As per section 73(2), balance loss not set-off can be carried forward to the next year for set-off against speculative business income of that year. Such loss can be carried forward for a maximum of four assessment years i.e., upto A.Y. 2024-25, in this case, as specified under section 73(4).</p>	20,000
<p><b><u>Loss from specified business</u></b></p> <p>Loss from specified business under section 35AD can be set-off only against profits of any other specified business. If loss cannot be so set-off, the same has to be carried forward to the subsequent year for set off against income from specified business, if any, in that year. As per section 73A(2), such loss can be carried forward indefinitely for set-off against profits of any specified business .</p>	20,000
<p><b><u>Loss from the activity of owning and maintaining race horses</u></b></p> <p>Losses from the activity of owning and maintaining race horses (current year or brought forward) can be set-off only against income from the activity of owning and maintaining race horses. If it cannot be so set-off, it has to be carried forward to the next year for set-off against income from the activity of owning and maintaining race horses, if any, in that year. It can be carried forward for a maximum of four assessment years, i.e., upto A.Y.2022-23, in this case, as specified under section 74A(3).</p>	2,000

### Question 6

Mr. Garg, a resident individual, furnishes the following particulars of his income and other details for the previous year 2019-20.

	<b>Particulars</b>	<b>₹</b>
(1)	Income from Salary (computed)	15,000
(2)	Income from business	66,000
(3)	Long term capital gain on sale of land	10,800
(4)	Loss on maintenance of race horses	15,000
(5)	Loss from gambling	9,100

The other details of unabsorbed depreciation and brought forward losses pertaining to Assessment Year 2019-20 are as follows:

	<b>Particulars</b>	₹
(1)	Unabsorbed depreciation	11,000
(2)	Loss from Speculative business	22,000
(3)	Short term capital loss	9,800

Compute the Gross total income of Mr. Garg for the Assessment Year 2020-21 and the amount of loss, if any that can be carried forward or not.

### Answer

#### Computation of Gross Total Income of Mr. Garg for the A.Y. 2020-21

Particulars	₹	₹
<b>(i) Income from salary</b>		15,000
<b>(ii) Profits and gains of business or profession</b>	66,000	
Less: Unabsorbed depreciation brought forward from A.Y.2019-20	<u>11,000</u>	55,000
(Unabsorbed depreciation can be set-off against any head of income other than "salary")		
<b>(iii) Capital gains</b>		
Long-term capital gain on sale of land	10,800	
Less: Brought forward short-term capital loss		
[Short-term capital loss can be set-off against both short-term capital gains and long-term capital gains as per section 74(1)]	9,800	1,000
<b>Gross Total Income</b>		<b>71,000</b>

#### Amount of loss to be carried forward to A.Y. 2021-22

	<b>Particulars</b>	₹
(1)	<b>Loss from speculative business [to be carried forward as per section 73]</b>	22,000
	[Loss from a speculative business can be set off only against income from another speculative business. Since there is no income from speculative business in the current year, the entire loss of ₹ 22,000 brought forward from A.Y.2019-20 has	

	to be carried forward to A.Y. 2021-22 for set-off against speculative business income of that year. It may be noted that speculative business loss can be carried forward for a maximum of four years as per section 73(4), i.e., upto A.Y.2023-24]	
(2)	<b>Loss on maintenance of race horses [to be carried forward as per section 74A]</b> [As per section 74A(3), the loss incurred in the activity of owning and maintaining race horses in any assessment year cannot be set-off against income from any other source other than the activity of owning and maintaining race horses. Such loss can be carried forward for a maximum of four assessment years i.e., upto A.Y.2024-25]	15,000
(3)	<b>Loss from gambling can neither be set-off nor be carried forward.</b>	

### Question 7

The following are the details relating to Mr. Srivatsan, a resident Indian, aged 57, relating to the year ended 31.3.2020:

Particulars	₹
Income from salaries (computed)	2,20,000
Loss from house property	1,90,000
Loss from cloth business	2,40,000
Income from speculation business	30,000
Loss from specified business covered by section 35AD	20,000
Long-term capital gains from sale of urban land	2,50,000
Loss from card games	32,000
Income from betting (Gross)	45,000
Life Insurance Premium paid (10% of the capital sum assured)	45,000

Compute the total income and show the items eligible for carry forward.

### Answer

#### Computation of total income of Mr. Srivatsan for the A.Y.2020-21

Particulars	₹	₹
<b>Salaries</b>		

Income from salaries	2,20,000	
<i>Less:</i> Loss from house property	1,90,000	30,000
<b>Profits and gains of business or profession</b>		
Income from speculation business	30,000	
<i>Less:</i> Loss from cloth business set off	30,000	Nil
<b>Capital gains</b>		
Long-term capital gains from sale of urban land	2,50,000	
<i>Less:</i> Loss from cloth business set off	2,10,000	40,000
<b>Income from other sources</b>		
Income from betting		45,000
<b>Gross Total Income</b>		1,15,000
<i>Less:</i> Deduction under section 80C(life insurance premium paid)		30,000
<b>Total income</b>		<b>85,000</b>

**Losses to be carried forward:**

Particulars	₹
(1) Loss from cloth business (₹ 2,40,000 - ₹ 30,000 - ₹ 2,10,000)	Nil
(2) Loss from specified business covered by section 35AD	20,000

**Notes:**

- (i) Loss from specified business covered by section 35AD can be set-off only against profits and gains of any other specified business. Therefore, such loss cannot be set off against any other income. The unabsorbed loss has to be carried forward for set-off against profits and gains of any specified business in the following year.
- (ii) Business loss cannot be set off against salary income. However, the balance business loss of ₹ 2,10,000 (₹ 2,40,000 – ₹ 30,000 set-off against income from speculation business) can be set-off against long-term capital gains of ₹ 2,50,000 from sale of urban land. Consequently, the taxable long-term capital gains would be ₹ 40,000.
- (iii) Loss from card games can neither be set off against any other income, nor can be carried forward.

- (iv) For providing deduction under Chapter VI-A, gross total income has to be reduced by the amount of long-term capital gains and casual income. Therefore, the deduction under section 80C in respect of life insurance premium paid has to be restricted to ₹ 30,000 [i.e., Gross Total Income of ₹1,15,000 – ₹ 40,000 (LTCG) – ₹ 45,000 (Casual income)].
- (v) Income from betting is chargeable at a flat rate of 30% under section 115BB and no expenditure or allowance can be allowed as deduction from such income, nor can any loss be set-off against such income.

### Question 8

Mr. Rajat submits the following information for the financial year ending 31<sup>st</sup> March, 2020. He desires that you should:

- (a) Compute the total income and  
(b) Ascertain the amount of losses that can be carried forward.

<b>Particulars</b>	<b>₹</b>
(i) He has two houses:	
(a) House No. I – Income after all statutory deductions	72,000
(b) House No. II – Current year loss	(30,000)
(ii) He has three proprietary businesses:	
(a) Textile Business:	
(i) Discontinued from 31 <sup>st</sup> October, 2019 – Current year loss	40,000
(ii) Brought forward business loss of A.Y.2015-16	95,000
(b) Chemical Business:	
(i) Discontinued from 1 <sup>st</sup> March, 2017 – hence no profit/loss	Nil
(ii) Bad debts allowed in earlier years recovered during this year	35,000
(iii) Brought forward business loss of A.Y. 2017-18	50,000
(c) Leather Business: Profit for the current year	1,00,000
(d) Share of profit in a firm in which he is partner since 2006	16,550
(iii) (a) Short-term capital gain	60,000
(b) Long-term capital loss	35,000
(iv) Contribution to LIC towards premium	10,000

**Answer****Computation of total income of Mr. Rajat for the A.Y. 2020-21**

Particulars	₹	₹
<b>1. Income from house property</b>		
House No.1	72,000	
House No.2	(-) 30,000	42,000
<b>2. Profits and gains of business or profession</b>		
Profit from leather business	1,00,000	
Bad debts recovered taxable under section 41(4)	35,000	
	1,35,000	
<i>Less:</i> Current year loss of textile business	(-) 40,000	
	95,000	
<i>Less:</i> Brought forward business loss of textile business for A.Y.2015-16 set off against the business income of current year	95,000	Nil
<b>3. Capital Gains</b>		
Short-term capital gain		60,000
<b>Gross Total Income</b>		<b>1,02,000</b>
<i>Less:</i> Deduction under Chapter VI-A		
Under section 80C – LIC premium paid		10,000
<b>Total Income</b>		<b>92,000</b>

**Statement of losses to be carried forward to A.Y. 2021-22**

Particulars	₹
Business loss of A.Y. 2017-18 to be carried forward under section 72	50,000
Long term capital loss of A.Y. 2020-21 to be carried forward under section 74	35,000

**Notes:**

- (1) Share of profit from firm of ₹ 16,550 is exempt under section 10(2A).
- (2) Long-term capital loss cannot be set-off against short-term capital gains. Therefore, it has to be carried forward to the next year to be set-off against long-term capital gains of that year.

**Question 9**

Ms. Geeta, a resident individual, provides the following details of her income / losses for the year ended 31.3.2020:

- (i) Salary received as a partner from a partnership firm ₹ 7,50,000. The same was allowed to the firm.
- (ii) Loss on sale of shares listed in BSE ₹ 3,00,000. Shares were held for 15 months and STT paid on sale and acquisition.
- (iii) Long-term capital gain on sale of land ₹ 5,00,000.
- (iv) ₹ 51,000 received in cash from friends in party.
- (v) ₹ 55,000, received towards dividend on listed equity shares of domestic companies.
- (vi) Brought forward business loss of assessment year 2018-19 ₹ 12,50,000.

Compute gross total income of Ms. Geeta for the Assessment Year 2020-21 and ascertain the amount of loss that can be carried forward.

**Answer**

**Computation of Gross Total Income of Ms. Geeta for the  
Assessment Year 2020-21**

Particulars	₹
<b>Profits and gains of business and profession</b>	
Salary received as a partner from a partnership firm is taxable under the head "Profits and gains of business and profession"	7,50,000
Less: Brought forward business loss of Assessment Year 2018-19 to be set-off against business income	7,50,000
	Nil
<b>Capital Gains</b>	
Long term capital gain on sale of land	5,00,000
Less: Long-term capital loss on shares on STT paid (See Note 2)	3,00,000
	2,00,000
<b>Income from other sources</b>	
Cash gift received from friends - since the value of cash gift exceeds ₹ 50,000, the entire sum is taxable	51,000

Dividend received from a domestic company is exempt under section 10(34)	Nil	51,000
<b>Gross Total Income</b>		<b>2,51,000</b>

**Notes:**

- Balance brought forward business loss of assessment year 2018-19 of ₹ 5,00,000 has to be carried forward to the next year.
- Long-term capital loss on sale of shares on which STT is paid at the time of acquisition and sale can be set-off against long-term capital gain on sale of land since long-term capital gain on sale of shares (STT paid) is taxable under section 112A. Therefore, it can be set-off against long-term capital gain on sale of land as per section 70(3).

**Question 10**

Mr. P, a resident individual, furnishes the following particulars of his income and other details for the previous year 2020-21:

Sl. No.	Particulars	₹
(i)	Income from salary (computed)	18,000
(ii)	Net annual value of house property	70,000
(iii)	Income from business	80,000
(iv)	Income from speculative business	12,000
(v)	Long term capital gain on sale of land	15,800
(vi)	Loss on maintenance of race horse	9,000
(vii)	Loss on gambling	8,000

Depreciation allowable under the Income-tax Act, 1961, comes to ₹ 8,000, for which no treatment is given above.

The other details of unabsorbed depreciation and brought forward losses (pertaining to A.Y. 2019-20) are:

Sl. No.	Particulars	₹
(i)	Unabsorbed depreciation	9,000
(ii)	Loss from speculative business	16,000
(iii)	Short term capital loss	7,800

Compute the gross total income of Mr. P for the Assessment year 2020-21, and the amount of loss that can or cannot be carried forward.

**Answer**

**Computation of Gross Total Income of Mr. P for the A.Y. 2020-21**

Particulars	₹	₹
<b>(i) Income from salary</b>		18,000
<b>(ii) Income from House Property</b>		
Net Annual Value	70,000	
Less : Deduction under section 24 (30% of ₹ 70,000)	21,000	49,000
<b>(iii) Income from business and profession</b>		
(a) Income from business	80,000	
Less : Current year depreciation	8,000	
	72,000	
Less : Unabsorbed depreciation	9,000	63,000
(b) Income from speculative business	12,000	
Less : Brought forward loss from speculative business	12,000	Nil
(Balance loss of ₹ 4,000 (i.e. ₹ 16,000 – ₹ 12,000) can be carried forward to the next year)		
<b>(iv) Income from capital gain</b>		
Long-term capital gain on sale of land	15,800	
Less: Brought forward short-term capital loss	7,800	8,000
<b>Gross total income</b>		<b>1,38,000</b>

**Amount of loss to be carried forward to the next year**

Particulars	₹
Loss from speculative business (to be carried forward as per section 73)	4,000
Loss on maintenance of race horses (to be carried forward as per section 74A)	9,000

**Notes:**

- (i) Loss on gambling can neither be set-off nor be carried forward.

- (ii) As per section 74A(3), the loss incurred on maintenance of race horses cannot be set-off against income from any other source other than the activity of owning and maintaining race horses. Such loss can be carried forward for a maximum period of 4 assessment years.
- (iii) Speculative business loss can set off only against income from speculative business of the current year and the balance loss can be carried forward to A.Y. 2021-22. It may be noted that speculative business loss can be carried forward for a maximum of four years as per section 73(4).

## LET US RECAPITULATE

### Inter-source and Inter-head set-off of losses [Sections 70 & 71]

Section	Provision	Exceptions	
70	<p><b><u>Inter-source set-off of losses under the same head of income</u></b></p> <p>Any loss in respect of one source shall be set-off against income from any other source under the same head of income. For example,</p> <ul style="list-style-type: none"> <li>- loss from textile business can be set-off against profit from printing business.</li> <li>- loss from one house property can be set-off against income from another house property.</li> <li>- short-term capital loss (STCL) can be set-off against both STCG and LTCG.</li> </ul>	(i)	Loss from speculation business can be set-off only against profits from another speculation business.
		(ii)	Loss from specified business under section 35AD can be set-off only against profits from any other specified business.
		(iii)	Long term capital loss (LTCL) can be set-off only against Long term capital gains (LTCG).
		(iv)	Loss from the activity of owning and maintaining race horses can be set-off only against income from the activity of owning and maintaining race horses.
71	<p><b><u>Inter head adjustment</u></b></p> <p>Loss under one head of income can be set-off against income assessable under any other head of income.</p> <p>For example, business loss can</p>	(i)	Loss under the head "Profits and gains of business or profession" cannot be set off against income under the head "Salaries"
		(ii)	Loss under the head "Capital

	be set-off against income from house property.		gains" cannot be set-off against income under any other head.
		(iii)	Speculation loss, losses from specified business under section 35AD and loss from the activity of owning and maintaining race horses cannot be set-off against income under any other head.
		(iv)	Loss from house property can be set-off against income under any other head only to the extent of ₹ 2 lakhs. The remaining loss can be carried forward for set-off against income from house property of the succeeding year(s).

#### Losses which cannot be set-off or carried forward

Loss from gambling, betting, card games etc.

Loss from an exempt source [for example, share of loss of partnership firm cannot be set-off against any other business income]

#### Maximum period of carry forward of losses & Manner of set-off of brought forward losses

Section	Nature of loss to be carried forward	Income against which the brought forward loss can be set-off	Maximum period [from the end of the relevant assessment year] for carry forward of losses
32(2)	Unabsorbed depreciation	Income under any head other than salaries	Indefinite period
71B	Unabsorbed loss from house property	Income from house property	8 assessment years

72	Unabsorbed business loss	Profits and gains from business or profession	8 assessment years
73	Loss from speculation business	Income from any speculation business	4 assessment years
73A	Loss from specified business under section 35AD	Profit from any specified business	Indefinite period
74	Long-term capital loss	Long-term capital gains	8 assessment years
	Short-term capital loss	Short-term/Long-term capital gains	8 assessment years
74A	Loss from the activity of owning and maintaining race horses	Income from the activity of owning and maintaining race horses.	4 assessment years

#### Order of set-off of losses

1. Current year depreciation / Current year capital expenditure on scientific research and current year expenditure on family planning, to the extent allowed.
2. Brought forward loss from business/profession [Section 72(1)]
3. Unabsorbed depreciation [Section 32(2)]
4. Unabsorbed capital expenditure on scientific research [Section 35(4)].
5. Unabsorbed expenditure on family planning [Section 36(1)(ix)]

**Note** - As per section 80, filing of loss return under section 139(3) within the due date specified under section 139(1) is mandatory for carry forward of the above losses except loss from house property and unabsorbed depreciation.

## TEST YOUR KNOWLEDGE

1. According to section 80, no loss which has not been determined in pursuance of a return filed in accordance with the provisions of section 139(3), shall be carried forward. The exceptions to this are -
  - (a) Loss from specified business under section 73A
  - (b) Loss under the head "Capital Gains" and unabsorbed depreciation carried forward under section 32(2)
  - (c) Loss from house property and unabsorbed depreciation carried forward under section 32(2)
  - (d) Loss from speculation business under section 73
2. Section 70 enables set off of losses under one source of income against income from any other source under the same head. The exceptions to this section are -
  - (a) Loss under the head "Capital Gains", Loss from speculative business, Loss from house property and loss from the activity of owning and maintaining race horses
  - (b) Long-term capital loss, Loss from speculative business, Loss from specified business and loss from the activity of owning and maintaining race horses
  - (c) Short-term capital loss and loss from speculative business
  - (d) Loss from specified business and short-term capital loss
3. Mr. X incurred long-term capital loss from sale of listed shares in recognized stock exchange and STT is paid at the time of acquisition and sale of such shares. Such loss –
  - (a) can be set-off only against long-term capital gains
  - (b) can be set-off against both short-term capital gains and long-term capital gains
  - (c) can be set-off against any head of income.
  - (d) is not allowed to be set-off
4. The maximum period for which speculation loss can be carried forward is -
  - (a) 4 years

- (b) 8 years
- (c) indefinitely
- (d) not allowed to be carry forward
5. Mr. A incurred short-term capital loss of ₹ 10,000 on sale of shares through the National Stock Exchange. Such loss -
- (a) can be set-off only against short-term capital gains
- (b) can be set-off against both short-term capital gains and long-term capital gains
- (c) can be set-off against any head of income.
- (d) not allowed to be set-off
6. The maximum period for which loss from specified business u/s 35AD can be carried forward is -
- (a) 4 years
- (b) 8 years
- (c) indefinitely
- (d) not allowed to be carry forward
7. Loss from house property of ₹ 3,10,000 of A.Y. 2019-20 is allowed to be set-off against income from house property of A.Y. 2020-21 of ₹ 5,00,000 to the extent of -
- (a) ₹ 2,00,000
- (b) fully allowed i.e., ₹ 3,10,000
- (c) ₹ 2,50,000
- (d) ₹ 1,00,000
8. Any loss from the specified business referred to in section 35AD can be set off against -
- (a) only profit and gains of same specified business of the assessee
- (b) profits and gains of any business of the assessee
- (c) profit and gains of any other specified business of the assessee
- (d) income from any other head

9. Business loss of the current year cannot be set-off against –
- (a) Any income other than business income
  - (b) Long-term capital gain
  - (c) Either long-term capital gain or short-term capital gain
  - (d) Salary income
10. Brought forward loss from house property can be set-off –
- (a) Against any head of income to the extent of ₹ 2,00,000
  - (b) Against income from house property to the extent of ₹ 2,00,000
  - (c) Against income from house property without any limit
  - (d) Against any head of income without any limit

**Answers**

1. (c); 2. (b); 3. (a); 4. (a); 5. (b); 6. (c); 7. (b);  
8. (c); 9. (d); 10. (c).