

## ANNEXE 1. COMPARISON OF GAAR 2009-12

Sl.No.	GAAR in Finance Act, 2012.	GAAR in DTC 2010	GAAR in DTC 2009
1	<p><u>ARRANGEMENT:</u></p> <p>Applies to an impermissible avoidance arrangement and "arrangement" means any step in, or a part or whole of, any transaction, operation, scheme, agreement or understanding, whether enforceable or not, and includes the alienation of any property <b>in such transaction, operation, scheme, agreement or understanding;</b></p>	<p>Applies to an impermissible avoidance arrangement and "arrangement" means any step in, or a part or whole of, any transaction, operation, scheme, agreement or understanding, whether enforceable or not, and includes any of the above involving the alienation of property.</p>	<p>Applies to an impermissible avoidance arrangement and "arrangement" means any step in, or a part or whole of, any transaction, operation, scheme, agreement or understanding, whether enforceable or not, and includes any of the foregoing involving the alienation of property.</p>
2	<p><u>IMPERMISSIBLE AVOIDANCE ARRANGEMENT:</u></p> <p>An impermissible avoidance arrangement means an arrangement, the main purpose <b>or one of the main purposes of which</b> is to obtain a tax <b>benefit</b> and it—</p> <p>(a) creates rights, or obligations, which are not ordinarily created between persons dealing at arm's length;</p> <p>(b) results, directly or indirectly, in</p>	<p>"Impermissible avoidance arrangement" means a step in, or a part or whole of, an arrangement, whose main purpose is to obtain a tax benefit and it—</p> <p>(a) creates rights, or obligations, which would not normally be created between persons dealing at arm's length;</p> <p>(b) results, directly or indirectly, in</p>	<p>"impermissible avoidance arrangement" means a step in, or a part or whole of, an arrangement, whose main purpose is to obtain a tax benefit and it,-</p> <p>(a) creates rights, or obligations, which would not normally be created between persons dealing at arm's length;</p> <p>(b) results, directly or indirectly, in the</p>

	<p>the misuse, or abuse, of the provisions of this Act;</p> <p>(c) lacks commercial substance <b>or is deemed to lack commercial substance</b> under section 97, in whole or in part; or</p> <p>(d) is entered into, or carried out, by means, or in a manner, which are not ordinarily employed for bona fide purposes.</p>	<p>the misuse, or abuse, of the provisions of this Code;</p> <p>(c) lacks commercial substance, in whole or in part; or</p> <p>(d) is entered into, or carried out, by means, or in a manner, which would not normally be employed for bona fide purposes;</p>	<p>misuse, or abuse, of the provisions of this Code;</p> <p>(c) lacks commercial substance, in whole or in part; or</p> <p>(d) is entered into, or carried out, by means, or in a manner, which would not normally be employed for bonafide purposes;</p>
3	<p><b><u>PRESUMPTION OF PURPOSE:</u></b></p> <p>An arrangement shall be presumed to have been entered into, or carried out, for the main purpose of obtaining a tax benefit, if the main purpose of a step in, or a part of, the arrangement is to obtain a tax benefit, notwithstanding the fact that the main purpose of the whole arrangement <b>is not to obtain a tax benefit.</b></p>	<p>1. An arrangement shall be presumed to have been entered into, or carried out, for the main purpose of obtaining a tax benefit unless the person obtaining the tax benefit proves that obtaining the tax benefit was not the main purpose of the arrangement.</p> <p>2. An arrangement shall be presumed to have been entered into, or carried out, for the main purpose of obtaining a tax benefit, if the main purpose of a step in, or part of, the arrangement is to obtain a tax benefit, notwithstanding the fact that the main purpose of the whole arrangement is not to obtain a tax benefit.</p>	<p>1. An arrangement shall be presumed to have been entered into, or carried out, for the main purpose of obtaining a tax benefit unless the person obtaining the tax benefit proves that obtaining the tax benefit was not the main purpose of the arrangement.</p> <p>2. An arrangement shall be presumed to have been entered into, or carried out, for the main purpose of obtaining a tax benefit, if the main purpose of a step in, or part of, the arrangement is to obtain a tax benefit, regardless of the fact that the main purpose of whole arrangement may not be to obtain a tax benefit.</p>

4	<p><b><u>Arrangement to lack commercial substance:</u></b></p> <p>1) An arrangement shall be deemed to lack commercial substance if—</p> <p>(a) the substance or effect of the arrangement as a whole, is inconsistent with, or differs significantly from, the form of its individual steps or a part; or</p> <p>(b) it involves or includes—</p> <p>(i) round trip financing;</p> <p>(ii) an accommodating party;</p> <p>(iii) elements that have effect of offsetting or cancelling each other; or</p> <p>(iv) a transaction which is conducted through one or more persons and disguises the <b>value</b>, location, source, ownership or control of funds <b>which is the subject matter of such</b></p>	<p>“lacks commercial substance”—a <b>step in, or a part or whole of</b>, an arrangement shall be deemed to be lacking commercial substance, if—</p> <p><b>(a) it does not have a significant effect upon the business risks, or net cash flows, of any party to the arrangement apart from any effect attributable to the tax benefit that would be obtained but for the provisions of section 123;</b></p> <p><b>(b) the legal substance</b>, or effect, of the arrangement as a whole is inconsistent with, or differs significantly from, the legal form of its individual steps; or</p> <p><b>(c) it includes, or involves—</b></p> <p><b>(i) round trip financing without regard to,—</b></p> <p><b>(A) whether or not the round tripped amounts can be traced to funds transferred to, or received by, any party in connection with the arrangement;</b></p> <p><b>(B) the time, or sequence, in which round tripped amounts are</b></p>	<p>“lacks commercial substance”—A step in, or a part or whole of, an arrangement shall be deemed to be lacking commercial substance, if-</p> <p>(a) it would result in a significant tax benefit for any party to the arrangement but does not have a significant effect upon the business risks, or net cash flows, of that party apart from any effect attributable to the tax benefit that would be obtained but for the provisions of section 112;</p> <p>(b) the legal substance, or effect, of the avoidance arrangement as a whole is inconsistent with, or differs significantly from, the legal form of its individual steps; or</p> <p>(c) it includes, or involves,-</p> <p>(i) round trip financing without regard to,-</p> <p>(A) whether or not the round tripped amounts can be traced to funds transferred to, or received by, any party in connection with the avoidance arrangement;</p>
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	<p>transaction; or</p> <p>(c) it involves the location of an asset or of a transaction or of the place of residence of any party which is without any substantial commercial purpose other than obtaining a tax benefit (but for the provisions of this Chapter) for a party.</p> <p>(2) For the purposes of sub-section (1), round trip financing includes any arrangement in which, through a series of transactions—</p> <p>(a) funds are transferred among the parties to the arrangement; and</p> <p>(b) such transactions do not have any substantial commercial purpose other than obtaining the tax benefit (but for the provisions of this Chapter),</p> <p>without having any regard to—</p> <p>(A) whether or not the funds involved in the round trip financing can be traced to any funds transferred to, or received by, any party in connection with</p>	<p>transferred or received; or</p> <p>(C) the means by, or manner in, which round tripped amounts are transferred or received;</p> <p>(ii) an accommodating or tax indifferent party;</p> <p>(iii) any element that have the effect of offsetting or cancelling each other; or</p> <p>(iv) a transaction which is conducted through one or more persons and disguises the nature, location, source, ownership, or control, of the fund;</p> <p>“round trip financing” includes financing in which—</p> <p>(a) funds are transferred among the parties to the arrangement; and</p> <p>(b) the transfer of the funds would—</p> <p>(i) result, directly or indirectly, in a tax benefit but for the provisions of section 123; or</p> <p>(ii) significantly reduce, offset or eliminate any business risk incurred by any party to the arrangement;</p>	<p>(B) the time, or sequence, in which round tripped amounts are transferred or received; or</p> <p>(C) the means by, or manner in, which round tripped amounts are transferred or received.</p> <p>(ii) an accommodating or tax indifferent party;</p> <p>(iii) any element that have the effect of offsetting or cancelling each other; or</p> <p>(iv) a transaction which is conducted through one or more persons and disguises the nature, location, source, ownership, or control, of the fund;</p>
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	<p>the arrangement;</p> <p>(B) the time, or sequence, in which the funds involved in the round trip financing are transferred or received; or</p> <p>(C) the means by, or manner in, or mode through, which funds involved in the round trip financing are transferred or received.</p> <p>(3) For the purposes of this Chapter, a party to an arrangement shall be an accommodating party, if the main purpose of the direct or indirect participation of that party in the arrangement, in whole or in part, is to obtain, directly or indirectly, a tax benefit (but for the provisions of this Chapter) for the assessee whether or not the party is a connected person in relation to any party to the arrangement.</p> <p>(4) The following shall not be taken into account while determining whether an arrangement lacks commercial substance or not, namely:—</p> <p>(i) the period or time for which the</p>	<p>“accommodating party” means a party to an arrangement who, as a direct or indirect result of his participation, derives any amount in connection with the arrangement, which shall—</p> <p>(a) be included in his total income which would have otherwise been included in the total income of another party;</p> <p>(b) not be included in his total income which would have otherwise been included in the total income of another party;</p> <p>(c) be treated as a deductible expenditure, or allowable loss, by the party which would have otherwise constituted a non-deductible expenditure, or non allowable loss, in the hands of another party; or</p> <p>(d) result in pre-payment by any other party;</p>	
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	<p>arrangement (including operations therein) exists;</p> <p>(ii) the fact of payment of taxes, directly or indirectly, under the arrangement;</p> <p>(iii) the fact that an exit route (including transfer of any activity or business or operations) is provided by the arrangement.</p>		
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5	<p><b>Consequence of impermissible avoidance arrangement.</b></p> <p>If an arrangement is declared to be an impermissible avoidance arrangement, then the consequences, in relation to tax, of the arrangement, <b>including denial of tax benefit or a benefit under a tax treaty, shall be determined, in such manner as is deemed appropriate, in the circumstances of the case</b>, including by way of but not limited to the following, namely:—</p> <p>(a) disregarding, combining or recharacterising any step in, or a part or whole of, the impermissible avoidance arrangement;</p> <p>(b) treating the impermissible avoidance arrangement as if it had not been entered into or carried out;</p> <p>(c) disregarding any accommodating party or treating any accommodating party and any other party as one and the same person;</p> <p>(d) deeming persons who are</p>	<p>the consequences, under this Code, of the arrangement may be determined by—</p> <p>(a) disregarding, combining or recharacterising any step in, or a part or whole of, the impermissible avoidance arrangement;</p> <p>(b) treating the impermissible avoidance arrangement—</p> <p>(i) as if it had not been entered into or carried out; or</p> <p>(ii) <b>in such other manner as in the circumstances of the case, the Commissioner deems appropriate for the prevention or diminution of the relevant tax benefit;</b></p> <p>(c) disregarding any accommodating party or treating any accommodating party and any other party as one and the same person;</p> <p>(d) deeming persons who are connected persons in relation to each other to be one and the same person;</p> <p>(e) reallocating, amongst the parties</p>	<p>the consequences, under this Code, of the arrangement may be determined by,-</p> <p>(a) disregarding, combining or re-characterising any step in, or a part or whole of, the impermissible avoidance arrangement;</p> <p>(b) treating the impermissible avoidance arrangement-</p> <p>(i) as if it had not been entered into or carried out; or</p> <p>(ii) in such other manner as in the circumstances of the case the Commissioner deems appropriate for the prevention or diminution of the relevant tax benefit.</p> <p>(c) treating parties who are connected persons in relation to each other as one and the same person; or</p> <p>(d) disregarding any accommodating party or treating any accommodating party and any other party as one and the same person;</p> <p>(e) deeming persons who are connected persons in relation to each</p>
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	<p>connected persons in relation to each other to be one and the same person <b>for the purposes of determining tax treatment of any amount;</b></p> <p>(e) reallocating amongst the parties to the arrangement—</p> <p>(i) any accrual, or receipt, of a capital or revenue nature; or</p> <p>(ii) any expenditure, deduction, relief or rebate;</p> <p><b>(f) treating—</b></p> <p>(i) <b>the place of residence of any party to the arrangement; or</b></p> <p>(ii) <b>the situs of an asset or of a transaction,</b></p> <p><b>at a place other than the place of residence, location of the asset or location of the transaction as provided under the arrangement; or</b></p> <p><b>(g) considering or looking through</b></p>	<p>to the arrangement—</p> <p>(i) any accrual, or receipt, of a capital or revenue nature; or</p> <p>(ii) any expenditure, deduction, relief or rebate; or</p> <p>(f) recharacterising—</p> <p>(i) any equity into debt or <i>vice versa</i>; (ii) any accrual, or receipt, of a capital or revenue nature; or (iii) any expenditure, deduction, relief or rebate .</p> <p>(2) The provisions of sub-section (1) may be applied <b>in the alternative for, or in addition to, any other basis for determination of tax liability in accordance with such guidelines as may be prescribed.</b></p> <p>(3) The provisions of this section shall apply subject to such conditions and in the manner as may be prescribed.</p>	<p>other to be one and the same person;</p> <p>(f) re-allocating, amongst the parties to the arrangement,-</p> <p>(i) any accrual, or receipt, of a capital or revenue nature; or</p> <p>(ii) any expenditure, deduction, relief or rebate;</p> <p>(g) re-characterising-</p> <p>(i) any equity into debt or vice-versa; (ii) any accrual, or receipt, of a capital or revenue nature; or (iii) any expenditure, deduction, relief or rebate;</p> <p><b>2. The provisions of this section may be applied in the alternative for, or in addition to, any other basis for making an assessment.</b></p>
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	<p>any arrangement by disregarding any corporate structure.</p> <p>(2) For the purposes of sub-section (1),—</p> <p>(i) any equity may be treated as debt or vice versa;</p> <p>(ii) any accrual, or receipt, of a capital nature may be treated as of revenue nature or vice versa; or</p> <p>(iii) any expenditure, deduction, relief or rebate may be recharacterised.</p> <p>The provisions of this Chapter shall be applied in accordance with such guidelines and subject to such conditions and the manner as may be prescribed.</p> <p>The provisions of this Chapter shall apply in addition to, or in lieu of, any other basis for determination of tax liability.</p>		
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	<p>For the purposes of this Chapter, in determining whether a tax benefit exists—</p> <ul style="list-style-type: none"><li>(i) the parties who are connected persons in relation to each other may be treated as one and the same person;</li><li>(ii) any accommodating party may be disregarded;</li><li>(iii) such accommodating party and any other party may be treated as one and the same person;</li><li>(iv) the arrangement may be considered or looked through by disregarding any corporate structure.</li></ul>		
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6	<p>REFERENCE TO COMMISSIONER AND APPROVING PANEL INCLUDING BURDEN OF PROOF:</p> <p>(1) If, the Assessing Officer, at any stage of the assessment or reassessment proceedings before him having regard to the material and evidence available, considers that it is necessary to declare an arrangement as an impermissible avoidance arrangement and to determine the consequence of such an arrangement within the meaning of Chapter X-A, then, he may make a reference to the Commissioner in this regard.</p> <p>(2) The Commissioner shall, on receipt of a reference under sub-section (1), if he is of the opinion that the provisions of Chapter X-A are required to be invoked, issue a notice to the assessee, setting out the reasons and basis of such an opinion, for submitting objections, if any, and providing an opportunity of being heard to the assessee within such period, not exceeding sixty days, as may be specified in the notice.</p> <p>(3) If the assessee does not furnish any objection to the notice within the</p>	<p>(1) The Commissioner shall, for the purposes of section 123, serve on the assessee a notice requiring him, on a date to be specified therein to produce, or cause to be produced, any evidence or particulars on which the assessee may rely in support of his claim that the provisions of section 123 are not applicable to him.</p> <p>(2) After hearing the evidence and after taking into account such particulars as the assessee may produce, the Commissioner shall pass an order declaring an arrangement as being an impermissible avoidance agreement or otherwise for the purposes of section 123.</p> <p>(3) Upon declaring an arrangement as an impermissible avoidance agreement, the Commissioner shall—</p> <p>(a) issue directions to the Assessing Officer to make such adjustment to them total income, or the tax liability, of the assessee; and</p> <p>(b) forward or cause to be forwarded a copy of such order—</p> <p>(i) to the assessee; and</p> <p>(ii) to the jurisdictional</p>	<p>The Commissioner shall, for the purposes of determining the consequences under section 112, serve on the assessee a notice requiring him, on a date to be specified therein to produce, or cause to be produced, any evidence or particulars-</p> <p>(a) which may be required for the purposes of determining the consequences; or</p> <p>(b) on which the assessee may rely in support of his claim that the provisions of section 112 are not applicable to his case.</p> <p>(2) On the day specified in the notice issued under sub-section (1), or as soon afterwards as may be, the Commissioner shall, by an order in writing, determine the consequences, if any, under section 112 after,-</p> <p>(a) hearing such evidence and after taking into account such particulars as the assessee may produce; and</p> <p>(b) taking into account all relevant material which he has gathered.</p> <p>(3) Upon the determining the consequences, if any, the Commissioner shall issue direction to the assessing</p>
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	<p>time specified in the notice issued under sub-section (2), the Commissioner shall issue such directions as it deems fit in respect of declaration of the arrangement to be an impermissible avoidance arrangement.</p> <p>(4) In case the assessee objects to the proposed action, and the Commissioner, after hearing the assessee in the matter, is not satisfied by the explanation of the assessee, then, he shall make a reference in the matter to the Approving Panel for the purpose of declaration of the arrangement as an impermissible avoidance arrangement.</p> <p>(5) If the Commissioner is satisfied, after having heard the assessee that the provisions of Chapter X-A are not to be invoked, he shall by an order in writing communicate the same to the Assessing Officer with a copy to the assessee.</p> <p>(6) The Approving Panel, on receipt of reference from the Commissioner under sub-section (4) shall issue such directions, as it deems fit, in respect of the declaration of the arrangement as an impermissible avoidance</p>	<p>Commissioner of the other party to the arrangement, who shall then proceed under this section against such other party and the provisions of this section shall apply accordingly.</p> <p>(4) No order under sub-section (2) shall be issued after a period of twelve months from the end of the month in which the notice under sub-section (1) is issued.</p>	<p>officer to make such adjustment to the total income, or the tax liability, in the case of the assessee and any other party to the arrangement, that are necessary, appropriate and consistent.</p> <p>(4) No order under sub-section (2) shall be issued after twelve months from the end of the month in which the notice under sub-section (1) is issued.</p>
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	<p>arrangement in accordance with the provisions of Chapter X-A including specifying the previous year or years to which such declaration of an arrangement as an impermissible avoidance arrangement shall apply.</p> <p>(7) No direction under sub-section (6) shall be issued unless an opportunity of being heard is given to the assessee and the Assessing Officer on such directions which are prejudicial to the interest of the assessee or the interest of the revenue, as the case may be.</p> <p>(8) The Approving Panel may, before issuing any direction under sub-section (6),—</p> <p>(i) if it is of the opinion that any further inquiry in the matter is necessary, direct the Commissioner to make such further inquiry or cause to make such further inquiry to be made by any other income-tax authority and furnish a report containing the results of such inquiry to it; or</p> <p>(ii) call for and examine such records related to the matter as</p>		
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	<p>it deems fit; or</p> <p>(iii) require the assessee to furnish such document and evidence as it may so direct.</p> <p>(9) If the members of the Approving Panel differ in opinion on any point, the point shall be decided according to the opinion of the majority of the members.</p> <p>(10) Every direction, issued by the Approving Panel under sub-section (6) or the Commissioner under sub-section (3), shall be binding on the Assessing Officer and the Assessing Officer on receipt of the directions shall proceed to complete the proceedings referred to in sub-section (1) in accordance with the directions and provisions of Chapter X-A.</p> <p>(11) If any direction issued under sub-section (6) specifies that declaration of the arrangement as impermissible avoidance arrangement is applicable for any previous year to which the proceeding referred to in sub-section (1) pertains, then, the Assessing Officer while completing any assessment or reassessment</p>		
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	<p>proceedings of the assessment year relevant to such other previous year shall do so in accordance with such directions and the provisions of Chapter X-A and it shall not be necessary for him to seek fresh direction on the issue for the relevant assessment year.</p> <p>(12) No order of assessment or reassessment shall be passed by the Assessing Officer without the prior approval of the Commissioner if any tax consequences have been determined in the order under the provisions of Chapter X-A pursuant to a direction issued under sub-section (6) or sub-section (3) declaring the arrangement as impermissible avoidance arrangement.</p> <p>(13) No direction under sub-section (6) shall be issued after a period of six months from the end of the month in which the reference under sub-section (4) was received by the Approving Panel.</p> <p>(14) The Board shall, for the purposes of this section constitute an Approving Panel consisting of not less than three members, being—</p>		
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	<p>(i) income-tax authorities not below the rank of Commissioner; and</p> <p>(ii) an officer of the Indian Legal Service not below the rank of Joint Secretary to the Government of India.</p> <p>(15) The Board may make rules for the purposes of the efficient functioning of the Approving Panel and expeditious disposal of the references received under sub-section (4).</p>		
7	<p>"associated person", in relation to a person, means—</p> <p>(a) any relative of the person, if the person is an individual;</p> <p>(b) any director of the company or any relative of such director, if the person is a company;</p> <p>(c) any partner or member of a firm or association of persons or body of individuals or any relative of such partner</p>	<p>"associated person" in relation to a person, means—</p> <p>(a) any relative of the person, if the person is an individual;</p> <p>(b) any director of the company or any relative of such director, if the person is a company;</p> <p>(c) any participant in an unincorporated body or any relative of such participant, if the person is an unincorporated body;</p>	<p>"associated person" in relation to a person, means—</p> <p>(a) any relative of the person, if the person is an individual;</p> <p>(b) any director of the company or any relative of such director, if the person is a company;</p> <p>(c) any participant in an unincorporated body or any relative of such participant, if the person is an unincorporated body;</p>



	<p>or member if the person is a firm or association of persons or body of individuals;</p> <p>(d) any member of the Hindu undivided family or any relative of such member, if the person is a Hindu undivided family;</p> <p>(e) any individual who has a substantial interest in the business of the person or any relative of such individual;</p> <p>(f) a company, firm or an association of persons or a body of individuals, whether incorporated or not, or a Hindu undivided family having a substantial interest in the business of the person or any director, partner, or member of the company, firm or association of persons or body of individuals or family, or any relative of such director, partner or</p>	<p>(d) any member of the Hindu undivided family or any relative of such member, if the person is a Hindu undivided family;</p> <p>(e) any individual who has a substantial interest in the business of the person or any relative of such individual;</p> <p>(f) a company, unincorporated body or Hindu undivided family having a substantial interest in the business of the person or any director, participant, or member of the company, body or family, or any relative of such director, participant or member;</p> <p>(g) a company, unincorporated body or Hindu undivided family, whose director, participant, or member have a substantial interest in the business of the person; or family or any relative of such director, participant or member;</p>	<p>(d) any member of the Hindu undivided family or any relative of such member, if the person is a Hindu undivided family;</p> <p>(e) any individual who has a substantial interest in the business of the person or any relative of such individual;</p> <p>(f) a company, unincorporated body or Hindu undivided family having a substantial interest in the business of the person or any director, participant, or member of the company, body or family, or any relative of such director, participant or member;</p> <p>(g) a company, unincorporated body or Hindu undivided family, whose director, participant, or member have a substantial interest in the business of the person; or family or any relative of such director, participant or member;</p>
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	<p>member;</p> <p>(g) a company, firm or association of persons or body of individuals, whether incorporated or not, or a Hindu undivided family, whose director, partner, or member have a substantial interest in the business of the person, or family or any relative of such director, partner or member;</p> <p>(h) any other person who carries on a business, if—</p> <p>(i) the person being an individual, or any relative of such person, has a substantial interest in the business of that other person; or</p> <p>(ii) the person being a company, firm, association of persons, body of individuals, whether</p>	<p>(h) any other person who carries on a business, if—</p> <p>(i) the person being an individual, or any relative of such person, has a substantial interest in the business of that other person; or</p> <p>(ii) the person being a company, unincorporated body or Hindu undivided family, or any director, participant or member of such company, body or family, or any relative of such director, participant or member, has a substantial interest in the business of that other person;</p>	<p>(h) any other person who carries on a business, if—</p> <p>(i) the person being an individual, or any relative of such person, has a substantial interest in the business of that other person; or</p> <p>(ii) the person being a company, unincorporated body or Hindu undivided family, or any director, participant or member of such company, body or family, or any relative of such director, participant or member, has a substantial interest in the business of that other person;</p>
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	incorporated or not, or a Hindu undivided family, or any director, partner or member of such company, firm or association of persons or body of individuals or family, or any relative of such director, partner or member, has a substantial interest in the business of that other person;		
8	"connected person" means any person who is connected directly or indirectly to another person and includes associated person	"connected persons" includes associated persons;	
9	<p>"tax benefit" means—</p> <p>(a) a reduction or avoidance or deferral of tax or other amount payable under this Act; or</p> <p>(b) an increase in a refund of tax or other amount under this Act; or</p>	<p>"tax benefit" means—</p> <p>(a) a reduction, avoidance or deferral of tax or other amount payable under this Code;</p> <p>(b) an increase in a refund of tax or other amount under this Code;</p> <p>(c) a reduction, avoidance or deferral of tax or other amount that</p>	<p>"tax benefit" means,-</p> <p>(a) a reduction, avoidance or deferral of tax or other amount payable under this Code in the relevant financial year or any other financial year;</p> <p>(b) an increase in a refund of tax or other amount under this Code in the relevant financial year or any other financial year;</p> <p>(c) a reduction, avoidance or dererral</p>

	<p>(c) a reduction or avoidance or deferral of tax or other amount that would be payable under this Act, <b>as a result of a tax treaty</b>; or</p> <p>(d) an increase in a refund of tax or other amount under this Act as a result of a tax treaty; or</p> <p>(e) a reduction in total income including increase in loss, in the relevant previous year or any other previous year.</p>	<p>would be payable under this Code but for a tax treaty;</p> <p>(d) an increase in a refund of tax or other amount under this Code as a result of a tax treaty; or</p> <p>(e) a reduction in tax bases including increase in loss, in the relevant financial year or any other financial year.</p>	<p>of tax or other amount that would be payable under this Code but for a tax treaty, in the relevant financial year or any other financial year; or</p> <p>(d) an increase in a refund of tax or other amount under this Code as a result of a tax treaty, in the relevant financial year or any other financial year;</p>
10	<p>a person shall be deemed to have a <b>substantial interest in the business</b>, if—</p> <p>(a) in a case where the business is carried on by a company, such person is, at any time during the financial year, the beneficial owner of equity shares carrying twenty per cent or more, of the voting power; or</p> <p>(b) in any other case, such person is,</p>	<p>"substantial interest in the business" a person shall be deemed to have a substantial interest in the business, if—</p> <p>(a) in case where the business is carried on by a company, such person is, at any time during the financial year, the beneficial owner of equity shares carrying twenty per cent. or more, of the voting power; or</p> <p>(b) in any other case, such person is,</p>	<p><b>"substantial interest in the business"</b> - A person shall be deemed to have a substantial interest in the business, if,-</p> <p>(a) in a case where the business is carried on by a company, such person is, at any time during the financial year, the beneficial owner of equity shares carrying twenty per cent., or more, of the voting power; or</p> <p>(b) in any other case, such person is, at</p>

	at any time during the financial year, beneficially entitled to twenty per cent or more, of the profits of such business;	at any time during the financial year, beneficially entitled to twenty per cent. or more, of the profits of such business.	any time during the financial year, beneficially entitled to twenty per cent., or more, of the profits of such business.
11	"step" includes a measure or an action, particularly one of a series taken in order to deal with or achieve a particular thing or object in the arrangement		
12	"benefit" includes a payment of any kind whether in tangible or intangible form;	"benefit" includes a payment of any kind;	"benefit" includes a payment of any kind;
13	Treaty Override  Notwithstanding anything contained in sub-section (2) of Section 90, the provisions of Chapter X-A of the Act shall apply to the assessee, even if such provisions are not beneficial to him.		

Notes:

- i. In the above comparison table,
  - a. Red colour is used to indicate the additions made to earlier year provisions.
  - b. Blue colour is used to indicate the deletions made in the future year provisions.
- ii. In the comparison table, the provisions are largely arranged in order as per the provisions of the Finance Act, 2012 with a few exceptions to certain definitions.