



GOVERNMENT OF INDIA
OFFICE OF THE JOINT COMMISSIONER OF CGST & CX,
BALLYGUNGE DIVN, 3RDFLOOR, KOLKATA SOUTH COMMISSIONERATE,
180, SHANTIIPALLY, RAJDANGA MAIN ROAD, KOLKATA-700 107

C.No V(30)01/RTI/BLG Divn/Kol-South/CGST/2019/

Dated: 02.06.2021

✓ To
Shree Jatender Jit Singh Jamwal,
E1/7, Coast Guard Residential Enclave
EM Bypass Road, Maniktala, Near Mani Square Mall
Pin Code -700054

Madam,

Sub: - Seeking information under the RTI Act,2005—Regarding.

Please refer to your application dated 17/04/2021 submitted under the RTI Act, 2005, which has been received in this Office on 03/05/2021 under Section 6(3) of the RTI Act, 2005 from office of the Commissioner CGST & CX, Kolkata South Commissionerate, Kolkata and has been registered vide Registration No. 03/RTI/BLG/Kol South/CGST & CX/2021 dated 10.05.2021.

Since no such cases appear to be occurred under the Jurisdiction of this Division , so desired report as sought for may please be treated as "NIL".

If you are aggrieved by the decision of providing you the above information, you may prefer an appeal to the officer as detailed below under Section 19 (1) of The Right to Information Act, 2005 within 30 (thirty) days of receipt of the information.

Sri Abhinav Pancholi,
Joint Commissioner of CGST & CX (First Appellate Authority)
Kolkata South CGST & CX Commissionerate,
180, Shantipally, Rajdanga Main Road, Kolkata-700107.

Yours faithfully,


(Shri Biswarup Das)

CPIO & Joint Commissioner, Ballygunj Division,
Kolkata South CGST & CX Commissionerate.



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GOVERNMENT OF INDIA

OFFICE OF THE JOINT COMMISSIONER OF CGST & CX,
BALLYGUNGE DIVN, 3RDFLOOR, KOLKATA SOUTH COMMISSIONERATE,
180, SHANTIIPALLY, RAJDANGA MAIN ROAD, KOLKATA-700 107

Dated: 02.06.2021

C.No V(30)01/RTI/BLG Divn/Kol-South/CGST/2019/

To

Shree Pradeep Manukonda,
F- 154, Kamala Priya roof garden
East Anandbagh, Malkajgiri
Telangana - 500047

Madam.

Sub: - Seeking information under the RTI Act,2005—Regarding.

Please refer to your application dated 31/03/2021 submitted under the RTI Act, 2005, which has been received in this Office on 20/04/2021 under Section 6(3) of the RTI Act, 2005 from office of the Commissioner CGST & CX, Kolkata South Commissionerate, Kolkata and has been registered vide Registration No. 02/RTI/BLG/Kol South/CGST & CX/2021 dated 04.05.2021.

Since no such cases appear to be occurred under the Jurisdiction of this Division , so desired report as sought for may please be treated as "NIL".

If you are aggrieved by the decision of providing you the above information, you may prefer an appeal to the officer as detailed below under Section 19 (1) of The Right to Information Act, 2005 within 30 (thirty) days of receipt of the information.

Sri Abhinav Pancholi,
Joint Commissioner of CGST & CX (First Appellate Authority)
Kolkata South CGST & CX Commissionerate,
180, Shantipally, Rajdanga Main Road, Kolkata-700107.

Yours faithfully,

(Shri Biswarup Das)

CPIO & Joint Commissioner, Ballygunj Division,
Kolkata South CGST & CX Commissionerate.

RTI REQUEST DETAILS

Registration No. :	KMA/RTI/2021/38843	Date of Receipt :	21/03/2021
Transferred From :	Central Board of Excise and Customs / Central Excise, No. 21/03/2021/38843		
Remarks :	The requisite information is not available with this office and the same might be available with your office. It is requested the same be furnished to the informant directly.		
Type of Receipt :	Electronically Transferred from Other Public Authority	Language of Request :	English
Name :	pradeep ramakonda	Gender :	Male
Address :	F-154, kamala Priya roof garden , East Arundhough , malhangeri, Pin:500047		
State :	Telangana	Country :	India
Phone No. :	+91-9701234942	Mobile No. :	+91-9701234942
Email :	pradeep707@gmail.com		
Status(Rural Urban) :	Urban	Education Status :	Graduate
Letter No. :	Details not provided		Letter Date : Details not provided
Is Requester Below Poverty Line ? :	No	Citizenship Status :	Indian
Amount Paid :	0 (RTI fee is received by National Academy Of Customs Excise And Narcotics (original recipient))	Mode of Payment :	Payment Gateway
Does it concern the life or Liberty of a Person ? :	No(Normal)	Request Pertains to :	
Information Sought :	Can you please provide Tax evasions case in India pertaining to the business of Bidi/tobacco , gukta and being associated with money laundering ,operating black money and going the business legitimate		
Original RTI Text :	Can you please provide Tax evasions case in India pertaining to the business of Bidi/tobacco , gukta and being associated with money laundering ,operating black money and going the business legitimate		



TAX EVASION AND BLACK MONEY IN INDIA: CAUSES AND REMEDIES

M. Chandrappa*¹

¹Asst. Prof. Dept. of Commerce & Management, Government First Grade College For Women, Ramanagara, India.

ABSTRACT

Tax evasion occurs when individuals deliberately fail to comply with their tax obligation. The resulting tax revenue loss may cause serious damage to the proper functioning of the public sector, threatening its capacity to finance its basic expenses. This study covers the overview of the tax evasion in India, delineating the number of factors responsive for tax evasion and examining the possible remedies to reduce the problem of tax evasion.

Keywords: Tax Evasion, Black Money, corruption.

INTRODUCTION

In India, most of the persons do not pay their taxes. They try to avoid this by some illegal means or by taking the benefit of some loopholes in the Indian tax system. Tax evasion is the term for the efforts by individuals, corporate, trusts and other entities to evade taxes by illegal means. It is the deliberate, misrepresentation or concealment of the true state of their affairs to the tax authorities to reduce their tax liability or to avoid the tax liability by declaring less incomes, profits or gains than actually what they earned or overstating their expenses. Thus the amount which would have been used for economic and social development is used for anti social activities. All this creates black money and social evils in the society. Thus tax evasion is not a problem in development of country but also harmful for the country. The level of Evasion Tax also depends on the chartered accountants and tax lawyers who help companies, firms, and individuals evade paying taxes.

Defining 'Black Money'

There is no uniform definition of black money in the literature or economic theory. In fact, several terms with similar connotations have been in vogue, including 'unaccounted income', 'black income', 'dirty money', 'black wealth', 'underground wealth', 'black economy', 'parallel economy', 'shadow economy', and underground' or 'unofficial' economy. 'Black money' can be defined as assets or resources that have neither been reported to the public authorities at the time of their generation nor disclosed at any point of time during their possession.

According to National Institute of Public Finance and Policy (NIPFP) defines-

"Black Money is the aggregate of incomes which are taxable but not reported to authorities." Thus, in addition to wealth earned through illegal means, the term black money would also include legal income that is concealed from public authorities:

*Corresponding Author

- To evade payment of taxes (income tax, excise duty, sales tax, stamp duty, etc);
- To evade payment of other statutory contributions;
- To evade compliance with other laws and administrative procedures

PURPOSE OF STUDY

1. To analyze the factors leading to generation of Black money and causes for tax evasion
2. To know the impact of Tax evasion and Black money.
3. To find out remedial measures.

RESEARCH METHODOLOGY

The data presented in this paper is secondary source. Journals, text books internet, magazines, news papers, conference books. books on income tax and reports.

Factors Leading to Generation of Black Money

Black money arising from illegal activities such as crime and corruption has an underlying antisocial element. The 'criminal' component of black money may include proceeds from a range of activities including racketeering, trafficking in counterfeit and contraband goods, smuggling, production and trade of narcotics, forgery, illegal mining, illegal felling of forests, illicit liquor trade, robbery, kidnapping, human trafficking, sexual exploitation and prostitution, cheating and financial fraud, embezzlement, drug money, bank frauds, and illegal trade in arms. Some of these offences are included in the schedule of the Prevention of Money Laundering Act 2002. The 'corrupt' component of such money could stem from bribery and theft by those holding public office - such as by grant of business, leakages from government social spending programmes, speed money to circumvent or fast-track procedures, black marketing of price-controlled services, and altering land use regularizing unauthorized construction. All these activities are illegal per se and a result of human greed combined with declining societal values and inability of the state to prevent them. Factors leading to their generation are both social and administrative.

Thus the fight against generation and accumulation of black money is likely to be far more complex, requiring stronger intervention of the state, in developing countries like India than in developed countries. It needs a stronger legal framework, commensurate administrative measures, and a very strong resolve to fight the menace. It also calls for political consensus as well as patience and perseverance.

Generating Black Money by Manipulation of Accounts

There can be two different modus operandi involved in the generation of black money. The first is the crude approach of not declaring or reporting the whole of the income or the activities leading to it. This is the likely approach in all cases of criminal, illegal, and impermissible activities. The sophistications in such an approach mostly get introduced subsequently for the purpose of laundering the money so generated with the objective of making it accountable and converting it into legitimate reported wealth that can be openly possessed and used.

RTI REQUEST DETAILS

Registration No. :	GSTKT/R/E/21/00053	Date of Receipt :	17/04/2021
Type of Receipt :	Online Receipt	Language of Request :	English
Name :	Jatender Jit Singh Jamwal	Gender :	Male
Address :	E1/7, COAST GUARD RESIDENTIAL ENCLAVE, EM BYPASS ROAD, MANIKTALA, NEAR MANI SQUARE MALL, Pin:700054		
State :	Details not provided	Country :	India
Phone No. :	+91-9662441853	Mobile No. :	+91-9426141853
Email :	jsjamwal0272@rediffmail.com		
Status(Rural/Urban) :	Urban	Education Status :	Graduate
Is Requester Below Poverty Line ? :	No	Citizenship Status :	Indian
Amount Paid :	10)	Mode of Payment :	Payment Gateway
Does it concern the life or Liberty of a Person ? :	No(Normal)	Request Pertains to :	
Information Sought :	Request provide information as per the attachment :-		

1. Private banks(HDFC Housing Finance) are charging processing fees along with GST towards processing loans/the services being provided by them. Request following:

(a) Private banks (HDFC Housing Finance) are not bound to give bill/ receipt/ letter from authorised signatory for the amount being charged by them from the customer.

(b) Private banks(HDFC Housing Finance) are not bound to give the details of processing fees and GST being charged by them from the customer.

(c) What is the accountability wherein Private banks(HDFC Housing Finance) charging GST from the customers, neither receipt/ details/ letter from authorised signatory being given by them to the customer nor they are ready to respond for refund.

(d) Private banks(HDFC Housing Finance) are not bound to give details of GST being charged by them from the customer along with this GST number to the customer.

(e) Authority to be approached wherein private banks(HDFC Housing Finance) for not providing/ sharing details for fees including GST being charged by them.

(f) How to track and get the details of GST collected by private bank (HDFC Housing Finance) from customers whether being deposited to the government treasury or not?

(g) Which is the government direct regulatory authority for private banks(HDFC Housing Finance) ?

(h) What is the penalty for private banks(HDFC Housing Finance) for not providing GST details and in case they are not depositing the collected GST in the government treasury.

(j) GST for the services not being provided by the private bank (HDFC Housing Finance) can be collected from the customer in advance for indefinite period, where there is nothing firm for such services will required by the customer in near future.

(k) What is the time period for the private banks (HDFC Housing Finance) to deposit the collected GST from the customers to the Govt. treasury.

(l) How GST collected towards processing fees from customer HDFC Housing Finance is being deposited to the government Treasury and What is the accountability.

(m) Details was given by one of the employee of HDFC housing finance without any GST details and signatures through email post numerous reminders is placed down below which is not acceptable to controller defence accounts against my LTC expenditure for the block year as it was declared by MoF for central Govt. employees. Is the certificate acceptable as per the guidelines ?

(i) If certificate is not acceptable whom to complain ?

Dear sir,

Please find the breakup

Loan amount- 703548/-
Processing fee- 4000/-+18% GST(4000+720=4720)

Loan amount(Top up)- 800000/-
Processing fee- 3000/+18%GST(3000+540=3540)

Total= 4720/-+3540/-=8260/-

Thanks & Regards
Saptarshi Majumder