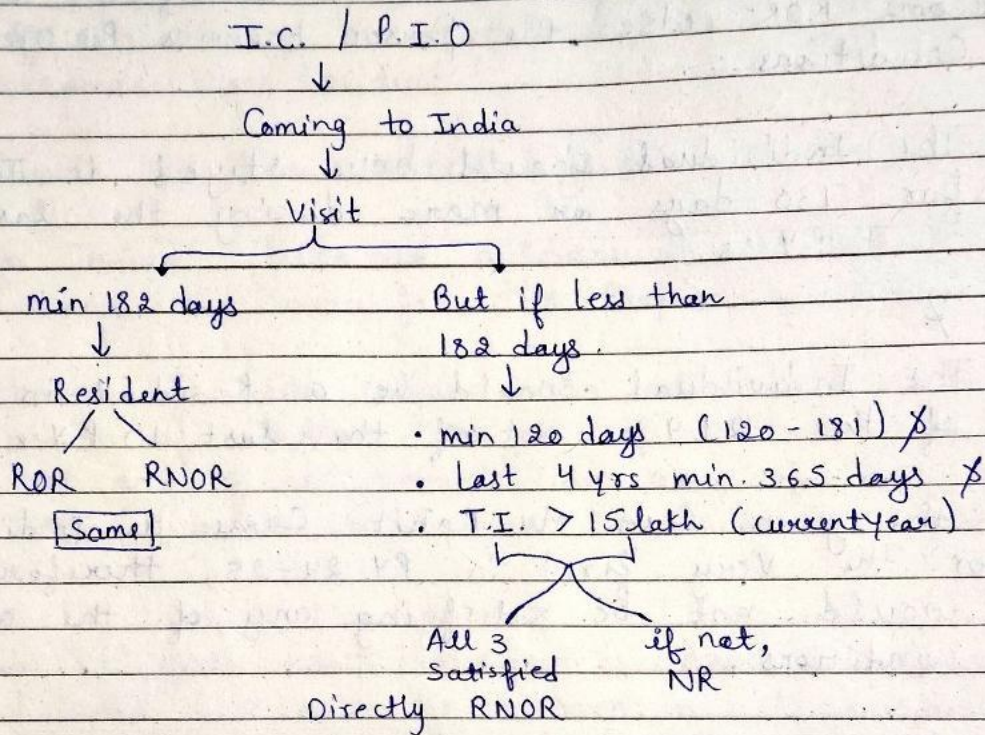


\* Concept for 3<sup>rd</sup> exception :-



Que:-

Find Residential status in the following Cases:-

Cases →	I	II	III	IV	V
Person →	IC	PIO	IC	PIO	IC
24-25 stay	210	170	170	110	140
Last 4 yrs stay	300	400	300	500	365
Total Income	13 lakh	14 lakh	17 lakh	16 lakh	16 lakh
Purpose	Visit	Visit	Visit	Visit	Visit

(I)  $\therefore$  R

(II) min 120 ✓

min 365 ✓

TI > 15 No

$\therefore$  NR

(III) Exception ✓ (Covered)

min 120 ✓

365 X

$\therefore$  NR

(IV) Exception ✓ Covered

120 X

$\therefore$  NR

(V) Exception ✓ Covered

$\therefore$  RNOR

$\Rightarrow$  Provision :-

An Indian citizen or a PIO coming to India for the purpose of visit will be considered as RNOR if he satisfies all 3 conditions below:-

(1) Has stayed for min. 120 days and max. 181 days during the P.Y.

§

(2) Has stayed for min. 365 days during the last 4 P.Y.s

§

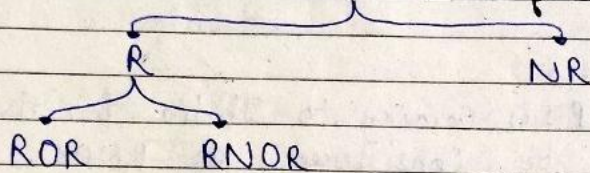
(3) His total income in India during the PY is > 15 Lakh

→ Deemed → Assume करौती

### \* Deemed Resident :-

- IC (+) PIO → NR
- TI > 15 lakh (+) 15 lakh से अधिक → NR  
(Indian income)
- Not taxable anywhere in the world.  
then Directly you are "RNOR".

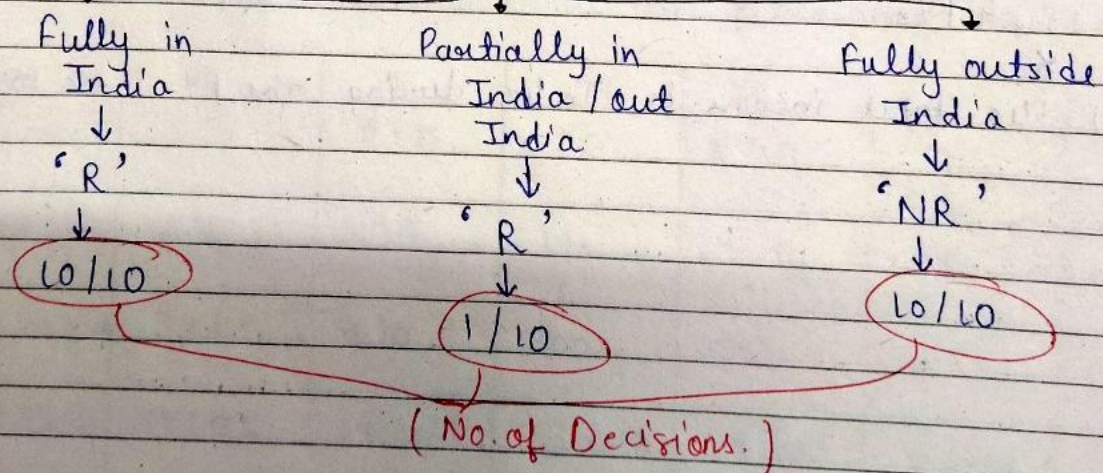
### \* Residential status of HUF.

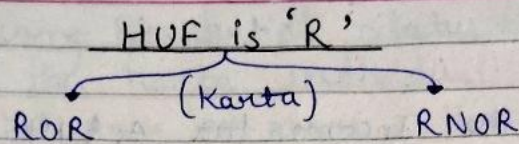


It is decided on the basis of Control & Management

Key Policy decisions ✓  
Day to day affairs. ✗

### Control & Management.





( Last 7 years = min. 730 days  
 Last 10 years = Any 2 years 'R' )

Que:-

Find Residential status if Mr. A Karta of the family has taken few decisions from Haridwar in PY 24-25 his no. of days stay is as under :-

24 - 25	51
23 - 24	100
22 - 23	200
21 - 22	300
20 - 21	0
19 - 20	0
18 - 19	150
17 - 18	100
16 - 17	10
15 - 16	20
14 - 15	30

Find Resi status of Karta & HUF for PY 24-25 ?

∴ (i) HUF Status :-

Resident (Karta)

ROR      RNOR

last 7 years = 730 days.

⇒ 850 days ✓

last 10 years = 2 yrs R

⇒ 22-23 & 21-22 ✓

∴ HUF is ROR.

(ii) Karta status (individual) :-

Current yrs = 182 or 60 + 365 ✗

∴ Karta is NR

### Exam presentation :-

As per section 6 of the Income tax Act 1961, HUF is considered to be Resident in India, if its control and management is either fully in India or partially in India.

Further to ascertain whether HUF is ROR or RNOR will depend upon the no. of days of stay of Karta in India. If Karta non-stayed for min. 730 days during the last 7 P.Y.s and he has been a Resident in any 2 years out of the last 10 P.Y.s, then HUF will be ROR else RNOR.

Now in the given case Karta has taken few decisions in India, therefore HUF is Resident for PY 24-25.

Further Karta has stayed for 850 days during the last 7 P.Y.s & has been a Resident for PY 21 & 22 & P.Y. 22-23 thus satisfying both additional conditions.

Therefore HUF is ROR for PY 24-25

(A) Residential status of Karta (individual) :-

• Types of Residential status :

(i) Resident :- If the Karta individual resides in India for more than 2 yrs, their residential status is considered 'Resident'.