# **Analysis Of Recent Tax Cases**

2018

Date	Venue	<b>Event Code</b>
18 January 2019	Mutiara Hotel, Johor Bahru	SE/023
22 January 2019	Le Meridien Hotel, Kota Kinabalu	SE/025
24 January 2019	Pullman Hotel, Kuching	SE/026
30 January 2019	Weil Hotel, Ipoh	SE/022
31 January 2019	Hotel Jen, Penang	SE/024

### Cases

IMSB v Ketua Pengarah Hasil Dalam Negeri (High Court) Issue: Challenging a negative advance ruling

MHSB v Ketua Pengarah Hasil Dalam Negeri (High Court) Issue: Judicial review as a mechanism to resolve tax dispute

Pemungut Duti Setem v CT Sdn Bhd (Court of Appeal)
Issue: Section 15(1) stamp duty relief for amalgamation of land

MCEIB v Ketua Pengarah Hasil Dalam Negeri (Special Commissioners)

Issues: Reinvestment allowance for diversification & What amounts to negligence for time-bar?

HMCOS v Ketua Pengarah Hasil Dalam Negeri (High Court) Issue: Section 109(3A) remission of withholding tax for good cause

SSK v Ketua Pengarah Hasil Dalam Negeri (High Court) Issue: Setting aside travel restriction via judicial review

Government of Malaysia v BSB (Court of Appeal)
Issue: Stay of proceedings in civil recovery proceedings

HLC v Ketua Pengarah Hasil Dalam Negeri (High Court)
Issue: Withholding tax for interest paid to a Labuan entity

ORA v Ketua Pengarah Hasil Dalam Negeri (High Court) Issue: Withholding tax for technical services vs Article 8 of the DTA

GSSB v Ketua Pengarah Hasil Dalam Negeri (High Court) Issue: Whether software distribution fee amounts to royalty

NRSB v Ketua Pengarah Hasil Dalam Negeri (High Court) Issue: RPGT v income tax: Recent trends & Can liquidators be said to be trading?

# **Speakers**



### S. Saravana Kumar

Partner
Lee Hishammuddin Allen & Gledhill

Committed, sound in knowledge, amiable and always well prepared

Saravana has appeared in benchmark litigations with a sizeable volume of wins in tax disputes. Praised for his ability to "think outside the box" and "innovative

approach" in interpreting the law, Chambers Asia Pacific 2016 acknowledged Saravana for being "dynamic, efficient and helpful". Meanwhile, Chambers Asia Pacific 2017 commented that clients have remarked, "His tax knowledge is very in-depth and he is fast at responding." Saravana is an Adjunct Professor with Universiti Tenaga Nasional (UNITEN) and chairs the Taxation Section of LAWASIA.



**Jason Tan**Senior Associate
Lee Hishammuddin Allen & Gledhill

Jason graduated from Cardiff University, the UK. He was admitted as a Barrister-a-Law (Lincoln's Inn) in 2012 and as Advocate & Solicitor of the High Court of Malaya in 2013. Jason's main area of practice consists of trade remedies and customs law, particularly anti-dumping and safeguard duties. He has represented local

manufacturers, importers and foreign exporters in various landmark trade remedy actions as well as litigation in Malaysia. The practice group which is led by Datuk D P Naban and Mr S Saravana Kumar, also regularly works with clients to maximise opportunities and minimise the risks of international trade regulations. In addition, Jason advises client on non-tariff trade barriers and export controls. Where Customs law is concerned, he routinely advises importers on Customs compliance, penalties and prior disclosures as well as litigating in Customs disputes.



Please present your identification card upon registration and collection of certificate of attendance for verification purposes. Registration and collection of the certificate of attendance on your behalf is not allowed.









## **Registration Form**

Please retain original copy for your records. | Please photocopy for additional delegates. | Registration can be made via fax.

### Analysis Of Recent Tax Cases

### **Registration Fees**

- □ CTIM/ACCA Member ☐ Member's Firm Staff
- Non Member

RM450 RM550 RM650

- Seats are limited and based on first-come, first-served basis
- Registration of participants will be confirmed upon registration, receipt of full payment or an acceptable employers guarantee and settlement of previous outstanding dues.

  All outstanding payment must be received on or prior to the date of the event for participants to be allowed to attend. The institute reserves the right to cancel the registration if no payment is received prior to or on the date of the event.
- Walk-in participant registration and attendance is subject to availability of seats and full payment. Certificate of attendance will only be released upon participant signing the attendance register before 10.30am, full attendance and after completion of the event.

### **Enquiries**

Tel: 03-2162 8989 03-2161 3207

03-2162 8990 Email: cpd@ctim.org.my

B-13-1, Block B, Level 13, Unit 1, Megan Avenue II, No 12, Jalan Yap Kwan Seng, 50450 Kuala Lumpur

### **Contact Person:**

For Klang Valley events:

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Ms Jaslina (ext 131/ jaslina@ctim.org.my) Ms Zaimah (ext 119/ zaimah@ctim.org.my) General enquiries:

Ms Ally (ext 123 / ally@ctim.org.my)

Please tick the relevan	nt boxes			
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☐ 18 January 2019	Mutiara Hotel, Johor Bahru	☐ 30 January 2019	Weil Hotel, Ipoh	
<ul><li>□ 22 January 2019</li><li>□ 24 January 2019</li></ul>	Le Meridien Hotel, Kota Kinabalu Pullman Hotel, Kuching	☐ 31 January 2019	Hotel Jen, Penang	
24 Juniary 2013	- unitial Flotol, Rabining			
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The Chartered Tax Institute of Malaysia must receive cancellations in writing five working days prior to the event. Refund amount is subject to deduction of administration and finance charges. No refund will be given for cancellations received within less than five working days of the event.

Confirmation of Registration
The confirmation letter will be emailed 5 days before the commencement of the event upon receipt of full payment. In the event you do not receive the confirmation letter 5 days before the event, please contact us immediately.

The Organiser reserves the right to change the speaker, date, venue or to cancel the event if the number of participants is less than 20. A minimum of 3 days notice will be given.

Recording
Video / Sound recording is strictly prohibited