TAX PLANNING PRACTICES IN THE NEPALESE COMMERCIAL BANKS

A Thesis

Submitted By:

Dilip Dangi T.U. Reg. No: 7-1-324-145-2000 Roll No: 742/062 M.B.S. Symbol No: 1748/064 Nepal Commerce Campus

Submitted To:

Office of the Dean Faculty of Management Tribhuvan University

In partial fulfillment of the requirements for the degree of Master of Business Studies (MBS)

> New Baneshwor, Kathmandu December 2008

RECOMMENDATION

This is to certify that the thesis

Submitted by: Dilip Dangi

Entitled

"TAX PLANNING PRACTICES IN THE NEPALESE COMMERCIAL BANKS"

has been prepared as approved by this department in the prescribed format of Faculty of Management. This thesis is forwarded for examination

(Dr. Bihari Binod Pokharel) Chairperson, Research Department (Mr. Jit Bahadur K.C.) Thesis Supervisor

(Mr. Diwakar Pokharel) For Campus Chief

Date:

VIVA - VOCE SHEET We have conducted the viva – voce examination of the Thesis

Submitted by: Dilip Dangi

Entitled

TAX PLANNING PRACTICES IN THE NEPALESE COMMERCIAL BANKS

and found the thesis to be the original work of the student written in accordance with the prescribed format. We recommend the thesis to be accepted as partial fulfillment of the requirements for Master Degree of Business Studies (M.B.S).

Viva- Voce Committee

Chairperson, Research committee:
Member (Thesis Supervisor):
Member (External Expert):
Date:

DECLARATION

I here by declare that the work reported in this thesis entitled "TAX PLANNING **PRACTICES IN THE NEPALESE COMMERCIAL BANKS**" submitted to Research Department of Nepal Commerce Campus, Faculty of Management, Tribhuvan University, is my original work as partial fulfillment of the requirements of the degree of Master of Business Studies (M.B.S). This is prepared under the supervision of **Mr. Jit Bahadur K. C.,** Nepal Commerce Campus, New Baneshwor.

.....

Dilip Dangi Researcher T.U. Registration No: 7-1-324-145-2000 Campus Roll No: 742/62

Date:

ACKNOWLEDGEMENTS

This research has not been completed by my sole efforts only. Many helping hands made contribute in different ways to bring out in this shape.

Firstly, I would like to extend my sincere gratitude to my thesis supervisors **Mr**. **Jit Bahadur K. C.** of Nepal Commerce Campus, T.U. for their valuable guidance, suggestions, timely supervision and kind treatment as well as co-operation in completing thesis work without their valuable suggestions and time, I would not have been able to complete it in this form.

I would like to extend my gratefulness to Dr Bihari Binod Pokharel ,Chairperson, Research Department and lecturers of Nepal Commerce Campus, staffs of Library and administration of Nepal Commerce Campus and Central Library of T.U. and all my colleagues who have extended their helping hands towards the accomplishment of this thesis. The staff members of NRB and officials of concerned banks also deserve my cordial thanks for their kind support.

Similarly, I would like to extend my thanks to the Internal Audit Head – Kumari Bank Limited, Mr. Nirmal Khatiwada, and Hari Devkota of Naya Patriya Prakashan for providing me necessary data.

Lastly, but not least, I would like to express my deep gratitude to my parents Mr. Buddhi Bahadur Dangi and Mrs. Ghuma Devi Dangi, and also my sincere gratitude goes to all those who helped me in some way or other in presenting this thesis as a final product.

> Dilip Dangi Nepal Commerce Campus New Baneshwor

TABLE OF CONTENTS

VIVA VOCE SHEET		
<i>RECOMMENDATION</i> DECLARATION	II III	
ACKNOWLEDGEMENTS	IV	
TABLE OF CONTENTS	V-VIII	
LIST OF TABLES	IX	
LIST OF FIGURES	Х	
ABBREVIATIONS	XI	
CHAPTER I: INTRODUCTION	1-16	
1.1 Background of the Study	1	
1.2 Relevance of Tax Planning to Commercial Banks	2	
1.3 Statement of Problem		
1.4 Objectives of the Study 7		
1.5 Significance of the Study	8	
1.6 Limitations of the Study	8	
1.7 Brief Introduction of Sampled Commercial Banks 9		
1.7.1. Nepal Bank Ltd.	10	
1.7.2. Rastriya Banijya Bank Ltd.	11	
1.7.3. Standard Chartered Bank Ltd.	11	
1.7.4. Nabil Bank Ltd.	11	
1.7.5. Nepal Investment Bank Ltd.	12	
1.7.6. Laxmi Bank Ltd.	12	
1.7.7. Kumari Bank Ltd.	13	
1.7.8. Bank of Kathmandu Ltd.	14	

1.7.9 Citizens Bank International Ltd.	14
1.7.10. Machhapuchchhre Bank Ltd.	15
1.8 Organization of the Study	15
CHAPTER II: REVIEW OF LITERATURE	17-57
2.1 Evolution of Commercial Banks in Nepal	17
2.2 Present Scenario of Commercial Banks in Nepal	19
2.3 Review of Theoretical Concept of Tax and Tax Planning	19
2.3.1 Concept of Tax	19
2.3.2 Concept of Corporate Tax	21
2.3.3 Theoretical Framework of Tax Planning	23
2.3.4 Techniques of Minimizing Tax Liability	25
2.3.5 General Areas of Tax Planning	30
2.3.5.1 Accounting Method	31
2.3.5.2 Inventory Valuation Method	32
2.3.5.3 Equipment Purchase	33
2.3.5.4 Wages Paid to Family Members	33
2.3.5.5 Benefits Plans and Investments	34
2.4 Scope of Tax Planning Under Income Tax Act, 2058	34
2.4.1 Selection of Business	34
2.4.2 Nature of the Business	37
2.4.3 Planning of Organizational Structure	37
2.4.4 Physical Location Selection	38
2.4.4.1 Economically and Back Development Region	38
2.4.5 Merger	41
2.4.6 Capital Structure Planning	41
2.4.7 Employment Decision	42
2.4.8 Planning for Make or Buy Decision	42
2.4.9 Repair & Improvement Cost (S/16)	43

2.4.10 Loss Recovery	44
2.4.11 Planning for Pollution Control Cost (S/17)	44
2.4.12 Planning for R&D Cost (S/18)	44
2.4.13 Others	45
2.5 Review of Some Terminologies Used in Taxation	45
2.6 Review of Historical Background of Taxation in Nepal	48
2.7 Review of Texts and Articles	50
2.8 Review of Research Papers	54
2.9 Research Gap	57
CHAPTER III: RESEARCH METHODOLOGY	58-62
3.1 Research Design	59
3.2 Sources of Data	59
3.3 Population and Sampling	59
3.4 Data Gathering Procedure	61
3.5 Data Processing and Analyzing Procedure	61
3.6 Statistical Procedure	62
CHAPTER IV: PRESENTATION AND ANALYSIS OF DATA	63-113
4.1 Location of Business	64
4.1.1 Tax Planning Procedure	66
4.1.2 Presentation and Analysis	67
4.2 Timing of Activities	68
4.2.1 Tax Planning Procedure	68
4.2.2 Presentation and Analysis	69
4.3 Time Value of Money	70
4.3.1 Tax Planning Procedure	71
4.3.2 Presentation and Analysis	72
4.4 Number of Employees	73

4.4.1 Tax Planning Procedure	73
4.4.2 Presentation and Analysis	74
4.5 Depreciation	75
4.5.1 Tax Planning Procedure	76
4.5.2 Presentation and Analysis	77
4.6 Leasing and Buying	78
4.6.1 Tax Planning Procedure	78
4.6.2 Presentation and Analysis	79
4.7 Research and Development Cost	80
4.7.1 Tax Planning Procedure	80
4.7.2 Presentation and Analysis	81
4.8 Capital Structures	82
4.8.1 Tax Planning Procedure	84
4.8.2 Presentation and Analysis	85
4.9 Avoiding the Penalties87	
4.9.1 Tax Planning Procedure	88
4.9.2 Presentation and Analysis	89
4.10 Pollution Control Cost	90
4.10.1Tax Planning Procedure	90
4.10.2 Presentation and Analysis	91
4.11 Repair and Maintenance Cost	92
4.11.1 Tax Planning Procedure	93
4.11.2 Presentation and Analysis	93
4.12 Recovery of Losses	94
4.12.1 Carry Forward of Loss	95
4.12.1.1 Tax Planning Procedure	96
4.12.1.2 Presentation and Analysis	
4.13 Presentation and Analysis of Major Responses from Questionnaires	97
4.14 Major Findings of the Study	110

CHAPTER V: SUMMARY, CONCLUSION AND RECOMMENDATIONS	114-121
5.1 Summary	114
5.2 Conclusion	116
5.3 Recommendations	117

BIBLIOGRAPHY

APPENDICES

LIST OF TABLES

Table	s Titles		Pages
1.1 1.2	Net Profit of Banks Tax Paid Amount by Top Heavy Taxpayer Companies in Nep	al	4 5
2.1	2.1 Tax Rate for Least Developed Areas		39
2.2	Tax Rate for Undeveloped Areas		39
2.3	Tax Rate for Underdeveloped Areas		40
3.1 4.1 Tax Pl	List of the Nepalese Commercial Banks Banks Considering Location of Business for the Purpose of		60 67
Tax PlanningBanks Considering Timing of Activities Decision for thePurpose of Tax PlanningBanks Considering Time Value of Money for the Purpose of72Tax Planning			
Banks Considering No. of Employee Decision for the Purposeof Tax Planning744.5Banks Considering Depreciation Decision for the Purpose ofTax Planning77Methods Preferred by Nepalese Commercial Banks while Purchasing			
Fixed 4.7 4.8 4.9 of Tax	Assets Expenses Made by Nepalese Commercial Banks in R & D EAT in Different Capital Structure Banks Considering Capital Structure Decision for the Purpose Planning	79 85	81 84
4.10 4.11 4.12 4.13	Preferred Capital Structures by Nepalese Commercial Banks Banks that Avoid Penalties for the Purpose of Tax Planning Expenses Made by Nepalese Commercial Bank in PCC Banks Considering Asset's Depreciation Base for the Purpose		86 89 91
of Tax Planning91Banks Considering Carry Forward of Loss for the Purpose of tax Planning974.15Preferred Priorities Options by Nepalese Banks While			
Launching New Branches98Banks that Consider on Reducing Tax Liability While98			

Makin	g Any Decision	99	
4.17	Nepalese Banks Using Tax Planning Software		100
4.18	Designation of Nepalese Bank Officials who Asses Taxable I	ncome	101
4.19	Difficulties Faced by Nepalese Bank While Practicing Tax Pl	anning	103
4.20	Nepalese Banks Practicing on Benefits, Concessions, Rebates	etc	
as Stated in ITA, 2002 104			
Percen	tage of Profit Earned by Nepalese Banks Due to Well		
Practic	ce of Tax Planning	105	
4.22	Whether ITA, 2002 has Provided Sufficient Grounds to Nepal	lese	
Banks	for the Practice of Tax Planning or Not?	106	
4.23	Methods Preferred by Nepalese Banks to Reduce Tax Liabilit	у	
4.24	Practice Level of Tax Planning by Nepalese Commercial Ban	ks	109

LIST OF FIGURES

Figure	es Titles	Pages
1.1	Tax Paid Amount and Net Profits of Heavy Taxpayer Banks	6
4.1	Level of Staff Involved in Tax Planning in the Nepalese Banks	102
4.2	Difficulties Faced by Nepalese Banks for Tax Planning	104
4.3	Has ITA, 2002 Provided Sufficient Grounds for the Practice	
	of Tax Planning?	107
4.4	Preferred Methods by Nepalese Banks for the Reduction of	
	Tax Burden	109
4.5	Level of Tax Planning Practices by Nepalese Commercial Banks	110

ABBREVIATIONS

A.D.	Anno Domini (after the birth of Jesus Christ)
BOT	Build Operate and Transfer
BS	Bikram Sambat
CBIL	Citizens Bank International Limited
DDC	District Development Committee
EAT	Earning After Tax
EBIT	Earning Before Interest and Taxes
EBT	Earning Before Taxes
FIFO	First-In-First-Out
HBL	Himalayan Bank Limited
http	Hypertext transfer protocol
ICT	Information and Communication Technology
IEA	Industrial Enterprise Act
IRD	Inland Revenue Department
IRD	Inland Revenue Department
ITA	Income Tax Act
ITA	Information Technology Park
KBL	Kumari Bank Limited
LBL	Laxmi Bank Limited
LIFO	Last –In-First-Out
MBL	Machhapuchchhre Bank Limited
NABIL	Nabil Bank Limited
NBL	
n.d.	Net available of published date
NIBL	Not available of published date Nepal Investment Bank Limited
PCC	Pollution Control Cost
PV	Present Value
Pvt. Ltd.	Private Limited
RBB	
	Rastriya Banijya Bank
R&D ROE	Research and Development
S	Return on Equity Abbreviation for Section/s
S SCBNL	Standard Chartered Bank Nepal Limited
SCBNL S.N.	Standard Chartered Bank Nepai Emined
US	United States
VAT	Value Added Tax
VAT	
WAN	Village Development Committee Wide Area Network
	World Wide Web
WWW	