

Southern India Regional Council > THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA > SET UP BY AN ACT OF PARLIAMENT



CA. K. Raghu, Vice-President, ICAI addressing members at Mangalore 26<sup>th</sup> October 2013: CA. Subodh Kumar Agrawal, President, ICAI, CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. Babu Abraham Kallivayalil and CA. M. Devaraja Reddy, Central Council Members, ICAI, CA. Jomon K. George, Member, SIRC, CA. C. Hari, Chairman, Trivandrum Branch of SIRC and other functionaries. CA. Subodh Kumar Agrawal, President, ICAI addressing members at Trivandrum.



Sub-Regional Conference at Manglore on 24<sup>th</sup> October 2013: CA. K. Raghu, Vice-President, ICAI with CA.D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. E. Phalguna Kumar, Member, SIRC, CA. C.S. Srinivas, Member, SIRC, CA. M. Jagannath Kamath, Chairman, Mangalore Branch, CA. U. Muralidhar Kini, Chairman, Udupi Branch and other Functionaries.

Southern India Regional Council The Institute of Chartered Accountants of India

# Udyati

45 th Regional Conference SIRC of ICAI 13th & 14th December 2013, Visakhapatnam



# Chairman writes ...

My dear Professional Colleagues,

## 45th Regional Conference of SIRC of ICAI:

Welcome to Visakhapatnam: The members of the Conference Committee and I extend our warmest welcome to the prestigious and eventful 45<sup>th</sup> Regional Conference of SIRC - "Udyati". We invite you as delegate and also as our valued guests to the first ever Regional Conference at Visakhapatnam. We look forward to have your participation in large numbers across the Region and give us the honour and privilege to make your stay at Visakhapatnam comfortable, congenial and captivating with your wisdom to share amongst our professional fraternity.

Visakhapatnam Branch has geared up to its potential with its resources to host this Conference in a commendable manner to make this occasion linger in the minds of the delegates for years to recall. We have endeared and endeavoured to create a benchmark in all respects and make the Conference grandeur.

This Conference being held on 13<sup>th</sup> and 14<sup>th</sup> December 2013 at Indoor Port Stadium will see a sea of our elite professionals joining together to discuss and deliberate to take our profession to much greater heights. Your being part of this momentous Conference along with the resource persons of repute and high dignitaries in the Inaugural and Technical Sessions would add value. It is therefore my invitation to you once again to share the happy moments and fellowship with our colleagues.

The Conference Committee has identified topics which are of high relevance and current importance and renowned resource persons have been invited to share their expert knowledge on the technical issues in different subjects.

## **Registration for the Conference:**

The registration for the Conference has been very encouraging and SIRC has made arrangements for collection of delegate fee by the Branches, CPE Study Circles and Chapters. Online registration is also in place at SIRC portal www.sircoficai.org. We request members to send their registration at the earliest which will help us to plan the logistic arrangements well in advance and with ease, precision and perfection.

## Sub-Regional Conference:

The 5<sup>th</sup> Sub-Regional Conference on 24<sup>th</sup> October 2013 at Mangalore, hosted by Mangalore and Udupi Branches was graced with the august presence of our beloved Vice-President CA. K. Raghu. The Conference was well attended and informative and enlightening. I congratulate CA. M. Jagannath Kamath, Chairman, Mangalore Branch and CA. U. Muralidhar Kini, Chairman, Udupi Branch and their team of office-bearers and Managing Committee Members for their zeal and enthusiasm and appreciable hospitality to make the Sub-Regional Conference yet another success story in the annals of SIRC. With this, we have conducted Sub Regional Conferences in all States and Union territory and we will continue this concept as an annual feature.

## Visit to Branches:

During the the month of October, I had visited as many as 11 Branches across the Region. My visit to Sivakasi, Tirunelveli and Tuticorin in Tamil Nadu, Vijayawada in Andhra Pradesh, Mangalore and Udupi in Karnataka, Calicut, Palghat, Quilon, Trichur and Trivandrum in Kerala along with CA. P.R. Aruloli, Secretary, SIRC in connection with the programmes at the respective places also gave me a scintillating experience and was very interesting and invaluable.

My visit to Tuticorin, Sivakasi, Calicut, and Palghat was in effect interacting with the members of the Managing Committee and the members and students. Visit to Vijayawada, Trichur, Quilon and Trivandrum were in connection with the Seminars organized by the respective Branches. At Trivandrum I had the pleasant privilege of being with our beloved President CA. Subodh Kumar Agrawal while he addressed our members in a Seminar.

I had the pleasant opportunity to inaugurate the renovated reading hall for members and students at Udupi. The Tiruneveli Branch is constructing a building and we visited the site along with the Chairman and Managing Committee Members of the Branch and reviewed the progress and arrangements for the inauguration of the building.

In all these places, I was overwhelmed with the warmth and affection shown by the members and students and was very impressive and invigorating which I will cherish. The visits gave me yet another opportunity to meet our members and to receive their inputs for the development of our profession. I thank CA. M.R. Antony Xavier, Chairman, Tuticorin Branch, CA. M. Muthusubramanian, Chairman, Sivakasi Branch, CA. Ranjaji Umesh, Chairman, Calicut Branch, CA. A.K. Mohandas, Chairman, Palghat Branch, CA. B. Shivaji Prasad, Chairman, Vijayawada Branch, CA. T.T. Shajan, Chairman, Trichur Branch, CA. T.Y. Koshy, Chairman, Quilon Branch, CA. V. Ramasamy, Chairman, Tirunvelveli Branch, CA. C. Hari, Chairman, Trivandrum Branch, CA. M. Jagannath Kamath, Chairman, Mangalore Branch, CA. U. Muralidhar Kini, Chairman, Udupi Branch and their team of the Managing Committee embers for their support, co-operation and sharing of their thoughts.

## Annual Regional Residential Course (ARRC):

Compared to non-residential programmes, Residential Courses have special ingredients, like more interaction, more effective and informative group discussions and in-depth analysis of subjects amongst the participants. Further, it provides an opportunity to the members to be away from the workplace and relax and refresh in an environment best suited for togetherness amongst the professional fraternity.

#### CHAIRMAN WRITES (Contd..)

With this background, we thought it prudent to commence a Residential Course in an improvised way which should be an annual feature. coined as Annual Regional Residential Course (ARRC). We propose to organize the First Residential Course on the topic "International Taxation" at Bangalore from 20th to 22nd December 2013. We have intertwined subjects of paramount importance in the field of International Taxation drawing eminent resource persons of excellence.

Complete details of the Course is published in Page No. 7 of this Newsletter.

## **Certification Courses:**

The Certification Course on Concurrent Audit of Banks was successfully conducted at Chennai. Course on Indirect Taxes was commenced on 26<sup>th</sup> October 2013 and response was very good. We are also encouraging all the Branches to conduct certification courses in various subjects.

#### **Updates Column:**

SIRC has been covering latest judicial pronouncements on Direct Taxes and Indirect Taxes every month. We have now proposed to enlarge the update column with the following information on Direct Taxes, Indirect Taxes, Corporate Laws, Foreign Exchange Management Act., Banking, VAT in different States, etc., from the next issue of the Newsletter.

- Press Releases
- Circulars
- Amendments . Clarifications

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**Notifications** Landmark Judgments

Members may send their contribution for review of the Editorial Board and consideration of publication.

#### **Chartered Accountants Benevolent Fund (CABF):**

As you are aware the Chartered Accountants Benevolent Fund was set up by the Institute in the year 1962 with the object of providing financial assistance to the members and the family members of the deceased members for maintenance, education or any other similar purpose to necessitous persons. The contribution to the Fund is exempt under section 80G of the Income-tax Act, 1961.

The salient features of the Fund are published elsewhere in this Newsletter. I appeal to the members to strengthen the corpus by becoming Life Members and if already become Life Members to contribute further their mite to enable the Fund to offer to the needy members and their families.

### Sharing of Thoughts:

Before I conclude, I hasten to share my thoughts on one of the facets – "Legacy and Posterity" which go together in the peripheral of human activity.

## "We must begin thinking like a river if we are to leave a legacy of beauty and life for future generations." - David Brower

For any institution there is a legacy and to our profession it dates back to time immemorial. The accounting function predominantly revolves around the mathematical references. India is one of the pioneers in inventing the mathematical figure zero (0) and many other functional aspects to determine the value of any commodity. Accounting in whatever name it was called is recording of the transactions. With accounting as the base came the next level in the form of "taxation" enabling the administrators to mobilize resources for their country and then came the various forms of taxation. The foundation that was laid in the ancient periods is standing in good stead for the administrators of to-day around the world and India can be proud of having built up the system and recording the happenings.

We, the second largest accounting body in the world take forward the legacy of this great accounting profession in all earnestness to create more and more professional opportunities to the posterity which does not limit to a particular time frame or period but forever to our professional fraternity. We are all dedicated to take our Institute and the profession to indomitable level and create indelible upward trajectory of achievements to bring accolades across the globe and uphold the legacy of the accounting profession and ushering in a new era to the posterity.

### Looking forward:

On behalf of SIRC and Visakhapatnam Branch it is a pleasant and privileged occasion to look forward to meet you at Visakhapatnam on  $13^{th}$  &  $14^{th}$  December 2013 at the  $45^{th}$ Regional Conference of SIRC.

Until we meet through this column, my warm regards,

Yours in professional service

**CA. D. PRASANNA KUMAR** chairmansirc@gmail.com

		EDITORIAL BOARD			
<u>Editor</u>	: CA. D. Prasanna Kumar				
<u>Members</u>	: CA. P.R. Suresh	CA. M. Devaraja Reddy			
	CA. P.R. Aruloli CA. V.G. Aravindanayagi				
	CA. Gopal Krishna Raju	CA. K. Pattabhiraman			
	CA. P.V. Rajarajeswaran	CA. Siva Prasad Nandyal			
	CA. Babu Abraham Kallivayalil				



SIRC CALENDAR

NOVEMBER & DECEMBER 2013

		Contact: Dr. T. Para	Contact: Dr. T. Paramasivan, Senior Deputy Director (Tech.) – ICAI – Phone: 044 – 30210361 / 320 – E-mail: sirc@icai.in	irector [Tech.] – ICAI – Ph	one: 044 – 30210361 / 3	320 – E-mail: :	sirc@icai.in	
S. No.	o. Date and Day	Programme Name	Resource Persons	Timings	Venue	CPE Credit	Delegate Fees ₹	Page No
H	November 12, 2013 Tuesday	CPE Teleconference	Details will be updated in ICAI Website	11.00 a.m. – 1.00 p.m.	ICAI Bhawan	2	150	
2	November 16,2013 Saturday	One Day Seminar on	on Direct Taxes	10.00 a.m 5.00 p.m.	ICAI Bhawan	Q	1000	IJ
m	November 20, 2013 Wednesday	CPE Study Circle Meeting on BASEL - Capital Conservation	<b>Mr. A.J.D. Thangaraj</b> Chennai	6.15 p.m. – 8.30 p.m.	ICAI Bhawan	N	No Delegate Fee	
4	November 22, 2013 Friday	CPE Teleconference	Details will be updated in <b>ICAI Website</b>	11.00 a.m. – 1.00 p.m.	ICAI Bhawan	2	150	ı
ъ	November 27, 2013 Wednesday	CPE Study Circle Meeting on <b>FDI in Retail Trade</b>	<b>CA. R. Baskar</b> Chennai	6.15 p.m. – 8.30 p.m.	ICAI Bhawan	N	150	,
ى	November 28, 2013 Thursday	CPE Teleconference	Details will be updated in <b>ICAI Website</b>	11.00 a.m. – 1.00 p.m.	ICAI Bhawan	N	150	,
~	November 29 & 30, 2013 Friday & Saturday	3rd All India Joint Regional Conference of SIRC, WIRC, EIRC, CIRC and NIRC of ICAI	ial Conference of and NIRC of ICAI	10.00 a.m 5.00 p.m.	SIndhu Bhawan Ahmedabad	12	2100	ى
ω	November 30, 2013 Saturday	One Day Awareness program on Financial Reporting Practices	ess program on ting Practices	10.00 a.m 5.00 p.m.	ICAI Bhawan	ى	1000	IJ
6	December 4, 2013 Wednesday	CPE Study Circle Meeting on Latest on SAP	<b>CA. T.N. Ramanathan</b> Chennai	6.15 p.m. – 8.30 p.m.	ICAI Bhawan	2	150	ı
10	December 13 & 14, 2013 Friday & Saturday	45 <sup>th</sup> Region	45th Regional Conference of SIRC of ICAI	ICAI	Port Indoor Stadium Vishakapatnam	12	3000	9 - 15
11	December 20 - 22, 2013 Friday, Saturday & Sunday	1 <sup>st</sup> Annual Regional Resid	1ª Annual Regional Residential Course: Topic: International Taxation	rnational Taxation	Hotel Prestige Angsana, Bangalore	14	10000	N.
5	nless otherwise specified, the deleg	Unless otherwise specified, the delegate fee for SIRC Programmes may be paid by way of Cash or by Cheque / DD drawn in favour of 'SIRC of ICAI' payable at Chennai and shall be sent to SIRC of ICAI, 'ICAI Bhawan', No.122, Mahatma Gandhi Road, Nungambakkam, Chennai – 600034. Phone: 044-30210320; Fax: 044-30210355 ; Email: sirc@icai.in	aid by way of Cash or by Cheque ambakkam, Chennai – 600034	<ul> <li>/ DD drawn in favour of 'SIRC c</li> <li>. Phone: 044-30210320; Fax: C</li> </ul>	of ICAI' payable at Chennai a 144-30210355 ; Email: sirc©	nd shall be sent Ìicai.in	to SIRC of ICAI, 'ICAI I	3hawan',

4 November - 2013

**SIRC Newsletter** 

# SIRC Newsletter

SEMINAR ON DIRECT TAXES	; c
P Brahmayya Memorial Hall, 'IC	Al Bhawan'
No. 122, MG Road, Nungambakka	am
Chennai-600034	-
Day & Date	Timings

Saturday, November 16, 2013	10.00 a.m. to 5.00 p.m.	
Topics	Resource Person	
Survey, Search and Seizure – Current Developments	<b>CA. Kapil Goel</b> New Delhi	
Stay, Tax Recovery and other related provisions under the Income-tax Act, 1961	<b>CA. S. Swaminathan</b> Chennai	
Notices and Summons	Eminent Resource Person	
Section 69B v/s Section 50C of the Income-tax Act	<b>CA. T. Raghunathan</b> Chennai	

# DELEGATE FEE: ₹ 1000

CA. D. Prasanna Kumar Chairman, SIRC

# **REGIONAL RESIDENTIAL CONFERENCE**

Organised by CPE COMMITTEE SIRC of ICAI

Host Trivandrum Branch of SIRC



CA. P R Aruloli

Secretary, SIRC

**CPE** Credit

5

HOURS

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Day & Dates :	31 <sup>st</sup> January,
	1 <sup>st</sup> and 2 <sup>nd</sup> February 2014
Venue :	<b>Hotel Udaya Samudra,</b> Kovalam, Trivandrum.
	DELEGATE FEE: ₹ 9500

For detials please contacy: CA. C. Hari (093493 29711)

Detailed information will be published in the forthcoming issue of SIRC Newsletter.

# Invitation for Contribution of Articles

SIRC of ICAI invites Articles from Members for publication in the SIRC Newsletter for the month of October 2013 which should reach SIRC by email to sirc@icai.in and sircnewsltr@icai.in latest by 20th November 2013 for consideration by the Editorial Board.

OBITUARY							
MRN Name Status Place Date of Death							
210408	210408 MR. MAHALINGAM B FCA CHENNAI 05/10/2013						
May the	Almighty Architect of t	he Univer	se rest the	soul in peace			

-	ONE DAY AWARENESS PROGRAMME ON FINANCIAL REPORTING PRACTICES				
Organised by:	d by: Financial Reporting HOURS Review Board, ICAI				
Hosted by:	y: SIRC of ICAI				
Venue:	<b>P Brahmayya Memorial Hall, 'ICAI Bhawan'</b> No. 122, MG Road, Nungambakkam Chennai-600034				
Day & Date Timings Saturday, November 30, 2013 10.00 a.m. to 5.00 p.m.					
Technical Sessions					

Overview of Financial Reporting Review Board and its activities & Developments in GAAps and Latest Amendments in Companies Act with reference to Accounts and Audit.

Common Non-Compliances in the General Purpose Financial Statements Observed by FRRB - Case Studies & Query Clarifications.

Regulatory Compliances - Revised Schedule VI

# Issues in CARO

# DELEGATE FEE: ₹ 1000

CA. Nilesh Shivji Vikamsey Chairman, FRRB, Conference Chairman

CA.D. Prasanna Kumar	CA. P R Aruloli
Member, FRRB Conference Director	Member, FRRB Conference Director
CA. Babu Abraham Kallivayalil	CA. J.Venkateswarlu

Chairman. SIRC

Conference Co-ordinator

Conference Director CA. P R Aruloli Secretary, SIRC

**Conference Co-ordinator** 

# **IMPORTANT WEB PORTALS OF ICAI**

- Accounting Research Foundation www.icaiarf.org
- CANet The ICAI Facilitation Measure www.canet.co.in
- Committee for Capacity Building of CA Firms and Small and Medium Practitioners (CCBCAF & SMP) - www.icai.org.in
- Committee for Cooperatives & NPO Sectors http://cconpo.icai.org
- Continuing Professional Education Committee www.cpeicai.org
- Elearning Portal http://elearn.icai.org/index.html
- Ethical Standards Board http://.esb@icai.org
- Information Systems Audit http://cit.icai.lorg
- Job Portal http://jobs4cas.org
- Placement Portal www.cmii.icai.org
- Professional Development Committee Portal www.pdc.icai.lorg
- Webcast Portal http://webcasticai.org/index.html
- WTO Portal www.icai.org/wto

# **3<sup>rd</sup> ALL INDIA JOINT REGIONAL CONFERENCE**

Sindhu Bhawan, Sindhu Marg, Opp. Honest - Pakwan Lane, S.G. Road, Ahmedabad Organised by : SIRC, WIRC, EIRC, CIRC & NIRC of ICAI

Day & Date: Friday & Saturday, November 29 &30, 2013



DAY - 1 : FRIDAY, THE 29th NOVEMBER, 2013				
Registration and Breakfast	8.00 a.m. to 8.45 a.m.			
Inaugural Session	9.00 a.m. to 10.30 a.m.			
Guest of Honour	<b>CA. Subodh Kumar Agarwal</b> President, ICAI <b>CA. K. Raghu</b> Vice President, ICAI			
Technical Session - 1	Companies Act, 2013			
Chairman of the Session	<b>CA. Sunil H. Talati</b> Past President, ICAI			
The Process of evolution of the The Companies Act, 2013 and the Story so far	<b>CA. S. Santhananakrishnan</b> Central Council Member, ICAI			
Provision related to Auditors and Accounts in the Act	<b>CA. Khushroo Panthaky</b> Mumbai			
Technical Session : 2	Significance of Valuation			
Chairman of the Session	<b>CA. Vikas Jain</b> Chairman, CIRC of ICAI			
Current Trend in Valuation	<b>CA. Rajiv Singh</b> New Delhi			
Emerging Professional Opportunities in recent times	<b>Dr. P.T. Giridharan</b> Joint Director, ICAI			

# INTERNATIONAL CONFERENCE ON ACCOUNTANCY PROFESSION: EMERGING FRONTIERS OF FUTURE GROWTH

November 21–23, 2013 Science City Auditorium, Kolkata



For detailed information please refer page no. 9 of October issue of SIRC

# POSTPONMENT OF CERTIFICATE COURSE ON VALUATION

The Certificate Course on Valuation scheduled to be held from 10th November 2013 stands postponed. Fresh schedule will be announced in due course.

# DISCLAIMER

The SIRC/ICAI does not accept any responsibility for the views expressed in different contributions published in this Newsletter.

DAY - 2 : SATURDAY, THE 30 <sup>th</sup> NOVEMBER, 2013				
Technical Session - 3	Direct Taxes			
Session Chairman	<b>CA. G. Ramaswamy</b> Past President, ICAI			
Direct Taxation	<b>Shri Saurabh Soparkar,</b> Sr. Advocate, Gujarat High Court (Confirmation Awaited)			
Non - Resident Tax with holding u/s. 195 including how to apply and interprate Section 9 of the Income Tax Act	<b>CA. Kapil Goel</b> New Delhi			
Technical Session - 4	CA. Profession - The way ahead			
Chairman of the Session	<b>CA. V. Murali</b> Central Council Member, ICAI			
Tax and Advisory in this Turbulent Times	<b>CA. Dhinal A. Shah</b> Central Council Member, ICAI			
Key Updates and Take Aways from Accountinbg, Companies Act, iND-AS and Indian GAAP	<b>CA. Rakesh Agarwal</b> Mumbai			
DELEGATE FEE: For Member : ₹ 2,100				

For Non-member : ₹ 3,000

Registration Fee may be paid by Cheque / DD drawn in favour of "Ahmedabad Branch of WIRC of ICAI"

# KIND ATTENTION : MEMBERS IN PRACTICE - ANNUAL E-FILING

Members in practice may kindly note that the Ministry of Corporate Affairs, Govt. of India has recently advised that it would not entertain/accede to any request for extension of last date for e-Filing beyond the expiry/specified date concerned. In this regard in an advisory issued by the Ministry, it has been emphasized that suitable steps be taken to expedite filing of balance sheet and annual return to avoid last minute rush and system congestion in MCA 21 towards the end of October and November, 2013. In other words, request to all professionals and corporates concerned is that one should not wait for the last date of the month concerned for Annual Filing. Members concerned are accordingly requested to do the needful.

Attention of members is also invited to the following Announcement regarding LLP issued by the said Ministry.



7

opic: International Taxat D <sup>th</sup> to 22 <sup>nd</sup> December, 2013, at Pro-			DELEGATE FEE: ₹. 10000	CPE Credi <b>14</b> HOURS
Friday 20 <sup>th</sup> December 2013:				
12.00 Noon to 02.30 pm	Check-in, Lunch & Registra	ation		
naugural Session: 3.00 pm				
Group Discussion	Permanent Estabishment	and Profit Attribution	CA. K. K. Chythan	<b>ya</b> , Bangalore
Paper Presentation	TDS in International Taxatio	ิท	CA. Rashmin San	<b>ghvi</b> , Mumbai
Presentation on Group Discussion	Permanent Estabishment	and Profit Attribution	CA. K. K. Chythan	i <b>ya</b> , Bangalore
Saturday 21 <sup>st</sup> December 2013				
Group Discussion	Structuring Foreign Investi Regulatory Issues	ment in India - Tax &	CA. Anup P. Shah,	Mumbai
Paper Presentation	Treaty Qualifications		CA. P. V. Srinivasa	<b>n</b> , Bangalore
Presentation on Group Discussion	Structuring Foreign Investi Regulatory Issues	ment in India - Tax &	CA. Anup P. Shah,	Mumbai
Paper Presentation	Indias Trends in Treaty		CA. T. P. Ostwal, N	lumbai
Paper Presentation	Tax credits across Globe		CA. S. Krishnan, E	Bangalore
Sunday 22 <sup>nd</sup> December 2013				
Paper Presentation	Transfer Pricing Intricate - I on Safe Harbour Rules	lssues with Special emp	hasis <b>CA. Visweshwar N</b> Bangalore	ludigonda
Brain Trust	Solutions to International 1	Tax Challenges	Brain Trustee : <b>C/</b> Bangalore	A. K. R. Girish
/aledictory				
02.00 pm	Departure from the Hotel v	vith sweet memories		
<ol> <li>Members Participation is restricted to 75 on First Come First Serve Basis</li> <li>Interested members can give their names to become group leaders for leading the Group Discussions</li> </ol>		and 1 Brain Tru	<ol> <li>ARRC consists of 2 Group Discussions, 5 Paper Presenta and 1 Brain Trust Session</li> <li>Paper book of the Course will be circulated to participal advance.</li> </ol>	
A. D. Prasanna Kumar		enkateswara Rao		CA. P.R. Arulo
Chairman, SIRC of ICAI		mmittee of SIRC of ICAI	Sec	retary, SIRCof ICA
	Course Co-	-ordinators		
CA. C. S. Srinivas	CA. Padamch	nand Khincha	CA. S.N. Ravin	dranath
Member, SIRC of ICAI	Bamg	galore	Chaiman, Bangalore Bra	nch of SIRC of ICA
ICAI-ISAC		Pra	nce Protection for Me actice & CA Firms of IC	:Al
ICAI has entered into a Memorandum of I Systems Audit and Control Associa Standards, Guidelines and Procedures in conducting IS Audits in India. Refrence of the said IS Audit Standards, be taken from the following link availab org/isapdf/all-it-standards-guidelines- Members can take benefit from the Procedures in the field of IS Audit.	tion, USA to use the IS Audit , these would assist members Guidelines and Procedures can le on ICAI website http://cit.icai. and-tools.pdf.	& Medium Practitione ICAI has entered into Insurance Protection For grievance or any Personnel at nia.11300 shrutika.thakur@newi yadav@newindia.co.in Mohapatra, Sr. Division co.in – Mobile 0810832	mmittee for Capacity Building of rs, ICAI. agreement with New India As for Members in practice and CA other queries members may of DO@newindia.co.in, Ms. Surutik ndia.co.in, Shri Mukesh Yadav at Telephone No. 022 – 24626031: nal Manager at satyanarayan.r 11713 or Secretary, Committee f Medium Practitioners (CCBCAF 8	surance Co., Ltd., fo Firms of ICAI. ontact the New Ind a Thakur at her e-ma his e-mail id: mukes L or Shri Satyanaraya nohapatra@newindi or Capacity Building



# CA. V. MURALI FCA, ACMA,

Vice-Chairman, Board of Studies, ICAI, New Delhi & Conference Convenor

**Delegate Fee Rs. 200/-** (Rupees Two Hundred Only) vide Cash / Cheque / DD favouring **'ICAI**' payable at Chennai at ICAI Bhawan, No. 122, M.G. Road, Nungambakkm, Chennai - 600 034.



Welcome to "45<sup>th</sup> Regional Conference" on 13<sup>th</sup> & 14<sup>th</sup> December 2013 at Visakhapatnam.

8

9



Southern India Regional Council The Institute of Chartered Accountants of India





# 45<sup>th</sup> Regional Conference SIRC of ICAI

13th & 14th December 2013 Port Indoor Stadium Visakhapatnam

# Host : Visakhapatnam Branch of SIRC of ICAI





# Excellence is a milestone in the path of perfection...

In the journey of perfection, only a few can endure the ensuing rigors. Success comes as a by-product of right professional attitude. A professional needs to walk that extra mile to make a clear distinction from others. In this journey, the professional needs to be equipped with an all powerful tool - Knowledge. Knowledge coupled with vision is the forte of a true professional.

Knowledge management needs to evolve into an operational model to sustain excellence in performance. For this, one needs to have a continuing professional development plan. 'Udyati' is one such endeavour in this direction.

'Udyati', the 45th Regional Conference of the SIRC is a stride in the expedition of perfection. Udyati originates from Sanskrit and implies 'rise or elevation'. The Professionals, who are the intellectual treasure of the Nation, will congregate on a single platform to share, interact, learn and develop new perspectives/prospects in Accounting, Auditing, Fiscal Laws, Corporate Laws and related fields for our Nation's 'Udyati'.

# EXCELLENCE IS NOT AN ACT, BUT A HABIT.

CA. PRASANNA KUMAR. D Chairman, SIRC of ICAI Cell : +91 98481 92636





# 45<sup>™</sup> REGIONAL CONFERENCE OF SIRC OF ICAI

# **PROGRAMME STRUCTURE**

# Friday, 13<sup>th</sup>December 2013

# Saturday, 14<sup>th</sup>December 2013

8.00 a.m.	REGISTRATION	6.00 a.m.	GO GREEN, WALKATHON ON BEACH
10.00 a.m.	INAUGURAL SESSION	8.00 a.m.	BREAKFAST
	Inaugural Address by Chief Guest High Dignitary	9.00 a.m.	SPIRITUAL SESSION
	Presidential Address by CA. Subodh Kumar Agrawal President, ICAI	10.00 a.m.	TECHNICAL SESSION V Re - engineering the Audit
	Special Address by CA. K. Raghu Vice President, ICAI		- Meeting the Expectations CA. N.P. Sarda Mumbai
1.30 a.m.	TECHNICAL SESSION I	11.30 a.m.	TECHNICAL SESSION VI
	The Companies Act, 2013 Impact on the Profession		Emerging Opportunities & Challenges in the Profession - The way forward
	CA. P.R. Ramesh Hyderabad		Padmashri CA. T.N. Manoharan Chennai
1.00 p.m.	LUNCH	1.00 p.m.	LUNCH
2.00 p.m.	HEALTH SESSION	2.00 p.m.	TECHNICAL SESSION VII
	Cardiac Care : A Humorous Approach		Exploring FEMA - CAs Perspective
	Dr. V. Chockalingam Dr. MGR Medical University Chennai		CA. P.V.R. Rajendra Prasad Hyderabad
2.30 p.m.	TECHNICAL SESSION II	3.30 p.m.	TECHNICAL SESSION VIII
	State of the Indian Economy		Critical issues in Taxation of Capital Gains
	CA. S. Gurumurthy Chennai		CA. Dr. Girish Ahuja New De <b>l</b> hi
3.30 p.m.	TECHNICAL SESSION III	5.00 p.m.	THANKS GIVING
	CAs in the wonderland of Service Tax Law - Beyond Basics		
	CA. K.S. Ravishankar Bangalore		
5.00 p.m.	TECHNICAL SESSION IV		DELEGATE FEE ₹ 3000
	Profits & Gains of Business or Profession - Judicial Trends		
	CA. Padam Chand Khincha Bangalore		
6.30 p.m.	FIRE WORKS DISPLAY FROM SIVAKASI		
7.00 p.m.	ENTERTAINMENT		
8.30 p.m.	DINNER		







Aorawal



CA. P.R. Suresh Vice-Chairman - SIRC of ICAI

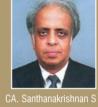


CA. P.R. Aruloli Secretary - SIRC of ICAI

CA. Gopal Krishna Raju Treasurer - SIRC of ICAI























# VISAKHAPATNAM BRANCH MANAGING COMMITTEE



















CA. A.V.S. Lalitha Sundari CA. N.N.S. Prakasa Rao CA. K. Ramachandra Rao CA. D.Chandrasekhara Reddy CA. D.L.S.V. Ramana Babu CA. B. Svice-Charperson Secretary Treasurer SICASA Chairman Member







SIRC Newsletter November - 2013 13

CONFERENCE STEERING COMMITTEE





# CONFERENCE CHAIRMAN

CA. D. Prasanna Kumar Chairman, SIRC of ICAI Mobile: 98481 92636; Email: srmvsp@gmail.com; chairmainsirc@gmail.com

### CONFERENCE CONVENER

CA. P.V.S.P. Kumar Chairman, Visakhapatnam Branch of SIRC of ICAI Mobile: 93917 78214; Email: ca.kumar@icai.org

# CONFERENCE ADVISORS

CA. M. Devaraja Reddy CA. V. Murali

CA. Babu Abraham Kallivayalil CA. S. Santhanakrishnan CA. G. Sekar CA. J. Venkateswarlu

CA. Adusumilli V. Rao CA. Naresh Chandra Gelli V CA. E. Phalguna Kumar CA. B. Sekkizhar CA. P.V.S.P. Kumar

# CONFERENCE COMMITTEES

COMMITTEE	CHAIRMAN	ADVISOR	CO ORDINATORS
AUDIO & VISUAL	CA. M. Krishna Mohan	CA. C.S. Srinivas	CA. N.N.S. Prakasa Rao & CA. Muralikrishna Sarparapu
CATERING	CA. A.V. Chalam	CA. Adusumilli V. Rao	CA. Vayetla Srinivasa Rao
ULTURAL	CA. P.V. Kali Prasada Rao	CA. Jomon K. George	CA. Appikatla Sisir Kumar
PELEGATES	CA. C.V. Ramana Rao	CA. E. Phalguna Kumar	CA. P.V.S.P. Kumar & CA. Sreeramamurty B
DIAS MANAGEMENT	CA. P.R. Aruloli		CA. Ramanachalam Duba
XHIBITION	CA. P. Vikram	CA. Naresh Chandra Gelli V	CA. Ramanachalam Duba
ELICITATIONS	CA. Srinivas Avasarala	CA. Sripriya K	CA. Sudheer Motamarri
INANCE	CA. C.V.S. Murthy	CA. Gopal Krishna Raju	CA. Padmanabhuni Kishore
IOSPITALITY	CA. M.K. Kumar	CA. P.V. Rajarajeswaran	CA. Balagepalli Venkata Rao
IT III	CA. Ashok Mirpuri	CA. P.R. Suresh	CA. Eswara Mohan Rao C
ROTOCOL	CA. Poosarla Ramakrishna	CA. B. Sekkizhar	CA. Surya Chandra Rao Y
UBLIC RELATIONS &	CA. Chandra Sekhar	CA. Adusumilli V. Rao	CA. Y.K.M. Prasad
RECEPTION	CA. C.M. Ravi Prasad	CA. P.R. Aruloli	CA. M. Chalapathy Rao
REFERENCER	CA. V.V. Ram Mohan	CA. V.X. Jose	
REGISTRATION	CA. C. Kameswara Rao	CA. M. Nithin	CA. Rama Koteswara Rao K
PEAKERS & GUEST	CA. M.V. Satyanarayana	CA. P.V. Rajarajeswaran	CA. A.V.S. Lalitha Sundari
OUVENIR	CA. Gorti Subba Rao	CA. B. Sekkizhar	CA. Madhu Murty Mannava
PONSORSHIP	CA. B.V. Rao	CA. Sripriya K	CA. Y. Suryanarayana Murty
RANSPORT	CA. M.V. Sarma	CA. E. Phalguna Kumar	CA. D.L.S.V. Ramana Babu
YENUE MANAGEMENT	CA. Bora Simhachalam	CA. Naresh Chandra Gelli V	CA. Chandra Sekhara Reddy CA. K. Subrahmanyeswara F







# **45<sup>™</sup> REGIONAL CONFERENCE COMMITTEE - COMPOSITION**

## CHAIRMAN

CA. D. Prasanna Kumar Chairman, SIRC of ICAI

## CONVENER

CA. P.V.S.P. Kumar Chairman, Visakhapatnam Branch of SIRC of ICAI

### CENTRAL COUNCIL MEMBERS

CA. Babu Abraham Kallivayalil CA. M. Devaraja Reddy CA. V. Murali CA. S. Santhanakrishnan CA. G. Sekar CA. J. Venkateswarlu

#### REGIONAL COUNCIL MEMBERS (SIRC)

CA. Adusumilli Venkateswara Rao CA. P.R. Aruloli CA. Gopal Krishna Raju CA. Jomon K George CA. V.X. Jose CA. Naresh Chandra Gelli V CA. M. Nithin CA. E. Phalguna Kumar CA. P.V. Rajarajeswaran CA. B. Sekkizar CA. C.S. Srinivas CA. Srinivas CA. Sripriya K CA. P.R. Suresh

#### MANAGING COMMITTEE MEMBERS OF VISAKHAPATNAM BRANCH OF SIRC OF ICAI

CA. A.V.S. Lalitha Sundari CA. N.N.S. Prakasa Rao CA. K. Ramachandra Rao CA. D. Chandrasekahara Reddy CA. D.L.S.V. Ramana Babu CA. B. Srirama Murty CA. Balagepalli Venkata Rao

# PLACES OF INTREST IN VISAKHAPATNAM

- Araku Valley
- Kailasagiri Hill
- Submarine Museum
- Simhachalam Temple
- Rushikonda Beach
- VUDA Park
- Borra Caves
- Ramakrishna Beach
- Dolphins Nose
- Legacy of the Buddha (Thotlakonda Bavikonda)
- Tyda, Jungle Bells
- Visakhapatnam Port
- Indira Gandhi Zoological park
- Bheemunipatanam Beach (First Municipality in India)

#### CHAIRMEN OF BRANCHES OF SIRC OF ICAI FROM ANDHRA PRADESH

- CA. A. Leelakrishna Murthy
- CA. Yarra Tirupathaiah
- CA. Mandhata Surya Rao
- CA. A. Pundari Kaksham
- CA. Ch.S.V.S.Viswanath CA. B. Krishna Murthy
- CA. Bhimavarapu Shivaji Prasad
- A. Bhimavarapu Shivaji Prasau

#### COOPTED MEMBERS OF SIRC OF ICAI (2013-14) FROM VISAKHAPATNAM

- CA. Muralikrishna Sarparapu
- CA. Yechuri Suryanarayana Murty

PAST CHAIRMEN OF VISAKHAPATNAM BRANCH OF SIRC OF ICAI

CA, V, Sita Ramaiah CA. K. Parvathi Kumar CA, M.V. Satvanaravana CA. C.V. Ramana Rao CA. P.V. Kali Prasada Rao CA. Sripada Sadasiva CA. Poosarla Ramakrishna CA. C.V.S. Murthy CA, J. Sudhakar Reddy CA. Srinivas Avasarala CA, M, Krishna Mohan CA. A.V. Chalam CA. B.V. Rao CA. Ashok Mirpuri CA. V.V. Ram Mohan CA. P.V.N. Sudha Manoj CA. Chandra Sekhar Veeraghanta CA. Gorti Subba Rao CA. Vivekanand Nekkanti CA. Bora Simhachalam CA. Chimalapati Kameswara Rao CA. Venkateswara Sarma M CA. Maruthi Raviprasad Cheruvu CA. P. Vikram CA. M.K. Kumar

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# **CPE REQUIREMENTS**

Sub: Penal provisions for the members of the Institute who had not complied with their CPE Hours requirements for the block period of 3 years (1-1-2011 to 31-12-2013)

In order to function the system of mandatory CPE effective, the Council of the Institute of Chartered Accountants of India has decided that the members who fail to comply with their CPE Hours requirement for the current block of 3 years (1-1-2011 to 31-12-2013) are appropriately sanctioned. Therefore, the Council of the Institute has decided as under :

- All the members are required to complete their CPE hours requirements for the block period of 3 years (1-1-2011 to 31-12-2013) by 31st December, 2013.
- Any shortfall in the CPE credit for the calendar years 2011, 2012 and 2013 should be met by the members by 31st December, 2013.
- The names of the members who fail to comply with their CPE hours requirements for the block period of 3 years by 31st December, 2013 would be hosted on the website of the ICAI for information of public at large.
- Further, the ICAI will not be responsible in any way for any action taken by any of the regulatory authorities on the basis of the names hosted on the website for allotting the professional work to them as sole proprietor or to their partnership firm.
- To strike out the name/s from the list so hosted on the website, the member/s shall have to make up any shortfall in their CPE credit hours for the above block period of 3 years by obtaining twice of the amount of the shortfall. Such addition shall be in addition to the regular CPE hours requirement for the particular Calendar year in which they are making up the shortfall.

The members are requested to note the above. The members are also requested to comply with the CPE Hours requirements for the current year by 31st December, 2013.

Secretary, CPE Committee of ICAI

45 <sup>TH</sup> REGIONAL CONFERENCE OF SIRC OF ICAI					
DELEGATE REGISTRATION FORM					
<b>The Chairman</b> Conference Committee 45th Regional Conference of SIRC of ICAI Opp: Andhra Bank, D. No. 9-36-22/2 Pithapuram Colony, Visakhapatnam – 530 003	Delegate Fee: ₹ 3000	CPE Credit 12 HOURS			
Dear Sir, I / We would like to enroll as a delegate/s to the 45th Regi Port Indoor Stadium, Visakhapatnam.					
I / We have enclosed Cheque / DD No Drawn in favour of "45th Regional conference of SIRC of ICAI" dated on for Rs (Rupees only) towards my / our delegate fee.					
Delegate Name	Membership No.	Contribution for CABF			
Address :					
Phone :Mobile:	Email id:				
Thanking You, Yours faithfully Signature	at the Branches / CPE Stud	For the convenience of members, registration can be done at the Branches / CPE Study Circles / CPE Chapters also. Registration as Delegate can also be done online at http:// www.sircoficai.org			



# Some Aspects of Specified Domestic Transactions

This article deals with certain aspects of both International Transactions as well as Specified Domestic Transactions (SDT) and is written with those who are responsible for handling transfer pricing issues and the Reporting Accountants in mind.

#### Cost Contribution Agreements or Allocation (CCA)

1. Where groups of companies operate it is very common to centralize expensive resources and share the benefits and the costs amongst the group entities rather than replicate the set up at the entity level. This works very well in areas such as centralized accounting, HRD, Information Technology, etc. Usually these services are costed out on the basis of aggregate costs incurred during the year plus a service charge which is allocated to each of the entities on a pre-determined rational basis. These are typical Cost Contribution Arrangements or Allocation (CCA).

2. As far as The Income Tax Act, 1961 and the provisions relating to Transfer Pricing are concerned, the concept of CCA is outlined in sub-section [2] of section 92 as under: 92 [2]" where in an international transaction or specified domestic transaction, two or more associated enterprises enter into a mutual agreement or arrangement for the allocation or apportionment of, or any contribution to, any cost or expense incurred or to be incurred in connection with a benefit, service or facility provided or to be provided to any one or more of such enterprises, the cost or expense allocated or apportioned to, or, as the case may be, contributed by, any such enterprise shall be determined having regard to the arm's length price of such benefit, service or facility, as the case may be."

3. Normally in a transaction of purchase of service or goods, the cost paid, value received are straightforward issues since they are a one-off transaction. In the case of a CCA it is not so since the service is an on-going one and the price is allocated on a basis which is not directly relatable to the service. This leads to issues in assessments often the assessing officer / transfer pricing officer refusing to accept the contentions of the assesse.

4. One may look at the case of Dresser-Rand India (P.) Ltd. v. Addl. CIT [2011] 47 SOT 423 (Mum) in order to glean the manner in which the CCA are carried out and the manner in which the assessing officers view them.

In this case, the assessee was a wholly owned subsidiary of Dresser Rand Co. - USA and in the relevant previous year, the assessee had incurred expenditure of Rs. 10,54,98,908 which was allocated by the parent company in USA. In terms of the CCA agreements with parent company the assessee was to compensate the parent the expenses incurred on two allocation keys i.e. headcount, and sales proportion. The costs were shared with other affiliates. The payments were on account of advice received by the assessee with respect to the strategy, administration, finance and treasury, tax and legal services. It was explained by the assessee that the services so rendered by the parent included (i) human resources services, (ii) legal services; (iii) treasury services (iv) technical support services; (v) marketing services; (vi) global business oversight services; (vii) internal audit and controls and (viii) other services such as provision for value added services, sharing for best practices for optimization of services, and safety procedures etc., It was also explained by the assessee that it had no facilities or manpower or had inadequate resources in order to handle the above fields, and hence the reliance on the Associated Enterprise (AE). The Transfer Pricing Officer (TPO) took the view that the assessee had sufficient resources of its own, there were no real services availed by the assessee from the parent under the cost contribution arrangement and even if there were services rendered, the cost sharing on the basis



of head count was not an acceptable proposition. The TPO determined the ALP of the services availed at NIL.

Ultimately when the matter reached the ITAT, the ITAT decided the matter in favour of the assessee. One of the reasons that found favour with the ITAT was that the assessee had filed a huge compilation of papers, running into almost three hundred pages, including copies of reports, e-mails and other documents evidencing the rendering of services. Also, the Dispute Resolution Panel (DRP) had not given any speaking order. In view of this the ITAT thought it fit to remit the matter to the Assessing Officer for a fresh adjudication on the question.

There was much more to this order and it would certainly be worth perusing the entire order in order to gain an understanding of this concept. There are also other decisions where the ITAT found merit in the arguments of the assessees and the evidence produced by them and had the matter remanded back to the TPO for a fresh consideration. These are cited below.

- ITO v. L'oreal India (P) Ltd. 53 SOT 263 [2012] (Mum)
- Castrol India Ltd. v. Asst CIT [2013] 55 SOT 521 (Mum)
- Cushman & Wakefield India (P.) Ltd. v. Asstt. CIT 135 ITD 242 (Delhi) [2012]
- Bentley Systems India (P.) Ltd. v. Asst CIT [2012] 54 SOT 43 (Delhi)

5. On the other hand in the case of Knorr-Bremse India (P.) Ltd. v. Asst CIT [2013] 56 SOT 349 (Delhi), the ITAT found that there was no merit in the claim of the assessee that the assessee had in fact received any benefit, found that the TPO had rightly adopted Nil value as the value of these services and upheld the decision of the Dispute Resolution Panel.

6. There are also peripheral issues that could arise in the proceedings with regard to the CCA such as tax deductible at source etc. For example in the case of AAR ruling in the case of Shell India Markets (P.) Ltd. [2012] 342 ITR 223 (AAR – New Delhi), the applicant had an AE which was incorporated in the UK and which was in the business of providing consultancy services to the applicant. The applicant had entered into a CCA for provision of business support services which it was held would come within the meaning of Fees for Technical Services and would constitute income in the hands of the UK company within the meaning of Article 13.4(c) of DTAC between India and UK. One would need to exercise caution in respect of these payments in interpreting whether these payments are reimbursement of expenses and therefore not liable to tax at source or run the risk of contravention of the relevant provisions and suffer disallowance as well under section 40[a][i].

#### Section 40A(2)(b)

7. Coming to other aspects of section 40A(2)(b), the list of relationship for the purpose of SDT is vast. The disclosures usually available with a company in terms of Form 24-AA in compliance with section 299 of The Companies Act, 1956 and the related party disclosures made under Accounting Standard 18 – "Related Party Disclosures" are not sufficient to address section 40A(2)(b) of the Income Tax Act, 1961. The preparer of Form 3CEB and the Reporting Accountant would need to go beyond these documents and examine group investment structures. Mapping these complex structures need a degree of skill in flow charting and it would be worthwhile to develop this skill. For an example please refer to Vodafone International Holdings B.V. Vs. Union of India [2012] 341 ITR 1 (SC) pages 30 and 31. Once the information is captured then the identification of the various parties as required by Section 40A(2)(b) would be easy.

Among the six methods named (including the sixth i.e. "the other method"), Comparable Uncontrolled Price (CUP) is the most ideal

method. Generally internal CUP or in the absence of it, external CUP would be the preferred method. However, in practice one hardly comes across internal CUP when determining the ALP. External CUP is also rare since the information and data is not easily available in public domain. Also, both Resale Price method and Cost Plus method have an element of CUP in them since they both require identification of comparable gross profit margin in the case of Resale Price method and gross profit mark-up in the case of Cost Plus method either internally or externally. If this information is not available then usually the fall back method or the go-to method is the Transaction Net Margin Method (TNMM). TNMM requires the comparison of assessee's profit margin of a transaction or a group of identical transactions with that of other entities. Thus TNMM is determinant from the vendor's point of view for justification of prices charged and not for prices paid which is what is required from section 40A(2)(b) point of view. This is clearly not possible.

#### The principle of "Tested Party"

8. Given the above problems, however, there is one other option available to the assessees which is the concept of "Tested Parties". Under this principle, the assessee or for that matter the TPO can choose the vendor of the goods or services to be the tested party in ascertaining ALP rather than choose the assessee itself. Therefore if an assessee has transactions coming under the purview of section 40A[2][b], and if the assessee has no information as to what is CUP, it would be better to opt for the vendor as the tested party especially if vendor is a less complex organization and go about computing the ALP from the perspective of the vendor. The logic is that if the vendor's net margin is proved to be comparable to others' in the same or similar businesses, then the price charged must be presumed to be Arm's Length Price (ALP). There are decisions in this matter.

In the case of Development Consultants (P.) Ltd. Vs. Dy. CIT [2008] 23 SOT 455 (Kol.), it was held that in order to determine most appropriate method for determining arm's length price, it is first necessary to select 'tested party' and tested party would be the least complex and would not own valuable intangible property or unique assets that distinguish it from potential uncontrolled comparables.

And so was the decision in the case of Dy. CIT v. Marconi Telecommunication India (P.) Ltd. [2013] 56 SOT 399 (Delhi) where it was held that at conceptual level the tested party is the one which has least complex functions and about which reliable data is available.

In the case of Global Vantedge (P.) Ltd. v. Dy. CIT 2010] 37 SOT 1 (Delhi), the ITAT bestowed its approval to the practice of selecting as the tested party the least complex party for the purpose of carrying out ALP analysis. The reasons for testing the margins of a less complex party is that the simpler party requires a fewer and more reliable adjustments to be made to its operating profit margins. However, the ITAT found it difficult to accept a foreign party as the tested party since facts and circumstances are different in different geographical region.

In the case of Ranbaxy Laboratories Ltd. Vs. Addl. CIT, 110 ITD 428 (Delhi) [2008] it was held that tested party should be party in respect of which reliable data for comparison is easily and readily available and fewest adjustments in computations are needed; it may be local or foreign entity. Although that under certain circumstances, foreign AE can be taken as a tested party for comparison, it will depend on facts and circumstances of each case. However, the spirit and purpose of OECD guidelines was not being adhered to and followed and hence in the absence of information in support of choosing a foreign AE as tested party, the ITAT held against choosing a foreign party.

#### Sections 80A, Sections 80-IA (8) and 80-IA (10)

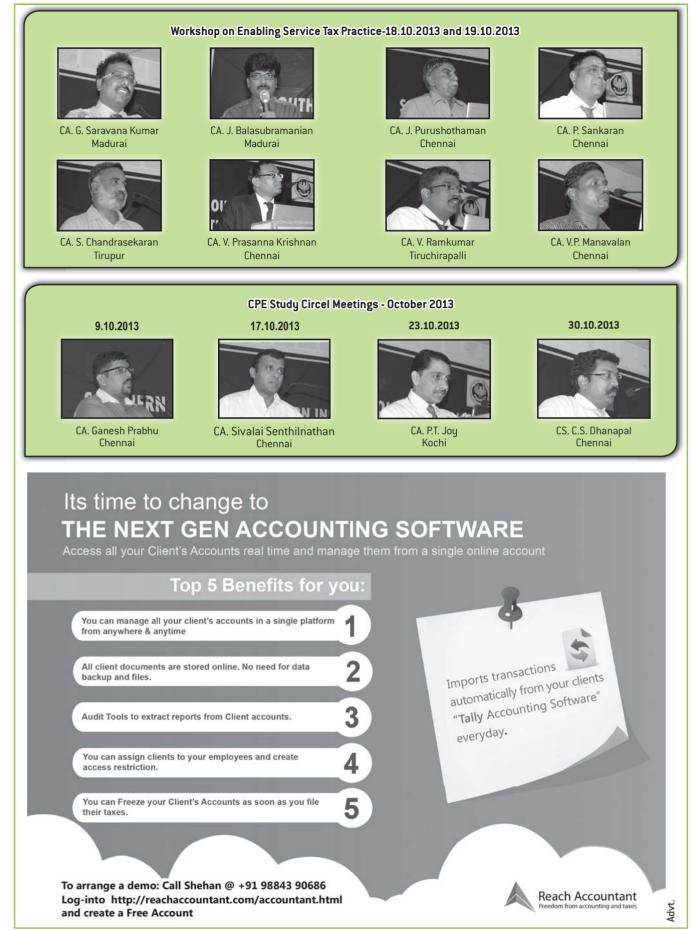
9. For long the tax laws in India have been used as an economic tool for development of industries in backward areas whereby tax benefits and exemptions were bestowed. Coupled with the practice of delivery of inventory on "just-in-time" by ancillary and component suppliers to Original Equipment Manufacturers (OEM), most component manufacturers have plants situated close to the customers. Typically, the current practice is that the mother plant carries out substantial amount of manufacture, the product is supplied to the second plant where rest of the operations are carried out and the manufacturing process is completed. The goods are invoiced from the second plant to the OEM. While this had given rise to some transfer pricing issues in the past, most often the issues revolved round what is a fair market value which was difficult to obtain since semi-finished goods did not have fair market value. In the current transfer pricing regime now that the ALP is substitutable for fair market value the Income Tax Department is likely to be more aggressive. Rule 10D would have to be adhered to strictly. The FAR analysis i.e. Functions performed, Assets employed and Risks assumed as prescribed by Rule 10D would be employed to good effect. In an intra-company, inter-unit situations such as what is presented above, it should not be too difficult to come to reasonable conclusions and therefore hopefully one does not expect too much litigation.

#### Conclusion

10. In conclusion, Section 40A(2)(b) is likely to present more challenges to assessees and the Income Tax Department. It is another question, whether past favorable decisions relating to this particular provision are likely to come to the rescue of the assessee because the manner of computing the ALP has undergone a sea change and the rules have become different and tighter. It is a completely different subject now.



# 18 November - 2013 SIRC Newsletter



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# Visit of CA. D. Prasanna Kumar, Chairman, SIRC to Branches of SIRC



18th October 2013: Seminar at Vijayawada: Seen in the picture are: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. M. Devaraja Reddy, Central Council Member, ICAI, CA. Adusumilli Venkateswara Rao, Member, SIRC, CA. Naresh Chandra Gelli, V. Member, SIRC, CA. E. Phalguna Kumar, Member, SIRC, CA. B. Shivaji Prasad, Chairman, Vijayawada Branch and CA. V. Rama Mohan Reddy, Member, MC Member of Vijayawada Branch.



22<sup>nd</sup> October 2013: Interaction with Members at Tuticorin: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. M.R. Antony Xavier, Chairman, Tuticorin Branch and CA. J. Selvin Gnanaraj, Secretary, Tuticorin Branch seen in the picture.



22<sup>nd</sup> October 2013: Inspection of Building Construction at Tirunelveli: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. V. Ramasamy, Chairman, Tirunelveli Branch of SIRC and members of the Managing Committee of Tirunelveli Branch at the construction site of Tirunelveli Branch Building.



23<sup>rd</sup> October, 2013: Interaction with Members of Palghat Branch: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC seen with CA. Ranjani Umesh, Chairperson, Calicut Branch of SIRC and other members of the Managing Committee of Calicut Branch.



23<sup>rd</sup>October 2013: CA. D. Prasanna Kumar, Chairman, SIRC addressing the members of Udupi Branch of SIRC. On the dais from (L-R) CA. T. Prashantha Holla, Secretary, Udupi Branch, CA. P.R. Aruloli, Secretary, SIRC, CA. U. Muralidhar Kini, Chairman, Udupi Branch and CA. C.S. Srinivas, Member, SIRC.



22<sup>nd</sup> October, 2013: Interaction with Members of Sivakasi Branch: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. P.V. Rajarajeswaran, Member, SIRC seen with CA. M. Muthusubramanian, Chairman, Sivakasi Branch of SIRC, Members of the Managing Committee and other members of Sivakasi Branch.



23<sup>rd</sup>October 2013: Inauguration of Reading Hall: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. C.S. Srinivas, Member, SIRC seen with CA. U. Muralidhar Kini, Chairman, Udupi Branch of SIRC, Members of the Managing Committee of Udupi Branch and other functionaries.



25<sup>th</sup> October 2013: Inauguration of Regional Seminar at Trichur: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. Gopal Krishna Raju, Treasurer, SIRC, CA. Jomon K. George, Member, SIRC, CA. P.V. Rajarajeswaran, Member, SIRC, CA. T.T. Shajan, Chairman, Trichur Branch of SIRC and other members of the Managing Committee and functionaries.



25<sup>th</sup> October 2013: Interaction with Members at Palghat: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary, SIRC, CA. Jomon K. George, Member, SIRC, CA. A.K. Mohandas, Chairman, Palghat Branch of SIRC and CA. K.P. Madhusoodanan, Secretary, Palghat Branch of SIRC.



20<sup>th</sup> October 2013: Inauguration of Certificate Course on Concurrent Audit of Banks: CA. Babu Abraham Kallivayalil, Central Council Member, ICAI, CA. P.R. Aruloli, Secretary, SIRC, CA. K. Sripriya, Member, SIRC and CA. Ajay Kumar Jain, Faculty.



3rd October 2013: CA. Subodh Kumar Agrawal, President presenting Certificate to GMCS participant. Mr. Joginder Singh, Central Council Member, ICAI, CA. V. Murali, Vice-Chairman, Board of Studies, ICAI and CA. P.R. Aruloli, Secretary, SIRC are in the picture.



26<sup>th</sup> October 2013: Inauguration of the Certificate Course on Indirect Taxes organized by ICAI at ICAI on. CA. Madhukar N. Hiregange, Bangalore, CA. G. Sekar, CCM, ICAI, CA. Rajendra Kumar P. Chennai, CA. V. Murali, CCM, ICAI, CA. V.V. Sampath Kumar, Chennai and CA. Gopal Krishna Raju, Treasurer, SIRC of ICAI are in the picture



26<sup>th</sup> October, 2013: Inauguration of Seminar: CA. D. Prasanna Kumar, Chairman, SIRC, CA. P.R. Aruloli, Secretary SIRC, CA. T.Y. Koshy, Chairman, Quilon Branch Managing Committee Members and other senior Members during the inauguration of the One Day CPE Seminar.



20<sup>th</sup> October 2013: CMA. Suresh Mohanty, President, Institute of Cost Accountants of India and CMA. Raju Iyer, Chairman, SIRC of Institute of Cost Accountants of India flanked by CA. V. Murali, Vice-Chairman, Board of Studies, ICAI with CA. P.R. Aruloli, Secretary, SIRC



3<sup>rd</sup> October 2013: CA. V. Murali, Vice-Chairman, Board of Studies, ICAI adoring the shawl to the President of ICAI CA. Subodh Kumar Agrawal.



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