



SIRC Newsletter

PRICE ₹5

JULY 2019 | Volume 45 • Part 1

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

One Day Seminar on Company Audit – 8th June 2019



Group Photograph of the dignitaries during the Inauguration: L to R: RCM Dr. CA. Abhishek Murali, SIRC Chairman CA. Jomon K. George, Chief Guest Shri Debendranath Sarangi, IAS, Chairman-Sriram City Union Finance Ltd., Director-Voltas Ltd., Former Chief Secretary, Govt. of Tamil Nadu, CA. Ranjeet Kumar Agarwal, Chairman-Ethical Standards Board, ICAI, Guest of Honour CCM CA. M.P. Vijay Kumar, RCM CA. R. Sundararajan.

Three Days Residential Conference at Ooty – June 14, 15 & 16, 2019



Chief Guest CA. G. Ramaswamy, Past President-ICAI along with SIRC Secretary CA. K. Jalapathi, Managing Committee Members of Coimbatore Branch of SIRC, Session Speakers and delegates during the inaugural session.

NAVAGRAHA – 2nd Regional Residential Course at Kumbakonam – June 21-23, 2019



Chairman SIRC CA. Jomon K. George lighting the traditional lamp in the presence of Past President-ICAI CA. G. Ramaswamy, SIRC Secretary CA. K. Jalapathi, RCM Dr. CA. Abhishek Murali and Managing Committee Members of Kumbakonam Branch of SIRC during the inaugural session.



Dear Professional Colleagues,

With the closing of the first quarter of the financial year 2019-20, the corporate world would be busy in reviewing their quarterly reports and it is once again busy time for the Chartered Accountants to be part of the exercise. Besides, the members in industry will be agog with the preparation for audit committee meetings, board meetings and the annual general meeting of their organization, having completed their annual accounts. It is yet another occasion to showcase our expertise and excellence to the world of business community.

Chartered Accountants Day:

Being Chartered Accountants and proud to be in the elite professional fraternity, 1st July always etch in our memory as it is on this day our Institute was established on 1st July 1949. Celebrating the Platinum Jubilee Celebrations is like celebrating a grand occasion in our family and we are all delighted to be part of this great and noble profession.

SIRC and its Branches celebrated the occasion with grandeur on 1st July 2019 and having been announced by ICAI to celebrate the occasion as "CA Week" other professional and social activities have been conducted across the Region.

At SIRC the joyous occasion commenced with Walkathon flagged off by Hon'ble. R. Nataraj IPS (Retd), Member of Tamil Nadu Legislative Assembly and Former Director General of Police, Tamil Nadu followed with ICAI Flag Hoisting, Blood Donation Camp, Swachh Bharat Abhiyan and Sports activities for the family members of the Members of the Institute. At the evening function, SIRC had the privilege of honouring 70 senior members of the profession. CA. P.B. Santhana Krishnan, Former Member, SIRC was the Chief Guest at the function.

As part of CA Week and 70th CA Platinum Jubilee Year Celebrations, SIRC has conducted many other programmes viz., on Tuesday, 2nd July 2019, we have conducted Women Empowerment Programme under the aegis of Women Empowerment Group of ICAI. On Wednesday, 3rd July 2019 we have conducted Investor Awareness Programme under the aegis of Ministry of Corporate Affairs, Committee on Financial Markets and Investors Protection of ICAI.

As part of CA week celebrations, SIRC, apart from sponsoring lunch for the inmates of the Little Flower Convent, Chennai, has also conducted Financial Literacy Programme on GST and Career Counselling Programmes at Queen Mary's College and Ethiraj College, Chennai. On 5th July 2019, Discussion on Union Budget led by CA. T. Banusekar, Advocate K. Vaitheeswaran and CA. A.K. Narayanan held and more than 298 delegates were attended this programme.

At the headquarters in New Delhi **Shri M. Venkaiah Naidu, Hon'ble Vice-President of India** was the **Chief Guest** and inaugurated the Platinum Jubilee Celebrations. The event was also graced by Shri Injeti Srinivas, IAS, Secretary, Ministry of Corporate Affairs & Dr. In-Ki Joo, President, International Federation of Accountants (IFAC).

SIRC is grateful to all the members who had participated in the Platinum Jubilee Celebrations held throughout the Region and to all those who had sent Message of Greetings conveying their happiness to celebrate the occasion.

On this occasion, SIRC with reverence acknowledges the contribution made by our predecessors who with their selfless and ceaseless efforts had laid the strong foundation and built it over the last 70 years. Let us, on our part, rededicate our energy and efforts to continue the legacy and values set by them.

1st July also marks an important occasion in the annals of SIRC in as much as it is on this day in the year 1975 the first issue of the SIRC Newsletter was released. Dissemination of information has a prime place in the successful conduct of the activities of SIRC and this visionary thought that came up in July 1975 when CA. K. Ananthachari was the Chairman of SIRC. The first edition of the SIRC Newsletter with four page content was published on 1st July 1975. This issue is the 45th Year of its publication which, every one of us would agree is the Ambassador between SIRC and its members and students. On this occasion we assure our members to continue to share information of professional importance and programmes as has been done in the past. SIRC requests members to send their views, if any, for the improvement of the contents of the Newsletter.

68th Annual General Meeting of SIRC of ICAI:

The 68th Annual General Meeting of SIRC of ICAI is scheduled on 20th July 2019 and I invite members to attend and grace the occasion with your august presence.

Expectations from the Union Budget - 2019:

The Union Budget – 2019 was presented by Smt. Nirmala Sitharaman, Union Finance Minister on 5th July 2019. With the huge mandate given to the Government under the astute leadership of Hon'ble Prime Minister of India Mr. Narendra Modi and his vision for a stronger and powerful India in all fronts and his roadmap to usher in a new era of economic development and fiscal discipline, this Union Budget is evoking considerable interest and expectations from the public, more so, this Budget being the first budget of the

Continued at Page no. 5

Greetings from SIRC:

SIRC wishes Happy Birthday and Happy Anniversary to all those Members and Students who were born/who got married in the month of July.





SIRC CALENDAR

JULY 2019 onwards...

Contact: Dr. T. Paramasivan, Joint Director (Tech.), ICAI – Phone: 044 – 30210321 – E-mail: tparamasivan@icai.in

Sl. No.	Date / Day / Time	Programme Topic / Speaker	Delegate Fee* (including GST)	CPE Credit
1.	July 1, 2019, Monday	Chartered Accountants Day Celebrations Details published in June 2019 issue of SIRC Newsletter		
2.	July 2, 2019, Tuesday 09.30am. to 01.30 p.m.	Women Empowerment Programme Under the aegis of Women Members Empowerment Group, ICAI Hosted by SIRC of ICAI	118	4
3.	July 3, 2019, Wednesday 06.00 p.m. – 08.00 p.m.	Investor Awareness Programme Managing Investments Risk: Basics of Derivatives (Futures) Under the aegis of Ministry of Corporate Affairs Committee on Financial Markets and Investors Protection of ICAI Hosted by SIRC of ICAI Shri Va Nagappan	No Delegate Fee	2
4.	July 5, 2019, Friday 11.00 a.m.	Live Telecast of Union Budget 2019	-	-
5.	July 5, 2019, Friday 05.30 p.m. to 08.30 p.m.	Discussion on Union Budget 2019 CA. T. Banusekar, Adv. Vaitheeswaran and CA. A. K. Narayanan	118	3
6.	July 5 & 6, 2019, Friday & Saturday	SHREYAS – Sub Regional Conference at Visakhapatnam Host: Visakhapatnam Branch of SIRC of ICAI For complete details visit http://www.icaivisakhapatnam.org/		
7.	July 5 & 6, 2019, Friday & Saturday	National Conference on Digital Accounting PROFESSION 2.0 Taking Fresh Guard Building Digital Competency Organised by Digital Accounting & Assurance Board of ICAI Host: Hyderabad Branch of SIRC of ICAI For complete details visit http://www.hydicai.org/		
8.	July 10, 2019, Wednesday 05.30 p.m. – 08.30 p.m.	CPE Meeting on Analysis & Issues in Composite & Mixed Supply and Time of Supply CA. Ganesh Prabhu	236	3
9.	July 12, 2019, Friday 05.30 p.m. – 08.30 p.m.	CPE Meeting on Analysis & Issues in Chargeability, Taxable Event, Supply, Deemed Supply, Goods / Services CA. Harini Sridharan	236	3
10.	July 13, 2019, Saturday 09.00 a.m. to 12.00 Noon Breakfast: 08.30 a.m.	Breakfast Meeting on Managing Business Risk in today's world – CFO's perspective <i>Organized by Committee for Members in Industry of SIRC of ICAI</i> CA. Sivakumar Ganapathy President-Finance, Financial Software and Systems Pvt. Ltd.	236	3
11.	July 16, 2019 Tuesday 05.30 p.m. – 08.30 p.m.	Clause by Clause Analysis of Union Budget 2019	236	3
12.	July 17, 2019, Wednesday 05.30 p.m. – 08.30 p.m.	CPE Meeting on Analysis & Issues in Place of Supply for goods and services with Export of Goods and Services CA. Prasanna Krishnan	236	3
13.	July 18, 2019, Thursday 05.30 p.m. – 08.30 p.m.	CPE Meeting on Income Tax Filing	236	3
14.	July 20, 2019, Saturday 11.00 a.m.	68th Annual General Meeting of SIRC of ICAI (Details at Page No. 7)		
15.	July 23, 2019, Tuesday 10.00 a.m. to 5.30 p.m.	One Day Seminar on on GST Annual Returns and Audit (Details at Page No.10)	1180	6
16.	July 23, 2019, Tuesday 06.00 p.m. to 8.00 p.m.	Lady Sivabhogam Memorial Lecture (Details at Page No.7)	-	-
17.	July 24, 2019, Wednesday 05.30 p.m. – 08.30 p.m.	CPE Meeting on NCLAT – Practice and Procedure Under IBC: Adv. Avinash Krishnan Ravi Under Companies Act: Adv. Pawan Jabak	236	3
18.	August 3 & 4, 2019 Saturday & Sunday	Drizzle - 2019 SIRC RESIDENTIAL REFRESHER COURSE AT COURTALLAM Host:Tirunelveli & Madurai Branches of SIRC of ICAI (Details at Page No.11)		



Sl. No.	Date / Day / Time	Programme Topic / Speaker	Delegate Fee* (including GST)	CPE Credit
19.	August 6 & 7, 2019, Tuesday & Wednesday	Regional Residential Course at Kanchipuram Hosted by: Kanchipuram District Branch of SIRC of ICAI (Details will be published in http://www.kanchiicai.org)		
20.	August 15, 2019, Thursday 8.00 a.m.	Independence Day Celebrations (Details will be hosted in www.sircoficai.org)		
21.	August 17, 2019, Saturday	Sub-Regional Conference at Salem Hosted by Salem Branch of SIRC of ICAI (Details will be hosted in www.sircoficai.org)		
22.	August 21, 2019, Wednesday 05.30 p.m. – 08.30 p.m.	CPE Meeting on Corporate Social Responsibility Speaker: CA. P.B. Sampath	236	3
23.	August 23 & 24, 201, Friday and Saturday 9.00 a.m. to 6.00 p.m.	Two Days National Conference on GST Organized by Committee on GST and Indirect Taxes of ICAI Hosted by SIRC of ICAI, All CPE Study Circles of SIRC of ICAI and All Study Circles for Members in Industry of CPAIB of ICAI in Chennai (Details at Page No. 8)		12
24.	August 23, 2019 Friday 6.00 p.m. to 8.00 p.m.	Investor Awareness Programme (Details at Page No. 8)	No Delegate Fee	2

Chairman's Communique... Continues

second term of the National Democratic Front Government. It is our sincere hope that the Budget Proposals would lead much stronger and vibrant economic development of our Nation and India would become US\$ 5 Trillion economy as per the timeframe announced by the Union Finance Minister.

The role of our profession as Partners in Nation Building is extensive and crucial as we the Chartered Accountants express ourselves on the budget proposals for better implementation by the Government for the inclusive growth and development of our Nation..

Post Budget Memorandum:

ICAI had last month submitted its Pre-Budget Memorandum to the Government and we hope our suggestions have been given due consideration during the budget preparation process as was in the earlier years too.

Our Post-Budget Memorandum also receives the considerable attention of the Government before the Finance Bill is passed into an Act. ICAI would be submitting the Post Budget Memorandum during this month and it is in this connection I request the members to offer their views on the budget proposals to be unveiled on 5th July 2019. The suggestions may be sent to sirc@icai.in and chairmansirc@icai.in so as to reach us latest by 15th July 2019.

CA Students Talent Search:

The Board of Studies of ICAI, with a view to unearth the intrinsic talent of our students fraternity has been organizing the "CA Students Talent Search" in three stages, one at the Branch Level (SIRC-Chennai is also considered as Branch for the limited purpose), the other at the Regional Level and finally at the All India Level.

The schedule for the Branch Level Talent Search Programme at SIRC and its Branches is as under:

July 20, 2019 – Between 10.00 a.m. and 01.00 p.m.	-	Elocution
July 20, 2019 – Between 02.00 p.m. and 05.00 p.m.	-	Nukkad Drama
July 21, 2019 – Between 10.00 a.m. and 01.00 p.m.	-	Quiz Contest
July 21, 2019 – Between 02.00 p.m. and 05.00 p.m.	-	Instrumental Music

Detailed communication is being sent to all the students across the Region. I request members to exhort their articulated assistants to participate and exhibit their skills. For further details students may approach SIRC of ICAI and the respective Branches to which they belong.

Programmes of SIRC of ICAI:

Continuing our zest to offer quality programmes for our members SIRC has lined up Seminars, Regional Residential Courses, Sub-Regional Conferences and CPE Meetings for the months ahead. You have been the source of strength and motivation to us all through and we look forward to your continued association with our programmes aimed at attempting to provide enlightenment and value addition and to make each one of them successful.

The detailed programme schedule is published in Page No. 3 & 4, which members may refer.



Self Service Portal (SSP)

As you are aware that ICAI has moved to a new platform which works on a Self Service Mode on the Self Service portal (SSP). But still the online platform stabilization is underway and progressing to provide a world class user friendly interface. The issues are being resolved on war-foot basis and a team of experts are working on the same. In the meantime, we request all our Members and Students to kindly bear with us and continue to extend their support. We are thankful to ICAI family for understanding the implementation challenges.

“Please feel free to reach me at sirchairman@icai.in or on 98470 31343”.

Yours in the Service of the Profession

CA. Jomon K. George
Chairman, SIRC of ICAI

Refresher Course on GST, Ind AS and Companies Act, 2013, International Taxation, Insolvency and Bankruptcy Code, 2016 and Foreign Exchange Management Act (FEMA), 1999 for the students of Intermediate/IIPC and Final level through Virtual mode

Board of Studies is organizing a “Refresher Course on GST, Ind AS and Companies Act, 2013, International Taxation, Insolvency and Bankruptcy Code, 2016 and Foreign Exchange Management Act (FEMA), 1999 for the students of Intermediate/IIPC and Final level through Virtual mode on weekends as per schedule given below:

Sr. No.	Date (4 hours per day session)	Subject	Topics (9.30 AM – 1.30 PM)
1	06.07.2019	GST (20 Hours)	<ul style="list-style-type: none"> Introduction to GST, Concept of supply and Charge of GST Concept of Supply including composite and mixed supplies Levy of GST including composition levy Reverse charge Exemptions for goods and services
	07.07.2019		<ul style="list-style-type: none"> Place of supply Place of supply of goods and services including import and export of goods and services Time of supply Value of supply Transaction value under section 15 Valuation Rules
	13.07.2019		<ul style="list-style-type: none"> Input Tax Credit Provisions under sections 16-20 including relating rules Provisions under section 21 including Job work procedure under section 143
	14.07.2019		<ul style="list-style-type: none"> Registration Tax invoice, Credit and Debit Notes E-way bill; Accounts and Records Payment of tax including TDS and TCS
	20.07.2019		<ul style="list-style-type: none"> Returns GSTR-1, GSTR-3B, GSTR-4, GSTR-9, GSTR-9C Final return Levy of late fee Offences and Penalties Refunds Assessment Miscellaneous Anti-profiteering measure GST compliance rating etc.

Sr. No.	Date (4 hours per day session)	Subject	Topics (9.30 AM – 1.30 PM)
2	21.07.2019	Ind AS (20 Hours)	<ul style="list-style-type: none"> What are Ind AS? Why and how Ind AS is different from IFRS, what is carve outs/in from IFRS Ind AS based Schedule III Ind AS 115: Revenue from contracts with customers
	27.07.2019		<ul style="list-style-type: none"> Ind AS 12: Income Taxes Ind AS 33: Earnings per Share
	28.07.2019		<ul style="list-style-type: none"> Ind AS 103: Business Combinations Ind AS 27: Separate Financial Statements
	03.08.2019		<ul style="list-style-type: none"> Ind AS 28: Investment in Associates and Joint Ventures Ind AS 110: Consolidated Financial Statements
	04.08.2019		<ul style="list-style-type: none"> Ind AS 32: Financial Instruments: Presentation Ind AS 109: Financial Instruments
3	10.08.2019	International Taxation (8 Hours)	<ul style="list-style-type: none"> Overview of Non-resident Taxation and Double Taxation Avoidance Agreements
4	17.08.2019	The Companies Act, 2013 (16 Hours)	<ul style="list-style-type: none"> Account of companies and Audit and Auditors
	18.08.2019		<ul style="list-style-type: none"> Appointment and qualifications of Director
	24.08.2019		<ul style="list-style-type: none"> Appointment & Remuneration of Managerial person
5	25.08.2019		<ul style="list-style-type: none"> Meeting of Board and its powers
	31.08.2019	Insolvency and Bankruptcy Code, 2016 (8 Hours)	<ul style="list-style-type: none"> Corporate Insolvency Resolution Process for Corporate Person
	01.09.2019		<ul style="list-style-type: none"> Liquidation Process for Corporate Person
6	07.09.2019	Foreign Exchange Management Act, 1999 (4 Hours)	<ul style="list-style-type: none"> FEMA covering significant provisions with relevant Rules & Regulations therewith.

Salient Features of the Course:

<ul style="list-style-type: none"> Fee @ Rs.1500/- per student for six subjects. Online registration and payment. Four hours/day of live virtual lectures on each subject. Systematic approach on each subject. Any time anywhere learning through technology. 	<ul style="list-style-type: none"> Facility available for online query redressal. Recorded sessions with PPTs available for repeat leaning. Live tech support. Link for soft copy of study material. Online participation certificate.
---	---

Members are requested to propagate about the same amongst the students fraternity so that they register for the Course and reap maximum benefit.

CA. Kemisha Soni
Chairperson, Board of Studies

CA. Durgesh Kabra
Vice Chairman, Board of Studies



Contribute to CABF

Dear Members,

SIRC of ICAI is providing an opportunity to show your graciousness in philanthropic activities. It's time to give something back to the profession because of which we are, what we are today. It is my earnest desire to see the names of every branch and town in the above list. An appeal to the members and firms to contribute generously to CABF and anyone contributing Rs. 1 lakh and above finds place in the above list.

Members may also contribute towards CABF directly in the bank Account of SIRC :

Ac Name: SIRC of ICAI, Ac No.:764903128, IFSC Code: IDIB000N061, Bank: Indian Bank, Uthamar Gandhi Salai Branch, Chennai, Tamilnadu

Members / Firms who are interested to contribute to CABF may get in touch with Dr. T. Paramasivan, Joint Director (Technical), Phone: 044 30210321, Email: tparamasivan@icai.in (or) Mr. S. Babu Raghavan, Accounts Officer (Grade Deputy Secretary), Phone: 044 30210352, Email: babu.raghavan@icai.in

CA. Jomon K. George
Chairman, SIRC of ICAI

Announcement for the Members

Requirement of Mentioning UDIN while Signing Audit Reports

1. The members may be aware that "Unique Document Identification Number (UDIN)" has been made mandatory as per the Council decision taken at its 379th meeting held on 17-18 December 2018 in the following phases:

- All Certification done by Practising CAs w.e.f. 1st February 2019.
- All GST & Tax Audit Reports w.e.f. 1st April 2019.
- All other attest functions w.e.f. 1st July 2019.

In this regard, an Announcement dated 14th March 2019 has been hosted on ICAI's website at the following link: https://www.icai.org/new_post.html?post_id=15505

2. With a view to bring uniformity in the manner of signing audit reports by the members of ICAI, it has been decided to require the members of ICAI to also mention the UDIN immediately after the ICAI's membership number while signing audit reports. This requirement will be in addition to other requirements relating to the auditor's signature prescribed in the relevant law or regulation and the Standards on Auditing.

3. This requirement will come into effect from 1st July 2019.

CA. G. Sekar
Chairman, Auditing and Assurance Standards Board

CA. Debashis Mitra
Vice-Chairman, Auditing and Assurance Standards Board

KIND ATTENTION MEMBERS AND STUDENTS, ICAI

ICAI's Members and Student services have been made online, in digitized form on a new platform which works on a Self Service Mode on the Self Service portal (SSP). Application forms are available online now barring a few which will also be available shortly. Kindly visit e-services on www.icai.org.

ICAI has decided to waive off delay condonation fee on all application forms with transaction dates between 01st April to 30th May and submitted online by 30th June 2019.

In case of query may call on 0120-4648888 or email to ssp.support@icai.in and ssp.student@icai.in

Kindly, bear with us for the inconvenience being caused during this transition period.

Team ICAI



UPDATES

Scan QR Code & Read



Corporate Laws

Contributed by:
Dr. P.T. Giridharan, Additional Director, ICAI, Chennai
giridharan@icai.in

FEMA

Contributed by:
CA. G. Murali Krishna, Hyderabad
gmk@sbsandco.com



Karnataka State GST

Contributed by:
CA. Annapurna D. Kabra, Bengaluru
annapurna@dnsconsulting.net

Goods and Services Tax

Contributed by:
CA. G. Saravana Kumar, Madurai
casaravanan.82@gmail.com



SEBI

Contributed by:
CA. VMV. Subba Rao, Nellore
vmvsr@rediffmail.com

Tamil Nadu VAT

Contributed by:
CA. V.V. Sampath Kumar, Chennai
vvsampat@yahoo.com



AP VAT - GST updates

Contributed by:
CA. Ambati Chinna Gangaiah, Hyderabad
agcpower@icai.org

Income Tax updates

Supreme Court, High Court and Tribunal Judgements
CA. Ambati Chinna Gangaiah, Hyderabad
agcpower@icai.org



The online link for UPDATES:

<http://www.sircoficai.org/Professional-Updates.aspx>

DISCLAIMER

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



BRANCH LEVEL
CA Student's Talent Search 2019

Students' Eligibility : Students registered for Final Course and are undergoing articleship and students registered for Intermediate (Integrated Professional Competence) / Intermediate Course are eligible to participate in these contests. Thus, students who have completed articleship are not eligible to participate.

Geographical location of the Eligible student	Venue of the Contest & How students can register
Students whose communication address falls under the jurisdiction of Chennai and Southern Region and does not fall under the jurisdiction of any of the 45 Branches of SIRC of ICAI	ICAI Bhawan, Chennai Registration Link: bosactivities.icai.org For other Details contact SICASA @ 9581217189
Students whose communication address falls under the jurisdiction of any of the 45 Branches of SIRC of ICAI	Contact your nearest Branch of SIRC of ICAI for details. Link for Branch contacts https://www.sircoficai.org/branches-cpe-pous/branches-contact-details.aspx

Content Details	Contest Date	Contest Timing	Participation Fee
Elocution	20.07.2019	10.00 am to 01.00 pm	No Fee – Entry Free
Nukkad Drama	20.07.2019	02.00 pm to 05.00 pm	Rs.100 per team
Quiz	21.07.2019	10.00 am to 01.00 pm	No Fee – Entry Free
Instrument Music (any kind)	21.07.2019	02.00 pm to 05.00 pm	Rs.50 per participant

COME AND PARTICIPATE IN LARGE NUMBERS
Guidelines and Elocution Topics hosted in SIRC Website @
https://www.sircoficai.org/students/student_announcements.aspx

CA. Jomon K. George Chairman, SIRC of ICAI	CA. Revathi Raghunathan Chairperson, SICASA	CA. K. Jalapathi Secretary, SIRC of ICAI
--	---	--

SOUTHERN INDIA REGIONAL COUNCIL OF THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
'ICAI BHAWAN', NO.122, MAHATMA GANDHI ROAD, NUNGAMBAKKAM, CHENNAI – 600034

68th
ANNUAL GENERAL MEETING OF SIRC OF ICAI

NOTICE

Notice is hereby given that the **Sixty Eighth Annual General Meeting** of the Members of the Southern India Regional Council of the Institute of Chartered Accountants of India will be held on **Saturday, the 20th July 2019 at 11.00 a.m. at the P. Brahmaya Memorial Hall at ICAI Bhawan, No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai – 600034** to transact the following agenda:

- To receive the Annual Report of the Regional Council for the year ended 31st March 2019;
- To receive the Audited Financial Statements of the Regional Council for the year ended 31st March 2019 together with the Auditor's Report thereon; and
- To transact any other business that may be brought before the meeting including any resolution(s) received and/or any resolutions that may be received from the member(s) subject to the fulfillment of conditions under Regulations 150 & 151 of the CA Regulations, 1988 with the permission of the Chair.

By Order of the Southern India Regional Council of ICAI

Sd/-
CA. K. JALAPATHI
Secretary, SIRC of ICAI

Place: Chennai
Date: 25.04.2019

Note: The Annual Report of SIRC for the period (2018-19), Financial Statements, Schedules forming part of the Financial Statements and Notes to Accounts, have been hosted in the website www.sircoficai.org and displayed on the Notice Board at the Office of the Southern India Regional Council of the Institute of Chartered Accountants of India. Internet link of all these details have already been sent by e-mail to the Members of SIRC of ICAI as per the details available with the Institute. Members desirous to have hard copy of the full version of these statements etc. may please send an e-mail to babu.raghvan@icai.in along with their Name, ICAI Membership Number and latest complete postal address to enable SIRC office to do the needful.

The Chairman and Members of The Southern India Regional Council of The Institute of Chartered Accountants of India
D Rangaswamy Academy for Fiscal Research & President and Managing Committee members of The Society of Auditors

Cordially invite you for the
Release of the Book titled
Nightingales of the CA Profession
On Tuesday, the 23rd July 2019 at 6.30 pm
At P.Brahmayya Memorial Hall, ICAI Bhawan,
122, Mahatma Gandhi Road, Nungambakkam, Chennai - 600 034.

Hon'ble Justice Smt. Prabha Sridevan
(Retired Judge, Madras High Court)
has kindly consented to release the book & deliver the **Sivabhogam Memorial Lecture** on the topic **"Women Empowerment"**
All Are Welcome
High Tea - 6.15 pm

CA. Jomon K. George Chairman, SIRC of ICAI	Shri. G. V. Raman President, D Rangaswamy Academy for Fiscal Research	Shri.S Ramakrishnan President, The Society of Auditors.	CA. K. Jalapathi Secretary, SIRC of ICAI
--	---	---	--

BENEFICIAL SCHEMES FOR THE MEMBERS OF ICAI
Committee for Capacity Building of Members in Practice, ICAI

The Committee for Capacity Building of Members in Practice (CCBMP), ICAI has initiated various measures for the benefits of the members of ICAI through the following arrangements with the service providers which the members may avail at their choice:

- Antivirus Protection Facility**
 - Quick Heal Total Security antivirus software for PC at Special price.
- Insurance Scheme**
 - Master Policy - Term Insurance LIC
 - LIC Term Insurance
 - Personal Accident Insurance at special premium
 - House Holder Insurance at special premium
 - Professional Indemnity Insurance scheme at special premium
 - Motor Vehicle Insurance at special premium
 - Office Protection Shield Insurance scheme at special premium
- Softwares**
 - 'Tax Cloud' software- A web based ITR & TDS Return Preparation
 - Practice Management Software for members in practice & CA Firms of ICAI

For other initiatives for the Members of ICAI, please refer https://www.icai.org/new_post.html?post_id=933&c_id=41
Please Contact us at Secretariat, Committee for Capacity Building of Members in Practice (CCBMP), Telephone- 0120-3045994, E-mail: ccbcaf@icai.in
Please visit website https://www.icai.org/post.html?post_id=8848



Two Days National Conference on GST

Organized By: Committee on GST and Indirect Taxes of ICAI
Hosted By: SIRC of ICAI, All CPE Study Circles of SIRC of ICAI and All Study Circles for Members in Industry of CPAIB of ICAI in Chennai

Date & Time	Venue	CPE Credit
23 rd and 24 th August 2019	Kamarajar Arangam, Anna Salai, Teynampet, Chennai – 600 006	12 Hours
DAY 1 – 23rd August 2019		
Timing	Topics	Speakers
08.30 am onwards	Registration	
09.00 am – 10.00 am	Inaugural Session	
10.00 am – 11.30 am	Tax Regulators Experiences and Expectations	Mr. J. M. Kennedy, IRS Commissioner of GST, Tiruchirapalli
11.30 am – 12.00 Noon	Networking Tea	
12.00 Noon – 01.30 pm	Exports, SEZ and Related Refunds	CA. S. Venkataramani, Bengaluru
01.30 pm – 02.30 pm	Lunch Break	
02.30 pm – 04.00 pm	Interest, Late Fee and Penalties	CA. Rajesh Saluja, New Delhi
04.00 pm – 04.30 pm	High Tea	
04.30 pm – 06.00 pm	GST – An International Perspective - VAT in UAE	CA. (Dr). Elavarasan, Dubai
8.00 PM - Dinner		
DAY 2 – 24th August 2019		
Timing	Topics	Speakers
09.45 am - 11.15 am	Possible Areas of Litigation and Probable Solution	Adv. N. Venkataraman, Senior Advocate, Supreme Court of India
11.15 am – 11.45 am	Networking Tea	
11.45 am - 01.15 pm	Charities, NGO, NPO and GST	CA. Rajendra Kumar P. Chennai
01.15 pm – 02.15 pm	Lunch Break	
02.15 pm – 03.45 pm	Place of Supply – Practical Issues	CA. A R Krishnan, Mumbai
03.45 pm – 04.15 pm	High Tea	
04.15 pm – 05.45 pm	ITC – the Foundation of GST	CA. Manish Gadia, Mumbai

Limited Seats, registration will be on first come-first serve basis.
For Registration, please click <https://www.sircoficai.org/CPEDetailsnew.aspx?id=773>

Delegate Fees (Including 18% GST)	Members of Chennai based CPE Study Circles	Rs. 2950/-
	Other Members of the ICAI	Rs. 3540/-
	Non Members	Rs. 4720/-

Offline Registration and Group Registration are available at the Office of SIRC of ICAI, First Floor, No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai-600 034. Phone: 044 30210320, 323, 362

CA. Sushil Kumar Goyal Chairman - Committee on GST and Indirect Taxes of ICAI Conference Chairman	CA. Rajendra Kumar P. Vice Chairman – Committee on GST and Indirect Taxes of ICAI Conference Director	CA. Sekar G. Central Council Member, ICAI Conference Co-Director	CA. Vijay Kumar M.P. Central Council Member, ICAI Conference Co-Director
CA. Jomon K George Chairman, SIRC of ICAI	CA. K Jalapathi Secretary, SIRC of ICAI	Conference Conveners CA. China Masthan Talakayala, Chairman, Committee on GST and Indirect Taxes of SIRC of ICAI CA. Abhishek Murali, CA. Revathi S. Raghunathan & CA. R Sundararajan Members – SIRC of ICAI, Conveners of All CPE Study Circles of SIRC of ICAI and All Study Circles for Members in Industry of CPAIB of ICAI in Chennai	

Investors Awareness Programme

Date & Time	Venue	CPE Credit
23.08.2018 6PM-8 PM	Kamarajar Arangam, Teynampet, Chennai	2 Hours of CPE Credit
	Strategies for Personal Financial Planning for Present and Future –Investors Awareness Programme	NO DELEGATE FEE
Under the auspices of Investors Education and Protection Fund of Ministry of Corporate Affairs, Government of India		
Conducted by Committee on Financial Markets and Investors Protection of ICAI and Hosted by SIRC of ICAI and All CPE Study Circles of SIRC of ICAI and All Study Circles for Members in Industry of CPAIB of ICAI in Chennai		
Nationally renowned experts would address the delegates on topics of contemporary relevance focusing on Personal Financial Planning for Present and Future		



Two Days National Conference on GST

Organized By: Committee on GST and Indirect Taxes of ICAI
Hosted By: SIRC of ICAI, All CPE Study Circles of SIRC of ICAI and All Study Circles for Members in Industry of CPAIB of ICAI in Chennai

Sponsorship Avenues

Our endeavour is to bring to your notice that a most prestigious event is taking place in Chennai. A Conglomeration of around 2000 eminent Chartered Accountants from across India, will definitely be the choice of any dynamic company to showcase the products and services and enhancing its brand value. It is a great opportunity to be part of this conference to gain the maximum mileage. The company can select from the choices of becoming sponsors, participating in exhibition stalls, contributing to delegate kit, releasing reference materials and publishing advertisement in souvenir. Complete details of various options are mentioned herewith.

Exhibition Stalls at the Venue

Pavilion Stall - 3'x6'	1 Lakh
Premium Stall- 3'x4'	50,000
Regular Stall - 3'x3'	25,000
Delegate Kit-	5 Lakhs

Advertising Opportunities in Souvenir

Back Cover - Colour	1.5 Lakhs
Inside Cover - Colour-Front	75,000
Inside Cover - Colour-Back	50,000
Inside Pager - Colour	25,000

Sl.	Privileges offered to Sponsors	Event Sponsors	Joint Event	Platinum
1.	Logo on Backdrop of Main Stage	Yes	Yes	Yes
2.	Exhibition stall at the Venue	Pavilion	Pavilion	Premium
3.	Full page advertisement in the souvenir	2 Full Page-Multicolor	2 Full Page- Multicolor	1 Full Page-Multicolor
4.	Banner advertisement as per below details: • Banners in Conference Hall • Banners outside the Conference Hall (within the venue)	4 4	2 2	1 1
5.	Complimentary registration of Delegates for the Conference	20 Delegates	15 Delegates	10 Delegates
6.	Branding/Products video of up to 5 minutes (running time) during break	Yes	Yes	Yes
7.	Presentation of the company & its products during conference	15 Minutes	10 Minutes	No
8.	Insert Literature in all conference participants kits	1	1	1
9.	Conference brochures to delegates acknowledges your name if finalized	Yes	Yes	No
10.	Acknowledgement in press meet/press releases, if any	Yes	Yes	No
11.	Announcement s through MC	Twice on each day	Twice on each day	Once on each day
12.	Recognition on Stage through Guest	Yes	Yes	Yes
	Sponsorship Amount	15 Lakhs	10 Lakhs	5 Lakhs
For further details and sponsorship, Please contact Office of SIRC of ICAI, First Floor, No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai - 600 034. Phone: 044 30210320, 323, 362		Mr. S. Babu Ragghavan Deputy Secretary Mobile: 7339509998 babu.ragghvan@icai.in	Mr. A. Rahman Ali Sr. Executive Officer Mobile: 9176826789 rahman@lcai.in; sircpe@icai.in	

Expert Advisory Committee - ICAI

The fast changing and immensely competitive environment often calls upon organisations to enter into complex and newer business deals and transactions requiring financial reporting for such transactions which poses interpretation and implementation issues. Moreover, with the introduction of Indian Accounting Standards (Ind ASs), accounting principles have witnessed a comprehensive change, thereby making the financial reporting a challenging task for the accounting professionals. This gives rise to the need for authoritative guidance on such matters. The Expert Advisory Committee (EAC) of the ICAI fits into the role of giving such authoritative guidance in the form of Opinions on matters relating to application and implementation of accounting and auditing standards and other pronouncements comprising generally accepted accounting and auditing principles under peculiar and intricate situations.

Over a period of time, EAC's role has become widely acknowledged with members in practice and industry alike increasingly seeking the services of EAC to unravel wide array of issues and complex problems while discharging their duties. EAC is also approached by various Government and Regulatory bodies, such as, MCA, C&AG, SEBI, etc. from time to time for seeking opinion on accounting queries/issues faced by them.

For the benefit of the members, EAC also regularly publishes Compendium of Opinions where the opinions finalised during a year are published in a volume of the Compendium. So far, EAC has released 36 volumes of the Compendium, which are available for sale at the Institute's Office at New Delhi and its Regional Council Offices. The Opinions issued are available online at the following links:

1. Compendium of opinions: <https://cutt.ly/3w3awp>
2. Recent opinions: https://www.icai.org/new_post.html?post_id=5681

Opinions can be obtained from the EAC as per its Advisory Service Rules which are available on the website of the ICAI (https://www.icai.org/new_post.html?post_id=495&c_id=142). The Rules can also be obtained from the Institute's Head Office at New Delhi. For further information, Secretary, Expert Advisory Committee can be contacted through e-mail at eac@icai.in.



One Day Seminar on GST Annual Returns and Audit		CPE Credit 6 Hours
Day & Date: Tuesday, July 23, 2019 Time: 10.00 a.m. to 5.30 p.m.		
Venue: P. Brahmayya Memorial Hall, Nungambakkam, Chennai-600034		
Timings	Session	Faculty
09.30 a.m. to 10.00 a.m.	Inauguration	
10.00 a.m. to 11:30 a.m.	1st Technical Session Legal Provisions of GST Annual Return & GST Audit. Impact of GST Audit on Professionals	CA. H. Sharadha
11:45 a.m. to 01:15 p.m.	Tea Break	
11:45 a.m. to 01:15 p.m.	2nd Technical Session Clause by Clause Analysis – Annual Returns –GSTR -9	CA. J. Murali
01:15 p.m. to 02:00 p.m.	Lunch	
02.00 p.m. to 03:30 p.m.	3rd Technical Session Procedures under GST Audit	CA. V. Sankaranarayanan
03:30 p.m. to 03:45 p.m.	Tea Break	
03:45 p.m. to 05:15 p.m.	4th Technical Session Clause by Clause Analysis –Reconciliation Statements –GSTR -9C	CA. Shaikh Abdul Samad Ahamed
05:15 p.m. to 05:30 p.m.	Valedictory Session	
Delegate Fees: Members : Rs.1180/- Students: Rs.885/- For Online Registration, please visit www.sircofcai.org		
CA. Jomon K. George Chairman, SIRC of ICAI		CA. K. Jalapathi Secretary, SIRC of ICAI

Southern India Chartered Accountants Students' Association (SICASA)
'ICAI Bhawan', No.122, Mahatma Gandhi Road, Nungambakkam, Chennai – 600034

NOTICE FOR ANNUAL GENERAL MEETING OF SICASA & ELECTION TO THE MANAGING COMMITTEE OF SICASA FOR THE YEAR 2019-20

NOTICE

NOTICE is hereby given that the Annual General Meeting of the Southern India Chartered Accountants Students' Association (SICASA) will be held on **Thursday, the 25th July 2019 at 10.00 a.m.** at **ICAI Bhawan**, No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai-600034 to transact the following agenda:

- Welcome Address by Chairperson, SICASA;
- To receive the report and note the accounts of the Association for the financial year ended 31st March 2019;
- To elect 12 Members to the Managing Committee of the Association for the year 2019-20; and
- To transact such other business that may be brought before the meeting including any proposal or resolutions received from the member(s) subject to fulfilment of conditions under Rule 37 of the Chartered Accountants Students' Associations Rules with the permission of the Chair.

Place: Chennai
Date: 1st July 2019

Y.V.P. Vamsi Krishna Reddy
Secretary, SICASA

Note: Every Articled Assistant and Audit Assistant whose address is registered within the jurisdiction of Southern Region and who has been in article / audit training on or before 1st April 2019 and continues to be in article / audit training on the date of election shall be eligible to vote for the election to the Managing Committee of SICASA. Students eligible to vote and having at least 12 months of unexpired period of article / audit training as on 16th September 2019 shall be eligible to contest the Elections. Students eligible to vote should bring their Identity card issued by the ICAI and should be produced before they have been allowed to vote.

Such students desirous of contesting the election to the Managing Committee of the SICASA are required to send the nomination form duly filled in and complete in all respects together with prescribed fee of Rs. 10/- to the Chairperson, SICASA at the above address on or before 5.30 p.m. on 15th July 2019.

Nomination form can be collected from SIRC office at the above address on any working day from 1st July 2019 to 15th July 2019 from 10.00 am to 5.00 pm (or) can be downloaded from SIRC Website www.sircofcai.org

ANNUAL FEE CIRCULAR 2019-20

ICAI requests all its Members to remit annual Membership/Certificate of Practice fees, which becomes due for payment on 1st April, 2019 and needs to be paid on or before 30th September, 2019. It is also requested to pay the fees preferably by 30th June, 2019 in terms of GST Liability.

Members may also pay total fees in advance for Membership/COP in exact amount for 3 years (1+2 years) along with GST. In such case, any upward revision in amount of fee in future, their Membership/COP will not be removed/cancelled from the Register of Members/COP on account of fee revision.

The applicable amount of Membership Fee/Certificate of Practice Fee and GST i.e.18% is as below;

Fees for all Members not holding Certificate of Practice		
Associate Membership Fee	Rs.1,500/-	Rs.1,770/-
GST@ 18%	Rs. 270/-	
Fellow Membership Fee	Rs.3,000/-	Rs.3,540/-
GST@ 18%	Rs. 540/-	
Fees for all Members holding Certificate of Practice		
Associate Membership fee	Rs.1,500/-	Rs.5,310/-
Certificate of Practice fee	Rs.3,000/-	
GST @ 18%	Rs. 810/-	
Fellow Membership fee	Rs.3,000/-	Rs.8,260/-
Certificate of Practice fee	Rs.4,000/-	
GST @ 18%	Rs.1,260/-	

Fees for Members of the age 60 years or above (as on 01.04.2019) but not holding Certificate of Practice		
Associate Membership fee	Rs.1,100/-	Rs.1,298/-
GST@ 18%	Rs. 198/-	
Fellow Membership fee	Rs. 2,300/-	Rs. 2,714/-
GST@ 18%	Rs. 414/-	

Members are also requested to pay the following (optional);

Chartered Accountants Benevolent Fund	
Life Membership	Rs.5000/- (If already not a Life Member)
Yearly Subscription	Rs. 1000/-
Voluntary Contribution	A respectable amount

S Vaidyanath Aiyar Memorial Fund	
Life Membership	Rs.1000/- (If already not a Life Member)
Yearly Subscription	Rs.50/-
Voluntary Contribution	A respectable amount
Air Mail charges for CA Journal (in case of members abroad) (Shall not be applicable if member opts for e-journal)	Rs. 2478/- (optional) including 18% GST

ICAI is promoting "I GO GREEN with ICAI" scheme under which Member opting e-journal will be given a discount of Rs.590/- (including 18% GST) on total amount of Membership Fees. This facility will be available shortly on ICAI Website under e-services at www.icaai.org and at the link <https://memfee.icaai.org/memfee.html>

Payment of fee can be made online using e-services at the link <https://memfee.icaai.org/memfee.html>

We appeal all our Members to contribute generously to Chartered Accountants Benevolent fund (CABF).

Opt to support 'I GO GREEN with ICAI'

Extend your helping hands : Contribute Generously to CABF



Drizzle - 2019		
SIRC RESIDENTIAL REFRESHER COURSE AT COURTALLAM		
Host: Tirunelveli & Madurai Branches of SIRC of ICAI		
Venue: Five Falls Resort, 35/31 Five Falls Main Road, Opp to Vivekananda Ashram, Courtallam - 627 802		
Dates:	August 3 & 4, 2019	CPE CREDIT - 12 HOURS
Inaugural Session - 09.30 a.m. to 10.00 a.m.	Inauguration by CA. Jomon K.George, Chairman, SIRC of ICAI	
August 3, 2019(Saturday) - 10.00 a.m. onwards	Guest of Honours: CA. M.P.Vijayakumar, CCM CA. Dungar Chand U.Jain, Vice Chairman, SIRC of ICAI	
Resource Persons 3rd August 2019		Resource Persons 4th August 2019
Company Audit/AS/SA by CA Jomon K.George, Kochi		Recent issues in GST by CA J.Murali, Chennai
SA 701,SA 705 by CA. M.P.Vijayakumar, Chennai		Cash Transaction under Income tax Act and Settlement Commission by CA T.Banusekar, Chennai
How to represent before appellant authorities by CA Venkatramanan, Dindugul		Recent issues in Taxation of Charitable Trust under Income Tax Act. CA G.Parthiban, Madurai
Delegate Fee		
Residential (Includes Breakfast, Lunch & Dinner)		
Check-in - August 3, 2019 - 07.30 a.m. onwards		Check out - August 4, 2019 - 4 p.m.
Delegate Strength - 60 Persons only * Twin Sharing of Rooms	A/c Room (On First Come First Served)	
Registrations	Up to 20-7-2019	From 21-07-2019
Member	Rs. 6,490	Rs. 7080
Accompanying Spouse (Non-Member)	Rs. 5900	Rs. 6,490
Children above 12 years	Rs. 4,720	Rs. 5310
Children between 6 to 12 years	Rs. 4,130	Rs. 4,720
Non -Residential (Lunch only)		
Member	Advance up to 20-7-2019	After 21-07-2019&Spot
	2,950	Rs.3,540
Trains connected to Tenkasi - "Poithigai Express" - Train Nos. 12661 / 12662 Pick-up & Drop arranged @Tenkasi Railway Station		
<p>Members are requested to register for the Seminar in advance. Outstation delegates are requested to plan the travel accordingly. Conference Memento Kit only for Advance Registration Member delegates. Delegate fee by way of Cash or by Cheque/Demand Draft drawn in favour of 'Tirunelveli Branch of SIRC of ICAI' payable at Tirunelveli shall be sent to: Tirunelveli Branch of SIRC of ICAI, ICAI Bhawan, A-72, Fifth Cross Street, NGO A Colony, Tirunelveli - 627 001. Email: tirunelveli@icai.org PH: 0462-2554959,</p>		
<p>CA. R.Dayal Sankar Chairman Mobile: 97877 14622 CA. P.Balasubramanian Secretary Mobile: 94431 47500 TIRUNELVELI BRANCH</p>	<p>Ex-Officio Members CA Dungar Chand U Jain Madurai Branch CA Revathi S. Rangunathan Tirunelveli branch</p>	<p>CA. P.Venkatachalam Chairman Mobile: 98942 36207 CA. T.Balasubramanian Secretary Mobile : 98655 85552 MADURAI BRANCH</p>

One Day Seminar on Mock Survey, Search & Seizure - 7th June 2019



Adv. Mr. V. Pashanth



CA. B. Ramakrishnan



CA. Dinkle Kothari



CA. Pranay J Shah

One Day Seminar on Company Audit - 8th June 2019



Shri Debendranath Sarangi, IAS



CA. R. Nagarajan



CA. L. Ravi Sankar



CA. M. P. Vijay Kumar, CCM



CA. Jomon K. George



CA. Chinnsamy Ganesan



CA. Ranjeet Kumar Agarwal, CCM



CA. Ganesh B

Special CPE Meeting on RERA & UDIN - 28th June 2019



CA. Rajendra Kumar P, CCM



CA. Ranjeet Kumar Agarwal, CCM



CA. Tarun Ghia Jamnadas, CCM



Thiru K. Gnanadesikan I.A.S. (Retd.)
Chairman-TNRERA

Resource Persons of CPE Meetings - June 2019



CA. Kiran Kumar Komaravolu



CA. PL. Subramanian



CA. R. Chandrasekhar



CA. Renuka Murali



CA. S. Srinivasan



CA. N. Kumar



CA. C.V. Chitra

One Day Seminar on Interplay between Benami Transactions Act, PMLA and Income Tax Act - 1st June 2019



Group Photograph of the dignitaries during the Inauguration: L to R: Dr. R.N. Dash, Former Member, Appellate Tribunal (PMLA & Benami Law), Ex Director General of International Taxation, RCM Dr. CA. Abhishek Murali, CA. Ashwani Taneja, Advocate [Ex-Member, Income Tax Appellate Tribunal], RCM CA. R. Sundararajan, SICASA Chairperson CA. Revathi S. Raghunathan, Shri Amit Khemka, Advocate-Supreme Court of India and Shri N. V. Vasudevan, Vice President, Income Tax Appellate Tribunal, Bangalore Bench.

5th International Yoga Day Celebrations - 21st June 2019



Cross Section of participants performing Yoga

NAVAGRAHA – 2nd Regional Residential Course at Kumbakonam June 21-23, 2019



Group Photograph of the dignitaries and delegates of the 2nd Regional Residential Course at Kumbakonam. Organised under the auspices of CPE Committee of SIRC of ICAI and Hosted by Kumbakonam Branch of SIRC of ICAI.

Three Days Residential Conference at Ooty June 14, 15 & 16, 2019



Group Photograph of the dignitaries and delegates of the Three Days Residential Conference held at Ooty. Organised by GST and Indirect Taxes Committee of ICAI and hosted by Coimbatore Branch of SIRC of ICAI

High Court

1	Pioneer Polyleathers Limited vs Assistant State Tax Officer	WP(C) 37082/18 Dt 16.11.18 (Kerala HC)	<p>5. Given the submissions advanced by the Standing Counsel for the GST Network, evidently it is only a service provider, having no role to pay in the apportionment. Further, the Government both at the Centre and in the State, have ushered in the GST Tax regime to ensure that everything is made online with minimum manual interventions. Yet strangely, the authorities still insist that the payment should be by physical means: either in cash or through Demand Draft. That insistence seems to be archaic and out of tune with the very spirit of the GST regime. In apportionment, there may be delays and difficulties, but the tax payer cannot be made to suffer, on that count.</p> <p>6. Under these circumstances, applying the ratio of the judgment in Fashion Marbles and Granites Pvt. Ltd. v. Assistant State Tax Officer, I hold that the Assistant State Tax Officer shall release the goods and the vehicle forthwith.</p>
2	Safari Retreats Pvt. Ltd. vs. Chief Commissioner of Central Goods & Services Tax	WP (C) 20463 /18 dt 17.4.19 (Odisha)	<p>But here he is retaining the property and is not using for his own purpose but he is letting out the property on which he is covered under the GST, but still he has to pay huge amount of GST, to which he is not liable.very purpose of the credit is to give benefit to the assessee. In that view of the matter, if the assessee is required to pay GST on the rental income arising out of the investment on which he has paid GST, it is required to have the input credit on the GST, which is required to pay under Section 17(5)(d) of the CGST Act.</p>
3	M/S Neuvera Wellness Ventures Pvt. Ltd. vs. State of Gujarat	SCA 7189/19 dt 18.4.19 (Gujarat)	<p>It is clarified, that this court has directed the petitioners to furnish security of Rs.12,00,000/- only for the purpose of granting immediate relief to the petitioners as the goods in question are perishable goods, and the same shall not be construed as if this court has expressed any opinion that the petitioner is liable to pay such amount of tax and penalty. The liability of the petitioner shall be considered independently on the basis of the submissions advanced by the learned advocate for the petitioner, namely, that IGST has already been paid on the goods in question and that there is no transaction of supply in the present case and any other submission that may be made before the second respondent. Rule is made absolute accordingly to the aforesaid extent</p>
4	Sonka Publication (India) Ltd Vs UOI	WP(C) 10022 /18 dt 7.5.19 (Delhi HC)	<p>Books published and sold by the Petitioner are classifiable under HSN 49.01 and not HSN 48.02. In terms of Notification No.2/2017-Central Tax (Trade) dated 28th June, 2017 i.e. Entry No.119 thereunder, such goods classifiable under HSN 49.01 i.e. „printed books, including Braille books“ are wholly exempted from tax</p>
5	Ghanshyamlal and Company vs. Union of India	SCA 9284/19 dt 9.5.19 (Gujarat)	<p>The GST law provides for a specific provision with respect to taxability on the component of ocean freight..... The interim stay order passed by the Gujarat High Court, in a petition filed by Ghanshyamlal and Company stayed the impugned demand where the petitioners challenged the vires of IGST related Notification.</p>

6	Bharati Tele Media Ltd. vs. Union of India & others	WP (C) 6293/19 dt 29.5.19 (Interim Order)(Delhi HC)	Section 16(2)(c) of CGST Act, 2017 provides for a condition wherein the recipient would only be entitled to Input Tax Credit if the tax charged in respect of such supply has been actually paid by the Supplier. The second proviso to Section 16(2)(d) provides that the recipient shall add an amount of Input Tax Credit availed, along with interest to the output tax liability if the recipient fails to pay the invoice amount to the supplier within 180 days. The Delhi High Court will look into ambiguity in the existing Central Goods and Services Tax (GST) Law that whether input tax credit can be denied to a purchaser for the default committed by the seller.
---	---	---	--

National Anti Profiteering Authority

1	Kerala State Screening Committee on Anti Profiteering Vs VTWO Ventures	31/19 dt 10.5.19	<p>It is also established from the record that the Respondent has deliberately and consciously acted in contravention of the provisions of the CGST Act, 2017 by issuing incorrect invoices which is an offence under Section 122 (1) (i) of the above Act and hence he is liable for imposition of penalty under the above Section read with Rule 133 (3)(d) of the CGST Rules, 2017. In the interest of natural justice before imposition of penalty a notice be issued to him asking him to explain why penalty should not be imposed on him.</p> <p>16. The Respondent has claimed that he had been following the pricing structure of the manufacturing company and that his distributor's margin had not increased and hence, he had not derived any additional benefit on account of the reduction in tax rate from 28% to 18%. Accordingly the DGAP is directed to investigate the aspect of profiteering by the above said Manufacturer</p>
2	Bharati Telemedia Pvt. Ltd.	37/19 dt 12.6.19	<p>The NAA said that, the Entertainment Tax was neither allowed as ITC in preGST era nor has been allowed in the GST era, and that the cost of the entertainment tax was borne by the Respondent himself as is clear from the invoices produced by him. Accordingly, there is no ground to believe the contention of the above Applicant as no benefit of ITC has accrued to the Respondent which was required to be passed on. The NAA also observed that "It is also apparent that the plans and packages post-GST had been changed and thus. There were no comparable prices for the old packages with that of the new ones. In view of the above facts, it is evident that there is no evidence to prove that the Respondent had charged more price in the GST era and not passed on the benefit of tax reduction, as the tax rate had increased from 15% to 18%. The National Anti-Profiteering Authority (NAA) has dismissed profiteering charges against Bharati Telemedia Private Limited for not passing on GST rate cut benefits to its consumers.</p>

Advance Rulings given in 2019

1	Medivision Scan & Diagnostic Research	Kerala 41/19 dt 12.4.19	By virtue of Section 23 of State Goods and Services Tax Act, any person engaged exclusively in the business of supplying goods or services or both, that is not liable to tax or wholly exempt from tax under GST Art, are not liable to take registration. However,
---	---------------------------------------	-------------------------	--

	Kerala		such persons are liable to obtain registration if they are receiving any goods or services liable to tax under reverse charge as per notifications issued under Section 9(3) of the State Goods and Services Tax Act,” the authority added.
2	Colortone Process Pvt. Ltd (Karnataka)	KAR 42/2019 dt 12.4.19	The quality of the print 1 output depends upon the quality of paper used. The printing of pictures images on ordinary paper and glossy coated/ paper is entirely different. The quality of printing is high in glossy coated paper. As per the explanatory notes to the • scheme of 1 classification of services as discussed above the printing of pictures I images on glossy coated/ paper/ photo paper will not come under the Service Classification Code 998912. Therefore, the work of printing of images from digital media executed by the applicant comes within the ambit of Service Classification Code 998386. The Advance Ruling Authority (AAR), • Kerala has held that the activity of printing of images from digital media would attract 18% Goods and Services Tax (GST).
	Arihant Dredging Developers Pvt. Ltd West Bengal	16/19 dt 16.4.19	The AAR noted that “the recipient is engaged in the development of irrigation and waterways, which includes activities in relation to the function listed under Sl No. 5 of the Eleventh Schedule, and, therefore, entrusted to a panchayat under Article 243G of the constitution of India. The recipient certifies that the work • awarded to the Applicant, involving drainage of channels and riverbeds, is an activity undertaken in relation to the function referred to above. The West Bengal Authority for • Advance Rulings (AAR) has held that the drainage of channels and riverbeds is an exempt supply under the Goods and Services Tax (GST) regime.

3	M/s. Sutherland Mortgage Service Inc Kerala	KER/32/2019 dt 24.5.19	This authority has been constituted in exercise of the powers conferred by section 96 of the Kerala Goods and Services Tax Act, 2017, which Act extends to the whole of the state of Kerala. This authority has to function within • the legal boundary mandated by the Act. As the ‘place of supply’ is not covered by Section 97(2) of the Acts, this authority is helpless to answer the question raised in the application. The Kerala State Advance Ruling • Authority (AAR) has held that it has no jurisdiction to determine the ‘place of supply’ under the Goods and Services Tax (GST) Act.
---	--	---------------------------	---

Notifications Issued under GST (CBIC)

1	Notification No. 10/2019- Central Tax (Rate)	Dt 10-5-19 [F. No.354/32/20 19-TRU]	further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.11/2017- Central Tax (Rate), dated the 28thJune, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 690(E), dated the 28thJune, 2017, namely:- In the said notification, -(i) in the Table, against serial number 3, in items (ie) and (if), in the entries in column (5), for the figures and letters “10th ”, wherever they occur, the figures and letters “20th ” shall be substituted; (ii) in Annexure IV, for the figures and letters “10th ”, at both the places where they occur, the figures and letters “20th” shall be substituted. the figures and letters “20th” shall be substituted.
---	--	-------------------------------------	---

- 1. Tagging of Information:** *The last date for filing ACTIVE (INC-22A) got expired on 15th June, 2019.* The Tagging of non-compliant Companies/Directors for not filing eForm Active (INC-22A) is now in progress. To facilitate completion of the activity, e-filing of the form (ACTIVE) has been suspended temporarily. The same would be restored soon for filing purposes with fee as provided under the relevant rules once the Tagging activity is complete. The consequences of not filing the said form on or before the said date would be that In case ACTIVE is not filed on or before the said date, the compliance status for such companies shall be marked as 'ACTIVE Non-compliant' and Directors of such 'ACTIVE non-compliant' companies shall be marked as 'Director of ACTIVE non-compliant company'. The penalty for non-compliance will be Rs.10,000.
- 2. Amendments in Schedule VII to the Companies Act, 2013:** The MCA vide its Notification dated 30th May, 2019 has made further amendments in the said schedule, that after item (xi) and entries relating thereto, has inserted namely another item *(xii) disaster management, including relief, rehabilitation and reconstruction activities.*
- 3. Registration of Section 8 companies:** The MCA has notified the amendments for the Registration of Section 8 Companies through the Companies (Incorporation) Sixth Amendment Rules, 2019, which shall come into force with effect from 15th August, 2019.
- 4. Filing of Affidavits by subscribers to Memorandum of Association:** Filing of affidavits (from each of the subscribers to the memorandum and from persons named as the first directors, if any, in the articles that he is not convicted of any offence in connection with the promotion, formation or management of any company, or that he has not been found guilty of any fraud or misfeasance or of any breach of duty to any company under this Act or any previous company law during the preceding five years and that all the documents filed with the Registrar for registration of the company contain information that is correct and complete and true to the best of his knowledge and belief) as per Section 7(1)(c) of the Companies Act, 2013 read with rule 15 of the Companies (Incorporation) Third Amendment Rules has been dispensed with vide the Companies (Amendment) Act, 2017- from 27th July 2019. Further it may be noted that only declaration by first subscriber(s) and director(s) in INC-9 is mandatory and affidavit is NOT required to be filed. Stakeholders may kindly note the above provisions while filing SPICe forms for incorporation of Companies.

5. **Audit Report vs. Reconciliation of Share Capital:** The Ministry is in the process of prescribing the format of the audit report for reconciliation of share capital under sub-rule (8) of rule 9A of the Companies (Prospectus and Allotment of Securities) Rules, 2014. In the meanwhile, the stakeholders are requested to make such filings only after such format is made available.

6. **Difficulty in filing Form for appointment of auditors:** Stakeholders who were unable to file e-form ACTIVE as they had filed ADT-1 forms for appointment of auditors for the period from 2014-15 to 2018-19 as an attachment with GNL-2 e-form during the period from 01/04/2014 to 20/10/2014 (due to non-availability of e-form ADT-1 during that period), it has now been decided to permit re-filing of ADT-1 to such companies for the said period (up to 2018-19), with 'fee relaxation' (normal fee and additional fee). Stakeholders, in such cases, may download the latest ADT-1 e-form available on the portal and refile details of the Auditor's appointment for the said period duly choosing 'To' period of appointment date as a date on or before '31st March 2019'. Once ADT-1 is re-filed in such cases and duly approved, the details of Auditors would get pre-filled in the ACTIVE form. In so far as those stakeholders who had filed details of auditors appointment in e-form GNL-2 even after 20th October 2014 (though e-form ADT-1 had been deployed on 20/10/2014) are concerned, no fee relaxation would be available.

7. MCA has notified the Companies (Prospectus and Allotment of Securities) Third Amendment Rules, 2019 which shall come into force from 30-09-2019.

8. MCA has notified the Companies National Financial Reporting Authority (Meeting for Transaction of Business) Rules, 2019 which shall come into force on the date of its publication in the Official Gazette i.e. 22-01-2019.

FEMA Updates

CA. G. Murali Krishna

I. Voluntary Retention Route' (VRR) for Foreign Portfolio Investors (FPIs) investment in debt-Revised

RBI vide A.P.(DIR Series) Circular No. 21 dated March 01, 2019 released directions related to Voluntary Retention Route (VRR) for investments by Foreign Portfolio Investors (FPIs) in Corporate Debt Instruments and Government Securities. Those directions are revised vide A.P.(DIR Series) Circular No. 34 dated May 24, 2019. The changes include, inter alia, the following:-

- a. Introduction of a separate category, viz., VRR-Combined (shall mean Voluntary Retention Route for FPI investment in instruments eligible under both VRR-Govt and VRR-Corp).
- b. The requirement to invest at least 25% of the Committed Portfolio Size within one month of allotment has been removed.

- c. FPI are provided with an additional option at the end of the retention period, viz., continue to hold their investment until the date of maturity or the date of sale, whichever is earlier.

(For Further details please refer to the Circular No.34 dated May 24 2019)

II. Update on Compounding Orders issued under FEMA Regulations

a. Mckinsey & Company India LLP

Regulation	Regulation 5(9) read with para 7(i) of Schedule 9 of FEMA 20/2000-RB dated May 3, 2000
Contravention	Delay in reporting the receipt of remittances [in Form Foreign Direct Investment – LLP(I)], beyond the stipulated time period of 30 days
Date of Order	16 th May 2019
Compounding Fee	₹ 10,35,250/-

b. M/s Eastman Power Plant Engineering Company (Pvt.) Ltd.

Regulation	Regulation 6(1) of FEMA 3/2000-RB dated May 3, 2000 read with Paragraphs 1(i), further read with Paragraph 4 of schedule I and Paragraph 2 of the Annex to A.P. (DIR Series) Circular No.32 dated November 30, 2015 and Paragraphs 1(iii), 1(iv), 1(v) and 1(xii) of Schedule I to this Regulation, as amended from time to time.
Contravention	The contraventions sought to be compounded are: (i) Borrower not eligible to avail ECB (ii) Availing ECB from a non-recognized lender (iii) Availing ECB for an end-use that was not permitted (iv) Non-compliance with minimum average maturity period guidelines (v) Not meeting the reporting requirements
Date of Order	29 th May 2019
Compounding Fee	₹ 72,793/-

c. Genpact India Private Limited

Regulation	Regulation 3 of FEMA 20/2000-RB dated May 3, 2000 read with the approval letter reference No. FED.CO.FID.No. 6013/10.21.360/2015-16 dated 04.04.2016
Contravention	Violation of a condition specified in the approval letter dated 04.04.2016 issued by the RBI, to the applicant company, for acquiring 100% shareholding in an Indian company, namely, M/s Endeavour Software Technologies Ltd., from its non-resident and resident shareholders
Date of Order	24 th May 2019
Compounding Fee	₹ 12,95,627/-

d. Laqshya Media Limited

Regulation	Regulations 6(2)(i), 6(2)(vi), 6(3)(ii)(c), 6(4)(i), 13, 15(iii) and 16A(3) of FEMA 120/2004-RB dated July 7, 2004
Contravention	The contraventions sought to be compounded are: (i) breach of the net-worth limit for total financial commitment under

	Overseas Direct Investment (ODI) regulations (ii) delay in filing Form ODI with respect to reporting of issuance of guarantee (iii) issuance of open-ended guarantee (iv) issuance of guarantee on behalf of step-down subsidiary (SDS) when it was not eligible under the extant ODI regulations (v) non-reporting of setting up of SDS within the stipulated time period (vi) non-submission of Annual Performance Reports (APR) within the stipulated time period and (vii) disinvestment with write-off - without prior approval of RBI
Date of Order	9 th May 2019
Compounding Fee	₹ 1,20,67,671/-

Updates on Goods and Services Tax

CA. G. Saravana Kumar

LEGAL UPDATES IN JUNE 2019

1. Clarifications in filing Annual return (GSTR 9) – CBIC Press release dated 04th June, 2019

Trade and industry have raised certain queries in filing annual return. Hence, CBIC has come out with this press release. Key clarifications given are as follows:

- i. Information contained in Form GSTR 2A as on 01.05.2019 shall be auto-populated in Table 8A of GSTR 9.
- ii. Input tax credit on inward supplies shall be declared from April 2018 to March 2019 in Table 8C of FORM GSTR-9.
- iii. Particulars of the transactions for FY 2017-18 declared in returns between April 2018 to March 2019 shall be declared in Pt. V of FORM GSTR-9. Such particulars may contain details of amendments furnished in Table 10 and Table 11 of FORM GSTR-1.
- iv. It may be noted that irrespective of when the supply was declared in FORM GSTR-1, the principle of declaring a supply in Pt. II or Pt. V is essentially driven by when was tax paid through FORM GSTR-3B in respect of such supplies. If the tax on such supply was paid through FORM GSTR-3B between July 2017 to March 2018 then such supply shall be declared in Pt. II and if the tax was paid through FORM GSTR3B between April 2018 to March 2019 then such supply shall be declared in Pt. V of FORM GSTR-9.
- v. Any additional outward supply which was not declared by the registered person in FORM GSTR-1 and FORM GSTR-3B shall be declared in Pt.II of the FORM GSTR-9. Such additional liability shall be computed in Pt.IV and the gap between the “tax payable” and “Paid through cash” column of FORM GSTR-9 shall be paid through FORM DRC-03.
- vi. Many taxpayers have reported a mismatch between auto-populated data and the actual entry in their books of accounts or returns. One common challenge reported by taxpayer is in Table 4 of FORM GSTR-9 where details may have been missed in FORM GSTR-1 but tax was already paid in FORM GSTR-3B and therefore taxpayers see a mismatch between auto-populated data and data in FORM GSTR-3B. It may be noted that auto-population is a functionality provided to taxpayers for facilitation

purposes, taxpayers shall report the data as per their books of account or returns filed during the financial year.

- vii.** Many taxpayers have represented that Table 8 has no row to fill in credit of IGST paid at the time of import of goods but availed in the return of April 2018 to March 2019. Due to this, there are apprehensions that credit which was availed between April 2018 to March 2019 but not reported in the annual return may lapse. For this particular entry, taxpayers are advised to fill in their entire credit availed on import of goods from July 2017 to March 2019 in Table 6(E) of FORM GSTR-9 itself.

2. Further clarifications given by Team GSTN through GSTN portal – GSTR 9

– “Issues reported in filing Form GSTR 9 by the tax payers – Steps to be taken”
– *Reported under News and Updates column of the portal – dated 14.06.2019 - <https://www.gst.gov.in/newsandupdates/read/288>*

1. Some taxpayers have reported that figures of Input Tax Credit (ITC), as pre-populated in table 8A of Form GSTR-9, do not match with the figures as appearing in their Form GSTR-2A. Please note that this may happen due to following reasons:

- a. Figures in GSTR-2A are auto populated based on filed/ saved / submitted Form GSTR-1 of the supplier taxpayer. But figures in table 8A of Form GSTR-9 are auto-populated only on the basis of filed Form GSTR-1 by the supplier taxpayer. In case, Form GSTR -1 is not filed by your supplier, then credit related to those invoices will not appear in table 8A of your Form GSTR-9.
- b. Figures in table 8A of Form GSTR 9 are auto populated only for those Form GSTR-1, which are filed by the supplier taxpayer by due date of its filing i.e. 30th April, 2019. Thus, ITC on supplies of the financial year 2017-18, if reported beyond 30th April, 2019, will not get auto-populated in table 8A of Form GSTR-9.
- c. In table 8A of Form GSTR-9, only latest values have been auto-populated based on filed Form GSTR-1, taking into account all the amendments made, if any. Suppose an invoice with taxable value of Rs 100/- with tax of Rs. 18/- was filed in Form GSTR-1 in the month of January, 2018 and same was amended to Rs 90 as taxable value in the month of March, 2018, then
 - i. the Form GSTR-2A of January, 2018 will show ITC of Rs. 18
 - ii. the Form GSTR-2A of March, 2018 will show ITC of Rs 16.20 &
 - iii. the table 8A of Form GSTR-9 will contain ITC of Rs 16.20.
- d. In table 8A of Form GSTR-9, ITC related to all such invoices have been excluded in which place of supply lies in supplier’s taxpayers State, instead of State of the receiver taxpayer. These figures will be shown in Form GSTR-2A of the recipient. For example if a taxpayer of State A visits State B and stays in a hotel in State B, the tax paid by him to the hotel in State B will appear in his Form GSTR-2A, but the same will not be reflected in table 8A of Form GSTR-9.
- e. The Figures in table 8A of Form GSTR-9 do not contain ITC for the period during which the recipient taxpayer was under composition scheme.

2. While filing Form GSTR 9 'Proceed to File' button will be enabled only if 'Compute Liability' is clicked. This button is meant for computation of late fees only. Please note Form GSTR 9 once filed cannot be revised.

3. Further clarifications given by Team GSTN through GSTN portal – GSTR 9C – Part A

[https://www.gst.gov.in/newsandupdates/read/289 - dated 14.06.2019](https://www.gst.gov.in/newsandupdates/read/289-dated-14.06.2019)

Taxpayers have reported some issues in filing their Form GSTR 9C, which are clarified below:

- **Turnover for filing Form GSTR- 9C:** Form GSTR-9C is to be filed by all those taxpayers whose aggregate turnover has exceeded Rs 2 crore in a financial year. Turnover of complete year i.e. from 1st April, 2017 to 31st March, 2018 has to be taken into account for calculating the turnover. For example, if a taxpayer has a turnover of Rs. 2.1 Cr for the period 1st April, 2017 to 31st March, 2018 and a turnover of Rs. 1.9 Cr for the period 1st July, 2017 to 31st March, 2018, then the taxpayer is required to file form GSTR- 9C.
- **User getting error message while using Excel version:** You are also advised to use Microsoft excel version higher than 2007 while preparing Form GSTR 9C.
- **Providing Membership Number by Auditor:** While filing Part B of Form GSTR-9C, Auditors are advised to give their membership number without prefixing '0' in their membership number. If membership number is '016', then auditor should enter '16' on the aforesaid part in the membership number field & not '016'.

4. Further clarifications given by Team GSTN through GSTN portal – GSTR 9C – Part B

<https://www.gst.gov.in/newsandupdates/read/293>

Part B: While filing Form GSTR-9C on GST Portal, for issues related to using DSC, following is brought to your notice:

To Prepare Annual Return in Form GSTR-9C:

1. Following steps need to be performed for preparing Form GSTR 9C:

Steps for Filing Form GSTR 9C	Mode of Performing Steps
i. Taxpayer Collects Data to Send it to Auditor	
A. Download Filed Form GSTR-9 and Form GSTR-9C Tables derived from Form GSTR-9	ON GST Portal
B. Send Files to the Auditor for Preparing GSTR-9C Statement	OFF GST Portal
ii. Auditor Prepares GSTR-9C Statement Using GSTR-9C Offline Utility	
C. Download GSTR-9C Offline Utility	ON GST Portal
D. Install emSigner after downloading the latest version from GST Portal	ON GST Portal
E. Open the GSTR-9C Offline Utility Excel Worksheet, Add table-wise details in the Worksheet, Generate	OFF GST Portal

Preview PDF file to view Draft Form GSTR-9C	
F. Generate JSON File and auditor need to affix his/her DSC	OFF GST Portal
G. Send the Signed JSON File to the Taxpayer for Upload on GST Portal	OFF GST Portal
iii. Taxpayer Uploads GSTR-9C Statement prepared by Auditor using his/her DSC	
H. Upload the Signed JSON File on GST Portal and Save Form	ON GST Portal
I. Signs the Form and complete filing of Form GSTR-9C	ON GST Portal

2. While signing generated JSON File, by using his/her DSC, Auditor needs to ensure:

HTML file name 'wsweb' and 'GSTR_9C_Offline_Utility' should be in same folder to generate the JSON.

You have installed emSigner in your machine.

3. For detail help click on link below:

<https://tutorial.gst.gov.in/downloads/gstr9cofflineutility.pdf>

ADVANCE RULING AUTHORITY UPDATES

Supply of Ice-cream from retail outlets without serving it or providing it as dining facility is a supply of goods – AAR Maharashtra [2019] 73 GST 760/104 taxmann.com 230 – Arihant Enterprises

The applicant purchases ice-cream from its franchisor and sell the same to customers as it is without any further processing or alteration or structural or chemical change in tubs of 500 gms at the MRP and in scoops, cones etc., as per the customers' preferences.

The applicant raises an issue whether supply of ice-cream from its retail outlets would be treated as supply of goods or supply of service or a composite supply and subject to GST accordingly.

Ruling:

In case of sale of ice-creams in tubs of 500 gms and at the MRP, there is no doubt that the same is sale of goods with no service being involved. Hence, the authority discusses the other scenario where the ice-creams are sold in scoops, cones etc., or sold after being topped with fruits.

The Authority finds that the dominant object even in the case of ice-cream in scoops, as in the subject case, is a sale of goods. This transaction of selling ice-cream received in bulk and selling them in scoops is akin to sales made by grocery shops in the case of sale of edible oil, wherein the grocer sells such oil in various lesser quantities after receiving the same in bulk quantity of 20 liters in cans or tins.

The decision of the Rajasthan High court in the matter of Govind Ram Vs State of Rajasthan AIR 1982 Raj 265 cited by applicant appears to be applicable to the subject case inasmuch as there is sale of goods i.e. ice cream which is made across the counter to the customers by the applicant. This is precisely where the applicant's outlets differ from the conventional restaurants.

Income Tax Judgments Update

CA. Ambati Chinna Gangaiah

Gist of Judgments of Supreme Court

Sr. No	Name of the Appellant / Respondent	Appeal No and date of decision	Gist of Judgments / Orders passed
1	Snowtex Investment Limited Vs Pr CIT	AC 4483/19 dt 30.4.19	amendment which was brought by Parliament to the Explanation to Section 73 by the Finance (No 2) Act 2014 was with effect from 1 April 2015. In its legislative wisdom, the Parliament amended Section 43(5) with effect from 1 April 2006 in relation to the business of trading in derivatives, Parliament brought about a specific amendment in the Explanation to Section 73, insofar as trading in shares is concerned, with effect from 1 April 2015. The latter amendment was intended to take effect from the date stipulated by Parliament and we see no reason to hold either that it was clarificatory or that the intent of Parliament was to give it retrospective effect.

Gist of Judgments of High Courts

1	Canara Bank Vs CIT (A)	Writ Tax 394/16 dt 3.12.18 (Allahabad HC) 261 Taxman	15. Therefore, applying that principle, on 30.11.2015, there did not exist any order of the CIT(Appeals) dated 20.12.2013 as may have been open to rectification proceedings. That order having merged in the order of the Tribunal dated 7.08.2015, rectification application if any or other statutory remedy of appeal could have been invoked and pursued only with reference to the order of the Tribunal dated 7.8.2015 and no other.
2	Mohanlal Champalal Jain Vs ITO	WP 3629/18 dt 30.1.19 (Bombay HC)	Either on his own or by calling upon the petitioner to provide such details, the Assessing Officer could and ought to have verified at least prima facie that the income in the hands of the petitioner chargeable to tax had escaped assessment. In the present case, what the Assessing Officer aiming to do so is to carry out fishing inquiry. In fact, even when the assessee brought such facts and figures to his notice, the Assessing Officer refused to look into. 6. We are conscious that the petitioner not having filed return of income and consequently there being no scrutiny assessment, the Assessing Officer would have much wider latitude to reopen the assessment. However, in such a case also, the primary requirement of the Assessing Officer having a reason to believe that the income chargeable to tax had escaped assessment would apply.
3	Pr CIT Vs M/s Mohommad Haji Adam & Co. and batch	ITA 1004/16 and batch dt 11.2.19 (Bombay HC)	There was no discrepancy between the purchases shown by the assessee and the sales declared. That being the position, the Tribunal was correct in coming to the conclusion that the purchases cannot be rejected without disturbing the sales in case of a trader. The Tribunal, therefore, correctly restricted the additions limited to the extent of bringing the G.P. rate on purchases at the same rate of other genuine purchases
4	Sumit Balkrishna Gupta Vs ACIT	WP 3563/18 dt 15.2.19 (Bombay HC)	A notice issued under Section 143(2) of the Act which gives jurisdiction to complete the assessment having been issued in the name of the dead person is noneset in law as it is not the saved by Section 292B of the Act
5	Pr CIT Vs RST India Ltd	ITA 1798/16 dt 12.03.19	Section 28 (ii) (c) of the Act makes any compensation or other payment due the receipt of a person holding an agency in

		(Bombay HC)	connection with the termination of the agency or the modification of the terms and conditions relating thereto, chargeable as profits and gains of business or profession. The essential requirement for application of section would therefore be that there was correlation of agency –principal
--	--	-------------	--

			between the assessee and the US based company. In the present case the CIT (A) and the tribunal have concurrently held that the relationship was one principal to principal and not one of the agency.
6	Pr. CIT vs Bijoy Kr. Agarwal	ITAT 272/17 dt 2.4.19 (Calcutta HC)	The impugned notice under Section 272(1)(c) does not specify which of the two contraventions, the assessee. For those reasons, the notice is bad. We are supported in our view by the decision of the Supreme Court in Amrit Foods Versus Commissioner of Central Excise, U. P. reported in (2005) 13 SCC 419, a Division Bench of our Court in Principal Commissioner of Income Tax – 19, Kolkata Versus Dr. Murari Mohan Koley, ITAT No. 306 of 2017 (so far unreported) decided on 18th July, 2018, judgements of the Karnataka and Bombay High Courts referred to in the 2018, judgements of the Karnataka and Bombay High Courts referred to in the preceding judgement and an unreported judgement of the Division Bench in Principal CIT – 1, Kolkata Versus M/S. SRMB Srijan Ltd. made on 26th February, 2019 on the same point. We make it absolutely clear that we have only gone into the question of technical defect in the notice stated to have been issued under Section 271(1)(c) read with Section 274 of the Income Tax Act, 1961 and the consequences thereof. We have not gone into any other issue. Hence, this appeal (ITAT No. 272 of 2017) and the stay application (GA No. 2455 of 2017) are dismissed.
7	Pr CIT Vs SBI	ITA 718/17 dt 18-6-19 (Bombay HC)	The sole surviving question (iv) arises out of the revenue's contention that the claim of the assessee under Section 80M of the Act should be on the net of the income and not gross.....This Court held that the principles applicable for computing deduction under Section 80HHC of the Act cannot be imported into Section 80M of the Act.

Income Tax Appellate Tribunal

1	Aishika Pharma Pvt Ltd Vs ITO	ITA 732/Del/19 dt 29.4.19	Considering the nature of the business promotion expenses incurred by the assessee company.....we are of the view that whatever expenses incurred by the assessee company are only on account of business promotion expenses which are allowable under the provisions of the I.T. Act....Therefore, there is no question of applying Explanation to Section 37(1) of the I.T. Act, 1961, against the assessee company.
2	Incap Manufacturing Service Pvt. Ltd vs. DCIT	ITA 2214 to 2216/Bang/18 dt 30.4.19	claim of depreciation on Customer Relationship Rights supported with observations of the Co-ordinate bench and following the judicial discipline, we set aside the order of the CIT(A) and direct the AO to grant depreciation on Customer Relationship Rights treating the same as 'Goodwill' and allow the grounds of appeal of the assessee.
3	Shri Krishnabai Ghat Trust ITO	ITA 44/Pun/19 dt 3.5.19	"an assessment proceedings which is pending in appeal before the appellate authority should be deemed to be "assessment proceedings pending before the AO." within the meaning of the term as envisaged under the proviso. It follows there from that the assessee which obtained

			registration u/s.12AA of the Act during the pending of appeal was entitled for exemption claimed u/s.11 of the Act”.
4	Sonia Malik Vs JCIT	ITA 7792/Del /18 dt 10.5.19	where the assessee had received loans in cash from close family relations, penalty levied u/s 271D was deleted. Since the assessee, in the instant case, has received cash loan from her parents and brother to meet the stamp duty cost for purchase of a house property for her own living, therefore, I am of the considered opinion that it is not a fit case for levy of penalty u/s 271D of the Act and the provisions of section 273B will come to the rescue of the assessee as a reasonable cause.
5	Sushil Tuli Vs ITO	ITA 553/Lkwl/ 16 dt 10.5.19	14. Thus, there are two pre-conditions for charging the income as income from house property under section 22 of the Act. Firstly, the assessee must be the owner of the property. Also, the property must not be occupied by the assessee for the purposes of his business or profession. In other words, the property should be a residential property Too, the property is commercial in nature. Therefore, the provisions of section 22 of the Act are not at all applicable
6	ITO (TDS) Vs Mahatma Gandhi University	ITA 555 & 556/Coch /18 dt 14.5.19	the employees of the assessee are found to be holding civil posts under the State Government, therefore, the provisions of section 10(10)(i), 10(10A) and 10(10AA) of the Act are fully attracted. Once the assessee falls under the above provisions of the Act, the same cannot be subject to TDS. We, therefore hold that payments made by the assessee to its employees towards death cum retirement gratuity, commutation of pension or leave salary shall not be liable for TDS to the extent permitted under the provisions of section 10(10)(i), 10(10A) and 10(10AA) of the Act....decisions of the Tribunal, if tax is deducted based on a bonafide estimate or if there is no observation that the estimate is not honest or fair, the deductor cannot be held to be assessee in default u/s. 201(1). Thus, in our opinion, deduction of tax at source by an employer is always a tentative deduction of income-tax subject to regular assessment in the hands of the payee/recipient.
7	M/s. Seven Heaven Constructions Pvt. Ltd Vs ITO	ITA 6676/Del /18 dt 28.5.19	“Reassessment proceedings cannot be resorted only to examine facts of the case, no matter how desirable that be, unless there is a reason to believe, rather than suspect, that income has escaped assessment.” 14. Thus, in view of various decisions, rendered in the cases cited above, in the light of reasons recorded in the instant case, we are of the considered opinion that the Id. Authorities below were not justified to sustain the validity of reassessment proceedings being invalid.
8	Jai Bhikshu Credit and Holding Ltd Vs DCIT	ITA 2911/Del /16 dt 28.5.19	it is apparent that no part of the business of the assessee company consists of purchase and sale of the shares. Merely indulging in purchase and sale of shares for investment is not business activity in sale and purchase of shares of other companies for the purpose of this section
9	Sh. BR Sharma, Vs ITO	ITA 5474-5475 & 5476/Del/12 dt 29.5.19	penalty has been initiated on the charge of furnishing inaccurate particulars, but Ld.AO levied penalty on concealment of income. It is observed that assessee was asked to explain penalty on one count whereas levy has been on other count. This itself calls for quashing of penalty order passed by Ld.AO for all years under consideration.
		ITA	we are of the opinion that the valuation by the departmental

10	Estate Rajendra Dutta Vs ITO	902/Kol/17 dt 29.5.19	valuation officer, contemplated under Section 50C, is required to avoid miscarriage of justice. The legislature has taken care to provide adequate machinery to give a fair treatment to the citizen/taxpayer. There is no reason why the machinery provided by the legislature should not be used and the benefit thereof should be refused. Even in a case where no such prayer is made by the assessee, the assessing officer, while discharging a quasi judicial function, has the bounden duty to act fairly and to give a fair treatment, by giving assessee an option to follow the course provided by law.
11	Abhishekh Kejriwal Vs ACIT	ITA 1132/Kol /17 dt 29.5.19	Assessing Officer made addition purely on surmises and conjectures without bringing comparable persons having same education and experience on record to judge fair market

			value of Nidhi Kejriwal services. No finding was recorded by the Assessing Officer that the sum of Rs. 50,000/- is unreasonable u/s 40A(2)(b) of the Act.
12	DCIT Vs. Shri Beni Prasad Lahoti	ITA 2378/Kol /16 dt 29.5.19	statement recorded at the time of search, no piece of corroborative evidence was either found during the search nor brought on record by further post search investigation either by the investigation wing officer or by the Assessing Officer during the assessment proceeding. Therefore, the total addition of Rs.3,62,38,369/ - cannot be sustained only on the basis of the statement recorded during the search operation.
13	DCIT Vs. M/s. Consulting Engineering Services	ITA No:-1735 /Del/2014 dt 29.5.19	The grant of a reasonable opportunity of being heard, is a statutory pre condition to the exercise of power u/s. 142 (2A) of the Act, and if an Assessing Officer fails afford a reasonable opportunity of being heard, before passing an order u/s. 142 (2A) of the Act, such an order would be null and void
14	Gragerious Projects Pvt Ltd Vs ACIT	ITA 112/Del/ 19 dt 29.5.19	Revenue authorities have not doubted the correctness of the assessee's claim that it suffered the loss of `5 crores. Meaning thereby, the genuineness of loss is not in dispute. The only dispute was whether it is an allowable deduction either as a business loss or a capital loss. The assessee's claim is not accepted by the Revenue. However, on these facts, we do not find any justification to arrive at the conclusion that the loss claimed by the assessee was mala fide. the conclusion that the loss claimed by the assessee was mala fide.
15	Aarti Industries Ltd. Vs DCIT	ITA 592 & 593/ Mum./18 dt 29.5.19	non-disposal of objections challenging the validity of re-opening of assessment under section 147 of the Act is not a mere procedural lapse but effects the jurisdiction of the Assessing Officer to pass the assessment order under section 143(3) r/w section 147 of the Act. Therefore, following the ratio laid down in the decisions referred to above, we have no hesitation in holding the impugned assessment orders passed under section 143(3) r/w section 147 of the Act as void ab initio.
16	N.M. Merchantiles Limited Vs ACIT	ITA 314/Chan/ 18 dt 30.5.19	If the assessee under the mistaken belief had agreed to the aforesaid disallowance, that itself, does not debar the assessee to agitate the said disallowance in an appeal if the assessee otherwise legally is not liable to pay any tax on such disallowance / addition made by the Assessing Officer.
17	Vimal Chand	ITA 304/JP	Accordingly after giving the benefit of the CBDT Instruction

	Surana Vs DCIT	/18 dt 30.5.19	No.1916 and the status of the assessee's family, the jewellery found from the residence and locker of the assessee cannot be considered as excess of the normal possession of this jewellery. Therefore, even if the assessee has disclosed the undisclosed income in the statement recorded under section 132(4) of the Act but for the purpose of levy of penalty under section 271AAB, all these facts are required to be taken into account. Once all these facts are considered, then the said jewellery found at the time of search and seizure action cannot be held as undisclosed income.
18	Premier Book Co Vs ACIT	ITA . 4215/Del /16 dt 3.6.19	tenancy rights cannot be treated as intangible assets, there is no question of allowing depreciation on it. As a result, the appeal of the assessee is hereby dismissed after due consideration of the issue before us.

19	DCIT Vs Bhaijee Portfolio Pvt. Ltd.	ITA 5322/Del /15 dt 4.6.19	it can be clearly seen that the notice has been issued prior to the approval. Thus, reopening u/s 148 is without the approval of the designated authority and as such reassessment itself is bad and without any jurisdiction. The mandatory conditions of Section 148 has not at all followed by Revenue. Therefore, the re-opening itself is void ab initio and does not survive.
20	ACIT Vs Shri Mukesh Sharma	ITAT Indore ITA (SS)No. 88/Ind/2013 Dt 4.6.19	order of the assessment relates to particular assessment year or assessment years. Ld. CIT(A) is bound to adjudicate the issues emanating out of the appeal for the respective assessment year. Giving directions to the A.O to consider for re-assessment for other assessment years for which no appeal is pending before CIT, in our view seems to be out of his/her jurisdiction. In the instant case it seems that Ld. CIT(A) has exceeded her jurisdiction of giving direction for reopening of cases for Assessment Year 2010-11 because the appeals of the assessee(s) were pertaining to Assessment Year 2009-10 only.
21	ITO Vs Asha Vimala Vs	ITA No.568/Coch /2018. Dt 6.6.19	the entire procedure prescribed under the Land Acquisition Act was followed, only price was fixed upon a negotiated settlement. The A.O. did not have case that the impugned land is not an agricultural land. Therefore, in view of the above judgment of the Hon'ble Apex Court (supra), we hold that the acquisition of the urban agricultural land was a compulsory acquisition and the same would be entitled to the benefit enumerated in section 10(37) of the I.T.Act. It is ordered accordingly
22	DCIT, Jaipur vs. Kamal Sethia	ITA 1498 & 1499 /JP/18 dt 7.6.19	in the instant case and therefore, capital expenditure and payment towards purchase of land cannot be held as undisclosed income in the hands of the assessee. 49. In light of above discussions and in the entirety of facts and circumstances of the case, we are of the considered view that the assessee cannot be fastened with the penalty so envisaged under explanation 5A to section 271(1)(c) and the order of the Id CIT(A) directing deleting of penalty is upheld for the reasons as stated above.
23	Vijay Chaudhary Vs ITO	ITA 6432/ DEL /15 dt 10.6.19	assessee has purchased the residential plot from the sale proceeds of the earlier residential house. The sale proceeds were utilized for construction of residential house with the three years itself. The decision of the Hon'ble Karnataka High

			Court is apt in the present case as the Hon'ble High Court held that it is not a pre-condition to invest the money in the specified Central Govt. Scheme of the sale proceeds if the property is purchased and constructed for residential purposes. Though the Ld. DR tried to distinguish the factual matrix but the same is not tenable as the ratio and the facts determined by the Hon'ble Karnataka High Court are similar to the present assessee's case as well.
21	Ghaziabad Development Authority Vs CIT	ITA 2399/DEL /14 dt 10.6.19	In the present assessee's case also show cause notice was issued by Income Tax Officer (Technical) and signed by the said Officer on behalf of the Commissioner of Income Tax. As per Sec. 263, the Commissioner of Income Tax cannot delegate his powers to the subordinate Officer or lower officer and, therefore, this defect is non-curable defect and the Show Cause Notice itself is bad in law. Besides this, after going through the assessment order, the Assessing Officer has also taken cognizance of the material available and has arrived at a proper conclusion. There order u/s 263 is merely a second opinion which is not permissible under the provisions of the Income Tax Act, 1961.

22	Shri Balaji Industrial Engineering Ltd. vs. ACIT	ITA 1014/JP /16 dt 10.6.19	where there was no discrepancy found in the physical stock as well as stock recorded in the books of account despite the physical verification and inventorization carried out of investigating team at the time of search then the mere details of payment for purchases in cash would not constitute undisclosed income as per the definition provided in explanation to Section 271AAB
23	Vijaya Durga Devi Trust Vs DCIT	ITA 494/PUN /19 dt 10.6.19	Deity is the sole beneficiary and it is not a case where the share of its income is unknown or indeterminate. In such a situation I am of the view that provisions of Sec.167B would not be applicable and since the Deity is a juristic person and having the status of an individual
24	Pioneer Distilleries Limited Vs Pr CIT	ITA 479/PUN /17 dt 10.6.19	said order is void and did not stand in law, it cannot be held to be erroneous and prejudicial to the interest of revenue by the Commissioner. Consequently, the exercise of jurisdiction under section 263 of the Act in the present case, is not justified and is bad in law. We cancel the same.
25	Mahanagar Telephone Nigam Ltd. Vs DCIT	ITA 2368 & 3299/Del/16 dt 12.6.19	company has neither taken the prior-period income in its taxable profit, nor has considered the prior period expenses, i.e. the prior period adjustments have been made by the assessee company on below the line profit. The disallowance of prior period expense has to be computed by netting off the prior period income against the prior period expenditure.
26	Ideal Education Society Vs Addl CIT	ITA 3550/Del /15 dt 12.6.19	depreciation is allowable as separate deduction apart from application of income is acceptable as depreciation has to be debited to determine the extent and usage of the capital asset in the course of conduct of activities and is allowable under Section 32
27	Haridwar Iron and Ispat, Rolling Limited Vs DCIT	ITA 5228/De 1/16 dt 13.6.19	It is the settled proposition of law that the Ld. CIT(A) cannot dismiss the appeal for want of prosecution and he has to decide the issue on merit even if the assessee does not appear before him.
28	Prabhakar Paper Mills pvt. Ltd. Vs Pr CIT	ITA 824/Ind / 17 dt 13.6.19	assessing officer was bound to follow the direction given by the Tribunal and it was not open for him to ignore the same and further he was also not permitted to deal with any other issue other than the direction given by the Tribunal as it

			would have resulted in judicial indiscipline
29	DCIT Vs The Jamnagar District Co-op Bank Ltd	ITA 247 / Rjt / 016 dt 17.6.19	action of the assessee being bonafide and the issue being debatable, the larger claim of deduction per se cannot be bracketed in the league of 'concealment of particulars of income' or 'furnishing inaccurate particulars of income'. It is not in dispute that all the relevant facts were on record to enable the AO to formulate the opinion on the issue. This being so, there was no justification to invoke the provision of Section 271(1)(c) of the Act in the facts of the case
30	Vempati Srinivasa Subramanyam Vs ITO	ITA No.231/Bang /2019 dt 19.6.19	even if the claim made by the assessee does not form part of the original return or even the revised return; it could still be considered, if, the relevant material was available on record, either by the appellate authorities (which includes both the CIT(A) and the Tribunal) by themselves or on authorities (which includes both the CIT(A) and the Tribunal) by themselves or on remand
31	Pure Software Pvt. Ltd. Vs ITO	ITA 715/Del /16 dt 19.6.19	non-resident assessee derived their income as their business activity and their business profit is determined under Article 7 of DTAA between India and USA as well as from Article 7 of DTAA between India and Belgium and will then decide as to where business income will be taxable. Therefore, none of the provisions of the Section 9 of the Act will be applicable in the present case, business income cannot be treated as fees for technical services as held by the Assessing Officer.

32	DCIT Vs Best Paper Mills Pvt.Ltd.	ITA 975/Mum /17 and batch dt 19.6.19	confessions, if not based on credible evidences, would serve no useful purpose. Further, it is trite law that additions could not be made merely on the basis of certain presumptions, conjectures or surmises. It is pertinent to note that, despite three remand proceedings, Ld. AO is unable to place on record any incriminating material as found during survey operations which would suggest suppression of yield by the . 9.10 The Ld. AO has compared the assessee's yield with other entities without elaborating the technology being used by those concerns and the contents / quality of raw material etc. procured by those firms. No conclusions, in our opinion, could be derived merely on the basis of bald comparison
33	Deen Daya Alpasankhya Samaj Vs ACIT	ITA113/PUN/ 19 dt 19.6.19	if registration is granted during pendency of appeal before CIT(Appeals) then the benefit of such registration should be granted. Since proviso to section 12A(2) is beneficial provision, I hold that it will have a retrospective effect. Following the precedent, I hold that the assessee trust is entitled to registration.
34	Srijan Control Drives Vs DCIT	ITA 589/PUN /19 dt 20.6.19	No adhoc addition at the rate of 10% of bogus purchases is warranted. Rather the addition should be made to the extent of difference between the gross profit rate on genuine purchases and gross profit rate on hawala purchases.
35	Royal Lifestyle Jewellers Vs DCIT	ITA 1585/Chd /18 dt 21.6.19	Short stock had not been accounted for by the assessee same therefore, we hold, has been rightly held to qualify "undisclosed income" as per definition of the same in section 271 AAB of the Act.
36	ITO Vs Dulichand Shreelal	ITA 2393 & 2394/Kol/16 & Others dt 21.6.19	we note that the damages fixed by the Estate Officer u/s. 7 read with section 8 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 is not a penalty and since the assessee overstayed the authorized tenancy, the penalty u/s. 11 cannot be imposed on the assessee as per the proviso

			to section 11, and the rent/damages which is a liability accrued/incurred by the assessee represented expenditure wholly and which is a liability accrued/incurred by the assessee represented expenditure wholly and exclusively incurred by the assessee for the purpose of its business for the relevant previous year therefore, is an allowable deduction
37	Sri.Sujith Srinivasan Vs ACIT	WTA 1 – 6/ Coc/18 / dt 24-6-19	When the assessee realizes his mistake, certainly the assessee can retract his mistake and raise the contention before the appellate authority that the assets disclosed in the return of net wealth cannot be included in the net wealth for the wealth tax assessment
38	Ganadhiraj Mazoor Sahakari Vs ITO	ITA 10/Pun/19 dt 24-6-19	in the absence of any permission received from the Principal Commissioner or the Commissioner, I find no merit in the order of Assessing Officer in making the aforesaid addition on an issue which was not the basis for selection of the case under CASS.
39	Late Raghuv eer Myadam Vs DCIT	ITA 95/Hyd/19 dt 26.6.19	it is clear that the assessment order was passed on a dead person and therefore, such an assessment order is not sustainable. We find that even before the CIT (A) also, the appeal was filed in the name of the assessee and the CIT (A) has passed the appellate order in the name of a dead person. It appears that the legal heir of the assessee has not brought the fact of the assessee's death to the notice of the authorities below.

40	Narayan Prasad Bagaria Vs ITO	ITA. 2151/Kol/ 18 dt 26.6.19	Assessing Officer has not followed the propositions of law laid down by the Hon'ble Supreme Court in the case of GKN Driveshafts (India) Ltd. vs. ITO reported in [2002] 125 Taxman 963 (SC). He should have disposed off the objections filed, by passing a speaking order before proceeding with the assessment..... 10. Applying the propositions of law laid down in these case-law to the facts of the case on hand, we hold that the reopening of the assessment is bad in law on the ground that the Assessing Officer has not disposed off the objections filed by the assessee against the reopening of the assessment u/s 147 of the Act.
41	Vyankatesh Vasudeo Mandke Vs DCIT	ITA 751/Pun /16 dt 26.6.19	Assessing Officer after receipt of information belonging to the assessee should have invoked the provisions of Section 153C of the Act and not the provisions of Section 147/148 of the Act. Consequently, reassessment order passed u/s.147 of the Act does not stand.
42	ITO Vs Shradda & IHP Joint Venture	ITA 200/Pun/17 dt 26.06.19	strictures of section 40(a)(ia) are diluted in the facts of the case since the payee has admittedly filed its return of income disclosing the impugned receipts and income earned by it embedded in the receipt has been duly offered for taxation. In this view of the matter, the assessee Joint Venture cannot be treated as assessee in default
43	Nishit prabhatbhai Desai Vs ITO	ITA 1407/Ahd /17 dt 27.06.19	When in the original assessment the Learned AO accepted the matter, reassessment proceeding cannot be initiated indicating a mere change of opinion. There must be a tenable material on the basis of which an assessment is sought to be reopened even within a period of four years
44	DCIT Vs Genuine Seeds Pvt. Ltd.,	ITA 2754/ Pun /16 dt 27.6.19	we hold that growing of hybrid seeds in the case of assessee can never be held to be non-agricultural activity. Hence, the assessee is entitled to claim deduction under section 10(1)
45	Sava Healthcare Ltd.	1062-68/PUN /17 dt	70% of world profits are added in the hands of assessee under guise of Profit Split Method. The rules in this regard are

	Vs ACIT	27.6.19	completely overlooked and no comparables are selected and on its own, allocation of profits is made by the DRP. The said exercise carried out by DRP is beyond its scope and is new line of adjustment, which is outside its jurisdiction. The DRP has also failed to consider the aspect that no such transaction was reported in Form No.3CEB by the assessee and has failed to address the issue raised by assessee. In this regard, we find no merit in the exercise of jurisdiction by the DRP.
46	Madanlal Bastimal Chordiya Vs ACIT	ITA 2944/PUN /16 dt 27.6.19	where the amount of cash has been paid for purchasing plots of land in earlier years, then no disallowance can be made under section 40A(3) of the Act during the year, as no such purchases were made during the year. In any case, purchase price has been paid before the Sub-Registrar and the transaction being genuine, there is no merit in making any disallowance under section 40A(3) of the Act.
47	ITO Vs RDS Constructions (JV)	ITA 623/Pun /17 dt 27.6.19	he provisions of section 40(a)(ia) r.w.s. 194C of the Act do not apply to the payments made by the assessee. Thus, there cannot be any sub-contract between the constituents of the Joint Venture/AOP
48	Gulab Maharu Badgujar (HUF) Vs ACIT	ITA 765 & 768 /PUN/17 dt 27.6.19	when the original order of Ld.CIT passed u/s 263 of the Act has been set aside, the consequential order passed by the AO u/s 143(3) r.w.s. 263 of the Act does not survive.
49	SGDC India Pvt. Ltd Vs DCIT	ITA 403-05/De 1/19 dt 28.6.19	we agree with the contention of the ld. counsel for the assessee that the reassessment proceedings so initiated are void on the ground that the reasons are not based on any tangible material for recording of such reasons.
50	Barco Electronic Systems Vs DCIT	ITA 1530/Del /16 dt 28.6.19	Impact of of the delayed receivables has already been factored in the working capital adjustment and, therefore, any further adjustment on the outstanding receivables is not required separately
51	Emdee Digitronics Pvt. Ltd Vs Pr CIT	ITA I361/Kol /19 dt 28.6.19	it is abundantly clear that interest on late deposit of VAT, service tax, TDS etc are allowable expenditure under section 37(1) of the Act and the assessing officer has taken a possible view therefore order passed by the assessing officer U/s 143(3) dated 11.05.2016, is neither erroneous nor prejudicial to the interest of Revenue and cannot be held to be unsustainable in law.
52	Daffodil Vincom Pvt. Ltd. Vs DCIT	IT(SS)A 95 & 96 /Kol/18 dt 28.6.19	We hold that the legislature does not differentiate whether the assessments originally were framed u/s 143(1) or 143(3) or 147 of the Act. Hence unless there is any incriminating material found during the course of search relatable to such concluded assessment years, the statute does not confer any power on the ld AO to disturb the findings
53	Shri Nilesh Vasant Shende, Vs ACIT	ITA 670/PUN /16 dt 28.6.19	Tribunal clearly has considered therein the Board"s Instruction No.7/2014 dated 26.09.2014 and CBDT Circular dated 08th September, 2010 and on the basis of these Board"s Circulars, it is necessary to take written approval from the Administrative Commissioner in a case where scrutiny has been done on the basis of CASS. In absence of such prior written approval from the Administrative Commissioner any assessment order passed should have to be declared null and void
54	Late Tanguturi Venkata Subbayya Vs ITO	ITA 226/VIZ/ 18 dt 28.6.19	notice issued on a dead person is held to be invalid as discussed earlier in this order. Once the notice issued u/s 148 is invalid, subsequent proceedings also become invalid and renders the assessment infructuous

SEBI signs MoU with MCA



प्रेस विज्ञप्ति
PRESS RELEASE

संपर्क प्रभाग, सेबी भवन, बांद्रा कुर्ला कॉम्प्लेक्स, बांद्रा (पूर्व), मुंबई - 400 051
Communications Division, SEBI Bhavan, Bandra Kurla Complex, Bandra (E), Mumbai - 400 051
दूरभाष / Tel: +91-22-26449000 ईमेल / email:press@sebi.gov.in वेबसाइट /website: www.sebi.gov.in

Jun 07, 2019

PR No.: 15/2019

SEBI signs MoU with MCA

A formal Memorandum of Understanding (MOU) was signed between the Ministry of Corporate Affairs (MCA), Government of India and the Securities and Exchange Board of India (SEBI) today for data exchange between the two regulatory organizations. The MoU was signed by Shri KVR Murty, Joint Secretary, MCA and Smt. Madhabi Puri Buch, Whole Time Member, SEBI in the presence of senior officers from both the organizations.

The MoU comes in the wake of increasing need for surveillance in the context of Corporate Frauds affecting important sectors of the economy. As the private sector plays an increasingly vital role in economic growth, the need for a robust Corporate Governance mechanism becomes the need of the hour.



In the picture: Shri KVR Murty, Joint Secretary, MCA (Left) and Smt. Madhabi Puri Buch, Whole Time Member, SEBI (Right)

The MoU will facilitate the sharing of data and information between SEBI and MCA on an automatic and regular basis. It will enable sharing of specific information such as details of suspended companies, delisted companies, shareholding pattern from SEBI and financial statements filed with the Registrar by corporates, returns of allotment of shares, audit reports relating to corporates. The MoU will ensure that both MCA and SEBI have seamless linkage for regulatory purposes. In addition to regular exchange of data, SEBI and MCA will also exchange with each other, on request, any information available in their respective databases, for the purpose of carrying out scrutiny, inspection, investigation and prosecution.

The MoU comes into force from the date it was signed and is an ongoing initiative of MCA and SEBI, who are already collaborating through various existing mechanisms. A Data Exchange Steering Group also has been constituted for the initiative, which will meet periodically to review the data exchange status and take steps to further improve the effectiveness of the data sharing mechanism.

The MoU marks the beginning of a new era of cooperation and synergy between the two regulators.

Mumbai
June 07, 2019

MADRAS HIGH COURT Judgments in VAT CST GST

Sampathkumar V V

Registration Restoration: The registration of the petitioner was cancelled only on the reason that the petitioner did not file their monthly return periodically in time. It is contended on behalf of the petitioner that in pursuant to the notice issued by the Commissioner of State Tax, Tamil Nadu extending the time for filing the returns up to 31.03.2019, the 1st respondent ought to have restored the registration by allowing the petitioner to file their return before the cut-off date. Considering the above stated facts and circumstances and in view of the fact that the petitioner had already filed returns till the month of November, 2018 and in view of the fact that said returns can be filed till the end of 31.03.2019 as per notification Nos.21 and 22 of 2019 and considering the fact that the petitioner has to file the monthly return only for December, 2018, this Writ Petition is disposed of with the directions that the petitioner shall file their monthly return for December, 2018, within a period of two weeks from the date of receipt of a copy of this order along with the application for restoration of registration. and on receipt of said return along with the application, the 1st respondent shall consider the said application and pass appropriate orders for restoring the registration, **M/s. SGS Home Needs Vs The AC CT, Ayanavaram Assessment Circle, W.P.No.31322 of 2018 DATED: 28.01.2019**

Natural Justice: Opportunity of personal hearing to be effective, should involve fixation of a specific date and time when the matter will be heard by the assessing officer. Indicating a range of days where the assessee may appear does not amount to effective opportunity of personal hearing, as the assessee cannot be expected to anticipate the availability of the assessing officer nor the assessing officer expected to be available at their desk during the entirety of all working days. **Mico Leather Exports, Vs. The State Tax Officer, Ambur. W.P. No.6724 of 2019 DATED: 27.03.2019**

Declaration form: Writ Petition, to direct the respondents to issue "C" Forms under the CST, 1956 read with the CST (Registration and Turnover) Rules, 1957 to the petitioner for the purchases of High Speed Diesel from the suppliers in other States in view of the recent judgement dated 26.10.2018 passed by the Hon'ble Madras High Court in the case of M/s.Ramco Cements Ltd., & Others in WP Nos.19458/2018 to 19460/2018. Considering the very same issue, this writ petition is allowed and the respondents are directed to permit this petitioner to download "C" form, **M/s.Lakshmi Card Clothing Manufacturing Company Pvt. Ltd., vs. The State Tax Officer Palladam Assessment Circle W.P.No.1592 of 2019 DATED: 23.01.2019**

Non Application of Mind : Perusal of the orders passed by the Assessing Officer in respect of assessment years 2006-2007 and 2007-2008 dated 27.04.2018 would show that the AO has recorded the appearance of the petitioner on 27.04.2018 in pursuant to the notice dated 10.04.2018. Therefore, it is evident that the petitioner has appeared before the Assessing Officer on 27.04.2018 pursuant to the notice dated 10.04.2018. Therefore the impugned assessment orders passed by holding that the petitioner did not appear in person, is factually incorrect and therefore, such orders passed in total non-application of mind and violation of principles of natural justice cannot be sustained. **M/s. Salora International Limited, Vs. The AC of State Taxes, Valluvarkottam Assessment Circle, W.P.Nos.1910, 1914, 1915 & 1917 of 2019 DATED: 24.01.2019**

Personal Hearing: Considering the admitted position that the impugned assessment orders were passed without affording an opportunity of personal hearing to the petitioner, more particularly, when the Assessing Officer has also chosen to impose penalty, this Court is of the view that the matter needs to be remitted back to the Assessing Officer for re-doing the assessment once again after giving an opportunity of hearing to the petitioner since such requirement is mandatory in view of the Circular No.7/2014 dated 03.02.2014 issued by the Commissioner. **TEAMLIFTSS IT Systems & Solutions Pvt. Ltd., vs. The State Tax Officer, Pondy Bazzar Assessment Circle, Chennai- 600 028. WP.Nos.1313 of 2019 DATED: 23.01.2019**

Modification of Stay Orders: When there is prayer for the modification of the stay order for the provision of bank guarantee, the Court after taking into account the position that the petitioner has remitted the tax as directed by the first appellate authority, permitted to furnish a personal bond in respect of the balance of tax within a period of seven days from date of receipt of a copy of this order. **M/s. C.R.Caterers India Pvt. Ltd., vs. The ADC (ST) (FAC), Chennai (North), Writ Petition No.7540 of 2019 DATED: 15.03.2019**

Assessment: It is an admitted position that the assessment order was passed based on the report submitted by the Enforcement Wing Officers and not after providing an opportunity of personal hearing, this Court was of the view that one more opportunity can be given to the petitioner so as to enable them to file their objections to the notice of proposal so as to enable the Assessing Officer to pass the order of assessment on merits and in accordance with law, after providing personal hearing to the petitioner **WOOD & CRAFT Coimbatore 641 001 Vs. The State Tax Officer, N.H.Road Circle, Coimbatore W.P. Nos.1016 & 1018 of 2019 DATED: 26.03.2019**

Assessment / Transit Pass: An assessment under the provisions of the Central Sales Tax Act, 1956 for the period i.e. 2013-14 was taken up for hearing and an order passed on 18.05.2016 accepting the 'C' Forms filed and granting the benefit of concessional rate of tax to the petitioner and the petitioner believed that, the 'C' Forms having been accepted, nothing further remained to be done in respect of the order of assessment dated 28.11.2014. The fact remains that the impugned assessment relates to surrender of three transit passes generated online during the period 01.04.2013 to 31.03.2014. No appeal was filed as against the aforesaid order. Only when the impugned demand notice dated 19.02.2019 was received, raising a demand pursuant to the order of assessment dated 28.11.2014 along with penalty and interest that the petitioner realised that the said order ought to have been challenged as well. In the interests of justice and finding the explanation offered by the petitioner reasonable, this Court permits the petitioner to file an Appeal against order dated 28.11.2014 upon conditions. **M/s.Vikash Trading Co, V. The AC (CT) (FAC) Hosur South, W.P.Nos.7459 & 7450 of 2019 DATED: 20.03.2019**
