



SIRC Newsletter

PRICE ₹5

MAY 2019 | Volume 44 • Part 11

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

Regional Residential Course at Yercaud - 26th to 28th April 2019

Hosted by Salem and Tiruchirapalli Branches of SIRC of ICAI



Participants along with SIRC Chairman CA. Jomon K. George, SIRC Secretary CA. K. Jalapathi, Central Council Member CA. Rajendra Kumar P. and Managing Committee Members of Salem and Tiruchirapalli Branches of SIRC of ICAI.

Residential Refresher Course at Alleppey - 26th to 28th April 2019

Organized by Ernakulam Branch of SIRC of ICAI



Participants along with CCM from Southern Region CA. Babu Abraham Kallivayalil and CCMs from Other Regions, SIRC Vice Chairman CA. Dungan Chand U. Jain and Managing Committee Members of Ernakulam Branch of SIRC of ICAI.

Two Days GST Program for Officers of Commercial Taxes Dept., Govt. of Tamil Nadu at Chennai - 3rd & 4th April 2019



CA. Rajendra Kumar P., Vice Chairman - GST & Indirect Taxes Committee, ICAI and Chief Guest CA. Jomon K. George, Chairman - SIRC of ICAI, Dr. CA. Abhishek Murali, CA. Revathi S. Raghunathan and CA. R. Sundararajan, Members of SIRC, Faculty Members, Dr. T. Paramasivan, Joint Director (Technical), SIRC of ICAI and officials of Commercial Taxes Department, Govt. of Tamil Nadu.



Dear Professional Colleagues,

The month of April has been, as always, both a challenging and rewarding experience in as much as the members in practice would have been engaged in the completion of Bank Audit and the members in industry in the completion of annual accounts of their organizations. I am sure that the seminars which SIRC and its Branches organized on Bank Branch Audit and attended by members would have stood in good stead during their performance of audit.

Summer season has come in so also the Residential Seminars at hill stations and resorts with nice ambience are being organized by SIRC in the next two months. They are –

- Residential Seminar on International Taxation between May 3 and 5, 2019 hosted by Bangalore Branch of SIRC of ICAI
- Regional Residential Course at Kolli Hills between May 3 and 5, 2019 hosted by Pondicherry and Kanchipuram District Branches of SIRC of ICAI
- Regional Residential Course at Kumbakonam between June 21 and 23, 2019 hosted by Kumbakonam Branch of SIRC of ICAI
- Regional Residential Course at Goa between June 21 and 23, 2019 hosted by Belgaum Branch of SIRC of ICAI

On the 26th, 27th and 28th April we had the Residential Course at Yercaud, a hill station hosted by Salem and Tiruchirapalli Branches of SIRC of ICAI which was well attended and the deliberations therein were of high order. I congratulate CA. Saradha Ashok and CA. S.P. Ulagappan, Chairmen of Salem and Tiruchirapalli Branches of SIRC respectively and the other members of the Managing Committee for their exemplary arrangements which all led to the outcome of the success of the programme.

236th Meeting of the Regional Council:

On 25th April 2019, SIRC had its 236th meeting at Chennai. We had discussed on vital issues of professional interest and evolved many pro-active steps to provide qualitative service to the members and students apart from approving the audited financial statements of SIRC for the year 2018-19.

Interaction with Members:

The last two months in office and the interactions myself and my colleagues had with the members across the Region had given us positive direction with which SIRC to travel in the months ahead and create impetus to the functions of SIRC. I thank the members for their suggestions for setting and re-defining our agenda for the year.

Regional Chairmen Meeting with President, ICAI and Vice-President, ICAI:

On 23rd May 2019 our beloved President CA. CA. Prafulla P. Chhajed had convened a meeting of the Chairmen of all Regional Councils at New Delhi. I will have the opportunity to interact with the President and Vice-President on matters concerning our profession, members and other varied matters connected to our profession. I am hopeful that the intensive deliberation on the occasion will enhance our Action Plan about which I had shared with you in the last issue of the Newsletter.

Orientation Programme for Members of the 23rd Regional Council and Managing Committee of 45 Branches of SIRC:

The holding of the Orientation Programme for all the 45 Branches of SIRC on 7th and 8th May 2019 at Kochi would also be an occasion when we would be discussing steps to improve and improvise the activities at the Branch Level to benefit the members and students. This occasion would also provide further inputs to SIRC to review and revitalize its activities.

68th Annual General Meeting of SIRC of ICAI:

The 68th Annual General Meeting of SIRC of ICAI is scheduled to be held on **20th July 2019 at 11.00 a.m.** in the premises of ICAI, "ICAI Bhawan", No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai – 600 034. The Notice and the Agenda for the Meeting is published in Page No. 6 in this Newsletter. Members may please note and attend the meeting.

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 May.





SIRC CALENDAR

MAY 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
01	May 1 – 3, 2019 Wednesday – Friday 04.30 p.m. – 08.30 p.m.	Three Day Workshop on FEMA For details please refer SIRC Newsletter April 2019 issue or visit www.sircoficai.org		12
02	May 3 – 5, 2019 Friday – Sunday 10.00 a.m. – 5.30 p.m.	Fifth Residential Seminar on International Taxation Hosted by: Bangalore Branch of SIRC of ICAI For details please refer SIRC Newsletter March 2019 issue or visit www.sircoficai.org		18
03	May 3 – 5, 2019 Friday – Sunday 10.00 a.m. – 5.30 p.m.	Regional Residential Course at Kolli Hills Hosted by Pondicherry and Kanchipuram District Branches of SIRC of ICAI For details please visit www.sircoficai.org		
04	May 8, 2019 Wednesday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Recent Developments in GST CA. Viral Khandar	236	3
05	May 10, 2019 Friday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Treasury and Foreign Exchange Management CA. S. Ganesh	236	3
06	May 11, 2019 Saturday 09.00 a.m. – 12.00 Noon	Breakfast Meeting on Angel Tax: Elephant is still in the room? CA. V. Chirag GDPR and its impact in India CA. D. Sathish Kumar	236	3
07	May 12, 2019 Sunday 09.00 a.m. – 02.00 p.m.	Blood Donation Camp Organized by SICASA		
08	May 15, 2019 Wednesday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Insolvency and Bankruptcy Code CA. S. Aneetha	236	3
09	May 17, 2019 Friday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Income Tax Details at Page No. 6	236	3
10	May 21, 2019 Tuesday 05.00 p.m. – 07.00 p.m.	CPE Study Circle Meeting on Cyber Security Audit Under the aegis of Committee for Information Technology & Digital Transformation of SIRC of ICAI CA. K. Paul Jayakar	177	2
11	May 22 – 24, 2019 Wednesday – Friday 10.00 a.m. – 05.30 p.m.	22nd Batch of Three Day Workshop on Goods and Services Tax – GST Details at Page No. 10	2950	18
12	May 24, 2019 Friday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Practical Issues in GST Annual Return (GSTR-9) and how to fill up the Form – Clause by Clause (Details will be published in www.sircoficai.org)	236	3
13	May 25, 2019 Saturday 10.00 a.m. – 05.00 p.m.	One Day Workshop on Auditing Standards Details at Page No. 7	1180	6
14	May 29, 2019 Wednesday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Ind AS – NBFCs CA. Vinay Gulati	236	3



Sl.No	Date / Day / Time	Programme Topic / Speaker	Delegate Fee* (including GST)	CPE Credit
15	May 31, 2019 Friday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Ind AS 116 – Leases CA. K. Sudhakar	236	3
16	June 1, 2019 Saturday 10.00 a.m. – 05.00 p.m.	One Day Seminar on Interplay between Benami Transactions Act, PMLA and Income tax Act Details at Page No. 9	1180	6
17	June 6, 2019 Thursday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Analysis & Issues in ITC under GST and Refund on Export of Goods and Services CA. PL. Subramanian	236	3
18	June 7, 2019 Friday 10.00 a.m. – 05.00 p.m.	One Day Seminar on Mock Survey, Search & Seizure Details at Page No. 8	1180	6
19	June 8, 2019 Saturday 09.00 a.m. – 12.00 Noon.	Breakfast Meeting (Details will be published in www.sircoficai.org)	236	3
20	June 12, 2019 Wednesday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Recent Changes in Real Estate Sector (Details will be published in www.sircoficai.org)	236	3
21	June 14, 2019 Friday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Corporate Social Responsibility (Details will be published in www.sircoficai.org)	236	3
22	June 21, 2019 Friday 9.00a.m.	International Yoga Day Celebrations Details at Page No. 7		
23	June 21, 2019 Friday 05.30 p.m. – 08.30 p.m.	CPE Study Circle Meeting on Significant decisions in NCLT Cases (Details will be published in www.sircoficai.org)	236	3
24	June 21 – 23, 2019 Friday – Sunday	NAVAGRAHA - 2nd Regional Residential Course at Kumbakonam Under the auspices of CPE Committee of SIRC of ICAI Hosted by Kumbakonam Branch of SIRC of ICAI Details at Page No. 9		12
25	June 21 – 23, 2019 Friday – Sunday	Regional Residential Course at Goa Hosted by Belgaum Branch of SIRC of ICAI (Details will be published in www.sircoficai.org)		
26	July 1, 2019 Monday	Chartered Accountants Day Celebrations (Details will be published in www.sircoficai.org)		
27	July 5 & 6, 2019 Friday & Saturday	Regional Residential Seminar at Visakhapatnam Hosted by Visakhapatnam Branch of SIRC of ICAI (Details will be published in www.sircoficai.org)		
28	July 20, 2019 Saturday 11.00 a.m.	68th Annual General Meeting of SIRC of ICAI Details at Page No. 6		

**Registration for CPE Programmes only through Online Portal www.sircoficai.org through Dashboard
PLEASE AVOID SPOT REGISTRATION AND OFFLINE REGISTRATION. NO CASH PAYMENTS.**

SIRC of ICAI, 'ICAI Bhawan', No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai - 600034.
Phone: 044-30210323/362/381; Fax: 044-30210355; Email: sirc@icai.in



Chairman's Communique... Continues

Ensuing Programmes of SIRC:

We had fewer programmes in the month of April 2019 considering the preoccupation of members with Bank Audit. We had lined up quite a number of programmes for the months of May and June, the details of which are published elsewhere in this Newsletter. I request members to participate in larger numbers and make the programmes successful and purposeful.

Carrer Counselling Programmes:

The new academic year is to begin in coming June and students going for the Class 10th and 12th students would be planning for subjects for their career growth. Results of 10th and 12th Examinations have also been released. It is the opportune time for us to disseminate the information about our CA Course amongst the students' fraternity.

Under the aegis of the Career Counselling Committee of SIRC of ICAI and as part of the Memorandum of Understanding entered by ICAI with the Government of Tamil Nadu we had conducted in the last 9 months Career Counselling Programme covering around 10,000 students across the State of Tamil Nadu and gave training to 352 Post-graduate teachers serving in Government Schools located in 32 Districts of Tamil Nadu. Continuing with this initiative a Special Career Counselling is being held at 12 Branches in Tamil Nadu between 2nd and 31st May 2019, viz., at Coimbatore, Erode, Kanchipuram District (Tambaram), Kumbakonam, Madurai, Salem, Sivakasi, Tiruchirapalli, Tirunelveli, Tirupur, Tuticorin and Vellore. Contact details of the respective branches are available in SIRC Website www.sircoficai.org.

I request the members to join in this initiative by informing their friends and neighbours about the course for them to enrol their wards for the CA Course.

Payment of Membership Fee:

The payment of annual membership fee and certificate of practice fee (for members holding COP) is payable for the financial year 2019-20. The details in this regard are published in Page No. 9 in this Newsletter. I appeal to our members to remit the fee in time through the online facility available in the ICAI website www.icai.org. I may also mention that henceforth the payment of fee should only be online and hence members may refrain from sending the payment through cheques/demand drafts.

For the kind attention of Members, Firms and Students:

ICAI is launching its Self Service Portal (SSP), a landmark initiative to make the transactions faster and easier thus resulting in effective and efficient service to the members and students. It has therefore scheduled a one-time migration activity from the old system to new system from 6th May 2019 resulting in the non-availability of the IT system between 6th and 22nd May 2019. While the Regional Offices could not process any form or any other transaction during this period, the membership renewal link will be made available and members will be able to make the fee payments through online as also the facility to register by the new students of Foundation Course and Direct Entry.

In view of total digitalization at ICAI and it moving towards new Digital Platform physical communication (dak) including cheques/demand drafts would not be accepted by the Regional Offices and Branches beyond 6th May 2019. Henceforth from 22nd May 2019, ICAI will accept Online Application forms only through e-services at the link https://www.icai.org/new_post.html?post_id=5509 on the website www.icai.org. Henceforth all the transactions in the new system would be on OTP based transactions, which members may please note and stay connected with ICAI.

Members may kindly bear the inconvenience during this interregnum period for a better and best service in the days ahead.

Please feel free to reach me at sircchairman@icai.in or on 98470 31343.

Yours in the Service of the Profession

CA. Jomon K. George
Chairman, SIRC of 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.

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. Brahmayya 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 will be 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.

Committee Meetings / Other Meetings of SIRC - April 2019

Date	Details of the Meeting	Chairman / Headed by
23.04.2019	134th Meeting of Executive Committee of SIRC of ICAI	CA. Jomon K. George
23.04.2019	Information Technology & Digital Transformation Committee of SIRC of ICAI	CA. Dungar Chand U. Jain
25.04.2019	Regional Audit Committee	CA. Babu Abraham Kallivayalil
25.04.2019	236th Meeting of the Regional Council	CA. Jomon K. George

CPE Study Circle Meeting on Income Tax

CPE Credit
3 Hours

Date: Friday, May 17, 2019

Time: 5.30 p.m. to 8.30 p.m.

Under the aegis of the Direct Taxes Committee of SIRC of ICAI

Session Topic	Resource Persons
Taxation of Capital Gains - Current Issues	CA .T.G. Suresh
Survey, Search and Seizure - Practical Issues	Eminent Speaker
Appeals and Revision before CIT(A) and ITAT - Practical Tips on Preparation and Presentation	Dr. CA. Abhishek Murali

Delegate Fee: (Inclusive of 18% GST) Members : 236/-

For Online Registration, please visit www.sircoficai.org

CA. Jomon K. George
Chairman, SIRC of ICAI

CA. K. Jalapathi
Secretary, SIRC of ICAI

Dr. CA. Abhishek Murali
Chairman, Direct Taxes Committee, SIRC of ICAI



One Day Workshop on Auditing Standards

CPE Credit
6 Hours

Date: Saturday, 25th May 2019 **Time:** 10.00 a.m. to 05.30 p.m.

Venue: **P. Brahmayya Memorial Hall
ICAI Bhawan**, No. 122, Mahatma Gandhi Road
Nungambakkam, Chennai - 600 034

Timings	Session Topic	Resource Persons
10.00 - 01.00 p.m.	Key Audit Matters (KAMs) - SA 701 - why, what, when and how much to report	CA. Chinsamy Ganesan Chennai
	Changes in Audit Report for March 2019	
02.00 - 05.30 p.m.	Impact of AS, AS (Revised), Ind AS and ICDS on supplies under GST	CA. Mohan R. Lavi Bengaluru

Delegate Fee: Members: 1180/- Non-Members: 1770/- Students: 885/-

For Online Registration, please visit www.sircofcai.org

CA. Jomon K. George
Chairman, SIRC of ICAI

CA. K. Jalapathi
Secretary, SIRC of ICAI

International Yoga Day

Date: Friday, 21st June 2019 **Timing:** 09.00 a.m.

Venue: **P. Brahmayya Memorial Hall
ICAI Bhawan**, No. 122, Mahatma Gandhi Road
Nungambakkam, Chennai - 600 034

International day of Yoga is also called as the World Yoga Day. United Nations General Assembly has declared 21st of June as an International Yoga Day on 11th of December in 2014. Yoga in India is considered to be around 5,000 year old mental, physical and spiritual practice. Yoga was originated in India in ancient time when people were used of meditation to transform their body and mind. Launching a particular date of practicing yoga all across the world and celebrating as yoga day was initiated by the Indian Prime Minister to the United Nations General Assembly.

Renowned Yoga Master would demonstrate and conduct the Yoga Camp.

SIRC requests members and students to join on the occasion.

CA. Jomon K. George
Chairman, SIRC of ICAI

CA. K. Jalapathi
Secretary, SIRC of ICAI

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.raghvan@icai.in

CA. Jomon K. George
Chairman, SIRC of ICAI

ANNOUNCEMENT FOR KIND ATTENTION OF MEMBERS, FIRMS & STUDENTS

The Institute of Chartered Accountants of India has been continuously evolving ways to automate and re-engineer processes in order to make transactions easier and user friendly.

One such step has been the creation of SSP (Self Service Portal), an initiative from ICAI to make applications (Forms) and transactions (Services) - faster and easier.

The full scale Student and Member / Firm Services by ICAI will be put to implementation starting third week of May 2019.

ICAI has scheduled a one-time migration activity from old system to new system from 6th May 2019. The entire IT Systems (including e-services) with respect to Members and Student Services will not be available between 6th May to 22nd May 2019 and the Regional Offices will not be able to process any form or any other transaction. However the membership renewal link will be available and Members will be able to make fee payments through online mode. However New Students of Foundation Course and Direct Entry will also be able to register.

Very Important : As entire ICAI is moving towards new Digital platform, PHYSICAL DAK including CHEQUES / DD's will not be accepted by Regional Offices and Branches beyond 6th May 2019.

Please note that effective 22nd May, 2019 (Wednesday), ICAI will accept only Online Application forms only through e-services at the link https://www.icai.org/new_post.html?post_id=5509 on the website www.icai.org.

Important: Members are requested to update and validate their e-mail address and mobile number (one time activity) before 6th May 2019 to ensure access to the new system, as all transactions henceforth in the new system will be OTP based transactions.

For any assistance Members & Students may contact their concerned Regional Offices.

Scholarship to CA Students

SIRC of ICAI, The Society of Auditors, D. Rangaswamy Academy for Fiscal Research and K.A. Chari Charitable Trust have great pleasure in announcing a one-time scholarship of Rs.5000/- per student to be awarded on **Thursday, the 6th June 2019 at 6.00 p.m. at SIRC of ICAI premises. Padmashri Awardee C.A. T.N Manoharan**, Past President of the ICAI has kindly consented to preside over the function and distribute the scholarship.

The Scholarship will be provided to CA students undergoing articleship from Southern Region, preferably who have passed the Intermediate Examination. The annual income of the Parent should be less than 3 lakhs. The Scholarship will also be provided for other students also who are economically poor.

There will be a total of hundred scholarships (50 to be awarded to male students and 50 to be awarded to female students). Chartered Accountant Firms are requested to recommend the students. The prescribed application form can be downloaded from the website of SIRC of ICAI at the link <http://www.sircofcai.org/downloads/soa-scholarship-form.pdf>

Hard copies of the prescribed application forms will also be available at the office of the Society of Auditors.

Application form complete in all aspects should reach the office of the SIRC of ICAI, ICAI Bhawan, No.122, M.G. Road, Nungambakkam, Chennai - 600034 (or) Society of Auditors, "Platinum Chambers", Shop No.30, TNHB Complex, 4(180), Luz Church Road, Mylapore, Chennai-600004 on or before 31st May, 2019.

For further details you may contact:

Sl. No.	Name	Contact No.
1.	Dr. T. Paramasivan	8056011449
2.	CA. R. Sivakumar	9444411580
3.	CA. Anusha Sreenivasan	9841091445
4.	Mr. Balasubramanian	044-24986979

CA. Jomon K. George
Chairman, SIRC of ICAI

CA. K. Jalapathi
Secretary, SIRC of ICAI



ICAI (SIRC) COACHING CLASSES @ ICAI BHAWAN, CHENNAI

Final (Old Syllabus) Coaching Classes

for students appearing for Nov.2019 Exam

Commences on 14th June 2019 (4 Months)

Class Timings	Group-1	Group-2
Mon to Saturday	6.30 am to 9.30 am	5.30 pm to 8.30 pm
Sun & Holiday*	Any group between 6.30 am to 5.00 pm	

*Note: No separate batches on Sunday & Holidays

FEE STRUCTURE

Group-1	Group-2	Both Groups	Per Subject
Rs.10500/-	Rs.10500/-	Rs.21000/-	Rs.3000/-

[FINAL (New Syllabus) students can join subject-wise for SFM, Corp. & Allied Law, Auditing, AMA, DT and IDT]

Details & Registration (Online only) @ <http://sircofcai.org/final.aspx>

Foundation Coaching Classes

for students appearing for Nov.2019 Exam

Commences on 1st June 2019

Class Timings		*Note: No separate batches on Sunday & Holidays	
Days	Morning Batch	Evening Batch	
Mon to Saturday	06.30 am to 12.00 pm	02.45 pm to 08.00 pm	
Sun & Holiday*	06.30 am to 05.00 pm	06.30 am to 05.00 pm	

Fee: Rs.11000/- Duration: 3 Months Last Date: 31st May 2019

Details & Registration (Online only) @

http://sircofcai.org/Foundation_announcements.aspx

Our RANK HOLDERS in Foundation Nov. 2018 Exam



All India 43rd Rank
MR. BHARAT CHORARIA
SRO0677319
327/400 Marks

All India 45th Rank
MS. R.C. MAHESWARI
SRO0676479
325/400 Marks



ICAI BOS MOCK TESTS @ ICAI Bhawan, Chennai

for students appearing in forthcoming May / June 2019 CA Exams

Final (New Syllabus)	Mock Test Series-2	01.45 pm to 05.00 pm	01.05.2019 to 09.05.2019
Final (Old Syllabus)	Mock Test Series-2	01.45 pm to 05.00 pm	01.05.2019 to 09.05.2019
CPT	Mock Test Series-1	10.30 am to 04.00 pm	02.06.2019 to 02.06.2019
CPT	Mock Test Series-2	10.30 am to 04.00 pm	09.06.2019 to 09.06.2019

Fee: Rs.100/- per paper

Answer Papers will be evaluated and distributed to the students @ ICAI Bhawan, Chennai.

Marks obtained by the Students will be hosted in the website at the link mentioned below

Details & Online Regn. @ <http://www.sircofcai.org/SIRC-Mock-Tests.aspx>

Intermediate (New Syllabus) Coaching Classes

Commenced on 20th March 2019

for students appearing for Nov.2019 Exam

SUBJECT-WISE REGISTRATION OPEN		
SUBJECTS	From Date	To Date
Adv. Accounting	21.05.2019*	19.08.2019*
EIS and SM	22.05.2019*	28.06.2019*
FEE: Rs.2500/- per subject		* Tentative dates

[IPCC (Old Syllabus) Students can also join]

Details & Registration (Online only) @

<http://sircofcai.org/intermediate-coaching-classes.aspx>

HURRY! LIMITED SEATS!!

The registration will be on 'first come first served basis'

For further information, please contact:

Phone: 044-30210380; Email-id: sirclasses@icai.in; Website: www.sircofcai.org

SA 701 – Communicating Key Audit Matters in the Independent Auditor's Report

Dear Members,

Members may note that SA 701, Communicating Key Audit Matters in the Independent Auditor's Report has become effective for the audits for the financial year 2018-2019 onwards. This Standard on Auditing (SA) applies to audits of complete sets of general purpose financial statements of listed entities and circumstances when the auditor otherwise decides to communicate key audit matters in the auditor's report. This SA also applies when the auditor is required by law or regulation to communicate key audit matters in the auditor's report.

SA 700, SA 705, SA 706, SA 720 have also been revised.

In view of the importance of these standards to our profession and the stakeholders, SIRC and the Branches of SIRC of ICAI will be holding the programmes on the subject.

Members are requested to attend these programmes to have in-depth knowledge on the Standards.

CA. Jomon K. George
Chairman, SIRC of ICAI

One Day Seminar on Mock Survey, Search and Seizure

CPE Credit
6 Hours

Date: Friday, 7th June 2019

Time: 10.00 a.m. to 05.30 p.m.

Venue: P. Brahmayya Memorial Hall
ICAI Bhawan, No. 122, Mahatma Gandhi Road
Nungambakkam, Chennai - 600 034

Timings	Session Topic	Resource Persons
10.00 a.m. – 11.30 a.m.	Income Tax Settlement Commission	CA. Pranay J Shah
11.45 a.m. – 01.15 p.m.	Survey Proceedings	CA. Dinkle Kothari
02.00 p.m. – 03.30 p.m.	Search and Post Search Assessments	Adv Mr. V. Prashanth
03.45 p.m. – 05.30 p.m.	Overview of Black Money Act, Benami Transaction Prohibition Act, Penalty & Prosecution and other matters	CA. B. Ramakrishnan

Delegate Fee: Members: 1180/- Non-Members: 1770/- Students: 885/-

For Online Registration, please visit www.sircofcai.org

CA. Jomon K. George
Chairman, SIRC of ICAI

CA. K. Jalapathi
Secretary, SIRC of ICAI



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 GST@ 18%	Rs.1,500/- Rs. 270/-	Rs.1,770/-
Fellow Membership Fee GST@ 18%	Rs.3,000/- Rs. 540/-	Rs.3,540/-
Fees for all Members holding Certificate of Practice		
Associate Membership fee Certificate of Practice fee GST @ 18%	Rs.1,500/- Rs.3,000/- Rs. 810/-	Rs.5,310/-
Fellow Membership fee Certificate of Practice fee GST @ 18%	Rs.3,000/- Rs.4,000/- Rs.1,260/-	Rs.8,260/-

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

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.icai.org and at the link <https://memfee.icai.org/memfee.html>

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

Payment can also be made through ECS Mandate. Please download the ECS Mandate Form and other relevant enclosures for updation of your records from the link https://www.icai.org/new_post.html?post_id=5509

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

2ND REGIONAL RESIDENTIAL COURSE

"NAVAGRAHA"

Organized by
SIRC of ICAI
(Under the auspices of CPE Committee of SIRC of ICAI)

KUMBakonam BRANCH OF SIRC OF ICAI

Dates : 21st, 22nd & 23rd June 2019 (Fri, Sat & Sun) / Venue : Sara Regency, Kumbakonam - 612 001.

CPE Credit	12 Hours	Delegate Fees :	On Twin Sharing Rs.10,500 for Resident Members Rs.9,000 for Spouse & Children above 12 Years Rs.6,000 for Children upto 12 Years Rs.15,000/- for Single Occupancy Rs.1,500/- for Non Resident Member
Mode of Payment : DD / Cheque / NEFT			
Account Name:Kumbakonam Branch of SIRC of ICAI IFSC : CIUB0000003		Current A/c No.:003109000057489 Bank : City Union Bank, Town Branch, Kumbakonam.	

TECHNICAL SESSIONS

21.06.2019 FRIDAY		
TOPIC	RESOURCE PERSON	
Inauguration	CA.G. RAMASWAMY Past President - ICAI	
Future of CA Practice - A Road Map	CA.G. RAMASWAMY Past President - ICAI	
Technical Session on Audit & Accounts	CA.JOMON K.GEORGE Chairman, SIRC of ICAI	
LUNCH		
Income Tax Appeals/Revision Before CIT(A)& ITAT - Practical Tips on Preparation and Presentation	Dr. CA.ABHISHEK MURALI Member - SIRC of ICAI	
Recent Developments and Practical Issues in Companies Act	CS.S.DHANAPAL	
22.06.2019 SATURDAY		
TOPIC	RESOURCE PERSON	
Cash Transactions & Income Tax Settlement Commission	CA.T.BANUSEKAR	
Recent Changes in GST Law & Real Estate - GST Perspective	CA.B.GANESH PRABHU	
LUNCH		
GST - A Tax Reform or a Recession	CA.J.MURALI	
The Banning of Unregulated Deposit Scheme Ordinance 2019- Issues & Solutions	CA.GOPAL KRISHNA RAJU	
23.06.2019 SUNDAY		
TOPIC	RESOURCE PERSON	
UDIN and ICAI Self Service Portal	CA.DAYANIWAS SHARMA* Central Council Member - ICAI	
VALIDICTORY SESSION		
LUNCH		
CA.K.S.KUMARAVELU Chairman, Kumbakonam Branch of SIRC of ICAI 9443142552	CA.M.ABHISHEK Member SIRC & Ex Officio Kumbakonam Branch of SIRC of ICAI	CA.B.SARAVANASUNDAR Secretary, Kumbakonam Branch of SIRC of ICAI 9842427654
CA.JOMON K.GEORGE Chairman, SIRC of ICAI	CA.B.E.PAMPANNA Chairman, CPE Committee of SIRC of ICAI	CA.K.JALAPATHI Secretary, SIRC of ICAI

Programme Co-ordinators : **CA.G.SURIYANARAYANAN** 9443131674
CA.S.SHANMUGAM 9443169569
CA.A.R.VISWANATHAN 9443429092
CA.R.GANESH 9884298240
CA.J.SADAGOPAN 9894710067
CA.B.V.BALAJI 9894169099

One Day Seminar on Interplay between Benami transactions Act, PMLA and Income Tax Act

CPE Credit
6 Hours

Date: Saturday, 1st June 2019 Time: 10.00 a.m. to 05.30 p.m.

Venue: **P. Brahmaya Memorial Hall**
ICAI Bhawan, No. 122, Mahatma Gandhi Road
Nungambakkam, Chennai - 600 034

Sessions Chairman - **Mr. N.V. Vasudevan** - Vice President, ITAT, Bangalore

Session	Topic	Resource Persons
Session 1	Benami Transactions Act	Adv. Ashwani Taneja Chartered Accountant Former Member of ITAT
Session 2	PMLA	Dr. R.N. Dash Former Member, Appellate Tribunal PMLA
Session 3	Nitty gritty of Prosecutions	Adv. Amit Khemka Delhi High Court
Session 4	Impact of the Supreme Court judgement in P. Leelavathi vs V. Shankaranarayana Rao	Discussion to be led by Mr. N.V. Vasudevan

Delegate Fee: Members: 1180/- Non-Members: 1770/- Students: 885/-

For Online Registration, please visit www.sircofcai.org

CA. Jomon K. George Chairman, SIRC of ICAI	CA. Revathi S. Raghunathan Programme Director	CA. K. Jalapathi Secretary, SIRC of ICAI
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Workshop on Goods & Services Tax (GST)

CPE Credit
18 Hours

Days & Dates: May 22 to 24, 2019, Time: 10.00 a.m. to 05.30 p.m. Venue: P. Brahmayya Memorial Hall, ICAI Bhawan, Chennai

Date	Timing	Topics
Day 1 May 22, 2019 Wednesday	10.00 a.m. – 11.30 a.m.	Brief Concept of GST Act viz., CGST, SGST, UTGST & IGST
	11.45 a.m. – 12.45 p.m.	Levy and Composition, Exemption from Tax including e-commerce
	12.45 p.m. – 01.30 p.m.	Time of Supply of Goods and Services
	02.15 p.m. – 03.00 p.m.	Valuation of Taxable Supply & Valuation Rules (including related case laws)
	03.00 p.m. – 04.00 p.m.	Place of Supply of Goods
	04.15 p.m. – 05.30 p.m.	Place of Supply of Services
Day 2 May 23, 2019 Thursday	10.00 a.m. – 11.30 a.m.	Input Tax Credit (Capital Goods, Services & Inputs) including Input Service Distributor & Manner of Recovery of Excess Credit (with practical case studies)
	11.45 a.m. – 01.00 p.m.	Input Tax Credit (Capital Goods, Services & Inputs) including Input Service Distributor & Manner of Recovery of Excess Credit (with practical case studies)
	01.45 p.m. – 2.45 p.m.	E-way Bill and Job Work related provisions and Issues related to e way bill in case of Job Work
	02.45 p.m. – 04.00 p.m.	Refund under GST with practical issue
	04.15 p.m. – 05.30 p.m.	Inspection, Search, Seizure and Arrest
Day 3 May 24, 2019 Wednesday	10.00 a.m. – 01.13.30 a.m.	Demand and Recovery
	11.45 a.m. – 01.00 p.m.	Annual Return & Reconciliation Statement Form 9 & 9C
	01.30 p.m. – 03.00 p.m.	Appeals and Revision
	03.00 p.m. – 04.00 p.m.	Advance Ruling - Drafting of Opinion under GST
	04.15 p.m. – 05.30 p.m.	Panel Discussion /Query Session

DELEGATE FEE: Members - Rs. 2950/- ; Students - Rs. 2213/-; Non Members - Rs. 4425/-

Online Registration: www.sircoficai.org

CA. Jomon K. George
Chairman, SIRC of ICAI

CA. K. Jalapathi
Secretary, SIRC of ICAI

** Eminent Resource Persons will handle the session.*

Report / Information Card (as on 30th April 2019)

CABF Contributions	April	Cumulative (Since 01.01.2019)
	Rs. 3,65,220/-	Rs. 9,81,793/-

Dash Board Registrations	Members	Students	Total
	55,342	10,601	65,943

CPE Hours	April	Cumulative (Since 01.01.2019)
	93	301

Pending Issues	Members & Firms	Students	Total	
	Chennai DCO	0	8	8
	Hyderabad DCO	0	0	0

No. of Members (in Southern Region)	Male	Female	Total
	42,894	12,814	55,708

No. of Members (in Southern Region)	Practice	Service	Total
	26,625	29,083	55,708

Regional Residential Course at Kollu Hills - May 3 to 5, 2019
Organised by SIRC of ICAI and hosted by Pondicherry and Kanchipuram District Branches of SIRC of ICAI



Group Photograph of the delegates along with SIRC Chairman & Vice Chairman, SIRC Past Chairman CA. E. Phalgun Kumar and Managing Committee Members of Pondicherry and Kanchipuram District Branches of SIRC of ICAI.

Fifth Residential Seminar on International Taxation - May 3 to 5, 2019
Organised by SIRC of ICAI and hosted by Bangalore Branch of SIRC of ICAI



Chairman SIRC CA. Jomon K. George being felicitated by the Managing Committee Members of Bangalore Branch of SIRC of ICAI. SIRC Treasurer CA. Pampanna B.E., RCM CA. Geetha A.B., Past Chairman SIRC and Programme Director CA. Cotha S. Srinivas are also seen.

Resource Persons of Two Days Advanced GST Refresher Training Programme for Senior Officers of Commercial Taxes Dept., Govt. of Tamil Nadu held at Chennai, Coimbatore and Madurai during April 2019



CA. Ganesh Prabhu

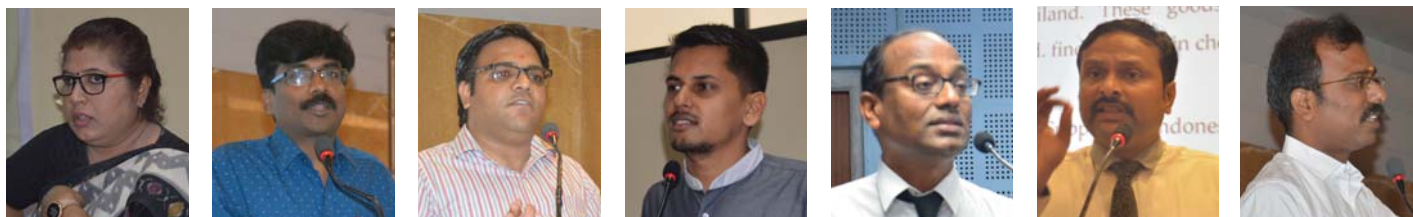
CA. Jatin Christopher

CA. M. Selva Kumar

CA. P. Aravind Thangam

CA. P. Paul Thangam

CA. Rajendra Kumar P.



Adv. Aparna Nandakumar

CA. Balasubramanian J

CA. Bharath Kumar N K

CA. K. Praveen Kumar

CA. V. Prasanna Krishnan

CA. Sankara Narayanan

CA. Saravanakumar G

Three Day Workshop on GST – 22nd to 24th April 2019



CA. P.T. Rajeev

CA. V. Prasanna Krishnan

CA. G. Sriram

CA. Renuka Murali

CA. Ganesh Prabhu

CA. Harini Sridharan

Date of Publication : 2nd of every month
Date of posting : 11th May 2019

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WPP No. TN/PMG(CCR)/WPP-354/2018-20

Two Days Advanced GST Refresher Training Programme for Officers of Commercial Taxes Dept., Govt. of Tamil Nadu at Coimbatore - 22nd & 23rd April 2019



CA.K.Shanmukha Sundaram, Past Chairman – SIRC, Tmt.Gayathri Krishnan, I.A.S., Coimbatore, CA.K.Jalapathi, Secretary, SIRC, CA. P.Balasubramani, Chairman, Coimbatore Branch of SIRC of ICAI during inauguration.

Session on Graduate Insolvency Programme - 27th April 2019



CA. Revathi S. Raghunathan, Chairperson, SICASA flanked by Adv. Shri Arvind P. Datar and Dr. PYLA Narayana Rao.

Certificate Course on GST at Chennai - 27th April 2019



Mr. Rajesh Sodhi, IRS, Commissioner of CGST, Appeals lighting the traditional lamp to mark the inauguration of the Course flanked by CA. Rajendra Kumar, P, Vice-Chairman, GST & Indirect Taxes Committee of ICAI and CA. M.P. Vijay Kumar, Central Council Member, ICAI

Two Days GST Program for Officers of Commercial Taxes Dept., Govt. of Tamil Nadu at Chennai – 10th and 11th April 2019



RCM Dr. CA. Abhishek Murali along with session speaker CA. G. Saravanakumar and an official from Commercial Taxes Dept. during the inaugural session

SIRC Chairman Meet with AICTSS MCS faculty members – 12th April 2019



SIRC Chairman CA. Jomon K. George addressing the faculty members.
SIRC Head Dr. T. Paramasivan, Joint Director (Tech.) looks upon.



Cross section of the Faculty Members

Resource Persons of CPE Study Circle Meetings at SIRC – April 2019



CA. A. Deepak Kumar



CA. P. Shankar Raman



CA. Uma Prakash



Mr. Faheem Ahmed



Mr. Santhosh Palavesh

FEMA

CA G. Murali Krishna, Hyderabad
gmk@sbsandco.com

I. Export and Import of Indian Currency:

RBI in A.P. (DIR series) circular numbered 24, dated 20.03.2019 clarified that the regulation 8(1) of FEM (Export and Import currency) Regulations, 2015, has been amended by replacing “currency notes of ₹500/- and/ or ₹1000/-” with “currency notes of ₹200/- and/ or ₹500/-”.

It is also clarified that there are no changes in the instructions regarding the currency notes of Government of India and Reserve Bank of India for any amount in denominations up to ₹100/-.

The sub regulation, consequent to the amendment, read as take or send out of India to Nepal or Bhutan, currency notes of Government of India and Reserve Bank of India notes (other than notes of denominations of above Rs.100 in either case), provided that an individual travelling from India to Nepal or Bhutan can carry Reserve Bank of India notes of Mahatma Gandhi (new) Series of denominations Rs. 200/- and/or Rs. 500/- up to a total limit of Rs. 25,000;

II. Compilation of R>Returns: Reporting under FETERS:

Vide A.P. (DIR series) circular no.25, dated 20.03.2019,

- RBI has decided to capture the country code of ultimate importer/ exporter by incorporating the additional field for the same in BoP file format under FETERS and by revising Form-A2
- Reporting of R-returns should be done on fortnightly basis for forex transactions performed w.e.f. 01-04-2019.

III. Master Direction- External Commercial Borrowings, Trade Credit and Structured Obligations:

RBI updated vide M.D no.5/2018-19 on 26.03.2019 by compiling the instructions issued relating to ECBs and Trade Credits under new framework by in suppression of earlier relevant Master Direction dated 01-01-2016.

IV. Investment by Foreign Portfolio Investors (FPI) in Government Securities Medium Term Framework:

RBI vide A.P. (DIR series) circular 26, dated 27.03.2019 has revised for 2019-20, the FPI investment limits for G-Secs, SDLs and corporate bonds as 6%, 2% and 9% of outstanding stocks of securities respectively.

V. Establishment of branch office (BO)/ liaison office (LO)/ project office (PO) or any other place of business in India by foreign entities:

RBI vide A.P. (DIR series) circular 27, dated 28.03.2019 clarified that no specific permission from RBI shall be required for opening of BO/LO/PO or any other place of business in India, where the principal business of applicant falls under defence, telecom, private security and information and broadcasting sector, and if the government approval or license/ permission by the concerned regulator/ ministry has already been granted.

VI. Foreign Exchange Management (Deposit) Regulations, 2016 - Opening of NRO Accounts by Long Term Visa (LTV) holders, changes related to Special Non-Resident Rupee (SNRR) Account and Escrow Account:

RBI vide AP (DIR Series) Circular 28, dated 28.03.2019 clarified that

- AD may allow the SEBI registered FPI and FVCI to open and maintain a non-interest-bearing FC account for investment in accordance with applicable FEMA regulations as amended from time to time.

- AD may open only one NRO account for a citizen of Bangladesh or Pakistan, belonging to minority communities, residing in India with LTV or applied for LTV which is considered by CG subject to conditions.
- SNRR accounts can be kept operative by the person resident outside India beyond the stipulated period of seven years with RBI approval. The limit of seven years is not applicable to the accounts opened by SEBI registered FPIs and FVCIIs
- Escrow Accounts can be opened by residents and non-residents for acquisition/transfer of capital instruments/convertible notes and can also be funded by guarantee(s).

VII. Foreign Exchange Management (Foreign Currency Accounts by a person resident in India) Regulations, 2015 - Opening of Foreign Currency Accounts by Re-insurance and Composite Insurance brokers:

RBI vide AP (DIR Series) Circular 29, dated 28.03.2019 clarified that re-insurance and composite insurance brokers registered with IRDA may open and maintain non-interest-bearing foreign currency accounts with an AD bank in India for the transactions in the ordinary course of their business.

VIII. Update on Compounding Orders issued under FEMA Regulations:

a) Piramal Glass Private Limited

Regulation:	Regulation 13, 15(iii) and 16(3) read with 16(1)(v) of FEMA 120/2004-RB dated July 7, 2004
Contravention:	<ul style="list-style-type: none"> • Delay in reporting of changes in the capital structure of overseas entity within 30 days • Non submission of Annual Performance Reports (APR) of overseas entity within the stipulated time • Partial disinvestment from overseas Entity without submission of APRs
Date of Order:	13 th February 2019
Compounding Fee:	₹ 19,12,652/-

b) Zee Entertainment Enterprises Limited

Regulation:	Regulation 6(5) of FEMA 19/2000-RB dated May 3, 2000 and 15(iii) of FEMA 120/2004-RB dated July 7, 2004
Contravention:	<ul style="list-style-type: none"> • Extending a loan to second level Step Down Subsidiary (SDS) without prior approval of RBI • Non submission of Annual Performance Reports (APR) of overseas entity within the stipulated time
Date of Order:	29 th January 2019
Compounding Fee:	₹ 44,87,500/-

c) Shapoorji Pallonji Oil and Gas Private Limited

Regulation:	Regulation 6(3) and 6(2)(vi) of FEMA 120/2004-RB dated July 7, 2004.
Contravention:	<ul style="list-style-type: none"> • Funding of ODI in to new JV through an existing JV of the applicant without routing through AD Bank (neither out of the balance held in EEFC account maintained with AD nor through market purchase of foreign exchange from an AD Bank) • Delay in reporting of ODI in Form ODI part I
Date of Order:	10 th January 2019
Compounding Fee:	₹ 63,452/-

UPDATES ON GOODS AND SERVICES TAX

CA G SARAVANAKUMAR

Madurai

casaravana.82@gmail.com & cagsk82@gmail.com

1. Clarification regarding filing of application for revocation of cancellation of registration - Circular No. 99/18/2019-GST

2.

Section 29(2) of CGST Act empowers the proper officer to cancel the registration of a taxable person from a retrospective date in case the said person has not filed his Form GSTR 3B or GSTR 4.

The proper officer would normally send a show cause notice as to why a registration cannot be cancelled. In case no reply is furnished, the registration would be cancelled in terms of above provisions.

Many persons' registrations have been cancelled who could not reply before expiry of 30 days of receipt of notice.

Hence, Removal of Difficulty Order (RoD) number 05/2019-Central Tax dated the 23rd April, 2019 has been issued wherein persons whose registrations have been cancelled under sub-section (2) of section 29 of the said Act after they were served notice in the manner provided in section clause (c) and clause (d) of sub-section (1) of section 169 of the said Act and who could not reply to the said notice and for whom cancellation order has been passed up to 31st March, 2019, have been given one time opportunity to apply for revocation of cancellation of registration on or before the 22nd July, 2019.

In order to implement the law uniformly following clarification is issued vide this circular by board.

- Before applying for revocation, all returns from the date of cancellation till the date of application for revocation has to be filed.
- After order of revocation of cancellation is passed, all returns till the date of order of revocation shall be filed within 30 days from the date of order of revocation.
- Though as per provisions of Rule 23, all returns are to be filed before applying for revocation, the portal did not allow filing of returns.
- Therefore, a third proviso was added to sub-rule (1) of rule 23 of the said Rules enabling filing of application for revocation of cancellation of registration, subject to the condition that all returns relating to the period from the effective date of cancellation of registration till the date of order of revocation of cancellation of registration shall be filed within a period of thirty days from the date of order of such revocation of cancellation of registration.

3. Clarification in respect of utilization of input tax credit under GST – GST - Circular No. 98/17/2019-GST

As per section 49A of CGST Act, input tax credit available on account of IGST shall be first fully utilised and thereafter only credit of CGST, SGST or UTGST shall be utilised.

This provision has resulted in accumulation of input tax credit for one kind of tax (say State tax) in electronic credit ledger and discharge of liability for the other kind of tax (say Central tax) through electronic cash ledger in certain scenarios.

Accordingly, rule 88A was inserted in the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the CGST Rules) in exercise of the powers under Section 49B of the CGST Act vide notification No. 16/2019-Central Tax, dated 29th March, 2019.

The newly inserted rule 88A in the CGST Rules allows utilization of input tax credit of Integrated tax towards the payment of Central tax and State tax, or as the case may be, Union territory tax, in any order subject to the condition that the entire input tax credit on account of Integrated tax is completely exhausted first before the input tax credit on account of Central tax or State / Union territory tax can be utilized. It is clarified that after the insertion of the said rule, the order of utilization of input tax credit will be as per the order (of numerals) given below:

Input tax Credit on account of	Output liability on account of Integrated tax	Output liability on account of Central tax	Output liability on account of State tax / Union Territory tax
Integrated tax	(I)	(II) – In any order and in any proportion	
<i>(III) Input tax Credit on account of Integrated tax to be completely exhausted mandatorily</i>			
Central tax	(V)	(IV)	Not permitted
State tax / Union Territory tax	(VII)	Not permitted	(VI)

SEBI

SEBI issues norms related to computation of risk-based capital and net worth requirements for Clearing Corporation

RISK-BASED CAPITAL AND NET WORTH REQUIREMENTS FOR CLEARING CORPORATIONS UNDER SECURITIES CONTRACT (REGULATION) (STOCK EXCHANGES AND CLEARING CORPORATIONS) REGULATIONS, 2018

CIRCULAR NO. SEBI/HO/MRD/DRMNP/CIR/P/2019/55, DATED 10-4-2019

1. SEBI constituted a Committee under the Chairmanship of Shri R Gandhi, Former Deputy Governor, Reserve Bank of India, to review the extant regulatory framework pertaining to Market Infrastructure Institutions ("MIIs") viz. Stock Exchanges, Clearing Corporations ("CCP" or "CC") and Depositories. Based on the recommendations made by the Committee, SEBI notified the Securities Contracts (Regulation) (Stock Exchanges and Clearing Corporations) Regulations, 2018 ("*SECC Regulations, 2018*").

2. In order to ensure that the net worth of a CCP adequately captures the risks faced by it, SEBI vide Regulation 14(3) of SECC Regulations, 2018 has adopted a risk-based approach towards computation of capital and net worth requirements for CCPs. The same is reproduced as under :

14(3)(a) Every recognized clearing corporation, on commencement of operations, shall, on an ongoing basis, maintain capital including retained earnings and reserves, as may be specified by the Board from time to time, to adequately cover counterparty credit risk, business risk, legal and operational risk.

14(3)(b) Every recognized clearing corporation shall hold additional capital to cover costs required for orderly wind-down or recovery of operations.

14(3)(c) Every recognized clearing corporation shall maintain, at all times, a minimum net worth of one hundred crore rupees or capital as determined under regulation 14(3)(a) and 14(3)(b), whichever is higher.

3. Accordingly, in consultation with the recognised Clearing Corporations, it has been decided to issue granular norms related to computation of risk-based capital and net worth requirements for CCPs as under:

3.1. For Credit Risk ("A"):

3.1.1 The credit risk from default of clearing members is being captured through the Core SGF framework as prescribed vide SEBI circular CIR/MRD/DRMNP/25/2014 dated August 27, 2014 on "*Core Settlement Guarantee Fund, Default Waterfall and Stress Test*". The CCP contribution to Core SGF shall be at least 50% of the Minimum Required Corpus (MRC).

3.1.2 The minimum contribution required to be made by the CCP towards Core SGF shall be considered for the purpose of computing capital requirements towards credit risk.

3.2 For Business Risk ("B"):

3.2.1 The capital requirement for general business risk shall be based on a CCP's own estimate as it is dependent on factors specific to each CCP such as execution of business strategy, market environment, response(s) to competition or technological progress etc.

3.2.2 A CCP shall identify, monitor, and manage its general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that it can continue operations and services as a going concern.

3.2.3 The capital requirement for business risk shall be subject to a minimum of 25% of annual gross operational expenses.

3.3 For Orderly Wind-down ("C"):

3.3.1 A CCP shall have in place a viable recovery or orderly wind-down plan and hold sufficient liquid net assets funded by equity to implement this plan.

3.3.2 These assets shall be determined by the general business risk profile of the CCP and the length of time required to achieve a recovery or orderly wind-down, as appropriate, of its critical operations and services.

3.3.3 While computing the capital requirement for winding down, a CCP shall consider a minimum time span of six months for ensuring an orderly winding down or restructuring of its activities and thus, hold liquid net assets equal to at least six months of gross operational expenses.

3.4 For Operational and Legal Risks ("D"):

3.4.1 A CCP shall identify the plausible sources of operational risk, both internal and external, and mitigate their impact through the use of appropriate systems, policies, and control measures. CCPs may be exposed to risk of litigations from participants/investors or other entities. It is, therefore, important that the CCP identifies such risks and maintains adequate financial resources to mitigate any losses in the foreseeable future.

3.4.2 The capital requirement for legal and operational risks shall at least be 20% of the aggregate of capital requirements for counterparty credit risk, business risk and orderly wind-down or recovery of operations, i.e. 20% of (A+B+C).

4. The total risk-based net worth requirement for CCPs shall be computed as the aggregate of capital requirements each for counterparty credit risk, business risk, orderly winding down or recovery of operations and legal and operational risks i.e. (A+B+C+D) or, 1.20 (A+B+C). Thus, the CCPs shall be required to maintain, at all times, in the form of liquid assets, a net worth of either INR 100 crore or as determined in the manner specified above, whichever is higher.

5. The CCPs shall use the most recent audited information from their annual financial statement for the purposes of calculation of gross operational expenses.

6. The CCPs shall regularly review their net worth requirement and ensure that the net worth does not fall below the prescribed threshold. A certificate to this effect, as signed by the Managing Director of the CCPs, shall be submitted to SEBI within 15 days from the end of every quarter. The first such submission shall be made applicable for the April 2019 – June 2019 quarter.

7. In exceptional cases where the net worth of a CCP falls below the prescribed threshold, the CCP shall forthwith inform SEBI *inter alia* mentioning the reason(s) behind the same and the measure(s) it intends to adopt in order to re-attain the prescribed net worth.

8. This circular is being issued in exercise of powers conferred under Section 11(1) of the Securities and Exchange Board of India Act, 1992, to protect the interests of investors in securities

and to promote the development of, and to regulate the securities market. This circular is available on SEBI website at www.sebi.gov.in under the category "Circulars".

MADRAS HIGH COURT Judgments in VAT CST GST

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Freight Charges: Cost of freight or delivery or cost of transportation cannot be included in the sale price, where they are separately charged and that too the purchase order also clearly says that the delivery is ex-RMC Works. Thus, there is no question of taxing eh freight Charges. **M/s. Larsen & Toubro Limited vs The JC (CT) Chennai (Central) Division, T C (R) Nos.10 and 11 of 2013 Dated: 13.12.2018**

C forms: When applications enclosing the C forms are pending before the Assessing Officer, the Assessing Officer will consider those applications and pass appropriate orders. Therefore, at this stage, the Court was not inclined to entertain the writ petitions challenging the orders of assessment. **M/s.Jain Rubbers Pvt. Ltd. Vs The AC (ST) Ayanavaram Assessment Circle, W.P.Nos.2679, 2686 & 2690 of 2019 DATED: 31.01.2019**

Personal Hearing: The Assessing Officer placed his reliance on the report submitted by the Enforcement Wing Officers for concluding the assessment. The petitioner through their communication dated 12.12.2018 sought 30 days' time for filing their reply. The receipt of such communication is admitted by the AO in the impugned order itself. However, it is stated that through the communication dated 13.12.2018, the assessee was informed to file such reply on or before 02.01.2019. Counsel for the petitioner denies the above contention and states that no such communication was served on the petitioner. In any event, as 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 is of the view that one more opportunity can be given to the petitioner. **Wood & Craft Vs. The State Tax Officer N. H. Road Circle, Coimbatore WP.No.2980 of 2019 DATED: 01.02.2019**

Manufacture: The legal issue involved in this case is whether the conversion of wet blue leather into finished products amounts to manufacture or not. This issue is no longer res integra and it has been held to be manufacture by the Hon'ble Division Bench in the case of Golden Leather vs. Secretary TNSTAT reported in 2010 (35) VST 2016 (Mad). The Tribunal was not justified in law in overlooking earlier rulings and the process involved to convert the blue skin into finished leather and this finding is not opposed to settled principles of law laid down by the Supreme Court reported in 1989 SC 724, 1998 1 SCC 437. **Tvl. Florence Shoe Co. Pvt. Ltd., Vs The CTO, Purasawakkam Assessment Circle, Tax Case (Revision) Nos.94 and 95 of 2009 DATED : 13.12.2018**

Classification: When there is no fresh material placed before the Tribunal to examine the nature of the product and when no remand report was called for regarding use of the product, its characteristics were not gone into, the Court is of the view that the product dealt with by the assessee is classifiable under Entry decided by the AO taxable at higher rate of 12% and not

otherwise wrongly decided by Tribunal. **Tv1.S.K.Rainguards Products, Vs The State of Tamil Nadu, Tax Case (Revision) Nos.11 and 12 of 2012 DATED: 13.12.2018**

Opportunity: The AO, except by stating that the dealer has not explained the difference arrived by the figures in the balance sheet and monthly returns, has not referred to any of the materials furnished by the petitioner along with the reply. Therefore, this Court is of the view that the AO ought to have gone into those materials and give a finding as to how such materials are either relevant or irrelevant on the proposal made. The impugned proceedings were passed without providing an opportunity of personal hearing, this Court is of the view that on that ground also, the impugned orders cannot be sustained. Considering all these facts and circumstances, this Court is of the view that the assessment orders were passed without application of mind to the reply submitted by the petitioner and without providing personal hearing. Accordingly, all these writ petitions are allowed and the impugned assessment orders are set aside. **M/s.Marck India vs. The AC (ST) (FAC) Periamet Assessment Circle W.P.Nos.2288, etc of 2019 DATED: 28.01.2019**

Non Application of mind : While carrying out the remand directions of the appellate authority, the impugned orders on the face of it, would show that the same was passed in total non-application of mind, since both the orders though, referable to two different assessment years, have in fact referred to the same figures of transaction. Considering the above stated facts and circumstances and considering the very fact that the AO has taken into consideration the transactions relevant only to 3 months period and not to the entire 12 months and further considering the fact that the Assessing Officer has referred to the quantum of transaction for both the assessment years as one and the same, the Court held that the impugned orders have to be set aside and the matter needs to be remitted back to the AO for re-doing the assessment. **Tv1. Ambika Wood Industries (P) Ltd, Vs. The AC [CT], Tambaram II Assessment Circle, Chennai - 44 and another. W.P.Nos.2064 & 2070 of 2019 DATED: 28.01.2019**

“C “Form: The petitioner seeks for mandamus directing the respondents to issue “C” forms under the CST Act, 1956 to the petitioner for the purchase of High Speed Diesel from the suppliers in the other States. Considering the orders dated 26.10.2018 in W.P.Nos.19458 to 19460 of 2018 etc., this writ petition is allowed and the respondent is directed to permit this petitioner to download C form, as has been done in the past for the purpose of purchasing petroleum products against the issuance of C declaration forms. **Wheels India Limited vs. The Assistant Commissioner, Anna Salai Assessment Circle W.P.No.3165 of 2019 DATED: 01.02.2019**

Judicial anarchy: When the Appellate authority issued its order it attained finality when the Revenue did not file any appeal against the said order. But unfortunately, the CTO, Egmore- I Assessment Circle, failed to follow the appellate remand directions and passed an order rejecting the appellants” case by order dated 06.11.2007. This order was challenged by the assessee by way of appeal before the ADC, who by order dated 17.09.2009 allowed the appeal specifically noting that the earlier direction issued by the AAC dated 19.01.2007 which has attained finality. The Tribunal without noticing the same and without taking into consideration the facts erroneously allowed the appeal filed by the State. Therefore, the AO is bound to follow the direction issued by the Appellate Authority in its order dated 19.01.2007, especially when the Revenue has not filed any appeal against the said order. **M/s.Chanda Softy Ice Creams Vs The JC (CT) Chennai (Central) Division, T C (R) No.48 of 2013 Dated: 13.12.2018**

AP VAT / GST Update

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Supreme Court

1	Tata Davy Ltd Vs State of Orissa & Ors (Commercial Taxes)	Civil Appeal 1354/91 dt 04-08-97	Central Act is enacted under Entry 52 of List I of the Seventh Schedule. The said Entry 52 empowers Parliament to legislate in respect of "Industries, the control of which by the Union is declared by Parliament by law to be in the public interest". The Central Act declares that it is "for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution", namely, "that the ownership and control of the material resources of the community are so distributed as best to serve the common good" and "that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment". The Central Act does not impair or interfere with the rights of the States to legislate with respect to sales tax under Entry 54 of List II of the Seventh Schedule. In the larger interest of the industrial health of the nation, Section 22 of the Central Act requires all creditors seeking to recover their dues from sick industrial companies in respect of whom an inquiry under Section 16 is pending or a scheme is under preparation or consideration or has been sanctioned to obtain the consent of the said Board to such recovery. If such consent is not secured and the recoverers deferred, the creditors' remedy is protected for the period of deferment is, by reason of sub-section (5) of Section 22, excluded in the computation of the period of limitation.....in the premissis, that the respondents cannot recover the aforementioned arrears of sales tax from the appellants without first seeking the consent of the said Board in this behalf.
2	Super Cassettes Industries Ltd vs Music Broadcast Pvt. Ltd Music Broadcast Pvt. Ltd	AC 4196-97/12 dt 4.5.12 (Larger Bench) 2012 (50) PTC 225 (SC)	43. It is no doubt true, that Tribunals discharging quasi-judicial functions and having the trappings of a Court, are generally considered to be vested with incidental and ancillary powers to discharge their functions, but that cannot surely mean that in the absence of any provision to the contrary, such Tribunal would have the power to grant at the interim stage the final relief which it could grant..... The considerations relevant for ascertaining whether there is an implied grant of such powers, as can be culled out from the various Judgments relied upon by the learned counsel appearing in these matters, which have been taken note of by my learned brother Justice Kabir, appear to be; (1) need to preserve <i>status quo</i> with respect to the subject matter of the dispute in order to enable the party, which eventually succeeds in the litigation, to enjoy the fruits of the success; and (2) need to preserve the parties themselves a consideration, which weighed heavily with this Court in implying such powers in favour of the Magistrates while exercising the jurisdiction under Section 125 of the Code of Criminal Procedure.

3	D.J. Malpani Vs Commissioner of Central Excise	CA 5282 / 2005 dt 9.4.19 (Larger Bench)	5. The present case has been tagged with the case of M/s D.J. Malpani vs. Commissioner of Central Excise, Nashik which has been referred to this Bench vide order dated 29.07.2015. We have held that the amount of Dharmada cannot be included in the transaction value for the purposes of assessments.
4	Indian Oil Corporation Vs State of UP	Civil Appeal 3257-68/19 dt 22.4.19	We are, thus of the view that the question relating to nature and extent of liability to pay interest on Entry Tax under the scheme of Act, 2007 need to be examined by this court in these appeal. In view of the above discussion we are of view that the High Court in the impugned judgment committed error in upholding the preliminary objection of the respondent. We are of that question relating to nature and extent of liability of interest on Entry Tax under the scheme of Act, 2007 need to be examined and answered in these appeals.

High Court

1	Bhumika Enterprises Vs State of UP	WP 564/18 dt 3.4.18 (Allhabad HC)	Since the tax invoice indicating the tax charged and the same admittedly found during the course of inspection/detention and E-way bill-02 has been downloaded much before the seizure order, we see no justification in the impugned seizure order and therefore, we have no option but to allow the present writ petition and to set aside the seizure order dated 27.3.2018 as well as the show cause notice issued under Section 129(3) of the Act for imposition of penalty.
2	Olive Agencies Vs Additional Deputy Commercial Tax Officer	WA 12780/18 dt.21.12.18 (Madras HC)	purpose for issuing the Form F declarations is to avail concessional rate of tax. This is provided under the Statute and therefore, the Assessing Officer, on a technical plea, cannot refuse to accept the Form F declarations. In fact, the Commissioner of Commercial Taxes, Commercial Tax Department, Government of Tamil Nadu issued a circular stating that the Form F declarations can be accepted by the Assessing Officer even after completion of assessment. Therefore, we are of the view that one opportunity can be granted to the appellant to go before the Assessing Officer to submit the Form F declarations and put forth their contentions, so that the assessment can be done in a proper manner.
3	R,K. Motors Vs ST Officer	WP (MD) 1287 /19 dt 24.1.19	When a power is conferred on a statutory authority, it should be exercised in a reasonable manner
4	Optival Health Solution Pvt Ltd Vs Union of India	WP No. 18879/18 dt 7.2.19 (Calcutta HC)	when such a person, is seeking to correct Form GST TRAN 2 on its own, an opportunity should be afforded to such person to correct the same. The authorities may retain the original GST TRAN 2 Form for their assessment purpose and can confront the person seeking to revise the GST TRAN 2 with the Form GST TRAN 2 as originally filed and require explanation from the person filing a revised Form GST TRAN 2 as to why such revision was required and whether such revisions are justified or not. Such an enquiry can be held in the assessment proceedings. There is no ground as to why, a person filing Form GST TRAN 2 should not be allowed to revise Form GST TRAN 2 after its initial filing.

5	Gillette India Limited Vs Commissioner of Customs (Larger Bench)	W.P. (C) No. 1735/16 dt 23.4.19 (Delhi HC – 3 Member Bench)	under Sections 125 read with Section 126 of the Act, where the redemption fine in lieu of confiscation is not paid within the time stipulated, the Central Government is entitled to retain the excess auction sale proceeds of the confiscated goods, after adjustment of the duty, penalty, interest and other statutory dues. The central government in such circumstance is under no obligation to return the excess amount to the importer. MMTC v. Surjit Singh Kanda (supra) to the extent it holds to the contrary is accordingly overruled.
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GOs issued U/APVAT Act

1	G.O.Ms. No. 265	04.04.19	Notifying certain supplies as deemed exports under section 147 of the APGST Act, 2017 – Amendment to the Notification in G.O. Ms No.496- In the said notification, In the Table, in column number (2) against S. No.1, after the entry, the following proviso shall be inserted, namely: - “Provided that goods so supplied, when exports have already been made after availing input tax credit on inputs used in manufacture of such exports, shall be used in manufacture and supply of taxable goods (other than nil rated or fully exempted goods) and a certificate to this effect from a chartered accountant is submitted to the Chief Commissioner or any other officer authorized by him within 6 months of such supply,; Provided further that no such certificate shall be required if input tax credit has not been availed on inputs used in manufacture of export goods.” In the Explanation against serial number (1) the words “on pre-import basis” shall be omitted.
2	G.O.Ms. No. 266	04.04.19	Section 172 of the Act – Removal of Difficulties - In the Table, in column number (2) against S. No.1, after the entry, the following proviso shall be inserted, namely: - “Provided that goods so supplied, when exports have already been made after availing input tax credit on inputs used in manufacture of such exports, shall be used in manufacture and supply of taxable goods (other than nil rated or fully exempted goods) and a certificate to this effect from a chartered accountant is submitted to the Chief Commissioner or any other officer authorized by him within 6 months of such supply,; Provided further that no such certificate shall be required if input tax credit has not been availed on inputs used in manufacture of export goods.”
3	G.O.Ms. No. 267	04.04.19	<u>Section 172 of the Act – Removal of Difficulties</u> -In sub-section (4) of section 16 of the said Act, the following proviso shall be inserted, namely: - “Provided that the registered person shall be entitled to take input tax credit after the due date of furnishing of the return under section 39 for the month of September, 2018 till the due date of furnishing of the return under the said section for the month of March, 2019 in respect of any invoice or invoice relating to such debit note for supply of goods or services or both made during the financial year 2017-18, the details of which have been uploaded by the supplier under sub-section (1) of section 37 till the due date for furnishing the details under sub-section (1) of said section for the month of March, 2019.” 3. In sub-section (3) of section 37 of the said Act, after the existing proviso, the following proviso shall be

			inserted, namely: — “Provided further that the rectification of error or omission in respect of the details furnished under sub-section (1) shall be allowed after furnishing of the return under section 39 for the month of September, 2018 till the due date for furnishing the details under sub-section (1) for the month of March, 2019 or for the quarter January, 2019 to March, 2019.”. 3. In sub-section (3) of section 37 of the said Act, after the existing proviso, the following proviso shall be inserted, namely: — “Provided further that the rectification of error or omission in respect of the details furnished under sub-section (1) shall be allowed after furnishing of the return under section 39 for the month of September, 2018 till the due date for furnishing the details under sub-section (1) for the month of March, 2019 or for the quarter January, 2019 to March, 2019.”.
4	G.O.Ms. No. 268	04.04.19	Section 172 of the Act – Removal of Difficulties In sub-section (4) of section 16 of the said Act, the following proviso shall be inserted, namely: - “Provided that the registered person shall be entitled to take input tax credit after the due date of furnishing of the return under section 39 for the month of September, 2018 till the due date of furnishing of the return under the said section for the month of March, 2019 in respect of any invoice or invoice relating to such debit note for supply of goods or services or both made during the financial year 2017-18, the details of which have been uploaded by the supplier under sub-section (1) of section 37 till the due date for furnishing the details under sub-section (1) of said section for the month of March, 2019.”. 3. In sub-section (3) of section 37 of the said Act, after the existing proviso, the following proviso shall be inserted, namely: – – “Provided further that the rectification of error or omission in respect of the details furnished under sub-section (1) shall be allowed after furnishing of the return under section 39 for the month of September, 2018 till the due date for furnishing the details under sub-section (1) for the month of March, 2019 or for the quarter January, 2019 to March, 2019.”.
5	G.O.Ms. No. 269	04.04.19	Section 172 of the Act – Removal of Difficulties - . In Section 44 of the Andhra Pradesh Goods and Services Tax Act, 2017, in the Explanation, for the figures, letters and word “31st March, 2019”, the figures, letters and word “30th June, 2019” shall be substituted Section 172 of the Act – Removal of Difficulties - . In Section 44 of the Andhra Pradesh Goods and Services Tax Act, 2017, in the Explanation, for the figures, letters and word “31st March, 2019”, the figures, letters and word “30th June, 2019” shall be substituted
6	G.O.Ms. No. 270	04.04.19	Section 172 of the Act – Removal of Difficulties – Section 52 – inserting “Explanation: - For the purposes of this sub-section, it is hereby declared that the due date for furnishing the said statement for the months of October, November and December, 2018 shall be the 31st January, 2019.”. Section 172 of the Act – Removal of Difficulties – Section 52 – inserting “Explanation: - For the purposes of this sub-section, it is hereby declared that the due date for furnishing the said statement for the months of October, November and December, 2018 shall be the 31st January, 2019.”.
7	G.O.Ms. No.	15.04.19	Removal of Difficulties – in computing

	276		Aggregate Turnover for determining Eligibility for Composition scheme under section 10 -it is hereby clarified that the value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount, shall not be taken into account –(i) for determining the eligibility for composition scheme under second proviso to sub-section (1) of section 10; (ii) in computing aggregate turnover in order to determine eligibility for composition scheme.
8	G.O.Ms. No. 277	15.04.19	Section 172 of the Act – Removal of Difficulties - in filing TCS statement by ECommerce operators - In section 52 of the Andhra Pradesh Goods and Services Tax Act, 2017, in sub-section (4), in the Explanation, for the figures, letters and word “31st January, 2019”, the figures, letters and word “07th February, 2019” shall be substituted. .
9	G.O.Ms. No. 278	15.04.19	Section 172 of the Act – Removal of Difficulties in issuing Bill of Supply as per section 31(3)(c) of APGST Act – it is hereby clarified that provisions of clause (c) of subsection (3) of section 31 of the said Act shall apply to a person paying tax under GOMs No 255, Revenue(CT-II) Dept dated 20.3.2019
10	G.O.Ms. No. 279	15.04.19	Prescribing Composition scheme for persons having Annual Turnover up to Rs 50 lakhs in the preceding year and the supplies include services - In the said notification, - (i) in the Table, in column 3, after clause 7, the following clause shall be added, (i) in the Table, in column 3, after clause 7, the following clause shall be added, namely: - “8.Where any registered person who has availed of input tax credit opts to pay tax under this notification, he shall pay an amount, by way of debit in the electronic credit ledger or electronic cash ledger, equivalent to the credit of input tax in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock and on capital goods as if the supply made under this notification attracts the provisions of section 18(4) of the said Act and the rules made there-under and after payment of such amount, the balance of input tax credit, if any, lying in his electronic credit ledger shall lapse.”;

CESTAT

1	Essel Propack Ltd. Vs Commissioner CGST	Appeal No. E/85322/2018 dt 31.8.2018 (CESTAT Mumbai)	CSR activity being held as input service that was maintained by the appellant through an agency(Trust), the other dispute relating to suppression etc. that would attract extended period is not required to be discussed in the appeal, nor the part acceptance of the duty liability by the appellant. Hence the order – The appeal is allowed and the order passed by the Commissioner (Appeals) demanding duty, interest and penalty against input service availed by the appellant company towards fulfilment of CSR activity is hereby set
2	Phalanx Labs Pvt Ltd Vs CCT Visakhapatnam	E/30482/2018 dt 6.9.18 (CESTAT Hyderabad)	issue is regarding availability of CENVAT credit of the service tax on labour charges which were for fixing and erection of equipments, buffing work, fixation and erection of equipment work, insulation work etc. for the activity undertaken by the service providers in the factory premises..... cannot be said that the services rendered by service providers on various activities as enumerated in Annexure-B to the show

			cause notice were in respect of equipments which are not used for manufacturing of final products. If that be so, the law is now clearly settled as to what would be "directly or indirectly or in relation to manufacture as the foundation or making structures for support are in respect of the capital goods.
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Advance Rulings given in 2018

1	House of Marigold (Gujarat)	GUJ/GAAR/R/2018/20 dated 10.10.2018	The product Marigold Butterfly Bridal with Watch and similar jewellery products containing watch supplied by M/s. House of Marigold (GSTIN 24AFBPS1985E1ZG) are classifiable under Heading 9101.(Watch)
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Advance Rulings given in 2019

1	Kara Properties Ventures LLP Tamil Nadu	TN01 AAR/2019 dated 21.01.2019	The value of supply of services provided by the Applicant in the project 'One Crest' in Chennai, wherein the Applicant has entered into two separate agreements, viz., one for 'Sale of undivided share of land' and the other for 'Construction' with the customers, the measure of levy of GST on the supply of service of 'Construction' shall be 213'd of the total value charged for construction service and amount charged for transfer of undivided share of land, as per entry No. 3(i) of Notification No. 1112017-C.T.(Rate) dated 28.06.2017 as amended and No.1(2)/CTR/532(d14)12017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended.
2	RmKV Fabrics Private Limited Tamil Nadu	TN02 AAR/2019 dated 21.01.2019	RULING 1. Model 1 Sa-lwar/Chudidar sets supplied by the Applicant, Both Top and Bottom not stitched consisting of three pieces of fabrics (Top/Bottom/Dupatta) where no stitching has been done and the pieces are merely cut into fabrics from bales than, is classifiable as fabric Chapter 50 to 55 depending on the material. 2. Model 2 Salwar/Chudidar sets supplied by the Applicant, Top semi - stitched and bottom not stitched consisting of bottom and dupatta fabrics cut from bales/than and the Top has already been partially cut into shape but requires further cutting and stitching to size, is classifiable as made up articles under Tariff heading 62114216211431621149 depending on the material. 3. Model 3 Salwar/Chudidar sets supplied by the Applicant, Top stitched but bottom not stitched consisting of bottom and dupatta fabrics cut from bates/than and the Top fully stitched is classifiable as made up articles under Tariff heading 6271421621143 /621 149 depending on the material. 4. Model 4 Salwar/Chudidar sets supplied by the Applicant, Top Neck -worked, Both Top and Bottom not stitched consisting of bottom and dupatta fabrics cut from bales/than and the Top has neck portion cut and design worked into it is classifiable as made up articles under Tariff heading 621742 / 621143 / 621 149 depending on the material. 5. For Model 1 Salwar/Chudidar sets supplied by the Applicant, the applicable rate of tax would be 2.5Vo CGST as per applicable Sl.no (depending on the material) in Schedule I of Notification I 2017 -. Central Tax(Rate) dt. 28.06.2017 as amended and 2.5"/o SGST as per applicable Sl.no (depending on the material)

			<p>in Schedule I of Notification No. II(2)lCTRl532(d-4)l2017 vide G.O. (Ms) No. 62 dated 29.06.2017.</p> <p>6. For Moder 2,3 and 4 Salwar/chudidar sets supplied Applicant, the applicable rate of tax for such articles of sale value not exceeding Rs 1000 per piece, would be 2.5o/o CGST as per Sl.no 223 in Schedule I of Notilication II20I7 -Central Tax(Rate) dt.28.06.2017 as amended and 2.5o/o SGST as per Sl.no 223 in Schedule I of Notification No. II(2)/CTR/532(d-4)l2017 vide G.O. (Ms) No.62 dated 29.06.2017 and the applicable rate of tax for such articles of Sale Value exceeding Rs 1000 per piece, would be 60/o CGST as per Sl.no 170 in Schedule II of Notification I/20I7 -Central Tax(Rate) dt. 28.06.2017 as amended and 60/o SGST as per Sl.no 170 in Schedule II of Notification No. rr(2)lcrRl532(d-4)l2or7 vide c.o. (Ms) No. 62 dated 29.06.2017. Applicant, the applicable rate of tax for such articles of sale value not exceeding Rs 1000 per piece, would be 2.5o/o CGST as per Sl.no 223 in Schedule I of Notilication II20I7 -Central Tax(Rate) dt.28.06.2017 as amended and 2.5o/o SGST as per Sl.no 223 in Schedule I of Notification No. II(2)/CTR/532(d-4)l2017 vide G.O. (Ms) No.62 dated 29.06.2017 and the applicable rate of tax for such articles of Sale Value exceeding Rs 1000 per piece, would be 60/o CGST as per Sl.no 170 in Schedule II of Notification I/20I7 -Central Tax(Rate) dt. 28.06.2017 as amended and 60/o SGST as per Sl.no 170 in Schedule II of Notification No. rr(2)lcrRl532(d-4)l2or7 vide c.o. (Ms) No. 62 dated 29.06.2017.</p>
3	Animal Fee Analytical and Quality Assurance Laboratory	TN03 AAR/2019 dated 21.01.2019	Services provided by the applicant related to test of Animal Fee / Feed ingredients are not be covered under Notification 12/2007 Central Tax (Rate) dated 28/06/2017 as amended for CGST and No.II(2)/CTR/532(d-15)/2017 vide G.O. Ms. No.73 dated 29.6.2017 for SGST.
4	Vaya Life Private Limited	TN04 AAR/2019 dated 22.01.2019	<p>1.Vaya Tyffyn' and 'Vaya Drink' supplied by the applicant were classifiable under CTH 96170019</p> <p>2. The goods are chargeable to 14% CGST and 14% SGST as per Sl. No.225 Schedule IV of Notification No.01/2017-CT (rate) dated 28.06.2017 and Notification No.II(2) CTR 532 (d-4) 2017 vide G.O.Ms.No.62 dated 29.6.2017 respectively upto 14.11.2017 From 15.11.2017 they chargeable to 9% CGST amd 9% SGST as per S.No. 4498 of Schedule – III of Notification No.01/2017 – CT(Rate) dated 28.06.2017 as amended and Notification II(2) CTR 532(d-4) 2017 vide GO Ms No.62 dated 29.6.2017 as amended respectively</p>
5	MRF Limited	TN05 AAR/2019 dated 22.01.2019	As per the provisions of Section 16 of CGST Act 2017/TNGST Act 2017, the applicant can avail Input Tax Credit only to the extent of the invoice value raised by the suppliers less the discounts as per C2FO software which is paid by him to the suppliers
6	Dream Runners Foundation	TN06 AAR/2019 dated 22.01.2019	<p>(i) The conduct of Marathon event by the Applicant for the participants is a not an exempt supply under CGST/TNGST Act</p> <p>(ii) Only those activities of Applicant, who is a Trust is under Sec 12AA of the Income Tax Act 7961, which fall under the definition of "charitable activities" as per Clause 2(r) of Notification 12/2017 Central Tax(Rate) dated 28th June 20I7 and Notification No.II(2)/CTR/532(d-15)l2017 vide G.O. (Ms) No. 73 dated</p>

			<p>29.06.2017 are exempt.</p> <p>(iii) As the Applicant is supplying taxable supply of services such as organizing marathon etc. and has aggregate turnover in a financial year exceeding twenty lakh rupees, the Applicant is required to be registered under CGST/TNGST Act.</p> <p>(iv) The money collected from the participants for conduct of the Marathon in the event organized by the Applicant and therefore is not exempted from CGST/ SGST.</p>
7	Subramani Sumathi	TN07 AAR/2019 dated 22.01.2019	The Applicants product namely "Maida Vadam/Papad" is classifiable under '19050540' and is exempted from CGST and SGST vide S1 no 96 of Notification No. 0212017 -CT (Rate) dt 28.06.2017 as amended and Notification No.II(2)/CTR/532(d-5)12077 vide G.O. (Ms) No. 63 dated 29.06.2017 respectively.
8	HYT SAM India JV	TN08 AAR/2019 dated 22.01.2019	<p>1. In the contract "Modernization of ICF for Complete Switch-over to Stainless steel coach manufacturing-Phase II, consisting of construction of shed, provision of M & Ps in ICF Shell/Furnishing Division, retro-fitment/ re-conditioning / re-sitting / disposal of obsolete M & Ps of shell division including wet leasing of M & Ps and associated Electrical works on turn-key basis" dt 29.06.2017 entered into by the Applicant with ICF, Chennai, the supply in the agreement for erection, commissioning, installation of plant and machinery for a factory to manufacture stainless steel coaches covering Schedule I, II , III, the portion pertaining to supply of machine, plant and equipment's including commissioning spares in Schedule I, erection and commissioning of all civil structures in Schedule II, supply of electrical equipment including commissioning spares in Schedule III is a composite supply of services; the supply in the agreement for wet leasing of Robotic spot welding machine and Laser cutting and welding machine as per Schedule V(a) and Schedule V(b) is a composite supply of services; the supply in the agreement for Comprehensive Annual Maintenance Contract (CAMC) of Mechanical & Electrical under Schedule VI (a) and VI (b) is a composite supply of services.</p> <p>2. The supply in the agreement for erection, commissioning, installation of plant and machinery for a factory to manufacture stainless steel coaches covering Schedule I, II and III is a composite supply of works contract for original works of construction, erection, commissioning, or installation pertaining to railways, and is taxable at 6% CGST and as per S1.No.3(v)(a) of Notification No.11/2017-C.T.(Rate) and 6% SGST as per S1.No.3 (v)(a) of Notification No.II(2)/CTR1532(d-14)/2017 vide G.O.Ms. No. 72 dated 29.06.2017 as amended with effect from 22.08.2017. Prior to that, it is taxable at 9% CGST and as per S1.No. 3(ii) of Notification No. 11/2017 - C.T.(Rate) and 9% SGST as per S1.No. 3(ii) of Notification No. II(2)/CTR/532(d-14)/2017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended. The supply in the agreement for wet leasing of Robotic spot welding</p>

			<p>machine and Laser cutting and welding machine as per Schedule V(a) and Schedule V(b) is not eligible for Sl no 3 (v)(a) of this notification. The agreement for Comprehensive Annual Maintenance Contract (CAMC) of Mechanical & Electrical under Schedule VI (a) and VI (b) is not eligible for Sl no 3(v)(a) of this notification.</p> <p>3. The value of supply for each invoice raised by the Applicant will be the transaction value and should include the amounts, if any, as specified in Section 15(2) and exclude the discounts, if any, as specified in Section 15(3) of CGST ACT 2017.</p> <p>4. This Authority cannot give a Ruling on the supply for up-rooting and disposal of condemned M&Ps, under Schedule IV, in which the Applicant is a recipient as per Section 95(a) of CGST Act/TNGST Act.</p> <p>5. This Authority cannot give a Ruling on the question of when to raise invoices by the Applicant as per Section 97(2) of CGST Act/TNGST Act.</p>
9	Rajiv Gandhi Centre for Aqua Culture	TN09 AAR/2019 dated 22.01.2019	<p>1. The Applicant, RGCA is liable to be registered under Section 22 of CGST and TNGST Act.</p> <p>2. RGCA shall obtain registration in every such State or Union territory in which he is so liable.</p> <p>3. The rate of tax for various supplies of goods and services supplied by RGCA are</p> <p>a. Fish seeds, prawn/shrimp seeds supplied by RGCA, classifiable under 0301, are exempt from CGST under S1. No. 18 of Notification No.2/2017-C.T. (Rate) dated 28.06.2017 as amended and from SGST under S1. No.18 of Notification No. II(2)/CTR/532(d-5)/2017 vide G.O. (Ms) No. 63 dated 29.06.2017 as amended.</p> <p>b. Live fish supplied by RGCA, classifiable under 0301, are exempt from CGST under S1. No.19 of Notification No.2/2017-C.T. (Rate) dated 28.06.2017 as amended and from SGST under S1. No.19 of Notification No.II(2)/CTR/532(d-5)/2017 vide G.O. (Ms) No. 63 dated 29.06.2017 as amended.</p> <p>c. Artemia cysts supplied by RGCA, classifiable under 0511, are taxable at 2.5% CGST under S1. No.21 of Notification No. 1/2017-C.T. (Rate) dated 28.06.2017 as amended and at 2.5% SGST under S1. No.21 of Notification No. II(2)/CTR/532(d-4)/2017 vide G.O. (Ms) No. 62 dated 29.06.2017 as amended.</p> <p>d. Research and development activities of RGCA are towards breeding, developing new species, genetic testing of Seed and adults of diversified aquaculture species, Gene sequencing for confirmation of species, under SAC 9981, are taxable at 9% CGST under Sl no 18 of Notification No11/2017 dt 28.06.2017 as amended and 9% SGST under Sl no 18 of Notification No .II(2)/CTR/532(d-14)/2017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended.</p> <p>e. Consultancy services of RGCA are towards nursery technology, cage farming hatching etc, which are support services for rearing of fish, crab, prawn, etc. and are directly related to operations, classifiable under SAC 9986, are exempt from CGST under Sl no 54 of Notification No 12/2017 dt 28.06.2017 as amended and exempt from SGST</p>

			<p>under Sl no 54 of Notification No. II(2)/CTR/532(d-15)/2017 vide G.O. (Ms) No. 73 dated 29.06.2017 as amended</p> <p>f. testing for pathogens of soil, water, feed etc. and chemical analysis of water and soil and Gene sequencing of pathogens, classifiable under SAC 9983, by at 9% CGST under Sl no 21 of Notification No 11/2017 dt 28.06.2017 as amended and 9% SGST under Sl no 21 of Notification No .II(2)/CTR/532(d-14)/2017 vide G.O. (Ms) No. 72 dated 29.06.2017</p> <p>g. training services of RGCA to farmers, hatcheries which are support services for rearing of fish, crab, prawn, etc. and are agricultural extension services covered under SAC 9986 and hence are exempt from CGST under Sl no 54 of Notification No 12/2017 dt 28.06.2017 as amended and exempt from SGST under Sl no 54 of No.II(2)/CTR/532(d-15)/2017 vide G.O. (Ms) No. 73 dated 29.06.2017 as amended</p> <p>h. The training activities of RGCA to students, academia who are not directly involved in rearing of fish, aquaculture etc. are covered under SAC 9992 and taxable at 9% CGST under Sl no 30 of Notification No 11/2017 dt 28.06.2017 as amended and 9% SGST under Sl no 30 of Notification No.II(2)/CTR/532(d-14)/2017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended.</p>
10	Janakiram an Govindarajan, Value Max Polyplast (Tamil Nadu)	TN10 AAR/2019 dated 27.02.2019	<ol style="list-style-type: none"> 1. Agricultural Seedling Trays made on base material Polypropylene Granules manufactured by Applicant plastic are classifiable under CTH 39269099 2. The applicable tax rate is 9% CGST as per Sl No. 111 of Schedule III of Notification No. 111 of Schedule III of G.O.(Ms) No. 62 dated 29.06.2017 No. II (2) CTR/532(d-4) 2017 as amended. 3. The credit of input tax paid is available subject to fulfillment of conditions under Section 16 and Section 17 of the CGST / SGST Act 2017
11	National Dairy Development Board	Guj/GAAR/2019/1-2 dt 20.2.19 /22.2.19	<p>GST on Immovable property renting services by NDDDB to an educational institution In re Ms. National Dairy Development Board (GST AAR Gujarat) (i) Whether NDDDB would be qualified as 'Governmental Authority' from GST perspective?</p> <p>National Dairy Development Board (24AADCN2029C1Z5) would be qualified as 'government authority' from Goods and Services Tax perspective, if it fulfills the condition namely 'with ninety percent or more participation by way of equity or control to carry out any function entrusted to a municipality under article 243W of the Constitution'.</p> <p>(ii) Whether renting of immovable property service provided by NDDDB to an educational institute would be exempted under Sl. No. 4 of Notification No. 12/2017-Central Tax (Rate)?</p> <p>(ii) Renting of immovable property service provided by National Dairy Development Board (24AADCN2029C1Z5) to an educational institute would be exempted under Sr. No. 4 of Notification No. 12/2017-Central Tax (Rate) and corresponding State Tax Notification.</p>
12	Sonal Product	Guj/GAAR/2019/3 dt 22.2.19	The product 'Un-fried Fryums' manufactured and supplied by M/s. Sonal Product (GSTIN 24AGPPK7290R1ZF) is classifiable under Tariff Item 2106

			<p>90 99 of the First Schedule to the Customs Tariff Act, 1975.</p> <p>(b) What is the applicable rate of CGST payable on such “Papad and papad pipes of different shapes, sizes and varieties (commonly known as un-fried Fryums)?</p> <p>Goods and Service Tax rate of 18% (CGST 9% + GGST 9% or IGST 18%) is applicable to the product ‘Un-fried Fryums’ as per Sl. No. 23 of Schedule III of Notification No. 1/2017-Central Tax (Rate) dated 28.06.2017, as amended, issued under the CGST Act, 2017 and Notification No. 1/2017-State Tax (Rate) dated 30.06.2017, as amended, issued under the GGST Act, 2017</p>
13	Inox India Pvt. Ltd (Gujarat)	Guj/GAAR/2019/4 dt 28.2.19	<p>The product ‘Transport Tank mounted on chassis of customer’ being supplied by M/s. Inox India Pvt. Ltd. (GSTIN 24AAACI4416P1ZH) is classifiable under Heading 7311.</p>
15	JC Genetic India Private Limited (MP)	01/2019 dated 21.01.19	<p>Whether exemption provided under Sr No. 74 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 is applicable to the applicant?</p> <p>to qualify for said exemption an establishment has to satisfy dual conditions of providing Health Care Services as well as being clinical establishment – The applicant is not entitled to the benefit of Serial No.74 and para no.2 (s) of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 and corresponding notification issued MPGST Act.</p>
16	Aravali Polyart Pvt. Ltd Rajasthan	RAJ/AAR/2018-19/34 15.2.19	<p>The activity undertaken by the applicant is classifiable under Heading 9973(Leasing or rental services, with or without operator) or use minerals including its exploration and evaluation) sub heading 99737 oaf notification number 11/2017-CT (Rate) dated 28.06.2017. The applicant is liable to discharge tax liability under reverse charge mechanism vide Notification No.13/2017-CT (Rate) dated 28.06.2017 (as amended from time to time) of the CGST Act, 2017</p> <p>The activity undertaken by the applicant attracts 18% GST (9%CGST+ 9% SGST)</p>
17	Shambhu Traders Pvt Limited (Rajasthan)	RAJ/AAR/2018-19/35 15.2.19	<ol style="list-style-type: none"> 1. The used lead acid batteries qualify to be second hand goods. Accordingly, the Applicant dealer is entitled to operate under the Margin Scheme in respect of the used lead acid batteries. 2. The query raised by the applicant is not specified in Section 97(2) of CGST Act/RGST Act, 2017, therefore, no advance ruling is given. 3. The Rule 32(5) of the CGST Rules, 2017 which provides for Margin Scheme in case of intra-state supplies shall also be applicable in case of inter-state supplies. The Applicant is entitled to make inter-state supplies of used lead acid batteries while operating under the Margin Scheme.
18	Mohan Infinity	RAJ/AAR/2018-19/36 14.3.19	<p>Natural Calcite Powder is classifiable under HSN Code 25309030 attracts GST 5% (CGST@2.5% and SGST 2.5%)</p>
19	Municipal Corporation	RAJ/AAR/2018-19/37 14.3.19	<p>Applicant being a local authority is engaged in receipt of various kinds of services provided by different contractors on which applicability of GST and GST TDS will be –</p>

	Pratapgarh		<p>a. Pure services will attract Nil rate of duty and provisions of GST TDS will not be applicable.</p> <p>b. In Composite supply of goods and services where supply of goods is not more than 25% of the total value of supply, will attract Nils rate of duty and provisions of GST TDS will not be applicable.</p> <p>c. In Composite supply of goods and services where supply of goods is more than 25% of the value of supply, will attracts GST @ 12% (SGST @6% - CGST @6%) if the activity fall under purview of Serial No.3 of Notification 11/2017(CT-rate) dated 28.06.2017 as amended from time to time and if not, then GST @18% (SGST @9% - CGST @9%) will be applicable. Provisions of GST TDS will apply as the activity in this case is taxable.</p>
20	Rajasthan Rajya Sahakari Kriya Vikraya Sangh Ltd	RAJ/AAR/20 18-19/38 22.3.19	<p>a. The applicant is not liable for charging goods and service tax under the RGST Act 2017 and CGST Act, 2017 on providing service for procurement of agricultural produce i.e. oil seeds and pulses from farmers either itself or through Kray Vikray Sahakari Samithi on behalf of its principal i.e. NAFED as the same as exempted for a Commission Agent of agricultural produce under Serial No.54 of Notification No. 12/2017 – Central Tax (Rate) dated 28.06.2017.</p> <p>b. (i) The applicant is not liable for charging RGST / CGST or IGST on outward supply of pulses other than branded through Krah Vikrah Sahakari Samiti according to the purchase order of the NFED as the same is exempted under Notification No. 02/2017 – Central Tax (Rate) dated 28.6.2017 (ii) The applicant is laible for charging RGST / CGST or IGST on outward supply of Oilseeds (other seed quality through Krar Vikarah Sahakari Samithi according to the purchase order of the NAFED and attracts GST @ 5% (SGST 2.5% + CGST 2.5%) in accordance with Notification No.1/2017 - Central Tax (Rate) dated 28.06.2017</p> <p>c. As the applicant is not covered under Notification No.50/2018-Cemra; Tax dated 13.09.2018 read with Section 51 of CGST Act, 2017 and is therefore not liable to deduct Tax at Source (TDS) from payment to or credit of Karh Vikrah, Sahakari Samiti /RAJFED.</p> <p>d. As the applicant is not covered under Notification No.50/2016 Central Tax dated 13.09.2018 read with Section 51 of CGST Att, 2017 and is therefore not liable to deduct Tax at Source (TDS) from payment to or credit of Krah Vikrah Sahakari Samiti / RAJFED for their services of procurement of gunny bags, transportation, insurance and services of surveyors for the applicant to be supplied by the to its principal NAFED itself.</p>
21	Wolkem Industries Limited	RAJ/AAR/20 18-19/39 25.3.19	<p>The activity undertaken is classifiable under Heading 9973 (leasing or rental services with or without operator), as mentioned in the annexure at Serial No. 257/Licensing services for the right to use minerals including as exploration and evolution) sub heading 997337 of notification number 11/2017 – CT (Rate) dated 28.06.2017. The applicant is liable to discharge tax liability under reverse charge mechanism vide Notification No.13/2017-CT(Rate) dated 28.06.2017 (as amended from time to time) of CGST Act, 2017.</p> <p>The activity undertaken by the applicant attracts 18% GST (9% CGST + 9% SGST)</p>

22	G A Infra Pvt. Ltd	RAJ/AAR/20 18-19/41 29.3.19	The activity of O & M of Fluoride Control Project on ESCO Model and O & M work by the applicant is being undertaken for Government Department. In this activity of Composite supply of goods and services the applicability of GST will be as under- a. Composite supply of goods and services where supply of goods is below 25 out of total value of supply then GST will be Nil b. Composition supply of goods and services where supply of goods is more than 25% of total value of supply then GST will 12% (SGST 6% + CGST 6%)
23	Tata Projects Limited	RAJ/AAR/20 18-19/42 29.3.19	GST Rate applicable on the project undertaken by the applicant is 18% (CGST @ 9% and SGST @ 9%)
24	Mahalakshmi Polypack Private Limited	Ruling No.14 dated 7.01.2019 (Uttarakhand)	In view of the above, on the issue of identification of classification and rate of tax leviable on the supply of 'Poly Propylene Leno Bags' as per the application filed by the applicant, we find that the subject goods i.e. 'Poly Propylene Leno Bags' falls under HSN 3923 of the GST Tariff and therefore, supply of 'Poly Propylene Leno Bags' would be chargeable to GST @ 18% (CGST @ 9% and SGST @ 9%)
25	Premier Solar Systems Pvt Limited	Ruling No.15 dated 24.01.2019 (Uttarakhand)	(i) Supply in question would covered under "Solar Power Generating System" as whole in terms of serial no.234 of Schedule -I of the Notification 01/2017-Central Tax (Rate) dated 28.06.2017 (ii) Supply in question would be treated as "Composite Supply" (iii) 70% of the gross value of supply in question shall be the value of supply of said goods falling under chapter 84,85 or 94 of the Tariff only would attract 5% GST rate and remaining portion (30%) of the aggregate value shall be the value of supply of taxable service attracting 18% GST rate in terms of Notification No.27/2018 - Central Tax (Rate) dated 31.12.2017. Other goods used in these plants attract applicable GST Rate
26	Good wear Fashion Pvt Limited	Ruling No.16 dated 30.01.2019 (Uttarakhand)	In view of the above, we hold that the specimen fabric i.e. Polyester Viscose fusing Interling woven fabric , partially covered with plastic which leads to plastic coated pattern that is visible on its one side doe not fall under HSN Code 5903. However, it being partially coated or partially covered with plastic and bearing designs will fall under chapter 50 to 55 or 60 as per the chapter note 2(a)(4) of Chapter 59 of the GST Tariff.
27	Elefo Bio Tech Pvt Ltd	Ruling No.18 dated 7.02.2019 (Uttarakhand)	We hold that the products i.e. Anaerobic Microbial Inolulum (AMI) will be classified under chapter sub-heading 31010099 of the heading 3101 of the GST Tariff and according the supply of these products will attract GST @5% [CGST @ 2.5% and SGST @ 2.5%) as on the date.
28	Opto Electronic Factory	Ruling No.19 dated 7.02.2019 (Uttarakhand)	"Slight Vision Equipments manufactured and repaired by the applicant for further exclusive use in armoured tanks will be classified under HSN code 9013 of GST Tariff Act and accordingly, as per chapter sub-heading 90131090, supply of these various equipment will attract GST at the rate of 18% [CGST @9% + SGST @ 9%]
29	Nipha Exports Private Limited	43/WBAAR/20 18-19 dated 26.02.19	Input tax credit is not admissible on the ambulance purchased in November 2018, as Section 17(5) of the GST Act, as it stood in the relevant period, blocks any such enjoyment, even if provisioning of ambulance service to the employees is obligatory under the Factories Act, 1948.

30	Shiv Writing Co Pvt Limited	44/WBAAR/2018-19 dated 13.03.19 West Bengal	“Tips and Balls” of Ball Point Pens are to be classified under GST Tariff Heading 9608 99 90 and included under Sl No. 453 of Schedule III of Notification No. 01/2017–Central Tax (Rate) dated 28.06.2017 (corresponding State Notification No. 1125-FT dated 28/06/2017).
31	Udyan Cinema Pvt Ltd	45/WBAAR/2018-19 dated 13.03.19 West Bengal	The Line Producer to be engage for shooting of a feature film in Brazil is supplying motion picture production service, classifiable under SAC 999612. The Applicant is liable to pay IGST on the payments made to the above Line Producer in terms of Sl No. 1 of Notification No. 10/2017 – IGST (Rate) dated 28/06/2017 at 18% rate specified under Sl No. 34(vi) of Notification No. 08/2017 – IT (Rate) dated 28/06/2017, as amended from time to time. No deduction is available in terms of the contract with the Line Producer appended to the Application from the value of the supply of motion picture production service even if payment is made on an actual cost basis. However, if the Applicant modifies the contract so that the Line Producer acts as pure agent for certain services in addition to the main supply of motion picture production service, the related transactions will be import of services from the actual suppliers, and the amount paid on actual cost basis for procuring those services will be subjected to IGST at the applicable IGST rate on such services.
32	Eskag Pharma Pvt Ltd	46/WBAAR/2018-19 dated 26.03.19 West Bengal	The Application has been admitted for classification of the products mentioned in Table I of the Application that are labelled as dietary/health supplements. Products mentioned under Sl Nos. 2 to 13 are classifiable under HSN 2106, and taxable under Sl No. 23 of Schedule III of Notification No. 1/2017-CT (Rate) dated 28/06/2017 of the Centre (corresponding State Notification No. 1125-FT dated 28/06/2017), as amended vide Notification No. 41/2017-CT(Rate) dated 14/11/2017 (corresponding State Notification No. 2019-FT dated 14/11/2017).
33	Alok Bhanuka	47/WBAAR/2018-19 dated 26.03.19 West Bengal	The Application has been admitted for classification of the products mentioned in Table I of the Application that are labelled as dietary/health supplements. Products mentioned under Sl Nos. 2 to 13 are classifiable under HSN 2106, and taxable under Sl No. 23 of Schedule III of Notification No. 1/2017-CT (Rate) dated 28/06/2017 of the Centre (corresponding State Notification No. 1125-FT dated 28/06/2017), as amended vide Notification No. 41/2017-CT(Rate) dated 14/11/2017 (corresponding State Notification No. 2019-FT dated 14/11/2017).
34	The Bengal Rowing Club	48/WBAAR/2018-19 dated 28.03.19 West Bengal	Supply of food, by way of or as part of any service or in any other manner whatsoever, from the Applicant’s restaurant is classifiable under SAC 9963 and taxable under Sl No. 7(i) or 7(iii) of the Notification No. 11/2017-CT (Rate) dated 28/06/2017 (corresponding State Notification No. 1135-FT dated 28/06/2017), depending upon the criteria mentioned therein. If food is supplied by way of or as part of the services associated with organizing social events at the club premises, together with renting of such premises, it will be classifiable under SAC 9963 and taxable under Sl No. 7(vii) of the above-mentioned rate notification. All other services offered by the Applicant are classifiable under SAC 9995 and taxable under Sl No. 33 of the above rate notification. The Applicant should apply the provisions under section

			17(2) & (6) of the GST Act, read with rules 42 and 43 of the GST Rules, for reversal of input tax credit, treating supplies, if any, taxable under Sl No. 7(i) of the above rate notification, as exempt supplies. Reference to food in this ruling includes the supply of other articles of human consumption and drink (whether or not alcoholic liquor).
35	Ratan Projects and Engg Co Pvt Limited	49/WBAAR/2018-19 dated 28.03.19 West Bengal	Return of the galvanised goods to the Applicant satisfies the condition of receiving back the inputs in accordance with section 143(1)(a) of the GST Act. As the goods like furnace oil, zinc etc - consumed in the process of galvanising - are inseparable from the galvanised goods, they should not be treated as supply in terms of section 143(3) of the GST Act, provided they have been entirely used up in the process of galvanising.
36	NMDC Limited Chhattisgarh	STC/AAR/09/2018 dt 22.02.19	Royalty paid by M/s NMDC in respect of mining lease is classifiable under heading 997337: Licensing services for the right to use minerals including its exploration and evolution (covered under entry no. 17 of Notification No.11/2017(Rate) dated 28.06.2017, attracting GST at the same rate as applicable for supply of the goods involving transfer of title in goods, under reverse charge basis. The contribution made to District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET) by NMDC as per MMDR Act, 1957 are liable to GST under reverse charge basis
37	Novadit Agarwal	STC/AAR/10/2018 dt 26.03.19	Required to charge GST upon M/s Shree Raipur Cement, C.G. on total amount including the cost of diesel i.e. on the total freight amount inclusive of the cost of diesel so provided by the service recipient i.e. Shree Raipur Cement.
38	Ramnath Bhimsen Charitable Trust Chhattisgarh	STC/AAR/11/2018 dt 2.03.19	Activity of providing accommodation services by the applicant in their hostel for which the applicant is collecting an amount below the threshold limit of Rs.1000/- per day and no other charges are being collected for providing other allied facilities / services therein viz canteen food parking space for vehicles coaching, library, entertainment etc, merits exemption as stipulated under Notification No. 12/2017-State Tax (Rate) No. F-10-43/2017/CT/V-80 Naya Raipur Dated 28.06.2017 under Serial No.14 Chapter 9963. This amount received for such supply by the applicant falling under tariff hearing 9963 qualifies being treated as nil rate tax exempted supply.

Income Tax Judgments

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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	CIT Vs Mahindra & Mahindra Limited	CA 6949-6450/04 dt 24.04.18 (404 ITR 1)	15) it is evident that it is a sine qua non that there should be an allowance or deduction claimed by the assessee in any assessment for any year in respect of loss, expenditure or trading liability incurred by the assessee. Then, subsequently, during any previous year, if the creditor remits or waives any such liability, then the assessee is liable to pay tax under Section 41 of the IT Act.
2	Pr CIT Vs Trisha Krishnan	SLP (C) Dairy No. 7687/ 19 dt 15.4.19	SLP dismissed - Madras HC in TCA 239/17 dt 14.6.18 upheld ITA 1009/mds/16 dt 6.9.16 with regard to the issue of penalty levied on account of addition made for non-deduction of tax we find that it is only an inadvertent mistake committed by the Accountant of the assessee. Therefore we are of the view that penal provisions of section 271(1)(c) cannot be invoked in the case of the assessee
3	Pr CIT Vs Mumbai Regional Development Authority	SLP (C) Dairy No. 7695/ 19 dt 1.4.19	SLP dismissed – Bombay HC in ITA 308/16 dt 6.9.18 specified – ITAT correctly held that the assessee had made payments only in respect of maintenance of contracts which relate to minor repairs, replacement of some parts, greasing of machinery etc. These services do not require any technical expertise, and therefore, could not be categorized as technical services.....assessee had correctly deducted TDS
4	Khoday Distilleries v Mahadeshwara S.S.K. Ltd	AC 2432/19 dt 1.4.19 (3 Member Bench)	special leave petition was dismissed in limine and without any speaking order. After the dismissal of the special leave petition, the respondent in this appeal had approached the High Court with review petition. Said review petition is allowed by passing order dated December 12, 2012 on the ground of suppression of material facts by the appellant herein and commission of fraud on the Court. Such a review petition was maintainable. Therefore, the High Court was empowered to entertain the same on merits
5	Pr CIT Vs West Bengal Housing Infrastructure Development Corporation Limited	SLP (C) Dairy No. 10127/ 19 dt 5.4.19	SLP dismissed – Calcutta HC ITA 84/18 dt 9.8.18 specified “..... in payment made by the assessee to the allottee was in terms of the agreement entered between them where the liability of the assessee would arise only if it failed to make the plots available within the stipulated time. Hence, the payment made under the relevant clause was purely contractual and as rightly held by the Tribunal, in the nature of compensation or damages for the loss caused to the allottee in the interregnum for being unable to utilise or possess the flat. The flavour of compensation becomes evident from the words used in the particular clause..... and consequently no disallowance could have been made under section 40 (a) (ia) of the Act.....”

6	Bannalal Jat Construction Pvt Limited Vs ACIT	SLP © Dairy No.7469/19 dt 8.4.19	SLP dismissed – Rajasthan HC in ITA 140/18 dt 31.8.18 specified - burden lay on the assessee to show that the admission made by him in the statement earlier at the time of survey was wrong. Such retraction, however, should be supported by a strong evidence stating that the earlier statement was recorded under duress and coercion, and this has to have certain definite evidence to come to the conclusion that indicating that there was an element of compulsion for the assessee to make such statement. However bald assertion to this effect at much belated stage cannot be accepted
7	Kerala Cricket Association Vs Additional CIT	AC 3573-3577/19 dt 8.4.19	This court has dismissed Special Leave Petitions directed against the judgment of the High Court insofar as it rejected the plea for registration under Section 12A of the Act with retrospective effect. (Kerala HC in ITA 588/19 dt 19-12-2008 specified “.....we are satisfied that the Commissioner could not grant registration with retrospective effect. If that be so, the Commissioner could have granted registration only with effect from the commencement of the assessment year in which the application in question was made.....”)
8	CIT Vs Ranjit Projects	SLP (C) Dairy No. 8895/19 dt 8.4.19	SLP dismissed – Gujarat High Court in TA 426/18 dt 2.5.18 specified – We are conscious that condition (b of sub-section (4) of section 80IA requires the assessee to have entered into agreement with the Central Government or a State Government or a local authority or any other statutory authority. However, rigid interpretation of this provision as canvassed by Revenue would only result into the assesses involved in genuine infrastructure development projects for and on behalf of the Government or local authorities would be denied the deduction merely on the ground that the State Government had created a nodal agency for working out the finer details and nitty-gritty of such infrastructure development. The purpose of creating such nodal agencies as well as legislative intent of granting deduction to the assessee engaged in developing, maintain or operating any infrastructure projects for Central or State Government of local authorities would frustrate.
9	Pr CIT Vs Tops Security Limited	SLP (C) Dairy 10049/19 dt 8.4.19	SLP dismissed – Bombay HC in ITA 125/16 dt 10.09.18 specified - 43B does not contemplate liability to pay service tax before actual receipt of the funds in the account of the assessee. Hence the liability to pay service tax into the Treasury will arise only upon the assessee receiving the funds and not otherwise. Thus the consideration has to be actually received and thereupon liability arise.
10	CIT Vs Ranjit Projects	SLP (C) Dairy No. 8895/19 dt 8.4.19	SLP dismissed – Gujarat High Court in TA 426/18 dt 2.5.18 specified – We are conscious that condition (b of sub-section (4) of section 80IA requires the assessee to have entered into agreement with the Central Government or a State Government or a local authority or any other statutory authority. However, rigid interpretation of this provision as canvassed by Revenue would only result into the assesses involved in genuine infrastructure development projects for and on behalf of the Government or local authorities would be denied the deduction merely on the ground that the State

			Government had created a nodal agency for working out the finer details and nitty-gritty of such infrastructure development. The purpose of creating such nodal agencies as well as legislative intent of granting deduction to the assessee engaged in developing, maintain or operating any infrastructure projects for Central or State Government of local authorities would frustrate.
11	Pr CIT Vs Tops Security Limited	SLP (C) Dairy 10049/19 dt 8.4.19	SLP dismissed – Bombay HC in ITA 125/16 dt 10.09.18 specified - 43B does not contemplate liability to pay service tax before actual receipt of the funds in the account of the assessee. Hence the liability to pay service tax into the Treasury will arise only upon the assessee receiving the funds and not otherwise. Thus the consideration has to be actually received and thereupon liability arise.
12	P. Leelavathi (D) by LRs Vrs V. Shankarnarayana Rao (D) by LRs	AC 1099 / 2008 dt 9.4.19	<p>This Court ultimately concluded after considering its earlier judgment in the case of Valliammal v. Subramaniam (2004) 7 SCC 288 that while considering whether a particular transaction is bename in nature, the following six circumstances can be taken as a guide: “(1) the source from the purchase money cane; (2) the nature and possession of the property, after the purchase; (3) motive, if any for giving the transaction a bename clour; (4) the position of the parties and the relationship, if any, between claimant and the alleged benamidar; (5) the custody of the deeds after the sale; and (6) the conduct of the parties concerned in dealing with the propey afte the sale. (Jayadayal Poddar V. Bibi Hazra (supra) SCC p.7, para 6).</p> <p>10. Applying the law laid down by this Court in the aforesaid decisions to the fats of the case on hand, we are of the opinion that the High Court has rightly come to the conclusion.</p>
13	Pr CIT Vs A.A. Estate Pvt. Ltd	Appeal Civil 3968/19 dt 16.4.19	<p>High Court should have seen that following substantial questions of law do arise in the appeal for being answered on their respective merits: (i) Whether the reasons contained in Notice under Section 148 are relevant and sufficient for issuance of the said Notice dated 22.09.2010 ?</p> <p>(ii) Whether any case of escaped assessment within the meaning of Section 147 read with Section 148 of the Act for the assessment year in question is made out by the Commissioner of Income Tax on the basis of the reasons set out in the notice ?</p> <p>(iii) Whether a case of presumption as contemplated under Section 132(4A) of the Act could be drawn against the respondent assessee on the basis of a document (Annexure AB1) which was seized in search operation carried in the business premises of another assessee M/s Ashok buildcom by adding a sum of Rs.1,70,94,000/ for determining the total tax liability of the respondent for the year in question as an escaped assessment so as to enable the Department to issue notice dated 22.09.2010 under Section 148 of the Act to the respondent?</p> <p>The impugned order is set aside. The case is remanded to the High Court for deciding the appeal filed by the Commissioner of Income Tax Mumbai afresh on merits</p>

			as provided under Section 260A(4) of the Act to answer the three questions framed by this Court under Section 260A(3) of the Act. The impugned order is set aside. The case is remanded to the High Court for deciding the appeal filed by the Commissioner of Income Tax Mumbai afresh on merits as provided under Section 260A(4) of the Act to answer the three questions framed by this Court under Section 260A(3) of the Act.
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Gist of Judgments of High Courts

1	Pr CIT Vs Grasim Industries	ITA 778/15 dt 18 th April, 18 (Bombay HC)	<p>This is only a suggestion and it is entirely for the CBDT to take appropriate steps to ensure that Revenue is properly represented to serve the greater cause of justice and fair play.</p> <p>9. In any case, we would expect the CBDT to lay down a standard procedure in respect of manner in which Departmental Officer/Assessing Officer assist the Counsel for the Revenue while promoting/ protecting Revenue's Counsel are left to fend for themselves and that even papers at times are borrowed from other side or taken from the Court Records. If the mind set of the Revenue Officer changes and they attend to the case diligently till it is disposed only then would it be ensured that the State is properly represented.</p>
2	Cholamandala m ms General Insurance vs ITAT	ITA 22376/ 18 dt 13.11.18 (Madras HC) 305 CTR 891 / 172 DTR 33	<p>9. It is settled legal principle that before the expiry of appeal time, if recovery proceedings are initiated, it would virtually render the appeal as infructuous. Therefore, considering the fact that the said writ petitions were directed to be numbered subject to maintainability and that there has been an interim order in force since 30.8.2018, we are of the considered view that the petitioners should be protected against the recovery proceedings.</p>
3	Prameela Krishna Vs ITO	ITA 11-14/10 dt 20.11.18 (Karnataka HC) 261 Taxman 37	<p>6. So far as the second substantial question of law is with regard to assumption of jurisdiction under Section 147 of Income Tax Act is concerned, hereto we are of the view that Tribunal did not consider the plea of the assessee with regard to jurisdiction of Section 147 of the Income Tax Act. Hence this question also requires to be considered by Tribunal. The failure of the Tribunal to consider question of jurisdiction has therefore led to miscarriage of justice.</p>
4	Pr CIT Vs Dilip Ranjrekar	ITA 217/18 dt 5.12.18 (Karnataka HC) 260 Taxman 317	<p>(upheld ITA No.858/Bang/16 dt 10-11-17) The construction was not completed within three years as narrated in Section 54 of the Act. The delay was not because of assessee, but beyond his control, since construction was put up by builder. He has invested amount of Rs.2,26,82,097. Therefore following aforesaid judgment, Tribunal rightly held that the said investment is made towards construction of property. Therefore, it requires to be exempted.....Tribunal held that so far as to the extent of the amount as on the date of retirement concerned, the assessee is eligible for exemption. Therefore, law is rightly applied by Tribunal.</p>

5	Dhanalakshmi Bank Vs ITO	ITA 456/18 dt .11.12.18 (Kerala HC)	this Court would answer the question in favour of the assessee and against the Revenue, finding the appellant- assessee to be eligible for the claim under Section 35D. The actual expenditure, whether it comes within Section 35D(2)(c)(iv) would be left for consideration by AO.
6	Sony Pictures Net Work India Pvt Ltd Vs ITAT	WP 3508/18 dt 3.1.19 (Bombay HC)	Tribunal ought to have decided the issue of the character of distribution fees is royalty or not, as all facts were available before it and submissions also made, rather than remanding the issue to TPO. Besides non-consideration of the above basic submission made at the hearing as recorded, is clearly a mistake apparent from the record. The Tribunal ought to have allowed the rectification application dated 5.10.2017 and recalled the order dated 26.7.2017 for fresh consideration of the appeal.
7	Atul Projects India Ltd vs Union of India	WP 3501/18 dt 24.1.19 (Bombay HC)	Punjab and Haryana in case of Commissioner of Income Tax Vs Sohan Lal Chhajan Mall. The facts in the said case were very similar. It was also a case in which the department relied on the date of removal of the defects in the return initially filed defectively, to contend that the notice of scrutiny assessment was issued within the prescribed time. The court held that upon removal of the defects the same would relate back to the filing of the return and therefore, the notice of assessment was hit by limitation. We are informed that SLP against the said judgment of Punjab and Haryana High Court in case of Sohan Lal Chhajan Mall (supra) has been dismissed.
8	Sayarmull Surana v. ITO	CrI RC 111/2011 dt 14.12.18 (Madras HC)	<p>12 Thus, the very edifice on which the prosecution was launched against the accused, has crumbled like a pack of cards. There was no necessity for the Income Tax Department to have launched the prosecution hurriedly since the law of limitation under Section 468 Cr.P.C. for criminal prosecution has been excluded by the Economic Offences (Inapplicability of Limitation) Act, 1974. In fact, even in the complaint, the Income Tax Officer has stated that the accused has approached the Income Tax Appellate Tribunal. This shows that the Income Tax Officer was aware of the fact that the accused is agitating his case before the Income Tax Appellate Tribunal, which is the final fact finding body.</p> <p>13 Thus, in the peculiar facts and circumstances of the case, it cannot be stated that the accused was wilfully evading the payment of tax. But, unfortunately, the Trial Court had failed to appreciate the contention of the accused in the right perspective.</p>
9	Pr CIT Vs Royal Western India Turf	ITA 1126/16 and batch dt 29.1.19 (Bombay HC)	Commissioner, undoubtedly, has powers under Section 263 of the Act to annual the entire assessment and required passing of fresh assessment order. However, when the

	Club Ltd		Commissioner, as in the present case, requires the Assessing Officer to carry out inquiries with respect to specified issues, the jurisdiction of the Assessing Officer to pass fresh order must be confined to such issues, failing, which we would be giving the power to the Assessing Officer to make reassessment.
10	CIT Vs Pukhraj Soni	ITA 53/17 dt 6.2.19 (MP HC Indore Bench)	7. The Apex Court has taken into account in similar circumstances the incriminating material in form of random sheet, loose papers, computer prints, hard disk and pen drive etc and had held that they are inadmissible in evidence as they are in the form of loose papers.
11	CIT Vs Global Tele-Systems Ltd	ITA 544/18 dt 12.2.19 (Bombay HC)	(upheld <i>ITA No. 5161/M/2001 dt. 20-4-2016</i>) Tribunal also recorded that such software has a limited life and would require continuous upgradation and advancement. It is also noticed that the assessee had not commenced a new business and the software was deployed for the purpose of its existing business. Under the circumstances, the Tribunal in essence held that by acquiring software, the assessee had not secured any enduring benefits. We are broadly in agreement with the view of the Tribunal.
12	Pr CIT Vs Electroplast Engineers	ITA 137/17 dt 26.3.19 (Bombay HC)	Section 45(4) apply even if there was no dissolution of the firm. Issue of transfer of capital asset was not a focal point. In the present case there was no transfer of capital asset upon reconstitution of firm. All that happened was the firm's assets were evaluated and retiring partners were paid their share of the partnership asset. There was clearly no transfer of capital asset. Revenue has not argued that the reconstitution of the firm was a colourable device to avail tax liability.
13	Pr CIT Vs Royal Western India Turf Club Ltd	ITA 1126/16 and batch dt 29.1.19 (Bombay HC)	Commissioner, undoubtedly, has powers under Section 263 of the Act to annul the entire assessment and required passing of fresh assessment order. However, when the Commissioner, as in the present case, requires the Assessing Officer to carry out inquiries with respect to specified issues, the jurisdiction of the Assessing Officer to pass fresh order must be confined to such issues, failing, which we would be giving the power to the Assessing Officer to make reassessment.
14	Jagdish C Dhabalia Vs ITO	ITA 981/16 dt 12.3.2019 (Bombay HC)	While giving full effect to the deeming fiction contained under section 50C of the Act for the purpose of computation of the capital gain under section 48, for which section 50C is specifically enacted, the automatic fallout thereof would be that the computation of assessee's capital gain and consequently the computation of exemption under section 54EC shall have to be worked out on the basis of substituted deemed sale consideration of transfer of capital asset in terms of Section 50C of the Act.
15	Pr CIT Vs	ITA 137/17	Section 45(4) apply even if there was no dissolution of

	Electroplast Engineers	dt 26.3.19 (Bombay HC)	the firm. Issue of transfer of capital asset was not a focal point. In the present case there was no transfer of capital asset upon reconstitution of firm. All that happened was the firm's assets were evaluated and retiring partners were paid their share of the partnership asset. There was clearly no transfer of capital asset. Revenue has not argued that the reconstitution of the firm was a colourable device to avail tax liability.
16	Milestone Real Estate Fund Vs ACIT	ITA 543/19 dt 26.3.19 (Bombay HC)	We pride ourselves as State which believes the rule of law. Therefore, at least that is expected of the Officers of the State is to apply the law equally to all and not be over zealous in seeking to collect the revenue ignoring the statutory provisions as well as the binding decision of this Court. The action of the respondent nos.1 and 2 as adverted to in para 14 herein above clearly indicates that a separate set of rules was being applied by them in the case of the petitioner. Equal protection of law which means equal application law has been scarified in the case by the Revenue. It appears that the petitioner is being signaled out for this unfair treatment.
17	Tropex Promotion and Trading Ltd Vs CIT	ITA 30/2001 dt 1.4.19 (Delhi HC)	14. In the present case, the reasons for reopening the assessment do not make any reference whatsoever to any „information“ in possession of the AO that persuaded him to form the belief that for AY 1986-87 income had escaped assessment. The only so-called „information“ available with the AO was the assessment order for AY 1987-88.....this Court is satisfied that in the present case the jurisdictional requirement of Section 147(b) of the Act as stood at the relevant time is not fulfilled
18	Pr CIT Vs Bajaj Finance Limited	ITA 237/17 dt 2.4.19 (Bombay HC)	loans which are advanced, recovery of some of them if considered doubtful, then, even the interest on the loans advanced may not be realized. That is how the amount is not brought to the profit and loss account because they are not likely to be realized by the bank or a NBFC as well. It is permissible therefore to disclose or to show them as income in assessment year in which either the interest amount or part of it is recovered. The Tribunal in this case, namely, of the assessee before us, has precisely followed this course. We do not find that the course permitted and upheld by the Tribunal is in any way in conflict with any legal provisions or the settled principles.
19	Rupa Shyamsundar Dhumatkar Vs ACIT	WP 404/19 dt 5.4.19 (Bombay HC)	It is not necessary to refer to all the judgments on the point. Suffice it to say, as per the settled law, notice for reopening of assessment against dead person is invalid.
20	Sanjivani Non-SANJIVANI NON-Ferrous Trading P Ltd Vs ITO.	WP 11736/18 dt 9.4.19 (Delhi HC)	AO was of the opinion that the issue of profitability which appears to be gone into, requires re-examination not because of a second opinion or review but because of the survey conducted subsequently. The materials clearly showed that the sales declared were suspect, to say the least. For the above reasons, the Court is of the opinion that the relief claimed in these petitions, i.e. quashing of the impugned reassessment notice cannot be granted.

21	Pr CIT Vs Om Prakash Jakhotia & Ors	WP 11859/16 dt 15.4.19 (Delhi HC)	ITSC, in this regard, fell into error as there was no full and true disclosure by the assesseees. Consequently, the impugned order is hereby set aside and quashed. The AO shall proceed hereafter, in accordance with law and complete the block assessments. The time taken during the pendency of proceedings before the commission and the time during which the commission's order was in force, shall be ignored for the purpose of limitation.
22	CIT Vs Kohinoor Foods Limited	ITA 757/05 and batch dt 16.4.19 (Delhi HC)	<p>27. It is sought to be contended by the Revenue that each AY is a separate year and that the principle of <i>res judicata</i> has no application in tax law. It is contended that the mere fact that the issues stands decided in favour of the Assessee for the earlier and subsequent AYs should not matter.</p> <p>28. The Court cannot be unmindful of the fact that for a number of AYs from 1997-1998 till 2014-15, barring the three AYs in question, the issues have been decided ultimately in favour of the Assessee. In each of these AYs it was a scrutiny assessment under Section 143 (3) of the Act. Surely, the rule of consistency would apply in such a scenario. Accordingly, the Court sees no reason why only for the three AYs in question, the matter should be reopened.</p>

Income Tax Appellate Tribunal

1	D.S. Corporation Vs ITO (Third Member)	ITA 3526-27/Mum/12 and batch dt 10.1.19	There was thus no transfer of capital asset by way of distribution of capital asset either on dissolution or otherwise within the meaning of section 45(4) read with section 2(14) of the Act. I also hold that the money equivalent to enhanced portion of assets revalued does not constitute capital asset within the meaning of section 2(14) and the payment of the said money by the assessee-firm to the retiring partners cannot give rise to capital gain under section 45(4) read with section 2(14) of the Income Tax Act, 1961
2	Sri.Johny Sebastian Vs ITO	ITA 337/Coch/18 dt 1.4.19	have also wrongly applied the principles laid down in Section 2 69 of the Act with the mandatory requirements of establishing the creditworthiness of a loan creditor. Shri. Roy George is not a loan creditor. In fact, he is a customer who purchased the latex and rubber trees from the assessee and the entire amount was paid in several installments in accordance with the sale of the rubber trees to his customers and its realization. For the aforesaid reasons, I delete the addition of Rs.14 lakh.
3	SBS Realtors (P) Ltd Vs ITO	ITA 7791/Del/18 dt 1.4.19	AO has simply reopened the case on the basis of information provided by the Investigation Wing without any independent application of mind. There is no tangible material which formed the basis for the belief that income has escaped assessment.we quash the notice issued u/S 148
4	Dilpreet Singh Vs ITO	301/Chd/17 dt 1.4.19	it is directed that in case the evidence filed is not reliable, sufficient or complete, the AO shall call for the

			DVO's Report and necessary evidences from the Land Revenue Authorities, confront the report to the assessee and pass an order after hearing the assessee in accordance with law.
5	DCIT Vs Vaibhav Infrastructure	ITA 2700/Chny/18 dt 1.4.19	Without finding any error in the books of account maintained by the assessee, the Assessing Officer simply observed that it is not possible to produce the same for verification. The CIT(Appeals) found that the assessee has audited the books of account under Section 44AB of the Income-tax Act, 1961 (in short 'the Act'). When the assessee maintained books of account and audited the same, this Tribunal finds that there is no reason to estimate the profit.
6	A&A International Trading Pvt. Ltd., Vs DCIT	ITA 2010/Chny/18 dt 1.4.19	Tribunal is of the considered opinion that in view of Rule 6DD(k) of the Income-tax Rules, 1962, even though the payment was made exceeding Rs.20,000/- in a day to the agent / maistry of the labourers, there cannot be any disallowance under Section 40A(3) of the Act
7	Dipali Anil Kamthe Vs ITO	ITA 1610&11/Pun/18 dt 2.4.19	Proviso of Sec.55A(a) is applicable only w.e.f. 01.07.2012 and has no retrospective effect. Before us, Revenue has not placed any contrary binding decision in its support. We therefore relying on the aforesaid decision of Hon'ble Bombay High Court in the case of Puja Prints (supra) are of the view that in the present case, AO was not justified in making a reference to the DVO and computing the capital gains on the basis of value arrived at by the Valuation Officer.
8	Sh. Ravi Purohit Vs ITO	ITA 70/JP/18 dt 2.4.19	once the assessee has contested the adoption of enhanced DLC value before the AO during the assessment proceedings, the position in law is very clear that in such cases, the AO should refer the matter of valuation of the property to the DVO and the latter shall consider the contentions/objections of the assessee and determine the appropriate valuation.
9	Gajakeshri Steel Pvt Ltd Vs ITO	ITA 235/Kol/18 dt 3.4.19	on examination, it is found that the balance sheet filed by the assessee before the Id. A.O and balance sheet filed with the Registrar of Companies is one and the same then the addition made towards share capital u/s 68 in the sum of Rs.1163756000/- should be deleted
10	ACIT Vs Surendra Nath Jadika	ITA 942/Kol /17 dt 3.4.19	the appellant Revenue instead of filing the appeal against the legal heir, preferred to file the appeal against the deceased assessee, Shri Surendra Nath Jaidka which is clearly evident in Form No.36. Therefore, in our opinion, the appeal against deceased person is not maintainable and therefore, we dismiss the appeal filed by the appellant-Revenue as not maintainable with a liberty to file appeal,
11	Aemala Venkateswara Rao Vs ITO	ITA 227/VIZ /17 dt 3.4.19	DR did not submit any other case law or the decision supporting the notice issued on a dead person is valid or to controvert the submissions made by the Ld Ar. Therefore, we hold that the notice u/s 148 on a dead person is invalid and accordingly quashed. Consequent assessments made u/s 144 r.w.s 147 is annulled.

12	Nagappan Muthuraman Vs ITO	ITA 2792/ Chny/18 dt 3.4.19	It might be true that assessee had not directly performed any agricultural operations. However, without doing agricultural operations, coffee berries could not have been harvested. The produce of coffee berries and sale thereof in our opinion was nothing but agricultural operations.
13	Padam Chand Pungliya Vs ACIT	ITA 122/JP /18 dt 5.4.18	It may be pertinent to mention that the statement recorded under section 132(4) itself would not either constitute the incriminating material or undisclosed income in the absence of any corresponding asset or entry in the seized document representing undisclosed income.
14	Mubarak Gafur Korabu Vs ITO	ITA/752/Pun /18 dt 5.4.19	agricultural land purchased by assessee is not governed by the provisions of section 56(2)(vii)(b) of the Act being not capital asset and also because of the fact that the assessee was holding it as stock in trade. Hence, it is outside the purview of said section and no addition has to be made.
15	Atlas Copco (India) Limited Vs DCIT	ITA 1669/ PUN/14 and batch dt 5.4.19	where the payments are made to the entities/persons other than the persons specified in sub-section (3), the limitation period of one year from the end of financial year in which the proceedings u/s. 201 were initiated, as laid down by the Special Bench of Tribunal and affirmed by the Hon'ble Jurisdictional High Court would apply. In the instant case, since, the order u/s. 201 has been passed much after the elapse of one year period from the end of financial year in which proceedings u/s. 201 were initiated, the order u/s. 201 in the impugned assessment years is void-ab-initio
16	ACIT Vs Deoghar Jamtara Central Co-operative Bank	ITA 192-93/RAN/18 dt 5.4.19	We note that unclaimed deposit of customers cannot be considered as income of a banking company. In case of non-claim by depositors, it will be transferred to state/central government fund as per RBI directive.
17	Mrinal, Bariatu, Vs DCIT	ITA 57-58/RAN/18 dt 5.4.19	subsequent compliance in the assessment proceedings was considered as good compliance and default committed earlier were ignored by AO. Therefore, it will be deemed that the assessee had made proper compliance and penalty u/s. 271(1)(b) of the Act should not be levied
18	Abhishek Singh Vs DCIT	IT SS A 68 & 69 /Ran/16 dt 5.4.19	general rule of evidence is that no person can be found to be a witness against himself. Thus, in the absence of corroborative evidence, the statement recorded cannot be made the basis of addition. In the instant case Ld. AO erred in not giving opportunity of cross-examination, for that we rely on the Judgment of Hon'ble Supreme Court in the case of Andaman Timber Industries 281 ITR 214 (SC), wherein it was held that not allowing the assessee to cross-examine the witness by adjudicating authority, though the statement of those witness were made the basis of the impugned order, is a serious flaw of law which makes the order nullity.

19	Shri Kirtiman Singh Vs DCIT	ITA 121 &122 /Ran/16 dt 5.4.19	we restrict the addition at 5% of profit of contract receipts of Rs.6,63,49,942/-. We also direct the AO to allow depreciation and partners' remuneration out of the estimated N.P. @ 5% of profit of contract receipts.....assessed income. We note that the said issue as raised by the assessee is not res-integra. Therefore, the interest should be charged on returned income and not on the assessed income. Therefore, we direct the AO to charge interest u/s. 234B on returned income and not on the assessed income.
20	ITO Vs Sai Sravanthi Constructions	ITA 582/VIZ /14 dt 5.4.19	it is established that the payment was made for acquiring capital asset and disallowance u/s 40A(3) does not attract in the case of payments for capital assets or if the expenditure is not claimed in the Profit & Loss account. Since the assessee has not claimed any expenditure in the Profit & Loss account, there is no case for making addition u/s 40A(3)
21	Keshav Garg Vs ITO	ITA 6574 & 6575/18 dt 8.4.19	assessee has been separately penalized for non-maintenance of accounts, the penalty for non-audit of the accounts separately was not justified and accordingly, the penalty imposed u/s 271B is deleted and the grounds of appeal of the assessee are allowed.
22	Sushil Kumar Golecha Vs ACIT	ITA 162/Ind/16 dt 8.4.19	it is clear that such evidence in the nature of dairy or loose papers which are not maintained in the course of business by the third party would not be good piece of evidence. Therefore, we are of the view that the assessing officer was not justified in making the addition without confronting the same with assessee and giving opportunity of cross examination to the assessee.
23	Lakshmiapat Dudheria Vs ACIT	ITA 2373 to 2376/18 dt 9-4-19	the facts noted by the AO in the reasons recorded by him can be reasons to have suspicion about the genuineness of these transactions but on the basis of these facts, a man of ordinary prudence will not have reasons to believe that income has escaped the assessment he live link between the material available with the AO and formation of belief is missing particularly when there is no mention of the material found in course of survey, if any and considering this admitted fact that it is observed by the AO himself in Para 2 on page 173 of the orderwe hold reopening is not valid
24	DCIT Vs MCS Trading Co P Ltd	ITA 141/Ind/16 dt 9.4.18	the assessee's appeal by holding that the book results should be accepted and that the action of the Ld. A.O rejecting books of accounts and making the addition for low Gross Profit on sale of gold bar and sale of silver bar is devoid of any merit and uncalled for.
25	Sri Sushil Ameer Manapatt Vs ACIT	ITA 296/Coch/18 dt 10.4.19	CBDT Circular No. 14(XL35) dated 11-04-1955 provides for responsible assessment that the Assessing Authority to have reasonable approach in completing an assessment, to grant lawful and eligible deduction to the assessee, even if it was not claimed by the assessee. The Assessing Authority has to see that the Income of the assessee has been determined after

			<p>allowing all the lawful outgoings and statutory deductions.</p> <p>6.7. The recent judgment of the Hon'ble jurisdictional High Court in the case of <i>Raghavan Nair v. ACIT</i> [(2018) 402 ITR 400 (Ker.)] had held that it is the duty of the Assessing Officer to refrain from assessing an non-taxable income returned by the assessee on mistaken understanding.</p>
26	ACIT Vs Kedia Pipes	ITA /Kol/14 dt 10.4.19	<p>defect that was pointed out by the AO was that the relevant expenses claimed by the assessee were supported only by self-made vouchers which in our opinion, cannot justify the rejection of books of account. The only inference that can reasonably be drawn on the basis of said defect pointed out by the AO is that the expenses claimed by the assessee were not fully verifiable and the Ld. CIT(A), in our opinion, was fully justified in restricting the addition made by the AO to the extent of 10% of the expenses claimed by the assessee through self-made vouchers on account of unverifiable element involved therein.</p>
27	DCIT Vs MCS Trading Co P Ltd	ITA 141/Ind/16 dt 9.4.18	<p>the assessee's appeal by holding that the book results should be accepted and that the action of the Ld. A.O rejecting books of accounts and making the addition for low Gross Profit on sale of gold bar and sale of silver bar is devoid of any merit and uncalled for.</p>
28	Sri Sushil Ameer Manapatt Vs ACIT	ITA 296/Coch/18 dt 10.4.19	<p>CBDT Circular No. 14(XL35) dated 11-04-1955 provides for responsible assessment that the Assessing Authority to have reasonable approach in completing an assessment, to grant lawful and eligible deduction to the assessee, even if it was not claimed by the assessee. The Assessing Authority has to see that the Income of the assessee has been determined after allowing all the lawful outgoings and statutory deductions.</p> <p>6.7. The recent judgment of the Hon'ble jurisdictional High Court in the case of <i>Raghavan Nair v. ACIT</i> [(2018) 402 ITR 400 (Ker.)] had held that it is the duty of the Assessing Officer to refrain from assessing an non-taxable income returned by the assessee on mistaken understanding.</p>
29	ACIT Vs Kedia Pipes	ITA /Kol/14 dt 10.4.19	<p>defect that was pointed out by the AO was that the relevant expenses claimed by the assessee were supported only by self-made vouchers which in our opinion, cannot justify the rejection of books of account. The only inference that can reasonably be drawn on the basis of said defect pointed out by the AO is that the expenses claimed by the assessee were not fully verifiable and the Ld. CIT(A), in our opinion, was fully justified in restricting the addition made by the AO to the extent of 10% of the expenses claimed by the assessee through self-made vouchers on account of unverifiable element involved therein.</p>

30	Mercury Car Rentals Pvt Limited Vs DCIT	ITA 1442/Kol /18 dt 10.4.19	provisions in respect of gratuity, leave encashment, ex-gratia & bonus were created on actuarial basis and had been estimated with reasonable certainty. Accordingly such provisions cannot be said to be provisions of unascertained liabilities so to add it back under clause (c) of the Explanation to section 115JB(2)
31	Dilip Kumar Bhutoria Vs ITO	ITA 940/Kol/ 15 dt 11.4.19	no documents containing signature of the assessee or handwriting of the assessee have been found to have been unearthed during search or to corroborate about the making of own money payment by assessee to Mr. Kathotia, the statement of Mr. Kathotia or the written paper of some name called D. Dugar cannot be said to be that of the assessee and that cannot be treated as a material on which adverse inference can be drawn against the assessee.
32	Maquet Holdings B.V. & Co. KG Vs DCIT	ITA 2572/Mum / 17 dt 12.4.19	unless the assessee is an eligible assessee under section 144C(15)(b) of the Act, the Assessing Officer cannot pass a draft assessment order under section 144C of the Act. Keeping in view the principle of law propounded in the aforesaid judicial precedents, we have no hesitation in holding that the draft assessment order passed in case of the assessee for the impugned assessment year is invalid. Therefore, all the proceedings consequent thereupon are also invalid.
33	Kamal Kishore Agarwal Vs ACIT	ITA 6628/ Del/18 dt 12.4.19	It is an established position of law that the validity of reopening is to be decided on the basis of recording made u/s 148(2) of the Act alone and nothing can be added thereto. The recording should be self contained to withstand the validity of the reopening made.
34	ACIT Vs Saviour Builders P Ltd	ITA 4817/Del /14 dt 16.4.19	Sub-section (3) has clearly provided that no penalty under Section 271(1)(c) shall be imposed upon the assessee whose case is covered by Section 271AAA. Admittedly, in this case, the search has taken place on 31st January, 2011 which falls within the period in which S.271AAA was applicable i.e., after the 1st day of June, 2007 but the 1st day of July, 2012.
35	Siddi Vinayak Aromatics Vs DCIT and batch	ITA 3946/Del/15 dt 16.4.19	Addition under Section 153A can be made only with reference to the incriminating material found as a result of the search of the assessee. Admittedly, in all the above assessment years, none of the above additions is based on any incriminating material. We, therefore, respectfully following the decision of Hon'ble Jurisdictional High Court in the case Kabul chawla (supra), delete all additions
36	Angre Port (P) Ltd Vs ITO	ITA 2148/ PUN/13 dt 22.4.19	Wharfage charges paid by assessee are charges which facilitate the loading / unloading of goods at waterfront and for providing facilities, Wharfage charges are charged from the assessee and in such case, we hold that there is no use of land but even if it was held that there is any use of land, then the same was incidental but such payments could not be treated as 'rent' and the assessee be liable to deduct tax at source under

			section 194-I of the Act.
37	Sunil Haripant Pophale Vs JCIT and batch	ITA 322/PUN /14 dt 22.4.19	no merit in the stand of Assessing Officer that the transaction of booking loss by selling shares by the assessee to his daughter is colourable device, cannot be accepted. Once the transaction has been entered into within four corners of law and the transaction has not been doubted; where the shares which were held by assessee for long period were sold at a price which was more than NAV value of shares as on date of sale of shares, then it may be case of tax planning within four corners of law and the same cannot be brushed aside. Merely because the transaction was pre-planned by the assessee would not affect the genuineness of transaction, where the transaction has been undertaken by the assessee within framework of law.
38	ACIT Vs Minimet Refractory Solutions P Ltd	ITA VSKP 476/18 dt 23.4.19	When the material is placed before the AO, it is for the AO to examine the books and work out the correct amount of profit related to the exempted unit unless there is any defect in the books of account.
39	Satendra Koushik Vs ITO	ITA 392/JP/19 dt 23.4.19	Definition of property has been amended to provide that section 56(2)(vii) will have application to the 'property' which is in the nature of a capital asset of the recipient and therefore would not apply to stock-in-trade, raw material and consumable stores of any business of such recipient. However, a property is defined in a very specific way, which includes agricultural and non-agricultural land or both.
40	Jag Roshan Vs ITO	ITA 6010/Del /18 dt 23.4.19	It is a settled law that even an administrative order has to be /Del/speaking one. In this regard, I draw support from Hon'ble Apex Court in the case M/s Sahara India (Farms) Vs. CIT & Anr. in [2008] 300 ITR 403 wherein it has been held that even "an administrative order has to be consistent with the rules of natural justice".
41	JCIT Vs Ganapathiraju Venkata Sita Rama Raju	WTA 06, 19 & 20/Viz/2018 dt 23.4.19	the assessee has furnished the land documents and also copies of pattadar pass books for the said one acre of agricultural land in the Paper Book. As per the pass books and the copies of sale deed furnished by the assessee vide page nos.42 to 80 of the paper book, the said land is agricultural land and agricultural operations are being carried on in the said land, thus, it is exempt from wealth tax u/s 2(ea) of Wealth Tax Act.
42	Kaushik D. Mistry Vs ITO	ITA 2801/Mum/18 dt 23.4.19	The conditions of Section 54 as well as Section 54F is that the assessee must purchase or construct the new property within the specified time. The acquisition of tenancy right, in our opinion, do not tantamount to purchase or construction of a new property, in any manner. Therefore, the assessee would not be eligible to claim the aforesaid deduction either u/s 54 or U/s54F
43	AKM Enterprises Pvt. Ltd. Vs ITO	MA 572/Mum/18 in ITA 5124/Mum /14 dt 23.4.19	the bench concur with assessee's submissions since non-consideration of binding judicial precedent of Hon'ble Bombay High Court would constitute mistake apparent from record. Therefore, in the interest of justice, the aforesaid order stands recalled.

44	Rajesh Sharma Vs ITO	ITA 1438/Chd /18 dt 24.4.19	it may be a good case for making addition since there was difference between the actual consideration and the stamp duty value. It is well actual consideration and the stamp duty value. It is well settled that the penalty proceedings are different and distinct from the assessment proceedings. In the present distinct from the assessment proceedings. In the present case, it cannot be said that the assessee had concealed income
45	Sanjeev Singh Vs Pr CIT	ITA 1781/Del /16 dt 24.4.19	15. Now, coming to the other two issues on which the Id.CIT has directed the Assessing Officer to make necessary verification and pass appropriate order is concerned, it is an admitted fact that these two issues were not there in the notice issued u/s 263 of the IT Act..... the order passed u/s 263 by the Id.CIT is not sustainable in law.
46	Saleem Minority Educational Service Society, Vs ITO	ITA 779 & 780/Hyd/20 18 dt 24.4.19	Every year, when the claim is made, AO is required to verify whether for that PY, the assessee existed solely for educational activities. Therefore, in our considered view, assessee is eligible to claim exemption u/s 10(23)(iiiad) for the relevant AY before us. Accordingly, the addition made by the AO is hereby deleted and the grounds raised by the assessee on this count are allowed.
47	DCIT Vs Savita Oil Technologies	ITA 7620/Mum/16 dt 24.4.19	we hold that the assessee will be entitled for interest on refund arising out of excess self assessment tax in accordance with and as provided vide clause(b) to subsection(1) to Section 244A of the 1961 Act as it was then prevailing for the impugned assessment year.
48	Bara Machines Pvt. Ltd. Vs ITO	ITA. 1509/Ahd / 14 dt 24.4.19	we are of the considered opinion that there is no complete cession of business of the assessee and in order to maintain the establishment the assessee has incurred expenditure which has been claimed to be set off. We are of the considered view that the assessee has incurred genuine business expenditure, during the year under consideration deduction whereof ought to have been allowed u/s. 24 of the Act.
49	Badri Narayan Choudhary Vs ITO	ITA. 283/JP / 19 dt 24.4.19	However, if after issuing notice U/s 148 of the Act, he accepted the contention of the assessee and holds that the income which he has initially formed a reason to believe had escaped assessment, has as a matter of fact not escaped assessment, it is not open to him to independently assess some other income and if he intends to do so, a fresh notice U/s 148 would be necessary,
50	Dilipbhai A Patet Vs ITO	ITA 3021/Ahd /16 dt 25.4.19	the plea of the assessee that where the penalty has been imposed on a ground different from the ground for which the penalty was originally initiated, the imposition of penalty is vitiated in law. It is apparent that the satisfaction of the AO in the penalty proceedings is not consistent with that of the satisfaction formed in the course of quantum assessment. Therefore, in parity with the view taken by the co-ordinate bench, the penalty imposed is liable to be struck down on this score alone.
51	Srinidhi Mines	ITA 3084/Bang/18 dt	the approval was taken by the AO from CIT/Pr. CIT for converting the scrutiny from limited scrutiny case to

	Vs ITO	25.4.19	total scrutiny case. Hence, in my considered opinion, the AO is not justified in taking up the examination of depreciation claimed which is beyond the issues selected for limited scrutiny without obtaining prior approval from CIT/Pr. CIT. I, therefore, hold that AO was not justified in making disallowance out of the depreciation claim of the assessee and therefore, the same is deleted.
52	ACIT Vs Engineering Projects India Ltd.	ITA 5712/Del /15 dt 25.4.19	there is no new information which has come in the possession of the Assessing Officer. The records do not show any tangible material that created the reason to believe that the income had escaped the assessment. The reassessment proceedings amount to a review or change of opinionReassessment Proceedings are bad in law
53	Annapoornesh wari Investment Vs DCIT	ITA 99/Bang /16 dt 26.4.19	Omission to comply with a mandatory requirement renders the action void, whereas omission to do the directory requirement makes it only defective or irregular. On the removal of such defect, the irregularity stands removed and the status of validity is attached..... When the defect in the appeal, being the non-payment of such tax, is removed, the earlier defective appeal becomes valid. Once we call an appeal as valid, it is implicit that it is not time-barred. It implies that all the consequences which follow on the removal of defect are that the validity is attached to the appeal from the date when it was originally filed and not when the defect is removed.
54	Iqbal Singh Dahiya VS ITO	ITA 7586/Del /18 dt 26.4.19	assessed income and the returned income are same, I do not find any reason to hold that the assessee has concealed its particulars of income, since both the incomes were subjected to TDS. I do not find this to be a fit case for levy of penalty U/s 271(1)(c)

Corporate Law

1. **The Companies (Incorporation) Fourth Amendment rules, 2019:** According to a MCA notification dated 25th April, 2019, the filing e-Form ACTIVE under Rule 25 A which the last date earlier was 25th April, 2019 *has now been extended to on or before 15th June, 2019*. Further the fee payable till 15th June, 2019 on e-Form ACTIVE is NIL and fee payable in delayed cases is Rs.10,000.
2. **Filing of one time return in DPT -3 Form:** As per Rule 16A(3) of the Companies (Acceptance of deposit) Rules, 2014 "every company other than Government company shall file a onetime return of outstanding receipt of money or loan by a company but not considered as deposits, in terms of clause (c) of sub-rule 1 of rule 2 from 1st April, 2014 to the date of publication of the notification in the Official Gazette, as specified in Form 0 PT-3 within ninety days from the date of said publication of this notification along with the fee as provided in the Companies (Registration Offices and Fees) Rules, 2014". It may also be noted that data on deposits should be filed upto 31st March, 2019 (as opposed to 22nd January, 2019 which was originally indicated in the said Rule). Rule change is being issued separately. Pending the deployment of DPT-3 Form on MCA 21 portal and in order to avoid inconvenience to stakeholders on account of various factors, it is stated that the additional fee, as provided under the Companies (Registration Offices and Fees) Rules, 2014, shall be levied after 30 days from the date of deployment of the DPT- 3 form on MCA 21 portal.