



SIRC Newsletter

PRICE ₹5

NOVEMBER 2019 | Volume 45 • Part 5

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



51ST

REGIONAL CONFERENCE OF SIRC OF ICAI

Lulu Bolgatty International Convention Centre,
Grand Hyatt, Kochi, Kerala.

18th & 19th November, 2019
(Monday & Tuesday)

CPE
CREDIT
12
HOURS

Registration Fees:

upto 15.11.2019
Inclusive of GST

Members of ICAI : Rs.4,950/-
Non Members : Rs.7,000/-

For Online Registration visit:
www.sircoficai.org



CA. Prafulla P. Chhajed
President, ICAI



CA. Atul Kumar Gupta
Vice-President, ICAI

51st REGIONAL CONFERENCE OF SIRC OF ICAI, KOCHI.

PROGRAMME SCHEDULE

18th November, 2019 (Monday)

Time	Sessions	Resource Person
08.30 am to 10.00 am	Registration	
Technical Session I		
10.00 am to 11.30 am	Cash Transactions - Provisions and Prohibitions under the Income Tax	CA. Padam Chand Khincha Bengaluru
Inaugural Session		
11.30 am to 01.00 pm	Chief Guest	
Presidential Address	CA. Prafulla P. Chhajed, President, ICAI	
Special Address	CA. Thomas Chazhikadan MP	
Special Address	CA. Babu Abraham Kallivayalil, CCM of ICAI	
01.00 pm to 02.00 pm	Lunch	
Technical Session II		
02.00 pm to 03.15 pm	Corporate Governance & Ease of Doing Business.	Sh. M. R. Bhat Regional Director, Ministry of Corporate Affairs Chennai CA. G Ramaswamy Past President, ICAI
03.15 pm to 04.00 pm	Insolvency and Bankruptcy Code- Opportunities for CAs.	Dr. Ms. Mukulita Vijayawargiya Member (Research and Regulation Wing), IBBI, New Delhi
Technical Session III		
04.00 pm to 05.30 pm	India's Resilience to sail through Global Turbulence.	CA. T. N. Manoharan Past President, ICAI
07.00 pm onwards	Entertainment and Gala Dinner	



PROGRAMME SCHEDULE

19th November, 2019 (Tuesday)

Time	Sessions	Resource Person
08.30 am to 11.00 am	Motivational/Spiritual Session	Poojya Swami Sukhabodhananda, Bengaluru
Technical Session IV		
11.00 am to 11.45 am	Accounting Standards (IGAAPs)	CA. Shivaji Bhikaji Zaware, Pune
11.45 am to 12.30 pm	Standards on Auditing	CA. Ganesh Balakrishnan, Hyderabad
Technical Session V		
12.30 pm to 01.30 pm	Future of the profession - Developing New Capabilities.	Past Presidents of ICAI CA. R. Balakrishnan CA. B.P. Rao CA. R. Bupathy CA. K. Raghu CA. Devaraja Reddy M.
	Moderator	CA. Venugopal C. Govind, Kochi
01.30 pm to 02.30 pm	Lunch	
Technical Session VI		
02.30 pm to 03.00 pm	Understanding digital & keeping up with Industry 4.0.	Mr. Sawrabh Goenka, Bengaluru
03.00 pm to 03.30 pm	Block Chain Technology – Fundamentals & Impact on CA Profession	CA. Anand Jhangid, Bengaluru
Inaugural Session VII		
03.30 pm to 04.30 pm	GST: Input Tax Credit Refund & Assessment.	CA. Jatin A Christopher, Bengaluru
Award Ceremony & Valedictory Function		
04.30 pm to 05.30 pm	CA. Atul Kumar Gupta, Vice-President, ICAI	

Conference Committee

CA. Jomon K. George
Chairman
SIRC of ICAI

CA. Jalapathi K.
Secretary
SIRC of ICAI

CA. Babu Abraham Kallivayalil
Central Council Member
ICAI

CA. Sreenivasan P.R.
Chairman
Ernakulam Branch of SIRC of ICAI

SIRC Members

CA. Jomon K. George, Chairman
CA. Dungar Chand U.Jain, Vice Chairman
CA. Jalapathi K., Secretary
CA. Pampanna B.E., Treasurer
CA. Revathi S. Raghunathan, Chairperson-SICASA
CA. Dr. Abhishek Murali
CA. Chengal Reddy Ramireddygar
CA. China Masthan Talakayala
CA. Geetha A.B.
CA. Naresh Chandra Gelli
CA. Panna Raj S.
CA. Sundararajan R.

Central Council Members from Southern Region

CA. Babu Abraham Kallivayalil
CA. Dayaniwas Sharma
CA. Prasanna Kumar D.
CA. Rajendra Kumar P.
CA. Sekar G.
CA. Vijay Kumar M.P.

LIST OF HOTELS IN KOCHI

for 51st Regional Conference of SIRC of ICAI November 18 & 19, 2019

HOTEL	CLASS	DISTANCE FROM VENUE (In Kms)	INDICATIVE RATE (In Rs.)	CONTACT DETAILS
NIKO	3 STAR	7.90	2,000.00	0484 286 7600
IMA House	3 STAR	6.30	2,000.00	0484 392 5500
EXCELLENCY	3 STAR	5.20	1,800.00	0484 237 8254
LE MANSION	2 STAR	6.60	1,700.00	
LOTUS RESIDENCY	2 STAR	8.70	1,300.00	
DIWANS HOTEL	2 STAR	5.00	1,900.00	0484 403 4068
SEALORD HOTEL	3 STAR	3.00	1,900.00	0484 2382472/3
DWARAKA HOTEL	2 STAR	4.10	2,000.00	0484 238 3236
SENATE	3 STAR	3.20	2,000.00	0484 239 6355
DUNES CONTINENTAL	3 STAR	4.10	2,000.00	0484 240 6001
AISWARYA HOTEL	3 STAR	4.80	Sold Out	0484 236 4454
COCHIN PALACE	3 STAR	8.00	2,300.00	
HARBOURVIEW RESIDENCY	3 STAR	6.50	2,200.00	0484 409 0000
YUVARANI HOTEL	4 STAR	5.10	2,300.00	0484 237 7040
HOTEL INTERNATIONAL	3 STAR	3.50	3,500.00	0484 2380401/2382091
PJ PRINCESS	4 STAR	6.20	2,800.00	0484 2753056, 2495956
MERCY HOTEL	4 STAR	6.40	Sold Out	2367372, 2367379
HOTEL PRESIDENCY	3 STAR	4.50	2,500.00	0484 2394040/2394300
RIVERA SUITES	3 STAR	9.90	2,700.00	0484 2665533 / 3017777
BHARAT TOURIST HOME	3 STAR	4.40	2,800.00	0484 2353501/ 361494
BROADBEAN	3 STAR	10.00	2,800.00	0484 412 0000
DUNES HOTEL	4 STAR	4.00	3,000.00	0484 238 4030
STARLITE SUITES	4 STAR	11.00	3,100.00	0484 424 3333
ABAD PLAZA	3 STAR	4.80	3,200.00	0484 2381122 / 2361636
TRAVANCORE COURT	4 STAR	4.80	3,200.00	0484-2351120, 4031120
PARK CENTRAL	3 STAR	5.20	2,800.00	0484 4046671
IBIS HOTEL	3 STAR	3.80	3,200.00	0484 7137137
NIHARA RESORT	4 STAR	10.00	4,500.00	
KEYS HOTEL	4 STAR	9.40	3,100.00	0484 2382323
WHYTE FORT	3 STAR	12.00	2,800.00	0484 270 6952
RENAI KOCHI	4 STAR	6.60	3,800.00	0484 2344463
GRAND HOTEL	3 STAR	5.10	4,500.00	0484 2382061
GOKULAM PARK INN	4 STAR	4.60	3,800.00	0484 3010500
PGS VENDANTA	3 STAR	4.20	3,800.00	0484 3049999, 2405777
AVENUE REGENT	4 STAR	5.10	4,200.00	0484 237 7977
BOLGATTY PALACE	4 STAR	1.10	5,200.00	0484 275 0500
MONSOON EMPRESS	4 STAR	8.20	4,400.00	0484 6665999
RADISSON BLUE	5 STAR	7.70	5,000.00	0484 4129999
LE MARITIME	4 STAR	3.60	4,500.00	0484 2867777
OLIVE DOWN TOWN	5 STAR	7.40	4,000.00	0484 422 2333
HOLIDAY INN	5 STAR	8.20	5,500.00	0484 4199000
TAJ GATEWAY	5 STAR	3.70	5500 + Tax	0484 6673300
FOUR POINTS SHERATON	5 STAR	15.00	5,000.00	0484 7160000
TRIDENT HOTEL	5 STAR	13.00	5,000.00	0484 2666816
LE MERIDIAN	5 STAR	13.00	4800 & 5800	0484 2705777
TAJ MALABAR	5 STAR	14.00	7000 + Tax	0484 664 3000
GRAND HYATT	5 STAR	0.00	8500 + Tax	0484 266 1234
MARRIOTT	5 STAR	8.70	6750 + Tax	0484-7177777/71240000
CASINO HOTEL	5 STAR	13.00	4,500.00	0484 2668421/2668221
CROWN PLAZA	5 STAR	13.00	6,000.00	0484 286 5000



SIRC CALENDAR

NOVEMBER 2019 onwards...

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

SOUTHERN INDIA REGIONAL COUNCIL OF THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

"ICAI Bhawan", No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai – 600034.

Forthcoming Programmes of SIRC of ICAI – November 2019 onwards

Sl. No.	Date / Day / Time	Programme Topic / Speaker	Delegate Fees		CPE Credit
			Pre Registration	Spot Registration	
1.	November 2, 2019 Saturday 8.30 a.m. to 11.30 a.m. Breakfast at 8.00 a.m.	1) Instruments – the future of International Taxation Speaker: CA. Divakar Vijayasarathy 2) Smart Invoice Matching & Reconciliation: GSTR-2A with Purchase Books Speaker: CA. Raju Khatri	236	283	3
2.	November 2, 2019 Saturday 6.00 p.m. to 8.00 p.m.	P. Brahmayya Memorial Lecture on Professional value Creation Speaker: Adv. N. Venkataraman Senior Advocate, Supreme Court of India	No Delegate Fee	No Delegate Fee	-
3.	November 14, 2019 Thursday 6.00 p.m. to 7.30 p.m.	CPA Australia - Information Session	-	-	-
4.	November 18 & 19, 2019 Monday & Tuesday	51st Regional Conference of SIRC of ICAI Hosted by Ernakulam Branch of SIRC Venue: Lulu Bolgatty International Convention Centre, Grand Hyatt, Kochi, Kerala	4950	5500	12
5.	November 23, 2019 Saturday 8.30 a.m. to 11.30 a.m. Breakfast at 8.00 a.m.	Breakfast Meeting on Artificial Intelligence and its impact on Accountants Speaker: CA. Jayendran G.S.	236	283	3
6.	November 25, 2019 Monday 5.30 p.m. to 8.30 p.m.	Regional Level Interactive Meet: Professional Opportunities for SMPs Under the aegis of Professional Development Committee, ICAI Speakers: CA. Rajendra Kumar P & CA. M. P. Vijay Kumar	118	142	3
7.	November 26, 2019 Tuesday 5.30 p.m. to 8.30 p.m.	CPE Meeting on Benami Transactions (Prohibition) Act	236	283	3
8.	November 27, 2019 Wednesday 5.30 p.m. to 8.30 p.m.	CPE Meeting on Compliance aspects of Corporate Social Responsibility vis a vis Companies Act, 2013	236	283	3
9.	November 28, 2019 Thursday 5.30 p.m. to 8.30 p.m.	CPE Meeting on The concept of Risk Audit with Case Studies	236	283	3
10.	December 5, 2019 Thursday 5.30 p.m. to 8.30 p.m.	Awareness Programme on Code of Ethics- 2009 vs 2019	236	283	3
11.	December 6, 2019 Friday 5.30 p.m. to 8.30 p.m.	CPE Meeting on Recent Developments relating to Competition Act	236	283	3
12.	December 9, 2019 Monday 5.30 p.m. to 8.30 p.m.	CPE Meeting on Issues relating to MSMED Act	236	283	3
13.	December 10, 2019 Tuesday 5.30 p.m. to 8.30 p.m.	CPE Meeting on Professional Misconduct Do's and Dont's	236	283	3
14.	December 11, 2019 Wednesday 10.00 am – 05.30 pm	One Day Hands-on Workshop using Python on Data Science Applications in Accounting • Restricted to 25 Participants on First Come First Serve Basis • Participants should carry their Laptop compulsorily	1180	1416	6

Registration for CPE Programmes only through Online Portal www.sircoficai.org through Dashboard

SIRC of ICAI, 'ICAI Bhawan', No. 122, Mahatma Gandhi Road, Nungambakkam, Chennai - 600034.

Phone: 044-30210323/362/381; Email: sirc@icai.in; Website: www.sircoficai.org

- 20% increase in Delegate Fee for Spot Registration.
- 25% Concession in Delegate Fee for Students pursuing CA Course.
- 50% increase in Delegate Fee for Non-Members.
- No Cash Payments.



Chairman's Communique...



Dear Professional Colleagues,

Season's Greetings. I hope that our professional brethren have successfully completed the Tax Audit. The ensuing months are undoubtedly continue to be the busiest seasons for us with timelines for Annual Returns for GST, GST audit, MCA filing, etc. With the Diwali season leading to revived and increased demand for consumer non durables, there has been a positive vibe in the key sectors of our Indian Economy. Nevertheless the shakeout happening in certain sectors like NBFCs has cascading impact on housing sector (builders) and stakeholders of these sectors.

While a few experts are suggesting for a measure like prompt corrective action (of RBI on Banks) to NBFCs, this is my sincere belief that our members can play a great role - due to their association with the key players on all the sectors of the economy as internal and statutory auditors and as other consultancy service providers - in risk management and minimising and even avoiding corporate failures.

Due date for Annual Filing Extended: Ministry of Corporate Affairs has extended the due date for filing of e-forms AOC-4, AOC (CFS), ACO-4 XBRL upto 30th November 2019 and e-form MGT-7 up to 31st December 2019.

Extension of last date for payment of Membership / COP fee: As you are aware that the Council of ICAI has decided to extend the last date for payment of Membership / COP fee for the year 2019-20 up to 30th November 2019. The Council of ICAI has decided to waive off condonation fees for delay of all online application forms / documents of members and students with transaction dates from 1st April, 2019 to till date and filed on or before 30th November 2019. I request all our members to make use of this extension of date and pay their Membership / COP fee to keep their status active with ICAI.

CPE Credit Hours Requirement: Members may kindly note that the timeline to comply with the CPE credit hours requirement (Complete details of the CPE requirements for various categories of members have been given elsewhere in this newsletter) for the block period of 3 years starting from 01-01-2017 to 31.12.2019 is 31st December 2019. In order to enable our members to meet the CPE requirements, SIRC of ICAI has lined up series of CPE Meetings, Seminars and Workshops including our 51st Regional Conference of SIRC of ICAI. Members are requested to comply with the same accordingly.

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

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

With a view to bring uniformity in the manner of signing audit reports by the members of ICAI, it has been decided to require the members of ICAI to also mention the UDIN immediately after the ICAI's membership number while signing audit reports. This requirement will be in addition to other requirements relating to the auditor's signature prescribed in the relevant law or regulation and the Standards on Auditing. This requirement has come into effect from 1st July 2019.

For the benefits of Members, UDIN Monitoring Group of ICAI has released detailed FAQs on Audit, Assurance & Attest functions which are available at <https://udin.icai.org/faqs> Certain Online Portals / Software may provide a replica interface to generate UDIN giving a false presentation of generating UDIN from their portal. Members are advised to generate UDIN through the official site of ICAI i.e <https://udin.icai.org> only and stay away from UDIN look alike interface(s).

Further, the Council at its 386th Meeting held on 18th and 19th September, 2019 has decided to permit generation of UDIN within 30 days in place of 15 days. Members may kindly note that this is a one-time relaxation available on the Certificate / Report / Document signed between 20th August 2019 to 31st December 2019. However, UDIN so generated has to be communicated to management or those charged with governance for disseminating it to the stakeholders from their end.

Programmes held during October 2019 at SIRC of ICAI:

At SIRC, during the month of October 2019, we had limited the number of programmes, considering the Tax Audit season.

Swachh Bharath Activity: As said by our Hon'ble Prime Minister Shri Narendra Modi "A Clean India" would be the best tribute we could pay to the father of our Nation - Mahatma Gandhiji on his 150th birth anniversary. On 3rd October, As part of Gandhi Jayanthi Celebrations and as part of Corporate and Social Responsibility, at SIRC, we had Swachh Bharath Activity. Staffs of ICAI Chennai along with Regional Council Members Dr. CA. Abhishek Murali and CA. R. Sundararajan, Members and Students cleaned the areas in and around ICAI premises, Chennai.



Investor Awareness Programme under the auspices of Investors Education and Protection Fund of Ministry of Corporate Affairs, Govt. of India and Committee on Financial Markets and Investors' Protection, ICAI was conducted on 11th October 2019.

Intelligent Robotic Process Automation Summit was organised by SIRC of ICAI on 12th October 2019 under the aegis of Information Technology and Digital Transformation Committee of SIRC of ICAI. Eminent Experts in the field of Robotic Process Automation and Artificial Intelligence across the region addressed the gathering and was well received by the delegates.

12th V. Sankar Aiyar Memorial Lecture on the topic "The Indian Economy – Current Challenges and Way Forward" was conducted by SIRC on 18th October 2019. Hon'ble Shri Yashwant Sinha, Former Finance Minister, Govt. of India delivered the memorial lecture. Shri Mani Shankar Aiyar, Former MP and Son of Late Shri V. Sankar Aiyar also graced the occasion.

Ease of Doing Business: On 25th October, SIRC of ICAI in association with Ministry of Corporate Affairs, Govt. of India has organised a CPE Meeting on Ease of Doing Business (Including Recent Developments in Companies Act). CA. A. Sehar Ponraj, Registrar of Companies, Tamilnadu, Andaman & Nicobar Islands, Ministry of Corporate Affairs, Govt. of India and Mrs. S. Meenakshi, Joint Director, ROC has addressed the gathering.

Future Programmes of SIRC of ICAI

51st Regional Conference of SIRC of ICAI: SIRC of ICAI welcomes all the members and stake holders for its Annual Gala Event 51st Regional Conference at Lulu International Convention Centre, Grand Hyatt, Bolgatty Island, Kochi on 18th and 19th November 2019.

SIRC requests all its members to finish their GST filing works well in advance and to attend this mega event. Besides our hectic schedules, it is imperative to have knowledge up-dation and leisure as well.

The Regional Conference of SIRC is the most celebrated event of the region. Besides attracting our members across the region, it is the largest conglomeration of professionals in the year. The Regional Conference is happening in Kerala after a gap of nine years.

The Conference venue Grand Hayatt, Lulu Convention Center, Kochi is one of the best conference venues with state of art facilities with a seating capacity of 3000 in the main auditorium. It is located on 26 acres of plush green land on the serene Bolgatty Island, overlooking the backwaters of Vembanad Lake.

The Conference has got best of the speakers and it will be a feast of knowledge with excellent takeaways.

Kerala is well known for its hospitality and practices Atithi Devo Bhava in its true spirit. Kerala conferences are best known for its delicious cuisines and fellowship. Do not miss this rare and unique opportunity to enjoy the conference in Kerala and our hospitality.

We look forward for your participation in large numbers across the region. Please also inform your colleagues in the profession to join with you to be part of this unforgettable event. Together, let us make this conference a grand success.

Two Days National Conference for CA Students: Board of Studies, ICAI is organising Two Days National Conference - Path for Success-learn, Adapt and Accelerate for Chartered Accountants Students at Kamarajar Arangam, Chennai on 10th and 11th December 2019, hosted by SIRC of ICAI. I request all the members to disseminate this information to their article assistants, enabling them to attend this national conference.

SIRC Coaching Classes: SIRC has been grooming CAs in its campus through conducting Coaching Classes for more than four decades. While SIRC coaching classes are affordable and conducted without any profit motive, all subjects are handled by eminent faculties. Next batch of Regular Coaching Classes for Foundation, Intermediate (New Syllabus), Final (New Syllabus) are commencing soon at SIRC. Details of the same are published elsewhere in this Newsletter. Members are requested to disseminate these information to their article assistants. Students are also requested to make use of these coaching classes and be benefitted.

Chartered Accountants Benevolent Fund (CABF): SIRC of ICAI requests its members and firms to contribute generously to Chartered Accountants Benevolent Fund (CABF) and anyone who contributes Rs. 1 lakh and above finds a place in the CABF Contributors List Board installed at SIRC premises.

Invitation of Comments on Exposure Drafts: Comments are invited on Exposure Draft of Interest Rate Benchmark Reform (Amendments to Ind AS 109 and Ind AS 107). I encourage our members to give their comments. For further details visit <https://resource.cdn.icai.org/57105asb101019.pdf>

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



Yours in the Service of the Profession
CA. Jomon K. George
Chairman, SIRC of ICAI



ANNOUNCEMENT

Invitation for suggestions in respect of CA examinations

The Institute of Chartered Accountants of India (ICAI) has constituted a High Level Independent Committee on 26th September 2019 to look into the Examination processes and the CA Regulations relating to CA Examinations including Regulation 39(4) of The Chartered Accountants Regulations, 1988 and suggest changes wherever required.

The Committee constituted in terms of the above reference has decided to call for views and suggestions on these issues from students and all other stakeholders.

Accordingly, students and all other stakeholders are requested to send their suggestions/views on the issues relating to examination process and CA Regulations 1988 including Regulation 39(4) of The Chartered Accountants Regulations, 1988, with name, address and contact details (Mobile No. & E-mail ID) of the person forwarding, so that the Committee can communicate with the person, if need be, for further information or clarification. In order to facilitate collation of all the suggestions/views received, it is desired that the suggestions be forwarded issue-wise under the following heads:

Sl. No.	Issues
1.	System/Structure of conducting Examination
2.	Format/Structure of Question Paper
3.	Evaluation Process of Answer Sheet
4.	Methodology for awarding marks including step by step marking
5.	Existing System of verification of Answer Books
6.	Re-evaluation of the Answer Books
7.	Supply of certified copies of evaluated answer books, post result to the students
8.	Procedural changes required, if any
9.	Adoption of new technology and changes, if any, required in the existing technology being used.
10.	Regulatory changes required, if any
11.	Any other matter relating to CA exams

The suggestions, be brief and in any case not exceed 150 words. It is not necessary to give suggestions on each of the issues stated above. The suggestions can be posted on the link given below:

https://docs.google.com/forms/d/e/1FAIpQLSeCFFnUxQbgPMzU4aWZErGteHurjrm1-JipCWAGns7TT59JAQ/viewform?usp=pp_url

The last date for submission of suggestions is 10th November, 2019.

Acting Secretary

UPDATES

Scan QR Code & Read



Kerala VAT

Contributed by:
CA. C. Seshadri Nadan, Vadakkencherry
seshadrinadan@icai.org

FEMA

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



Karnataka VAT - GST updates

Contributed by:
CA. Annapurna D. Kabra, Bengaluru
annapurna@hskadvisors.com

Goods and Services Tax

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



Corporate Laws

Contributed by:
Dr. P.T. Giridharan
ptgiridharan@gmail.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



SEBI

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

The online link for UPDATES:
<http://www.sircofi.cai.org/Professional-Updates.aspx>



OBSERVATIONS OF THE CANDIDATES ON THE QUESTION PAPERS OF CA EXAMINATIONS-NOVEMBER 2019

It is hereby informed that candidates can bring to the notice of the Examination Department, their observations, if any, on the question papers relating to CA Examinations being held in November 2019 by e-mail at examfeedback@icai.in or by way of a letter, sent by Speed Post, at the following address, so as to reach us latest by 25th November 2019

The Additional Secretary (Exams)
The Institute of Chartered Accountants of India
ICAI Bhawan
Indraprastha Marg
New Delhi 110 002.

Please note that only those observations of students will be taken up for consideration who provide their following details i.e. : Name of the Student, Registration Number, Roll Number, email-id and Mobile Number.

ICAI EXAMINATION DEPARTMENT

ANNOUNCEMENT-MEMBERS

CPE Credit Hours Requirement

- All the members (aged less than 60 years) who are holding Certificate of Practice (except all those members who are residing abroad) are required to:**
 - Complete at least 120 CPE credit hours in a rolling period of three-years.
 - Complete minimum 20 CPE credit hours of structured learning in each calendar year.
 - Balance 60 CPE credit hours (minimum 20 CPE credit hours in each calendar year) can be completed either through Structured or Unstructured learning (as per Member's choice).
- All the members (aged less than 60 years) who are not holding Certificate of Practice; and all the members who are residing abroad (whether holding Certificate of Practice or not) are required to:**
 - Complete at least 60 CPE credit hours either structured or unstructured learning (as per Member's choice) in rolling period of three-years
 - Complete minimum 15 CPE credit hours of either structured or unstructured learning (as per member's choice) in each calendar year.
- All the members (aged 60 years & above) who are holding Certificate of Practice, are required to:**
 - Complete at least an aggregate of 90 CPE credit hours of either Structured or Unstructured Learning (as per member's choice) in a rolling period of three years
 - Complete minimum of 20 CPE credit hours being an aggregate of either Structured or Unstructured Learning (as per member's choice) in each calendar year
- The following class of members are exempted from CPE credit hours requirement:**
 - All the members (aged 60 years and above) who are not holding Certificate of Practice.
 - Judges of Supreme Court, High Court, District Courts and Tribunal
 - Members of Parliament/MLAs/MLCs
 - Governors of States
 - Centre and State Civil Services
 - Entrepreneurs (owners of Business (manufacturing) organizations other than professional services)
 - Judicial officers
 - Members in Military Service
- Temporary Exemptions:**
 - Female members for one Calendar year on the grounds of pregnancy
 - Physically disabled members on case to case basis having permanent disability of not less than 40% and above (Supported with medical certificates from any doctor registered with Indian Medical Council with relevant specialisation as evidenced by Post Qualifications (M.D., M.S. etc.).
 - Members suffering from prolonged critical diseases/illnesses or other disability as may be specified or approved by the CPEC. (Supported with medical certificates from any doctor registered with Indian Medical Council with relevant specialisation as evidenced by Post Qualifications (M.D., M.S. etc.).

ICAI Qualification - Gateway to International Career

Benchmarking ICAI Qualification by UK NARIC



The Institute of Chartered Accountants of India (ICAI) is playing an increasingly proactive role in International Arena for its 10 lac Members & Students. To provide a strong interface to Indian members for recognition and professional opportunities abroad, recently, UK NARIC (The National Recognition Information Centre, United Kingdom) has evaluated ICAI qualification for UK and UAE Education Systems:

ICAI Award	Comparable RQF Level and UK Qualification	RQF-QF Emirates Level Comparability
ICAI Intermediate Course	RQF Level 6 (Bachelor Degree Standard)	QF Emirates Level 7
ICAI Final Course	RQF Level 7 (Master's Degree Standard)	QF Emirates Level 9

Key Benefits

- Opportunities for higher studies in UK and other foreign jurisdictions accepting NARIC evaluation
- Facilitating qualification recognition arrangements with renowned global accountancy bodies
- Enhanced professional opportunities in foreign jurisdictions for members as well as semi-qualified professionals
- Augmenting global mobility for Indian CAs
- Facilitating export of Finance and Accounting Services



The Institute of Chartered Accountants of India

(Set up by an Act of Parliament)
www.icai.org

ICAI Proud Host of WCOA-2022 (Mumbai)

DISCLAIMER

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



ICAI INTERNATIONAL CONFERENCE **12**
CPE Hrs

Accountancy Profession: Catalyzing Reforms, Creating Values 6th and 7th December 2019, NCPA, Mumbai

The Accountancy profession as an integral part in the process of transition has witnessed a paradigm change in its contributory role; in every sphere of economic activity. The shift in the business philosophies due to dawn of a new world trade order emphasize a broadened role for the accounting professionals as strategy formulators and facilitators. While moving to the role of a value creator, the Institute of Chartered Accountants of India (ICAI) has endeavoured to imbibe the best practices model by analyzing the best approach as available amongst varied corporates in different parts of the world and has been playing the role of an enabler by getting the relevant stakeholders exposed to such best practices.

The ICAI, recognizing its role and responsibilities to the stakeholder community at large is organizing an International Conference on the theme "Accountancy Profession: Catalyzing Reforms, Creating Values" to dwell deeper into emerging paradigm of Accountancy Profession and bring the Indian and global perspective together on issues that are of contemporary relevance.

The International Conference will deliberate on the issues related to Taxation Reforms, Future of Corporate Reporting, Auditing reforms, Creation of Stakeholder Value, Technological Reforms and alike and will provide an apt opportunity to delegates to empathize the challenges and opportunities available while dealing with areas of contemporary and emerging interest in global economy.

The International Conference would be an apt platform for ideas exchange and usher interactive dialogue amongst the global and local accounting fraternity and other stakeholders and is likely to see participation of more than 1200 professionals from Pan India and Asia Pacific Region. The Conference would have renowned experts in the area of accounting and auditing from international bodies including doyens from Trade and Industry in India. For further information please visit <http://ic.icai.org/index.php>.

Please Register at:

Early Bird Registration - Till 10th November 2019

For Members of the Institute (ACA/FCA)	Rs. 4,000/- + 18% GST = Rs. 4720/-	https://ccm.icai.org/?progid=2484
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From 11th November 2019

For Members of the Institute (ACA/FCA) For Foreign Delegates	Rs. 4,500/- + 18% GST = Rs. 5310/- USD 125 (including GST)
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For further queries, please contact:

International Affairs Secretariat
The Institute of Chartered Accountants of India
Indraprastha Marg, New Delhi – 110002
Ph: +91 11 3011 0487, Email: ic2019@icai.in

REVISED SCHEDULE OF OVERSEAS CAMPUS PLACEMENT FOR CHARTERED ACCOUNTANTS AND ACCOUNTANTS

In continuation to our earlier announcement dated 7th October, 2019, members and students are hereby inform that Overseas Campus Placement drive has been rescheduled to be held from 12th – 14th December, 2019.

The revised schedule of activities are as under:-

Sl. No.	Activities	Last Date
1	Start Date for registration of candidates*	25th Oct, 2019
2	Last Date for registration by candidates	19th Nov, 2019
3	Last date for registration by organisations	20th Nov, 2019
4	Opening of database for participating organisations	21st Nov, 2019
5	Short listing by participating organisations	21st to 27th Nov, 2019
6	Consent to be given by candidates to organisations opted by them	28th to 30th Nov, 2019
7	Online Psychometric and written test	5th Dec, 2019
8	Personal interviews by overseas participating organisations a) For Chartered Accountants b) For Accountants	12th and 13th Dec, 2019 14th Dec, 2019
9	Interviews by overseas participating organisations through video conference a) For Chartered Accountants b) For Accountants	13th and 14th Dec, 2019 14th Dec, 2019 (post lunch)

* **Please note that candidates who had already registered for October, 2019 drive need not register again. Please check your registration at:-**

- **Members**
(<https://resource.cdn.icai.org/57163ceswto46300m.pdf>)
- **Accountants (semiqualfied)**
(<https://resource.cdn.icai.org/57164ceswto46300s.pdf>)

In case of any query, write to overseasjobs@icai.in

Committee for Export CA Services & WTO
Committee for Members of in Industry & Business

GST UPDATION REQUEST IN SIRC WEBSITE

Members are requested to register their GST Registration No. in the SIRC Dashboard at SIRC website www.sircoficai.org to enable us to provide Tax invoice for ITC.

Chairman, SIRC of ICAI



ANNOUNCEMENT

Ethical Standards Board The Institute of Chartered Accountants of India

Sub.: Members in Practice listing themselves and their services with Online Application based service provider Aggregators

It has come to the notice of the Institute that members in practice are listing with certain online Application based service provider Aggregators, wherein other businessmen, technicians, maintenance workers, event organizers etc. are also listed.

As the members are aware, entries in respect of Chartered Accountants and Chartered Accountant Firms are permitted in the following circumstances:-

1. "Publication of Name or Firm Name by Chartered Accountants in the Telephone or other Directories published by Telephone Authorities or Private Bodies" (Pages 137 – 138 of Code of Ethics, 2009):-

"The Council has considered the question of permitting entries in respect of Chartered Accountants and their firms under specified groups in telephone/trade directories brought out by government and non-government agencies. It has decided to permit such entries subject to the following restrictions:-

1. The entry should appear in the section/category of 'Chartered Accountants'.
 2. The member/firm should belong to the town/city in respect of which the directory is being published.
 3. The entry should be in normal type of letters. Entry in bolder type or abnormal type of letters or in a box is not permissible.
 4. The order of the entries should be alphabetical and logical.
 5. The entry should not appear in a manner giving the impression of publicity/advertisement. Entry should not be given in a manner which gives prominence to it as compared to other entries.
 6. The payment, if any, for the entry should not be unreasonable.
 7. The entries should not be restricted and should be open to all the Chartered Accountants/firms of Chartered Accountants in the particular city/town in respect whereof the directory is published.
 8. Subject to the above conditions, the members can also include their names in trade directories which are published and/or otherwise available such as electronic media e.g. internet, telephone services like "Ask Me Services" etc.
- #### 2. Advertisement Guidelines issued by Council under Clause (7) of Part-I of First Schedule to The Chartered Accountants Act, 1949 (appearing at pages 309 – 312 of Code of Ethics, 2009). The extract of these Guidelines is reproduced hereunder:-

"The Members may advertise through a write up setting out their particulars or of their firms and services provided by them subject to the Advertisement Guidelines and must be presented in such a manner as to maintain the profession's good reputation, dignity and its ability to serve the public interest.

XX XX XX

4. Other Conditions

The write-up should not be false or misleading and bring the profession into disrepute. (ii) The write-up should not claim superiority over any other Member(s)/Firm(s). (iii) The write-up should not be indecent, sensational or otherwise of such nature which may likely to bring the profession into disrepute. (iv) The write-up should not contain testimonials or endorsements concerning Member(s). (v) The write-up should not contain any other representation(s) that may like to cause a person to misunderstand and/or to be deceived. (vi) The write-up should not violate the provisions of the „Act, Rules made there under and „The Chartered Accountants Regulations, 1988. (vii) The write-up should not include the names of the clients (both past and present) (viii) The write-up should not be of font size exceeding 14. (ix) The write-up should not contain any information other than stated in Para 3 hereinabove. (x) The write-up should not contain any information about achievements/award or any other position held. (xi) The particulars of information required at para (ii) of 3(A) [i.e Membership No. with the Institute] and para (ii) of 3(B) [Firm registration No. with the institute] above is mandatory. As it is clear, the purpose of both of these Guidelines is different, and accordingly, there is demarcation of what can be mentioned vide these Guidelines respectively. It has been noted that the Application based service provider Aggregators are having features which are not covered exclusively in any one of the above Guidelines. Further, these Application based service provider Aggregators are also having certain features which are not covered in both of the abovementioned Guidelines. Therefore, it is not permissible for members to list themselves with such Application based service provider Aggregators. Any failure to do so would be deemed as violative of the provisions of Clauses (6) and (7) of Part-I of First Schedule to The Chartered Accountants Act, 1949, resulting in professional misconduct, whether or not the professional services mentioned by them are actually provided through such Aggregators. The disciplinary proceedings would be initiated accordingly.

ANNOUNCEMENT - SIRC

FOR THE KIND ATTENTION OF STUDENTS AVAILING READING HALL FACILITIES

In view of the CA Foundation, Intermediate, IPCC, FINAL examinations scheduled to be held in **November 2019** it has been decided to permit students appearing for the above examinations only in the Reading Hall in the SIRC Premises for them, effective from **3rd September 2019**, the reading hall will be kept open between **8.00 am and 10.00 pm till 18th November 2019**.

SIRC of ICAI



ANNOUNCEMENT – MEMBERS

Extension of last date for payment of Membership /COP fee for the year 2019-20

The Council in its 386th meeting held on 18th -19th September at Chail has taken following decisions:

1. To extend the last date for payment of Membership /COP fee for the year 2019-20 up to 30th November, 2019.
2. To waive off condonation fees for delay of all online application forms / documents of members and students with transaction dates from 01st April, 2019 to till date and filed on or before 30th November, 2019.

It is to be noted that this extension is valid to the application forms bearing transaction dates from 01st April, 2019 to till date and filed on or before 30th November, 2019.

M&C MSS Section
The Institute of Chartered Accountants of India

DISCONTINUANCE OF ACTIVITIES AT SUB-DECENTRALISED OFFICES OF ICAI

ICAI's Members and Students services have already been made online, in digitized form on a new platform which works on a Self Service Mode on the Self Service portal (SSP) and in view of the same, the functions/activities which were hitherto performed by Sub-Decentralised Offices (sub-DCOs) viz.

- **Western Region:-** Ahmedabad, Baroda, Nagpur, Surat, Pune, Thane.
- **Southern Region:-** Bengaluru, Hyderabad, Coimbatore, Ernakulam.
- **Central Region:-** Jaipur, Indore.
- **Northern Region:-** Chandigarh.

of receiving physical forms have been discontinued. All Members and Students are therefore requested to use online services of ICAI through Self-Service Portal

(Link: https://www.icai.org/new_post.html?post_id=5509).

Additional Secretary
M&C-MSS Section

Resource Persons - October 2019



CA. Dungan Chand U. Jain



Shri Manikandan Balasubramanian



Dr. Suresh Babu



Mr. Baskar Narayanan



Mr. Prateek Kapoor



Shri Mani Shankar Aiyar



Hon'ble Shri Yashwant Sinha



CA. A. Sehar Ponraj



Mrs. S. Meenakshi

Treasurer of the Karnataka State Cricket Assn.



CA. Vinay Mruthyunjaya

CA. Vinay Mruthyunjaya has been elected as Treasurer of the Karnataka State Cricket Association (KSCA) for the term 2019-22. This is for the first time over last eight decades that a Chartered Accountant has been elected as Treasurer of KSCA.

SIRC of ICAI Congratulates him

12th V. Sankar Aiyar Memorial Lecture Meeting on 18th October 2019 at Chennai



Hon'ble Shri Yashwant Sinha, Former Finance Minister, Govt. of India and Shri Mani Shankar Aiyar, Former MP, Son of Late Shri V. Sankar Aiyar along with Chairman SIRC CA. Jomon K. George and Secretary SIRC CA. K. Jalapathi offering floral tributes.



Cross Section of the Delegates

Ease of Doing Business (Including Recent Developments in Companies Act) on 25th October 2019 at Chennai (Under the aegis of Ministry of Corporate Affairs, Govt. of India)



CA. A. Sehar Ponraj, Registrar of Companies, Tamilnadu, Andaman & Nicobar Islands, Ministry of Corporate Affairs, Govt. of India and Mrs. S. Meenakshi, Joint Director along with Regional Council Member Dr. CA. Abhishek Murali during the technical session.

Intelligent Robotic Process Automation Summit on 12th October 2019 at Chennai

(Under the aegis of Information Technology and Digital Transformation Committee of SIRC of ICAI)



Chief Guest Shri Manikandan Balasubramanian, Expert, Intelligent Automation, Session speakers Dr. Suresh Babu, VP-Uipath, Mr. Baskar Narayanan, RPA & AI Expert, Mr. Prateek Kapoor, Director, Transformation and Automation CoE, AON Consulting Pvt. Ltd., along with SIRC Vice Chairman CA. Dungar Chand U Jain, SICASA Chairperson CA. Revathi S. Raghunathan and delegates during the inaugural session.



Cross Section of the Delegates

Swachh Bharat Activity on 3rd October 2019 at Chennai



As part of Gandhi Jayanthi Celebrations and Corporate Social Responsibility, Staffs of ICAI Chennai along with Regional Council Members Dr. CA. Abhishek Murali and CA. R. Sundararajan, cleaned the Institute premises and surrounding areas.



CA. Dayaniwas Sharma, Central Council Member nominated by ICAI has represented CAPA as a speaker in MIA International Conference at Malaysia. He spoke on the topic "Trust Deficit, Gaining Stakeholders Confidence" on 23rd October 2019.



ICAI (SIRC) COACHING CLASSES @ ICAI BHAWAN, CHENNAI

Foundation Regular Coaching Classes (3 Months)

for students appearing in May 2020 Exam

Commences on 20th November 2019

Class Timings			*Note: No separate batches on Sunday & Holidays
Days	Morning Batch	Evening Batch*	
Mon to Saturday	6.30 am to 12.00 pm	2.45 pm to 8.00 pm	
Sun & Holiday*	6.30 am to 05.00 pm	6.30 am to 05.00 pm	

* For Evening Batch - Kindly Note

Evening Batch will be commenced if minimum 40 students send their willingness to join the Evening Batch to sircclasses@icai.in. Registration will be opened/accepted immediately after 40 students send their willingness to sircclasses@icai.in

Fee: Rs.11,000/-

Fee Refund: Rs.2000/- (For conditions see the Website)

Last Date: 19th November 2019 - Details & Registration (Online only) @

<https://www.sircoficai.org/student/foundation-coaching-classes>

Our RANK HOLDERS in Foundation Nov. 2018 Exam



↩ **43rd Rank**
MR. BHARAT CHORARIA
SRO0677319
327/400 Marks



↔ **45th Rank** ↔
MS. R.C. MAHESWARI
SRO0676479
325/400 Marks

Final (New Syllabus) Regular Coaching Classes

for students appearing in May 2020 Exam

Commences on 20th November 2019

Class Timings			*Note: No separate batches on Sunday & Holidays
Days	Group - 1	Group - 2	
Mon to Saturday	6.30 am to 9.30 am	5.30 pm to 8.30 pm	
Sun & Holiday*	6.30 am to 5.00 pm	6.30 am to 5.00 pm	

Duration: Around 5 Months

FEE: (for subjects other than Elective Paper)

Both Groups	Group-1	Group-2	Per Subject
Rs.18,500/-	Rs.10,500/-	Rs.8,000/-	Rs.3000/-

Fee for Elective Papers will be announced at the earliest

[Students are requested to send the details of Elective paper for which they wish to attend coaching classes by email to sircclasses@icai.in to enable us to ascertain the number of students for each of the Elective paper and decide on feasibility of organising classes for Elective Paper(s)].

Last Date: 19th November 2019 - Details & Registration (Online only) @

<https://www.sircoficai.org/student/final>

Intermediate (New Syllabus) Regular Coaching Classes for students appearing in Nov. 2020 Exam

Commences on 24th February 2020 (6 Months) – Last Date for Registration: 23rd February 2020

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	

FEE STRUCTURE *Note: No separate batches on Sunday & Holidays

Group-1	Group-2	Both Groups	Per Subject
Rs.7500/-	Rs.7500/-	Rs.15000/-	Rs.2500/-

Details & Registration (Online only) @ <https://www.sircoficai.org/student/intermediate-ipcc>

HURRY! LIMITED SEATS!!

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

For further information, please contact:

Phone: 044-30210380; Email-id: sircclasses@icai.in; Website: www.sircoficai.org



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Adv

AP VAT / GST Update

Ambati Chinna Gangaiah

Supreme Court

1	Indusind Media & Communications Ltd Vs Commissioner of Customs	Civil Appeal 2498 of 18 dt 27.9.19	15. The facts on record as stated above further disclose that the Department was therefore right in invoking principle under said Note 4 and considering the imported items as part of one apparatus or machine to be classifiable under the heading appropriate to the function. The submission advanced by the Appellant in that behalf therefore has to be rejected. 16. Rule 9(1)(b) of 1988 Rules as quoted above in the decision in Toyota Kirloskar ⁴ , case shows that the value in respect of "materials, components, parts and similar items incorporated in the imported goods" has to be added while determining the transaction value. Said Rule 9 is almost identical to Rule 10 of 2007 Rules. Thus, even if the governing rule is taken to be Rule 9 of 1988 Rules, there would be no difference in the ultimate analysis.
2	Commissioner of Commercial Tax vs R.B.B.R.L. Contractors	Record of Proceedings Petition(s) for Special Leave to Appeal (C) No(s). 5935/2013 dt 27.9.19	SLP Dismissed – Allahabad HC in CTR 272-73/2011 dt 26.4.2011 specified - True it is that the revisional jurisdiction is quite limited and may not be exercised for interfering with the finding of fact but in the present case it is not the finding recorded by the authorities below which is wrong, rather it is the jurisdictional error committed by the authorities in seizing the goods as no case for seizure of the goods was made out. Accordingly, the seizure order is liable to be set aside in exercise of revisional jurisdiction. In view of above, I hold the order of seizure dated 10.2.2011, the order dated 22.2.2011 rejecting the representation under Section 48(7) of the Act and that of the tribunal dated 30.3.2011 to be illegal and without jurisdiction. Once the seizure is held invalid, the issue as to whether the tribunal was justified in directing for release of the goods on deposit of cash security twice the amount of tax leviable in place of 40% of the estimated value of the goods,
3	Superintending Engineer Vs Excise and Taxation Officer	Civil Appeal 8276-77/19 dt 25-10-19	The scheme of the Excise Act is materially different than that of the Himachal Pradesh VAT Act. Thus, the decision in Hongo India Private Limited (supra) also cannot be said to be applicable to interpret the Himachal Pradesh VAT Act. As the revision under the Act of 2005 lies to the High Court, the provisions of section 5 of the Limitation Act are applicable, and there is no express exclusion of the provisions of section 5 of Limitation Act are applicable and there is no express exclusion of the provisions of section 5 and as per section 29(2), unless a special law expressly excludes the provision, section 4 to 24 of the Limitation Act are applicable. When we consider the scheme of the Himachal Pradesh VAT Act, 2005, it is apparent that its scheme is not ousting the provisions of the Limitation Act from its ken which makes principles of section 5 applicable even to an authority in the matter of filing an appeal but for the aid provision the authority would not have the power to condone the delay. By implication also, it is apparent that the provisions of Section 5 of the Limitation Act have not been ousted; they have the play for condoning the limitation under Section 48 of the Act of 2005. Suo motu provision of revisional power is also provided to the Commissioner within 5 years. Thus, the intendment is not to exclude the Limitation Act. We condone the delay in filing of revision.

High Court

1	Shri Varalakshmi Company Vs State of Tamil Nadu	WP 15233/19 dt 4.6.19 (Madras HC)	introduction of GST regime on and with effect from 01.07.2017, the petitioner was not entitled to make purchase of High Speed Diesel Oil from other States on concessional rate of tax i.e., at 2% and therefore, the Department's site has been blocked to deny access to the petitioner and other similarly placed persons from downloading 'C' forms.....10. In the light of the narrative supra and in the light of the trajectory, which this matter has taken at the admission stage, it follows as a natural sequitur that the instant writ petition stands allowed. Consequently, necessary action has to be taken by the Revenue/ Department/ Respondents forthwith which in any case shall not be
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			more than 5 working days from the date of receipt of copy of this order.
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2	Revenue Bar Association Vs Union of India and Ors	WP 21147, 21148 and 14919/18 dt 20.9.19 (Madras HC)	<p>(i) Section 110(1)(b)(iii) of the CGST Act which states that a Member of the Indian Legal Services, who has held a post not less than Additional Secretary for three years, can be appointed as a Judicial Member in GSTAT, is struck down.</p> <p>(ii) Section 109(3) and 109(9) of the CGST Act, 2017, which prescribes that the tribunal shall consists of one Judicial Member, one Technical Member (Centre) and one Technical Member (State), is struck down.</p> <p>(iii) The argument that Sections 109 & 110 of the CGST Act, 2017 and TNGST Act, 2017 are ultra vires, in so far as exclusion of lawyers from the scope and view for consideration as members of the tribunal, is rejected. However, we recommend that the Parliament must consider to amend section for including lawyers to be eligible to be appointed as Judicial Members to the Appellate Tribunal in view of the issues which are likely to arise for adjudication under the CGST Act and in order to maintain uniformity in various statute</p>
3	Himani Munjal W/o Shri Ankush Munjar Vs Union of India	S.B. Criminal Misc. IV Bail Application No. 12077/2019 dt 30.9.19 (Rajasthan HC)	Petitioner has filed this petition under Section 439 Code of Criminal Procedure, 1973 seeking regular bail in Criminal Complaint No. 35/2018 pending before the Court of Chief Metropolitan Magistrate, (Economic Offences) Jaipur Mahanagar, for offences under Sections 132(1)(b),(c)(d),(f),(i) and (1) of Central Goods and Services Tax Act 2017 punishable under Section 132 (1)(i) and (iv) of Central Goods and Services Tax Act 2017 read with Section 132(5) of Central Goods and Services Tax Act 2017.....Learned Standing Counsel for G.S.T. has submitted that all the accused had created 35 fake firms and after making fake entries, had issued invoices involving tax amount of more than 66.81 crores. The firms were misused for evading G.S.T. input taxes by the accused. The fake firms were created in the State of Jammu and Kashmir, West Bengal, Gujarat, Assam, Telangana, Uttar Pradesh and Rajasthan. Keeping in view the seriousness of allegations levelled against the petitioner, no ground for grant of bail to her is made out.
4	Corsan Corviam Construccio n S.A Vs Commission er of Trade and Taxes	WP(C) 11040/19 dt 18.10.19 (Delhi HC)	4. We, therefore, direct the concerned respondent authority to decide the aforesaid claim of refund of this petitioner in accordance with law, rules, regulations and Government policy applicable to the facts of the present case and keeping in mind the principles propounded by the Hon'ble Supreme Court in Union of India vs. Mafatlal Industries Ltd., 1997 89 ELT 247 (SC) as early as possible and practicable within a period of eight weeks from the receipt of copy of this order passed by this Court.
5	HCL Infosystems Limited Vs State of Rajasthan	Writ 491/17 & Others dt 17.9.19 (Rajasthan HC)	Though there is no bar as such for entertaining the writ petitions at the stage of show cause notice, but it is settled by number of decisions of this Court (the Supreme Court), where writ petitions can be entertained at the show cause notice stage. Neither it is a case of lack of jurisdiction nor any violation of principles of natural justice is alleged so as to entertain the writ petition at the stage of notice.the Tax Board has decided in favour of the assessee, apart from penalty, even on the question of tax and interest and subsequently when many other appeals were filed before the Board, a reference on the questions of law involved in these cases has been made to the Full Bench of the Rajasthan Tax Board. This is therefore an additional reason for this Court to refrain from entertaining the writ petition as the Rajasthan Tax Board has yet to take an authoritative view in the matter on the Full Bench reference. We have therefore refrained from examining the arguments on merits made by both parties lest it may prejudice their case before the appellate authority/Tax Board where they can avail the alternate remedy.

CESTAT

1	Commissioner, Central Excise, Lucknow Vs Lion Security Guards Services	ST/52960/15 dt 10.1.19 (Allhabad)	The various contracts and agreements entered by the respondents with Nagar Nigam clearly show that the work required to be done by them was the lump-sum work of cleaning for which purpose they were being paid. The workers deployed by them are clearly working on behalf of the assessee himself and they are not under the supervision or control of the service recipient. The Tribunal's decisions in the case of Divya Enterprises and Ritesh Enterprises have considered the identical situations and have held that in the absence of any agreement to utilize the services of an individual, assessee cannot be said to have provided Manpower Recruitment or Supply Agency Services.
2	Gurubani Security Pvt Ltd Vs Principal Additional Director General	STA 50779/19 dt 1.8.19 (Delhi)	Delhi High Court in case of Intercontinental Consultants (supra) has held that for arriving at the gross amount to be charged under Section 67 of the Act, only such amount is required to be included which is attributable towards the services rendered by the appellant, any other element, which is reimbursable in nature, is not required to be included for the purpose of computation of assessable value under Section 67 of the Act, as this decision has been upheld by the Supreme Court, we are of the view that the various statutory deduction the payment made towards salary and wages are, therefore, required to be deducted from the total amount charged by the appellant from the service recipient for the rendition of the service.

Addl Commissioner Revision Orders

1	Agarwal Induction Furnace Pvt. Ltd	CCT's Ref.No.LII(2)/2 16/2017 dt 28.10.19 CTD ORDER NO. JCO 802	dealer did not filed the relevant delivery challans, consignments or vouchers, trip sheet or log book as the case may be in support of the claimed interstate transfers of M.S.Billets from its business premises in A.P. and further the dealer failed to produce the documentary evidence in support of the dispatch of M.S.Billets from its business premises in A.P. to the business premises of the selling branches located outside the State of A.P. In view of the above, these declarations cannot be treated as valid declarations. In the light of all the above, all the proposals made against the dealer are confirmed. The turnover of Rs.120,92,04,457 is taxed @ 5% under Section 3(a) read with Section 6 and 8(2) of the Act, in the light of the failure of the dealer to prove the dispatch of the goods to other States as branch transfer, which works out to Rs.6,04,60,222. (Appeal is to be filed U/s 18A of CST Act before Tribunal - requires no payment of % disputed tax)
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ADC Appeal Orders

1	Balaji Refrigeration	Appeal VJA-II/01/2019-20 dt 16.10.19 ADC 4598	it is clearly ascertained that the disputed turnovers does not related to sale consideration of any goods, but solely pertaining to pure repair charges of old compressors, therefore the levy by AA cannot be upheld as legitimate and set aside
2	Sri Venkata Lakshmi Traders, Macherla	ADC Order: 4605/19-10- 2019. 1)S.No. 63/2019-20 dt 19.10.19	it is clear that the appellant has to pay proof of payment of 12.5% of the tax assessed by the authority and here the assessing authority has rejected the refund claim of the appellant i.e the assessing authority has rejected excess ITC claimed by the appellant which amounts to raising the demand to that effect and the appellant must pay 12.5% of the disputed amount. Since, the appellant has not paid that amount the appeal filed by the appellant is hereby rejected. <u>(Appellant had filed against rejection of refund claim. There is due of tax, interest or penalty. Payment of 12.5% tax or interest or penalty does not arise. Appealable issue arises. The issue may be appealed to Tribunal)</u>

3	Kobe Constr Equip	05/2017-18 (NLR) dt 19.10.19 ADC Order No.4650	On overall perusal of the material available in the appeal file and arguments made by the authorized representative of the appellant, it is clear that the vehicle entered the state without advance CST e way bill, but the intention of the provisions of the Act is when the vehicle first enters the state it must be accompanied by advanced CST e way bill. Hence, the arguments of the appellant as well as the authorized representative are not tenable and the appeal is liable to be dismissed (Procedural provisions are to be interpreted with surrounding evidences and explanations. Arguable case exists before APVAT AT)
4	UFO Moviez India Limited	VJA-II/65/2018-19 dt 24.10.19 ADC 4636	it is clear that belated filing of 'F' forms can be accepted only if sufficient cause is established by the appellant, since the appellant has failed to do so in the present case and his request for consideration of accepting 'F' forms after assessment, is found to be not tenable, hence rejected. Thus, the assessment and the levy of tax on interstate branch transfer by the assessing authority does not warrant any interference,
5	.Sri Kali Krishna Industries	Order No. 4648 Dt 26.10.19	It is pertinent here to observe that mismatch reports is indicative in nature, but cannot be seen as final to conceive any suppression of turnover/tax. The AA ought to have examined the appellant contentions submitted in response to the show cause notice, which the AA failed to do so. Hence, the determined under declared tax liability by AA, cannot be upheld as bonafide. Therefore, the tax levied basing on mismatch reports is annulled & the appellant contentions are found sustainable with reference to rational arguments and corroborative evidence. Thus, the appeal on this aspect is allowed and the tax so levied is annulled.

Advance Rulings given in 2019

1	NMDC Limited Chattisgarh	STC/AAR/09/2018 dt 22.2.19	The ruling so sought by the Applicant is accordingly answered as under:- i. The royalty paid by M/s NMDC in respect of mining lease is classifiable under sub heading 997337 ; 'Licensing services for the right to use minerals including its exploration and evaluation' (covered under entry no. 17 of Notification No. 1112017(Rate), dated 28.06.2017, attracting GST at the same rate as applicable for the supply of like goods involving transfer of title in goods, under reverse charge basis. ii. The contributions made to District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET), by M/s NMDC as per MMDR Act, 1957 are liable to GST, under reverse charge basis.
2	Novodit Agorwol, Rojendro prosod word,	STC/AARI 1 0I201B dt 26.3.19	In confirmation to the views expressed by the opplicant, they (opplicant) ore required to charge GST upon M/s Shree Roipur Cement, C.G on the toiol amount including the cost of diesel i.e. on the iotql freight amount inclusive of the cost of diesel so provided by the service recipient i.e. M/s Shree Roipur Cement.
3	Ramnath Bhimsen Charitable Trust	STC/AAR/tt/2 0L8 dt 2.3.19	The 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. L2/2017-State Tax (Rate) No. F-10-43120t7/CT/V(80), Naya Raipur, Dated 28.06.2017 under Serlal No. t4, Chapter 9963. This amount received for such supply by the applicant falling under tariff heading 9963 qualifies being treated as nil rate tax exempted supply.
4	Chief Electrical Engineer, Goa	GOA/GAAR/8 of 2018-19 /1025 dt 18.7.19	1. The applicant Chief Electrical Engineer, Goa is liable to pay CGST @ 9% & SGST @ 9% on various works/activity undertaken by them except on hiring of the vehicles. 2. The applicant is liable to pay CGST @ 2.5% & SGST @ 2.5% or CGST @ 6% & SGST @ 6% on hiring of vehicles subject to the conditions specified in Notification No. 20/2017-Central Tax(Rate), dated. 22-8-17

5	Syngenta Bioscience Private Limited	GOA/GAAR/ 9 of 2018-19 /1456 dt 29.8.19	<p>Technical Testing Services</p> <p>The service provided by applicant doesn't fall within definition of export of service as defined by section 2(6) of the IGST Act, 2017</p> <p>The applicant is liable to pay CGST and SGST on aforesaid service</p>
6	Sewerage & Infrastructural Development Corporation of Goa Ltd.	GOA/GAAR/ 10 of 2018-19 /1456 dt 30.9.19	<p>1. The services provided by the applicant appears to fall in the list of services enumerated under serial no. 6 of the 12th Schedule of Article 243W of the Indian Constitution, thus qualifying the admissibility criteria.</p> <p>2. Supervision fees received towards such services provided by the applicant qualify as "Pure services (excluding works contract service or other composite supplies involving supply of any goods)" provided to a Governmental Authority by way of any activity in relation to any function entrusted to a Panchayat or Municipality under Article 243G or Article 243W of the Constitution of India and are exempted from CGST under Sl. No.3 of the Notification No. 12/2017-Central Tax (Rate) dated 28-6-17 as amended and from SGST under Notification No. 38/1/2017- Fin(R&C)(12/2017-Rate) dated 30/06/2017 as amended.</p> <p>3. The applicant falls under the definition of Governmental Authority or Government Entity clause (16) of section 2 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) and amended vide Notification No.32/2017 Central Tax (Rate) dated 13/10/2017.</p>
7	Aditya Birla Nuvo Limited	GUJ/GAAR/R/ 2018/05 dt 4.3.19	<p>Question1: Whether the Ex works plus freight and insurance to be treated as composite supplies?</p> <p>Answer: Yes, supply of principal goods/services alongwith freight and insurance is a composite supply as defined under section 2(30) of the Central Goods and Service Tax Act, 2017</p> <p>Question2: Whether showing and charging freight and insurance portion separately in invoice would attract GST.</p> <p>Answer: GST is chargeable. There cannot be different type of treatments of tax liability on supply of different goods/services naturally bundled together. Question3: If as per (2) above, no GST is chargeable, whether they can have two different type of treatments i.e. in one case GST is being paid on freight (since all other state electricity boards have agreed to pay GST on freight and insurance portion) and in other case of PG, GST on freight being contended/not paid.</p> <p>Answer: not applicable as GST is chargeable.</p> <p>Question 4: One of the inclusions specified in section 15(2) which is to be added to the transaction value under GST is: "Incidental expenses, such as commission and packing, charged by the supplier to the recipient of a supply, including any amount charged for anything done by the supplier in respect of the supply of goods and/or services at the time of, or before delivery of the goods or as the case may be supply of services" Whether above inclusion rule encompasses payment of Freight and insurance which is being reimbursed by the buyer (not on an actual cost basis but on pre-contracted fixed freight per unit of the product). The arranging of delivery of goods is the responsibility of supplier and accordingly transportation & insurance (anything done before delivery of goods) being arranged by supplier. The actual freight cost incurred by supplier varies with pre contracted price with buyer.</p> <p>Answer: Where the value of freight as per pre contracted fixed freight per unit of product is different from the actual cost, the higher of the two value shall be included in the value of composite supply.</p>

8	Dholera Industrial City Development Project Ltd.	GUJ/GAAR/R/2019/06 dated 4-03-19	<p>Question-1: Whether applicant can claim benefits available to Government Entity? Ans: Answered in affirmative.</p> <p>Question-2: Whether applicant is eligible to claim ITC of GST charged by contractors? Ans: Clause (c) of Section-17(5) of CGST Act, 2017 and GGST Act, 2017 provides the eligibility of input tax credit in case of works contract service where it is an input service for further supply of works contract service. Considering the extent of business of construction & erection, maintenance, repair to be conducted by the applicant, the eligibility for input tax credit can only be decided after ensuring that the further supply of works contract service is made by the applicant on a case to case basis.</p> <p>Question-3: Whether applicant is liable to collect GST on amount recovered from contractors on account of breach of conditions specified in the contract. Ans: Answered in affirmative.</p> <p>Question-4: Whether applicant is liable to collect GST on amount recovered from contractors on account of not achieving milestone ? Ans: Answered in affirmative.</p> <p>Question-5: Whether applicant is liable to collect GST on interest amount received for deferring the liquidated damages recovered from contractors? Ans: Answered in affirmative.</p>
9	Hindustan Coca-Cola Beverages Private Limited	GUJ/GAAR/R/07/2019 dated 30-03-19	<p>The product 'Fanta Fruity Orange' manufactured and supplied by M/s. Hindustan Coca-Cola Beverages Private Limited (GSTIN: 24AAACH3005M1ZX) is classifiable under Tariff Item 2202 99 90 and Goods and Service Tax rate of 18% (CGST 9% + GGST 9%) is applicable to the said product as per Sl. No. 24A 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>
10	Jayesh Anilkumar Dalal,	GUJ/GAAR/R/08/2019 dt 1.5.19	<p>Question: Whether or not my supply of services in the nature as mentioned in point 12(B) above, provided to Local Authorities, Urban Development Authority, Dist. Panchayat R&B Div. and other Government Departments which are entrusted with the functions mentioned under article 243G and 243W of the Constitution of India can be termed as –Pure Services as referred in 1. Sl. No. 3 – (Chapter 99) of Table mentioned in Notification No. 12/2017 – Central Tax (Rate) Dated 28/06/2017 and accordingly eligible for exemption from Central Goods and Service Tax. 2. Sl. No. 3 – (Chapter 99) of Table mentioned in Notification No. 12/2017 – (Gujarat) State Tax (Rate) Dated 30/06/2017 and accordingly eligible for exemption from Gujarat Goods and Service Tax. Answer: The services provided by the Applicant, Shri Jayesh Anilkumar Dalal, (GSTIN: 24AAVPD9061B1ZS) may be termed as –Pure Services provided they fulfill the following conditions: i) It excludes works contract service ii) It excludes other composite supplies involving supply of any goods iii) It is supply of services without involving any supply of goods The services provided by the applicant is eligible for the exemption from Goods and Service Tax as per Sl. No. 3 – (Chapter 99) of Table mentioned in Notification No. 12/2017 –Central Tax (Rate) dated 28/06/2017 and as per Sl. No. 3 – (Chapter 99) of Table mentioned in Notification No. 12/2017 – (Gujarat) State Tax (Rate) dated 30/06/2017 if they are pure services and are provided to the Central Government, State Government or Union territory or local authority or a Governmental authority by way of any activity to a Panchayat under article in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in relation to any function entrusted to a Municipality under article 243W of the Constitution.</p>

11	Rajkot Nagarik Sahakari Bank Ltd	GUJ/GAAR/R/ 9/2019 dated 15-05-19	<p>Question1 : In the facts and circumstances of the case whether Refundable Interest Free Deposit received could be treated as Supply under the provisions of Goods and Services Tax Act, 2017? And chargeable to tax in the hands of the applicant?</p> <p>Answer 1: The monetary value of the act of providing refundable interest free deposit is the consideration for the services provided by the RNSB and therefore the services provided by RNSB can be treated as supply and chargeable to tax in the hands of the applicant</p> <p>Question 2: In the facts and circumstances of the case whether the amount of Rs. 2500/- being Refundable interest free deposit, which allows depositor same benefits, would attract GST?</p> <p>Answer 2: The amount of Rs. 2500/- will not attract the GST but the monetary value of the act of providing this deposit will attract GST</p> <p>Question 3: In the facts and circumstances of the case, whether first 10 free transactions subject to maximum of rupees 5 Lakh allowed to the Demat account holders depositing Refundable interest free deposit would attract GST? Answer 3: The first 10 free transaction allowed to the demat account holder are in the nature of discount and will not attract GST subject to the fulfillment of the conditions prescribed under Section 15(3) of the CGST & GGST Act 2017.</p>
12	Gujarat State Financial Services Ltd	GUJ/GAAR/R/ 10/2019 dt 27.6.19	<p>Question – 1 The Applicant is providing financial assistance in the form of loan to various Government of Gujarat entities, whether all such Gujarat Stated owned entities and GSFS become related persons in GST?</p> <p>Answer: The relationship between Gujarat State Financial Services Ltd. and Government or Government entities is that of related person as defined under Section 15 of Central Goods and Services Tax Act 2017 and Gujarat Goods and Services Tax Act 2017.</p> <p>Question – 2 The Applicant is not charging any processing fees/ any other charges, for providing to Government of Gujarat State owned entities, and interest being charged as full consideration, then whether GST will be chargeable on, notional processing fees/ notional any other charges, provided by way of loans to Gujarat state owned entities?</p> <p>Answer: Looking to the facts of the case, as there is no other consideration except interest, the Services by way of extending deposits, loans or advances provided by M/s. Gujarat State Financial Services ltd (GSTIN 24AAACG5581B1Z0) is covered under sub entry (a) of entry 27 of Notification No. 12/2017-Central Tax (Rate) under CGST Act 2017 and corresponding State notification No. 12/2017- State Tax (Rate) under GGST Act 2017.</p>
13	Metro Dairy Limited	23/WBAAR /2019-20 dated 23-09-19	<p>The Applicant's supply to the Howrah Municipal Corporation, as described in para 3.5, is exempt from the payment of GST under Sl No. 3 of Notification No. 12/2017 - Central Tax (Rate) dated 28/10/2017 (corresponding State Notification No. 1136 - FT dated 28/10/2017), as amended from time to time. As the Applicant is making an exempt supply, the provisions of section 51 and, for that matter, Notification No.50/2018 - Central Tax dated 13/09/2018 (corresponding State Notification No. 1344 - FT dated 13/09/2018) and State Government Order No. 6284 - F(Y) dated 28/09/2018, to the extent they mandate and deal with the mechanism of TDS, do not apply to his supply.</p>
14	Mahendra Roy	24/WBAAR /2019-20 dated 23-09-19	<p>The Applicant's supply to the Howrah Municipal Corporation, as described in para 3.5, is exempt from the payment of GST under Sl No. 3 of Notification No. 12/2017 - Central Tax (Rate) dated 28/10/2017 (corresponding State Notification No. 1136 - FT dated 28/10/2017), as amended from time to time. As the Applicant is making an exempt supply, the provisions of section 51 and,</p>

			for that matter, Notification No.50/2018 - Central Tax dated 1310912018 (corresponding State Notification No. 1344 - FT dated 1310912018) and State Government Order No. 6284 - F(Y) dated 28/09/2018, to the extent they mandate and deal with the mechanism of TDS, do not apply to his supply.
15	Kay Pee Equipments Pvt Ltd	25/WBAAR/2019-20 dated 23-09-19	The composite goods manufactured by the Applicant that are used primarily as parts of railway locomotives are to be classified under heading 8607 and taxable @ 5% GST with no refund of the unutilized input tax credit. The same classification will apply to the Applicant's other supplies to the railways if they are used primarily as parts of railway locomotives, provided they are not excluded by Note 2 of Section XVII. Supplies other than the above two categories, if any, shall not be classified under heading 8607.
16	Golden Vacations Tours and Travels	26/WBAAR/2019-20 dt 23-09-19	The Applicant, if arranges for clients only accommodation in hotels, is supplying a service classifiable under SAC 998552. It is taxable under Sl No. 23(iii) of the Rate Notification, and the Applicant is eligible to claim the input tax credit as admissible under the law
17	Sumitabha Ray	27/WBAAR/2019-20 dt 23-09-19	The Applicant is providing pure service to the State Governments in relation to the projects described in para nos.3.10 and 3.12 above. The projects involve functions entrusted to a panchayat or a Municipality under Art 243G or 243W of the Constitution. The Applicant's service to the State Governments is, therefore, eligible for exemption under Sl No. 23(iii) of the Rate Notification, and the Applicant is eligible to claim the input tax credit as admissible under the law
18	Rabi Sankar Tah	28/WBAAR/2019-20 dated 21-10-19	The Applicant and the other two co-owners cannot be treated as an association of persons and, therefore, as a person defined under section 2(84X) of the GST Act, where their income from renting is separately ascertainable and assessed for income tax individually at the hand of each coowner. Whether the Applicant is required to be registered under section 22(1) of the GST Act will, therefore, depend on his gross turnover, ascertained separately from the other co-owners, exceeding the threshold as provided under the Act.
19	Singh Transport Agency	29/WBAAR/2019-20 dt 21-10-19	The Applicant's supply to the Howrah Municipal corporation, as described in para 3.5, is exempt from the payment of GST under sl No. 3 Of Notification No. 12/2017 - central tax (rate) dt 28.6.17 Corresponding State Notification No 1136 - FT dated 28-06-17), as amended from time to time. As the Applicant is making an exempt supply, the provisions of section 51 and, for that 50/2018 - central tax dated 13/09/2018 (corresponding Notification No' 1344 state - FT dated 13/09/2018) and state Government order No. 6284 dated 28/09/2018' - FT to the extent they mandate and deal with the mechanism of TDS do not apply to his supply.
20	Shewralan Company Pvt Ltd	30/WBAAR/2019-20 dt 21-10-19	The Applicant's supply of stores to foreign going vessels, as defined under section 2(21) of the Customs Act, 1962 Act, is not export or zero-rated supply, unless it is marked specifically for a location outside India. The Applicant is, therefore, liable to pay tax on such supplies under the GST Act or the IGST Act, as the case may be.

Appeal Orders against Advance Rulings

1	United Breweries Limited	KAR/AAAR/03/2018-19 dt 23.10.18 (against Advance Ruling KAR ADRG 09/18 dt 28-6-18)	a) The activity engaged in by the Appellant by way of granting the contracting brewing units the representational right to manufacture and supply beer bearing its brand name, in return for a consideration, is a supply of service as mandated in Section 7 of the COST Act read with clause 5(c) of the Schedule II of the said Act. b) The supply of service by the Appellant is taxable to GST in terms of Section 9 of the CGST Act.
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			<p>c) The service supplied by the Appellant is classified under the Service Code 999799 as "other services nowhere else classified".</p> <p>d) The amounts received by the Appellant from the contracting units under the Agreement, in the nature of Brand Fee and reimbursement of expenses, is termed as a consideration for the supply of service and is chargeable to GST at the applicable rate of 18%.</p>
2	. Columbia Asia Hospitals	KAR/AAAR/05 / 2018-19 dt 12.12.18	The India Management Office (IMO) of the Appellant IS providing a 5eVICe to its other distinct units by way of carrying out activities such as accountung, administrative work, etc with the use of the services of the employees working in the (MO, the outcome of which benefits all the other units and such activity IS to be treated as a taxable supply in terms of the entry 2 of ScheduJe I read with Section 7 of the CGST Act
3	Giriraj Renewables Private Ltd Karnataka	KAR/AAAR/02/2018-19 dt 5.9.19 (against Advance Ruling KAR/ADRG 01/18 dt 21.3.18)	<p>a) The supply of the PV module which is the major component of the Solar Power Plant is not naturally bundled with the supply of the remaining components & parts of the Solar Power Plant and the supply of the services of Erection, Installation and Commissioning of the Solar Power Plant.</p> <p>b) The supply of PV module is a distinct transaction from the supplies in contract in question as it is the owner whose responsibility it is to procure and supply the PV module. This PV module is to be supplied as free issue material over and above the plant being supplied by the contractor. The owner is responsible for transponation of the PV module from the point of origin till plant site-and he bears the other risks and rewards of ownership. The PV module which is procured by the Project owner on High Sea Sale basis and imported by availing Customs duty exemptions and later supplied to the Appellant as a free issue for use in the setting up of the Solar Power Plant,</p> <p>c) The supply of the remaining portion of the contract in question by the Appellant which involves the supply of the balance components and parts of the Solar Power Plant and the supply of services of Erection, Installation and Commissioning of the Solar Power Plant is viewed as a 'composite supply' as the supply of goods and services are naturally bundled.</p> <p>d) The tax liability on this portion of the contract in question (other than PV module) which is termed as a 'composite supply' will be determined in terms of Section 8 of the CGST Act, 2017 wherein the rate applicable to the dominant nature of the supply will prevail.</p>
4	Nash Industries (I).Ltd	KAR/AAAR/07/2018-19 dt 1.3.19 (against Advance Ruling KAR/ADRG 24/18 dt 25.10.18)	16. We accordingly set aside the ruling of the AAR and hold that the cost of the tools supplied by the OEM customer on FOC basis to the Appellant is not 'required to be added to the value of the components supplied by the Appellant. We emphasize that the ruling given by us in this appeal proceeding is based on examination of the contract and purchase orders' furnished by the Appellant in the case of their customer Mis Daimler India Commercial Vehicles Pvt Ltd. This ruling will apply to other contracts entered into by the Appellant only if the terms and conditions contained are the same as those contained in the contract placed before us
5	Indian Institute of Management	KAR/AAAR/08/2018-19 dt 8.3.19 19 (against Advance Ruling KAR/ADRG 25/18 dt 25.10.18)	<p>a) Pursuant to the enactment of the-TIM Act, 2017, with effect from 31" January 2018, the long duration post graduate programs offered by IIMB will be exempt from oST under SI.No 66 of the Notification No 1212017 CT(R) as amended. During tbe period 3 r" January 2018 to 31st December 2018, 11MB can avail the benefit of exemption under either SI. No 66 or SI. No 67 of Notification No 12/2017 CT(R) dated 28.06.2017 as amended.</p> <p>b) 11MB will be eligible for exemption from payment ofIGST in respect of supply of online journals and periodicals received from a person located in a non-taxable territory in terms of SI. No 10 of Notification No 0912017 IT (R) dated 28.06.2017 as amended.</p>

6	Triveni Turbine Limited	KAR/AAAR/01/2018-19 dt 3.4.19	The turbine generator set to be supplied by the Appellant to the buyer for use in waste to energy project is covered under SI.No.234 d/ Schedule I of Notification No. 1120/7-1T(Rate) dated 28,06.2017 attracting 5% levy
7	Omnisoft Technologies Private Limited	GUJ/GAAAR/A PPEAL/2019/1 dt 2.1.19	10. It is settled principle of law that exemption notification has to be read strictly so far as the eligibility is concerned. When the wordings of the Notification are clear and unambiguous, they must be given effect to. By a strained reasoning, benefit cannot be given when it is clearly not available. The appellant has failed to establish that activities carried out by them are covered under Entry No. 80 of Notification No. 12/2017-Central Tax (Rate). 11. In view thereof, we confirm the Advance Ruling No. GUJ/GAAR/R/2018/15 dated 23.08.2018 of the Gujarat Authority for Advance Ruling and reject the appeal filed by M/s. Omnisoft Technologies Private Limited.
8	Sapthagiri Hospitality Private Limited	GUJ/GAAAR/A PPEAL/2019/2 dt 2.1.19	11.2 Section 53(2) of the SEZ Act, 2005 creates a deeming fiction whereby a SEZ is deemed to be a port, airport, inland container depot, land station and customs stations under section 7 of the Customs Act, 1962. On the other hand, Circular Nos. 46/2017-Cus dated 24.11.2017 and 3/1/2018-IGST dated 25.05.2018 clarified applicability of IGST / GST on goods transferred / sold while being deposited in a warehouse registered under section 57 or 58 or 58A of the Customs Act, 1962 (customs bonded warehouse), without payment of duty. The purpose of appointing any port, airport etc. under Section 7 of the Customs Act, 1962 is quite different than the purpose of licensing any warehouse under Section 57, 58 or 58A of the Customs Act, 1962. Therefore, the clarification issued for customs bonded warehouse are not applicable to the appellant even if a SEZ is deemed to be a port etc. under Section 7 of the Customs Act, 1962. Further, the appellant is engaged in providing services whereas the customs port etc. are appointed under Section 7 of the Customs Act, 1962 and customs bonded warehouses are licensed under Section 57, 58 or 58A of the Customs Act, 1962 in respect of import of export of goods and not of services. 11.3 Therefore, the reliance place by the appellant on Section 53(2) of the SEZ Act, 2005 and Circular Nos. 46/2017-Cus dated 24.11.2017 and 3/1/2018-IGST dated 25.05.2018 in their appeal, is not acceptable.

Notifications Issued under GST (CBIC)

1	42/2019 – Central Tax	[F. No. 20/06/12/201 8-GST] sr 24.9.19	appoints the 24th day of September, 2019, as the date on which the provisions of rules 10, 11, 12 and 26 of the Central Goods and Services Tax (Fourth Amendment) Rules, 2019 [notification No. 31/2019–Central Tax, dated the 28th June, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 457(E), dated the 28th June, 2019], shall come into force.			
2	43/2019- Central Tax	[F.No.354/131 /2019-TRU] dt 30.9.19	makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.14/2019-Central Tax , dated the 7th March, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 196(E), dated the 7th March, 2019, namely: - In the said notification, in the table, after Sl. No. 2 and the entries thereto, the following Sl. No. and entries shall be inserted, namely: - <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">“2A</td> <td style="width: 50%;">2202 10 10</td> <td style="width: 25%;">Aerated Water”</td> </tr> </table>	“2A	2202 10 10	Aerated Water”
“2A	2202 10 10	Aerated Water”				
4	44/2019- Central Tax	[F. No. 20/06/07/201 9-GST]] dt 9.10.19	return in FORM GSTR-3B of the said rules for each of the months from October, 2019 to March, 2020 shall be furnished electronically through the common portal, on or before the twentieth day of the month succeeding such month. 2. Payment of taxes for discharge of tax liability as per FORM GSTR-3B. – Every registered person furnishing the return in FORM GSTR-3B of the said rules shall, subject to the provisions of section 49 of the said Act, discharge his liability towards tax, interest, penalty, fees or			

			any other amount payable under the said Act by debiting the electronic cash ledger or electronic credit ledger, as the case may be, not later than the last date, as specified in the first paragraph, on which he is required to furnish the said return.												
5	45/2019-Central Tax	[F. No. 20/06/07/2019-GST] dt 9.10.19	<p>hereby notifies the registered persons having aggregate turnover of up to 1.5 crore rupees in the preceding financial year or the current financial year, as the class of registered persons who shall follow the special procedure as mentioned below for furnishing the details of outward supply of goods or services or both.</p> <p>2. The said registered persons shall furnish the details of outward supply of goods or services or both in FORM GSTR-1 under the Central Goods and Services Tax Rules, 2017, effected during the quarter as specified in column (2) of the Table below till the time period as specified in the corresponding entry in column (3) of the said Table, namely:- Table</p> <table border="1"> <thead> <tr> <th>Sl. No.</th> <th>Quarter for which details in FORM GSTR-1 are furnished</th> <th>Time period for furnishing in FORM GSTR-1</th> </tr> <tr> <th>(1)</th> <th>(2)</th> <th>(3)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>October, 2019 to December, 2019</td> <td>31st January, 2020</td> </tr> <tr> <td>2</td> <td>January, 2020 to March, 202</td> <td>30th April, 2020</td> </tr> </tbody> </table> <p>3. The time limit for furnishing the details or return, as the case may be, under sub-section (2) of section 38 of the said Act, for the months of October, 2019 to March, 2020 shall be subsequently notified in the Official Gazette</p>	Sl. No.	Quarter for which details in FORM GSTR-1 are furnished	Time period for furnishing in FORM GSTR-1	(1)	(2)	(3)	1	October, 2019 to December, 2019	31st January, 2020	2	January, 2020 to March, 202	30th April, 2020
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1	October, 2019 to December, 2019	31st January, 2020													
2	January, 2020 to March, 202	30th April, 2020													
6	46/2019-Central Tax	[F. No. 20/06/07/2019-GST] dt 9.10.19	<p>extends the time limit for furnishing the details of outward supplies in FORM GSTR-1 of the Central Goods and Services Tax Rules, 2017, by such class of registered persons having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or the current financial year, for each of the months from October, 2019 to March, 2020 till the eleventh day of the month succeeding such month. 2. The time limit for furnishing the details or return, as the case may be, under sub-section (2) of section 38 of the said Act, for the months of October, 2019 to March, 2020 shall be subsequently notified in the Official Gazette.</p>												
7	47/2019-Central Tax	[F. No. 20/06/07/2019-GST] dt 9.10.19	<p>notifies those registered persons whose aggregate turnover in a financial year does not exceed two crore rupees and who have not furnished the annual return under sub-section (1) of section 44 of the said Act read with sub-rule (1) of rule 80 of the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules) before the due date, as the class of registered persons who shall, in respect of financial years 2017-18 and 2018-19, follow the special procedure such that the said persons shall have the option to furnish the annual return under sub-section (1) of section 44 of the said Act read with sub-rule (1) of rule 80 of the said rules: Provided that the said return shall be deemed to be furnished on the due date if it has not been furnished before the due date</p>												
8	48/2019-Central Tax	[F. No. 20/06/07/2019-GST] dt 9.10.19	<p>e No. 41/2019-Central Tax, dated the 31st August, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Subsection (i) vide number G.S.R. 618(E), dated the 31st August, 2019, namely:- In the said notification, in the opening paragraph- (a) in clause (ii), for the figures, letters and word "20th September", the figures, letters and word "11th October" shall be inserted; (b) after the clause (iv), the following clauses shall be inserted, namely: -</p>												
8	49/2019-Central Tax	[F. No. 20/06/07/2019-GST] dt 9.10.19	<p>1. (1) These rules may be called the Central Goods and Services Tax (Sixth Amendment) Rules, 2019. (2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.</p>												

			<p>2. In the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 21A,-</p> <p>3. In the said rules, in rule 36, after sub-rule (3), the following sub-rule shall be inserted, namely:</p> <p>4. In the said rules, in rule 61,-</p> <p>5. In the said rules, in rule 83A, in sub-rule (6), for clause (i), the following clause shall be substituted, namely:-</p> <p>6. In the said rules, in rule 91, -</p> <p>7. In the said rules, in rule 97, -</p> <p>8. In the said rules, in rule 117, -</p> <p>9. In the said rules, in rule 142, -</p> <p>10. In the said rules, after FORM GST DRC-01, the following form shall be inserted, namely:-</p> <p>Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification No. 3/2017-Central Tax, dated the 19th June, 2017, published vide number G.S.R. 610 (E), dated the 19th June, 2017 and last amended vide notification No. 33/2019 - Central Tax, dated the 18th July, 2019, published vide number G.S.R. 513 (E), dated the 18th July, 2019.</p>						
10	49/2019-Central Tax	[F. No. 20/06/07/2019-GST] dt 9.10.19	<p>1. (1) These rules may be called the Central Goods and Services Tax (Sixth Amendment) Rules, 2019.</p> <p>(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.</p> <p>2. In the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 21A,-</p> <p>3. In the said rules, in rule 36, after sub-rule (3), the following sub-rule shall be inserted, namely:</p> <p>4. In the said rules, in rule 61,-</p> <p>5. In the said rules, in rule 83A, in sub-rule (6), for clause (i), the following clause shall be substituted, namely:-</p> <p>6. In the said rules, in rule 91, -</p> <p>7. In the said rules, in rule 97, -</p> <p>8. In the said rules, in rule 117, -</p> <p>9. In the said rules, in rule 142, -</p> <p>10. In the said rules, after FORM GST DRC-01, the following form shall be inserted, namely:-</p> <p>Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification No. 3/2017-Central Tax, dated the 19th June, 2017, published vide number G.S.R. 610 (E), dated the 19th June, 2017 and last amended vide notification No. 33/2019 - Central Tax, dated the 18th July, 2019, published vide number G.S.R. 513 (E), dated the 18th July, 2019.</p>						
11	15/2019-Central Tax (Rate)	[F.No.354/131/2019-TRU] dt 30.9.19	<p>further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.2/2017-Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 674 (E), dated the 28th June, 2017, namely:- In the said notification, in the Schedule, -</p> <table border="1" data-bbox="630 1640 1559 1682"> <tr> <td>"57A</td> <td>0813</td> <td>Tamarind dried";</td> </tr> </table> <p>after S. No. 114B and the entries relating thereto, the following serial number and the entries shall be inserted, namely: -</p> <table border="1" data-bbox="630 1751 1559 1822"> <tr> <td>"114C</td> <td>46</td> <td>Plates and cups made up of all kinds of leaves/ flowers/bark";</td> </tr> </table> <p>This notification shall come into force on the 1 st day of October, 2019</p>	"57A	0813	Tamarind dried";	"114C	46	Plates and cups made up of all kinds of leaves/ flowers/bark";
"57A	0813	Tamarind dried";							
"114C	46	Plates and cups made up of all kinds of leaves/ flowers/bark";							

12	16/2019- Central Tax (Rate)	[F.No.354/131 /2019-TRU] dt 30.9.19	following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.3/2017- Central Tax (Rate), dated the 28th June, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 675(E) dated the 28th June, 2017, namely: - In the said notification, - (i) in the TABLE, against S. No. 1, in column (3), after item (5), the following item shall be inserted, namely: - “(6) Petroleum operations or coal bed methane operations undertaken under specified contracts under the Hydrocarbon Exploration Licensing Policy (HELP) or Open Acreage Licensing Policy (OALP)”; (ii) in the ANNEXURE, against Condition No. 1, in clause (e), the following proviso shall be inserted, namely: - “Provided that where the said goods so supplied are sought to be disposed of in nonserviceable form, after mutilation, the recipient of outward supply or the transferee, as the case may be, may at his option, pay the tax at the rate of 9 per cent. on transaction value of such goods subject to the condition that the recipient of outward supply or the transferee, as the case may be, produces before the Deputy Commissioner of Central tax or the Assistant Commissioner of Central tax or the Deputy Commissioner of State tax or the Assistant Commissioner of State tax, as the case may be, having jurisdiction over the supplier of goods, a certificate from a duly authorised officer of the Directorate General of Hydro Carbons in the Ministry of Petroleum and Natural Gas, Government of India, to the effect that the said goods are non-serviceable and have been mutilated before disposal.”. 2. This notification shall come into force on the 1 st day of October, 2019			
13	17/2019- Central Tax (Rate)	[F.No.354/131 /2019-TRU] dt 30.9.19	makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.26/2018- Central Tax (Rate), dated the 31st December, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1263 (E), dated the 31st December, 2018, namely:- In the said notification, - (i) for the word “gold”, wherever it occurs, the words, “gold, silver or platinum”, shall be substituted; (ii) in the opening paragraph, for the word and figures, “heading 7108”, the word and figures, “Chapter 71”, shall be substituted; (iii) in the Explanation, for clause (d), the following clause shall be substituted, namely: —. “(d) “Chapter” means heading as specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).”. 2. This notification shall come into force on the 1st day of October, 2019			
14	18/2019- Central Tax (Rate)	[F.No.354/131 /2019-TRU] dt 30.9.19	amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.02/2019-Central Tax (Rate), dated the 7th March, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 189(E), dated the 7th March, 2019, namely:- In the said notification, in the Annexure, after Sl. No. 2 and the entries thereto, the following Sl. No. and entries shall be inserted, namely: - <table border="1" data-bbox="630 1587 1560 1623"> <tr> <td data-bbox="630 1587 781 1623">“2A</td> <td data-bbox="781 1587 1045 1623">2202 10 10</td> <td data-bbox="1045 1587 1560 1623">Aerated Water”</td> </tr> </table> This notification shall come into force on the 1st day of October, 2019	“2A	2202 10 10	Aerated Water”
“2A	2202 10 10	Aerated Water”				
15	19/2019- Central Tax (Rate)	[F.No.354/131 /2019-TRU] dt 30.9.19	exempts, all the goods supplied to the Food and Agricultural Organisation of the United Nations (FAO) for execution of projects listed below in the Annexure, from whole of the Central Tax leviable thereon under section 9 of the said Act, subject to the condition that an officer not below the rank of Deputy Secretary to the Government of India in the Ministry of Ministry of Agriculture and Farmers Welfare certifies, namely:- (i) the quantity and description of the goods; and (ii) that the said goods are intended for the purpose of use in execution of said projects. ANNEXURE (1) Strengthening Capacities for Nutrition-			

			sensitive Agriculture and Food systems, (2) Green Ag: Transforming Indian Agriculture for Global Environment benefits and the conservation of Critical Biodiversity and Forest landscape. 2. This notification shall come into force on the 1st day of October, 2019.
16	20/2019-Central Tax (Rate)	[F.No.354/131/2019-TRU] dt 30.9.19	it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.11/2017-Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 690(E), dated the 28th June, 2017, namely:- In the said notification, - (i) in the Table, - (a) against serial number 7, for the entries relating thereto in column (3), (4) and (5), the following items and entries shall be substituted, namely, -
17	21/2019-Central Tax (Rate)	[F.No.354/131/2019-TRU] dt 30.9.19	further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.12/2017- Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 691(E), dated the 28th June, 2017, namely:- In the said notification, - (i) in the Table, - (a) against serial number 7, in the entry in column (3), for the words and brackets, “twenty lakh rupees (ten lakh rupees in case of a special category state) in the preceding financial year”, the following words, brackets and figures shall be substituted, namely, - “such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)”; (b) after serial number 9A and the entries relating thereto, the following shall be inserted
18	22/2019-Central Tax (Rate)	[F.No.354/131/2019-TRU] dt 30.9.19	further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.13/2017- Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 692(E), dated the 28th June, 2017, namely:- In the said notification, in the Table, - (i) for serial number 9 and the entries relating thereto, the following shall be substituted, namely: -
19	23/2019-Central Tax (Rate)	[F.No.354/131/2019-TRU] dt 30.9.19	following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.4/2018- Central Tax (Rate), dated the 25th January, 2018 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 67(E), dated the 25th January, 2018, namely:- After paragraph, the following explanation shall be inserted, namely: - “Explanation.- Nothing contained in this notification shall apply with respect to the development rights supplied on or after 1st April, 2019.”. 2. This notification shall come into force with effect from the 1 st day of October, 2019.
20	24/2019-Central Tax (Rate)	[F.No.354/131/2019-TRU] dt 30.9.19	In the said notification, in the Table, against serial number 2, for the entry in column (2), the following entry shall be substituted, namely: - “Cement falling in chapter heading 2523 in the first schedule to the Customs Tariff Act, 1975 (51 of 1975).”. 2. This notification shall come into force with effect from the 1 st day of October, 2019
21	25/2019-Central Tax (Rate)	[F.No.354/131/2019-TRU] dt 30.9.19	notifies that the following activities or transactions undertaken by the State Governments in which they are engaged as public authorities, shall be treated neither as a supply of goods nor a supply of service, namely:- “Service by way of grant of alcoholic liquor licence, against consideration in the form of licence fee or application fee or by whatever name it is called.”
	04/2019-Integrated Tax	[F. No.354/136/2019 -TRU] dt 30.9.19	to prevent double taxation or non-taxation of the supply of a service, or for the uniform application of rules, on the recommendations of the Council, hereby notifies following description of services or circumstances as specified in Column (2) of the Table A, in which the place of supply shall be the place of effective use and enjoyment of a service as specified in the corresponding entry in Column (3), namely:-

Company Law Updates – A Snapshot

CLASSIFICATION	DATED	SUBJECT MATTER	MCA Link
RULES			
The Companies Accounts (Amendment) Rules, 2019	22 nd October, 2019	A statement regarding opinion of the Board with regard to integrity, expertise and experience, (including the proficiency) of the independent director appointed during the year. Here, 'proficiency' means proficiency of the independent director as ascertained from the online proficiency self-assessment test conducted by the Indian Institute of Corporate Affairs.	http://www.mca.gov.in/Ministry/pdf/CmpAccAmndtRules_22102019.pdf
The Companies (Creation and Maintenance of databank of Independent Directors) Rules, 2019	22 nd October, 2019	The Indian Institute of Corporate Affairs (IICA) shall create and maintain a databank of persons willing and eligible to be appointed as independent directors and such databank shall be an online databank which shall be placed on the website of the institute.	http://www.mca.gov.in/Ministry/pdf/CmpInpdtDirectorsRules_22102019.pdf
The Companies (Appointment and Qualification of Directors) Fifth Amendment Rules, 2019	22 nd October, 2019	Compliance required by a person eligible to be appointed as independent director: Before appointment to apply online to the institute (IICA) for inclusion of his name for 1 year or 5 years or for life time and from time to time take such steps as specified in the Rule	http://www.mca.gov.in/Ministry/pdf/CmpFifthAmndtRules_22102019.pdf
The Companies (Incorporation) Eighth Amendment Rules, 2019.	16 th October, 2019	DIR-12 (changes in Director except in case of: (a) cessation of any director or (b) appointment of directors in such company where the total number of directors are less than the minimum number provided in clause (a) of sub-section (1) of section 149 on account of disqualification of all or any of the director under section 164. (c) appointment of any director in such company where DINs of all or any its director(s) have been deactivated (d) appointment of director(s) for implementation of the order passed by the Court or Tribunal or Appellate Tribunal under the provisions of this Act or under the	http://www.mca.gov.in/Ministry/pdf/CompIncEighthAmndtRules_18102019.pdf

		Insolvency and Bankruptcy Coder, 201.6).".	
The Companies (Filing of Documents and Forms in Extensible Business Reporting Language), Amendment Rules, 2019.	15 th October, 2019	Old annexure III replaced by a new annexure III	http://www.mca.gov.in/Ministry/pdf/XBRLAmntRules_15102019.pdf
NOTIFICATIONS			
IICA to maintain databank on independent directors	22 nd October, 2019	In exercise of the powers conferred by sub-section (1) of section 150 of the Companies Act, 2013, the Central Government hereby notifies the Indian Institute of Corporate Affairs (IICA) at Manesar (Haryana) as an institute to create and maintain a data bank containing the names, addresses and qualifications of persons who are eligible and willing to act as independent directors for the use of the company making the appointment of such directors.	http://www.mca.gov.in/Ministry/pdf/NotificationIICA_22102019.pdf
For delegation of powers	14 th October, 2019	In exercise of the powers conferred by sub-section (1) of section 458 of the Companies Act, 2013 (18 of 2013), the Central Government hereby delegates its powers and functions under sub-section (1) of section 418 of the said Act (hereinafter referred to as the said sub-section) to provide officers and other employees to the Tribunal and the Appellate Tribunal referred to in the said sub-section to the President and Chairperson of the said Tribunal and the Appellate Tribunal, as the case may be, subject to conditions as specified in the recruitment rules of the respective posts as approved and notified by the Central Government.	http://www.mca.gov.in/MinistryV2/companiesact2013.html

FEMA

Contributed by
CA G. Murali Krishna

I. Amendments to Foreign Exchange Management Act, and to Rules and Regulations thereunder:

Central Government (CG), vide sections 138 to 144 of Finance Act 2015, brought changes to Foreign Exchange Management Act 1999 ("FEMA 1999"). However, the said changes were not notified for long time. On 15.10.2019, CG vide notification number S.O.3715(E) notified sections 139, 143(1) and 144 of Finance Act 2015, thereby inserting section 6(2A) to FEMA 1999, which gives power to CG to make rules with respect to regulating Non- Debt Instruments, and also amending section 6(2)(a) of FEMA 1999 which gives power to RBI to make regulations with respect to Debt Instruments.

Accordingly, CG has notified the Foreign Exchange Management (Non-debt Instruments) Rules, 2019 on 17.10.2019, in supersession of existing

- FEM (Transfer of Issue of Security by a Person Resident outside India) regulations, 2017 ["Foreign Direct Investment (FDI) Regulations"], to the extent they relate to Non-debt Instruments, &
- FEM (Acquisition and Transfer of Immovable Property in India) regulations, 2018

The existing regulations were issued by RBI under the powers conferred under erstwhile section 6(3) of FEMA which now stands deleted with notification of section 139 of Finance Act 2015.

Similarly, RBI has notified the Foreign Exchange Management (Debt Instruments) Regulations, 2019 on 17.10.2019, in supersession of existing FEM (Transfer of Issue of Security by a Person Resident outside India) regulations, 2017 ["Foreign Direct Investment (FDI) Regulations"], to the extent they relate to Debt Instruments.

With the above notifications, CG becomes governing body for Non-debt transactions like investment in equity of incorporated entities, capital participation in LLPs, acquisition and dealing immovable properties, contribution to trusts, investment in units of Alternative Investment Funds (AIFs) & equity oriented mutual funds, etc. And RBI becomes governing body for debt transactions like investment in government bonds, corporate bonds, borrowings by Indian firms through loans, etc.

Even after above changes, RBI still holds the responsibility of monitoring the foreign exchange related to non-debt instruments, and so it notified FEM (Mode of Payment and Reporting of Non-debt Instruments) Regulations, vide notification no. G.S.R 795(E) dated 17.10.2019.

For further details please refer to the original notifications.

II. Update on Compounding Orders issued under FEMA Regulations

a. Mr. Prateesh Kumar

Regulation	Regulation 10A (b)(i) read with Paragraph 10 of Schedule I to Notification No. FEMA 20/2000-RB dated May 3, 2000
Contravention	Delay in reporting the transfer of shares i.e. Late submission of Form FC-TRS
Date of Order	20 th September 2019
Amount of Contravention	₹ 2,40,000/-
Compounding Fee	₹ 16,000/-

b. Captiva Energy Solutions Private Limited

Regulation	Paragraph 2 of Schedule 1 to Notification No. FEMA 20(R) dated November 07, 2017
Contravention	Allotment of shares to a person resident outside India prior to the receipt of inflow of funds
Date of Order	28-08-2019
Amount of Contravention	₹ 14,26,59,129 /-
Compounding Fee	₹ 7,63,296 /-

c. TATA International DLT Private Limited

Regulation	Para 8, 9(1)(A) and 9(1)(B) of Schedule 1 to Notification No. FEMA 20/2000-RB dated May 3, 2000
Contravention	(i) Neither Equity shares were issued, nor amount was refunded within 180 days from the date of receipt of inward remittance (ii) Delay in reporting of receipt of foreign inward remittance (iii) Delay in submission of Form FC-GPR
Date of Order	25-09-2019
Amount of Contravention	₹ 17,10,57,357 /-
Compounding Fee	₹ 33,68,507 /-

GST UPDATES

KEY CENTRAL TAX NOTIFICATIONS

1. Annual returns for small tax payers made optional - Notification No. 47/2019 – Central Tax – dated 09th October, 2019

Filing of annual returns for FY 2017 18 and 2018 19 are made optional for small tax payers whose aggregate turnover in a financial year does not exceed two crores and who have not furnished the annual return before the due date by virtue of this notification.

2. Amendments to CGST Rules 2017 – Notification no 49/2019-Central Tax – dated 09th October, 2019

No Taxable supplies to be made by a taxable person whose registration has been suspended by Proper officer :

- a. Explanation to Rule 21A(3) – Where a taxable person’s registration has been suspended by proper officer under sub-rule(1) or (2) of Rule 21A of CGST Rules, such person shall not make any taxable supply during the period of suspension and shall not be required to furnish any return under section 39. As per this notification, following explanation is inserted in Rule 21A.

“For the purposes of this sub-rule, the expression “shall not make any taxable supply” shall mean that the registered person shall not issue a tax invoice and, accordingly, not charge tax on supplies made by him during the period of suspension.”

- b. New sub-rule 4 is inserted in Rule 21A providing that in case an order having revocation of suspension has been passed by proper officer, the taxable person may issue a revised tax invoice for the supplies made during the period of suspension in terms of section 31(3)(a) of the Act and declare all such supplies in his first return in terms of section 40 of the Act.

Minimum 80% of total ITC taken to be available in GSTR 2A

- c. Input tax credit to be availed by a registered person in respect of invoices or debit notes, the details of which have not been uploaded by the suppliers under sub-section (1) of section 37, shall not exceed 20 per cent. of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded by the suppliers under sub-section (1) of section 37. – *Recipient can avail only maximum of 20% of the eligible credits reflecting GSTR 2A on the common portal. Those credits which are not availed (over and above 20%) in the current month on account of non-uploading by suppliers may be availed in the subsequent months once they are uploaded by suppliers.*

3. Due date of filing CMP 08 for the quarter July 2019 to Sep 2019 has been extended to 22nd October, 2019 from 18th October, 2019. **Notification No 50/2019-CT dated 24th October, 2019.**

4. **Alcoholic liquor license – Neither supply of goods nor supply of services – Notification No 25/2019-central tax (rate) dt 30th Sep 2019**

Service by way of grant of alcoholic liquor licence, against consideration in the form of licence fee or application fee or by whatever name it is called shall be treated neither supply of goods nor supply of services. Liquor license holders need not pay tax on RCM on such licenses obtained from the state governments.

5. New services brought under RCM w.e.f 01st October, 2019 - Notification No. 22/2019- Central Tax (Rate) dated 30th Sep, 2019

Following services brought under reverse charge mechanism with effect from 01st October, 2019 and the recipient as specified in column 4 of following table is the person liable to pay tax.

Category of Supply of Services	Supplier of service	Recipient of service
Supply of services by a music composer, photographer, artist or the like by way of transfer or permitting the use or enjoyment of a copyright covered under clause (a) of sub-section (1) of section 13 of the Copyright Act, 1957 relating to original dramatic, musical or artistic works to a music company, producer or the like.	Music composer, photographer, artist, or the like	Music company, producer or the like, located in the taxable territory.
Supply of services by an author by way of transfer or permitting the use or enjoyment of a copyright covered under clause (a) of sub-section (1) of section 13 of the Copyright Act, 1957 relating to original literary works to a publisher.	Author	<p>Publisher located in the taxable territory:</p> <p>Provided that nothing contained in this entry shall apply where, -</p> <p>(i) the author has taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017), and filed a declaration, in the form at Annexure I, within the time limit prescribed therein, with the jurisdictional CGST or SGST commissioner, as the case may be, that he exercises the option to pay central tax on the service specified in column (2), under forward charge in accordance with Section 9 (1) of the Central Goods and Service Tax Act, 2017 under forward charge, and to comply with all the provisions of Central Goods and Service Tax Act, 2017 (12 of 2017) as they apply to a person liable for paying the tax in relation to the supply of any goods or services or both and that he shall not withdraw the said option within a period of 1 year from the date of exercising such option;</p> <p>(ii) the author makes a declaration, as prescribed in</p>

		Annexure II on the invoice issued by him in Form GST Inv-I to the publisher. ”;
Services provided by way of renting of a motor vehicle provided to a body corporate	Any person other than a body corporate, paying central tax at the rate of 2.5% on renting of motor vehicles with input tax credit only of input service in the same line of business	Any body corporate located in the taxable territory.
Services of lending of securities under Securities Lending Scheme, 1997 (“Scheme”) of Securities and Exchange Board of India (“SEBI”), as amended.	Lender i.e. a person who deposits the securities registered in his name or in the name of any other person duly authorised on his behalf with an approved intermediary for the purpose of lending under the Scheme of SEBI	Borrower i.e. a person who borrows the securities under the Scheme through an approved intermediary of SEBI.”.

6. New services exempted with effect from 01st October, 2019 - Notification No. 21 /2019- Central Tax (Rate) dated 30th September, 2019

- Services by way of storage or warehousing of cereals, pulses, fruits, nuts and vegetables, spices, copra, sugarcane, jaggery, raw vegetable fibres such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, tendu leaves, coffee and tea.
- Services provided by and to Fédération Internationale de Football Association (FIFA) and its subsidiaries directly or indirectly related to any of the events under FIFA U-17 Women's World Cup 2020 to be hosted in India.
- Services of life insurance provided or agreed to be provided by the Central Armed Police Forces (under Ministry of Home Affairs) Group Insurance Funds to their members under the Group Insurance Schemes of the concerned Central Armed Police Force.
- Services by way of right to admission to the events organised under FIFA U-17 Women's World Cup 2020.

Income Tax Judgments Update

Ambati Chinna Gangaiah

Gist of Judgments of Supreme Court

Sr. No	Name of the Appellant / Respondent	Appeal No and date of decision	Gist of Judgments / Orders passed
1	Tecnimont Pvt. Ltd Vs State of Punjab	Civil Appeal 7358/19 and others dt 18.9.19	<p>24. If the inherent power the existence of which is specifically acknowledged by provisions such as Section 151 of the CPC and Section 482 of the Cr.P.C. is to be read with the limitation that exercise of such power cannot be undertaken for doing that which is specifically prohibited, same limitation must be read into the scope and width of implied power of an appellate authority under a statute. In any case the principle laid down in Matajog Dobey states with clarity that so long as there is no express inhibition, the implied power can extend to doing all such acts or employing such means as are reasonably necessary for such execution. The reliance on the principle laid down in Kunhi1 cannot go to the extent, as concluded by the High Court, of enabling the Appellate Authority to override the limitation prescribed by the statute and go against the requirement of pre-deposit. The High Court was clearly in error in answering question (c)..... 26. In the premises, we accept the conclusions drawn by the High Court as regards questions (a) and (b) are concerned but set aside the view taken by the High Court as regards question (c). The appeals preferred by the assesses are therefore dismissed and those preferred by the State against the decision in respect of question (c) are allowed.</p>
2	Pr CIT Vs I-Ven Interactive Limited	Civil Appeal 8132/19 dt 18.10.19	<p>it shall be enough for the assessee to discharge its legal responsibility for observing proper procedural steps as per Companies Act and Income Tax Act is concerned, we are of the opinion that mere mentioning of the new address in the return of income without specifically intimating the Assessing Officer with respect to change of address and without getting the PAN database change, is not enough and sufficient. In the absence of any specific intimation to the address and or change in the name and/or change in the name of the assessee, the Assessing Officer would be justified in sending the notice at the available address mentioned in the PAN database of the assessee, more particularly when the return has been filed under E-Module Scheme. It is required to be noted that notices under Section 143(2) of the 1961 Act are issued on objection of the case generated under automated system of the Department which picks up the address of the assessee from the database of the PAN. Therefore, the change of address in the database of PAN is must, in case of change in the name of the company and/or any change in the registered office or the corporate office and the same has to be intimated to the Registrar of Companies in the prescribed format (Form 18) and after completing with the said requirement, the assessee is required to approach the Department with copy of the said document and the assessee is also required to make an application for change of address in the departmental database of PAN . which in the present case the assessee has failed to do so.</p>

SLPs dismissed			
1	NuPower Renewables Pvt. Ltd Vs ACIT	SLP(C) Dairy 19929/19 dt 7.3.19	SLP dismissed – Bombay HC in WP 3618/18 dt 7.3.19 specified – The reasons do not specify the information supplied to the Assessing Officer by the investigation Wing, suggested that genuine. In this context, Assessing Officer refers to the requirement of verifying the genuineness of investor and requirement of further investigation. The observations in para 3 of the reasons, would not further the case of Revenue, these being no information with the Assessing Officer, prima facie, indicating that the investment were not genuine. The investigation into the source of genuineness and creditworthiness of the investor company would fall within the realm of fishing enquires, which is wholly impermissible in law in the context of the re-opening of the assessment. For such reasons, impugned notice is set aside.
2	Pr CIT Vs Blackstone Advisors India Pvt. Ltd	SLP(C) Dairy 33956/19 dt 4.10.19	SLP dismissed – Bombay HC in ITA 8/17 dt 11.3.19 specified – Judgment in the case of Commissioner of Income Tax-10, Mumbai Vs Carlyle India Advisors (P) Ltd, this Court has confirmed the Tribunal's view that the case of investment advisor or sub-advisor cannot be compared with a merchant banker of investment banker. The first two instances discarded by the Tribunal, therefore, do not call for any interference. Insofar as the comparison with ICRA Investment is concerned, here also, the issue is covered against the Revenue in the decision of The Commissioner of Income Tax-3 Vs Temasek Holdings Advisors India Pvt Ltd.
3	Pr CIT Vs Canara Bank Securities Limited	SLP(C) Dairy 33963/19 dt 14.10.19	SLP dismissed – Bombay HC in ITA 1761/16 dt 11.2.19 specified – The Assessing Officer has taken a plausible view. More importantly, if the Commissioner was of the opinion that on the available facts from record it could be conclusively held that income arose from other sources, he could and ought to have so held in the order of the revision. There was simply no necessity to remand proceedings to the Assessing Officer when no further inquiries were called for or directed.
4	Vikram Krishna Vs Pr CIT	SLP(C) Dairy 34577/19 dt 18.10.19	SLP dismissed – Delhi HC in ITA 217/19 dt 6.3.19 specified – 7. This Court is of the opinion that the ITAT's decision is based upon an independent analysis of the facts. No doubt it differed from the CIT(A)'s view. At the same time all its findings are based upon appreciation of material facts. Its conclusion are a possible view that can be taken by the Tribunal based upon the circumstances. The acceptance of one view on facts as against another, unless it showed to be wholly unreasonable, cannot be subject matter of an appeal under Section 260A of the Act.
5	Pr CIT Vs National Dairy Development Board	SLP(C) Dairy 3004/19 dt 21.10.19	SLP dismissed – Gujarat HC in TA 519/18 dt 12.6.18 specified As can be seen, the issue pertains to penalty under Section 271 [1](c) of the Income Tax Act, 1961. The Assessing Officer having imposed penalty, CIT [A] confirmed the same. The Tribunal, however, deleted the penalty primarily on the ground that the explanation rendered by the assessee was reasonable. We may also notice that though quantum additions were confirmed till the stage of Tribunal, further appeal at the hands of the appellant is pending before the High Court. On the similar circumstances, in case of this very assessee, Revenue's appeal being Tax Appeal No. 515 of 2018 concerning penalty arising out of the same judgment of the Tribunal came to be dismissed by this Court on 11th June 2018. Without giving further elaborate reasons, this Tax Appeal is also dismissed.

Gist of Judgments of High Courts

1	Pr CIT Vs Gujarat State Petronet Limited	TA 208/19 dt 9.7.19 (Gujarat HC)	18.The language of Section 14A of the Act is plain and clear. Before invoking Rule 8D, the Assessing Officer is obliged to indicate that having regard to the accounts of the assessee, he is not satisfied with the correctness of the claim of the assessee in respect of such expenditure in relation to the income which does not form part of the total income under the Act. To put it other words, the condition precedent of recording the requisite satisfaction which is a safeguard provided in Section 14A should not be overlooked before going to Rule 8. In such circumstances we are not impressed by the submission canvassed on behalf of the Revenue that once there are mixed funds, Rule 8 would be attracted automatically.
2	Beena Muralidhar Vs TRO	WP 16100/19 dt 18.7.19 (Karnataka HC)	revenue fairly submits no such notice under Section 226(3)(iii) of the Act has been served on the petitioner - Joint Holder of Saving Bank Account, regarding which notice has been issued to the bankers. 7. In view of the above, it is discernible that no notice issued under sub section (3) (ii) was forwarded to the petitioner which sine qua non for recovery provided under section 226 of the Act. The mandatory requirement is not complied with by revenue, in terms of Section 226(3)(iii) of the Act. Hence, the notice impugned dated 12.03.2019 at Annexure – A deserves to be quashed and is accordingly quashed.
3	Kumar Rajaram Vs ITO	Tax Case Appeal 415/ 19 dt 5.8.19 (Madras HC)	what has to be seen is the nature of obligation by reason of which the income becomes payable to a person other than the one receiving it; where the obligation flows out of an antecedent and independent title it effectively slices away a part of the corpus of the right to receive the entire income and thus it would be a case of diversion. In the case of Commissioner of Income Tax vs. Imperial Chemical Industries (India) (P.) LTd. [(1969) 74 ITR 17], it was held that where there is an obligation to apply an income in a particular way before it is received by the assessee or before it has accrued or arisen to the assessee, it is a case of diversion of the income. In the case of Sitaldas Tirathdas which decision was referred to by the Tribunal, it was held that where by the obligation income is diverted before it reaches the assessee, it is deductible; but where the income is required to be applied to discharge an obligation after such income reaches the assessee, the same consequence, in law, does not follow
4	S.D. Traders Vs CIT	ITA 159/16 dt 3.9.19 (Allahabad HC)	The question of law raised by the assessee is of no consequence as he, thereafter, had filed the documents before CIT (A) and had appeared, thus, the question of issuance of fresh notice for enhancement does not arise and the CIT(A) rightly decided the question so raised before it..... 29. The Apex Court has also affirmed that power of Commissioner (Appeals) cannot be restricted and in the case of Jute Corporation of India Ltd. (supra) held that the power of the Commissioner (Appeals) being coterminous with that of the Income Tax Officer, he can do what the Income Tax Officer do and further the section also empowers him to direct the Assessing Officer to do what he had failed to do. The power of the Commissioner is not bridled in any way and the language of the section is plain and simple.
5	Raju Sebastian Vrs UOI	WA 2112/18 dt 4.9.19 (Kerala HC)	4. The discussion above would show that the judgment of the learned Single Judge cannot be sustained in law. The learned Single Judge has gone wrong in entering into a finding that the information required by the second respondent in Ext.P2

			<p>circular is only with regard to the dealership conducted by the appellants and not with regard to any other information and therefore the right to privacy of the appellants is not infringed. We hold that the second, fourth and the sixth respondents have got no right to require the appellants to furnish their income tax returns and We hold that the second, fourth and the sixth respondents have got no right to require the appellants to furnish their income tax returns and the bank account statements, as a condition for continuing the petroleum retail dealership granted to them. Ext.P2 circular issued by the second respondent is hereby quashed.</p>
	<p>Devendra Kumar Singh Vs ACIT</p>	<p>WP(C) 13439 dt 14.10.19 (Delhi HC)</p>	<p>No law has been shown which restricts the issuance of more than one notice. The issuance of the notice under Section 143 (2) is essential for the Assessing Officer to embark upon scrutiny assessment, however it does not mean that once a notice has been issued, another notice could not be issued thereafter..... The limitation provided under Section 153 (2) of the Act, pertains to the issuance of the order of assessment, reassessment or recomputation. The Explanation 1 (ii) of Section 153 provides that the period during which the assessment proceedings is stayed by an order or injunction of any court shall be excluded for the purpose of computing the period of limitation. Further, Section 153 (2) read with First proviso to Explanation 1 provides that immediately after the exclusion of the aforesaid period, where the period of limitation available to the assessing officer for making an order of assessment, reassessment or recomputation is less than sixty days, then such remaining period shall be extended to sixty days and the period of limitation shall be deemed to be extended accordingly.</p>

Income Tax Appellate Tribunal

1	<p>Neeta Dineshkumar Salecha Vs ITO</p>	<p>ITA 2492/Ahd /17 dt 1.10.19</p>	<p>6. We have duly considered rival submissions and gone through the record carefully. For not maintaining accounts, penalty is required to be imposed under section 271A. The ld.AO ought to have initiated penalty under this section. But once the assessee has been submitting that she is not maintaining any accounts for any concern, then she cannot be expected to get them audited. It is a plausible argument. Judgments relied upon by the ld.counsel for the assessee are to this effect. We allow the appeal of the assessee and delete penalty.</p>
2	<p>Neeru Gupta Vs ACIT</p>	<p>ITA 2946/Del /17dt 1.10.19</p>	<p>Similarly in the case of Pr. CIT vs. Meeta Gut Gutia 395 ITR 526 (Del.) the Hon'ble Delhi High Court held that invocation of Section 153A to reopen the concluded assessments of assessment orders earlier to the year of search was not justified in the absence of any incriminating material found during the course of search qua each such earlier assessment orders. This view of the Hon'ble Delhi High Court have been confirmed by the Hon'ble Supreme Court by dismissing the SLP of the Department reported in 257 Taxman 441 (SC). In view of the above and following the above decisions, we set aside the Orders of the authorities below and delete the entire addition..</p>
3	<p>Johnson Matthey India Pvt.Ltd Vs DCIT</p>	<p>ITA 4509/Del /16 & ITA 4510/Del/16 dt 1.10.19</p>	<p>11. It is settled principle of law that when substantial question of law has been framed by the Hon'ble High Court in the appeal filed by the assessee challenging the addition confirmed by the Tribunal, the issue become debatable and no penalty in such circumstances can be levied.</p>

4	Trinayani Vyapar Pvt. Ltd vs DCIT	IT (SS)A . 94 / Kol/18 dt 1.10.19	paper wherein buy back of shares is recorded, we find that this paper has no relation with the receipt of share capital along with share premium of Rs. 50 lakhs by the assessee. This paper is not incriminating material. Thus we conclude that the addition in question of Rs. 50 lakhs u/s 68 of the Act in the assessment passed u/s 153A r.w.s. 143(3) of the Act is not based on any incriminating material found during the course of search. We also find that the assessment has not abated and under those circumstances no addition can be made in an assessment passed u/s 153A r.w.s. 143(3) of the Act in the absence of incriminating material found during the course of search. Propositions of law on this issue are well settled.
5	DCIT Vs Visa Steel Ltd	ITA 1487/Kol/ 14 dt 1.10.19	It would be gainful to refer here legal maxims- "ACTION PERSONALIS MORITURE CUM PERSONA" meaning thereby a personal right of action dies with the death of a person. The assessee company ceased to be in existence w.e.f 1.4.2004, hence the company does not have right to sue after 01.04.2004 therefore, outsiders also cannot sue on the assessee company on or after 1.4.2004. Hence, the assessment made by the AO is not valid in the eye of law. 8 Therefore, based on factual position as narrated above and the case laws cited above, we note that the assessee company had already been amalgamated and ceased to be in existence. Therefore, re-assessment made by the AO vide notice u/s. 147 dated 19.03.2009 is null and void ab initio. We uphold the impugned order of the Id. CIT(A) in annulling the same
6	Huron Builders Pvt. Ltd Vs ITO	ITA 6251/DEL /19 dt 3.10.19	Even at the cost of repetition, we hold that, although sufficiency of reasons cannot be gone into, but very existence of requisite reason to believe can be examined and that too lawfully in the appellate proceedings. On such an examination, we find that there did not exist any material, much less tangible material for holding validity of 'reason to believe'. Accordingly, very initiation of proceedings under section 147 is held invalid and accordingly the assessment order dated 29.12.2017 passed under section 147 is liable to be quashed and we hold so.
7	Vijaykumar L. Jain Vs ITO	ITA 1797/PUN /17 dt 3.10.19	6. I further find that Hon'ble Bombay High Court in the case of CIT Vs. Trend Electronics (supra) after considering the decision of Hon'ble Bombay High court in the case of CIT Vs. Videsh Sanchar Nigam Ltd. (supra) has held that recorded reasons as laid down by the Apex Court must be furnished to the assessee when sought for so as to enable the assessee to object to the same before the AO. It has further held that the recording of reasons and furnishing of the same has to be strictly complied with as it is a jurisdictional issue and in the absence of reasons being furnished when sought for would make an order passed on reassessment bad in law
8	Sangrah Warehouse Limited Vs DCIT	ITA 1744 & 2850/Ahd/ 17 dt 4.10.19	We also do not see any merit in the grievance of the assessee for carry forward of business losses in view of the admitted position that change in shareholding has taken place as contemplated in Section 79 of the Act. The CIT(A) has examined the issue in perspective and has correctly applied the law in this regard. The CIT(A) has concluded that the case of the assessee is hit by Section 79 of the Act in so far as business losses are concerned

9	Gujarat Energy Transmission Corpn. Ltd., Vs DCIT	ITA 3440/Ahd/15 dt 4.10.19	we are not in a position to take any indulgence at the plea of the Department for maintainability of re-assessment notice and re-assessment order having regard to legislative fiat by way of Explanation 2 to Section 147 of the Act referred to and relied upon. Needless to say, Article 141 of the Constitution embodies the rule of precedent. All the subordinate courts are bound by judgment of the High Courts. Thus, governed by the decision of the Hon'ble Gujarat High Court as noted above, we find merit in the plea raised by the assessee by way of its additional grounds of appeal. The re-assessment notice is accordingly quashed and re-assessment order is declared null and void.
10	DCIT Vs CLP Power India Pvt. Ltd.	ITA 1128/Ahd /15 dt 4.10.19	the conclusion drawn in the quantum proceedings would not automatically apply to the penalty proceedings which are distinct in character. The assessee is entitled to demonstrate its bonafide towards claim of expenditure in penalty proceedings. It is trite that every disallowance of claim cannot lead to as an automatic consequence in the form of penalty. The confirmation of addition/disallowance in quantum proceedings is not conclusive on standalone basis. In the absence of any malafide in the action of the assessee, we see no reason to interfere with the order of the CIT(A). In the instant case, in our view, the CIT(A) has correctly applied law and deleted the penalty. We totally concur with the view expressed by the CIT(A). The Revenue could not demonstrate the lack of bonafide in the action of the assessee. The confirmation of addition/disallowance in quantum proceedings is not conclusive on standalone basis. In the absence of any malafide in the action of the assessee, we see no reason to interfere with the order of the CIT(A). In the instant case, in our view, the CIT(A) has correctly applied law and deleted the penalty. We totally concur with the view expressed by the CIT(A). The Revenue could not demonstrate the lack of bonafide in the action of the assessee.
11	Shri Satbirsingh H. Bhusari Vs ACIT	ITA (SS).A. No. 89/Ahd/2015 dt 4.10.19	6. A perusal of the orders of the AO & CIT(A) would show that penalty has been imposed and sustained under s.158BFA(2) of the Act simply owing to the fact of additions on account of undisclosed income. The merit of the case has not been looked into indeed from the angle of penalty proceedings and the penalty has been imposed as an automatic consequence which is contrary to the decision of the Hon'ble Gujarat High Court in Becharbhai P. Parmar (supra). 7. The Hon'ble High Courts in CIT vs. Becharbhai P. Parmar [2012] 341 ITR 499 (Guj); Radha Krishna Vihar [TS-640-HC-2017] (AP)] and CIT vs. Dr. Giriraj Agarwal Giri have observed in chorus that penalty under s.158BFA(2) of the Act is directory and not mandatory in nature and essentially holds that any discretion vested in an authority has to be exercised in a reasonable and rational manner depending upon the facts and circumstances of each case.
12	Yeshala Prasuna Vs ACIT	ITA 2141/Hyd /18 dt 4.10.19	we agree with the assessee that these parties could not have been treated as bogus, the fact that the goods were found to be defective during the relevant year itself and for that reason alone the vendors also have not shown the amount as receivable from the assessee proves that the liability also got ceased during the relevant financial year itself. Therefore, it has to be treated as the income of the assessee during the relevant assessment year itself not as bogus creditors, but as cessation of liability.

13	DCIT Vs Sona Vets Pvt. Ltd.	ITA 1220/Kol / 18 dt 4.10.19	order passed by the CIT(A) u/s 263 of the Act has been quashed by this Tribunal vide its order dated 17.10.2017 and placed on record the same and referred to Para No.6 of this order and argued that when the directions given by the CIT u/s 263 are no more in existence and the consequential order passed thereon becomes non-est. It is noted that the CIT in the first appellate proceedings taking into consideration the order passed by the ITAT in ITA No.947/Kol/2017 dismissed the consequential order passed by the Assessing Officer. Therefore, in our opinion, the order impugned before us becomes infructuous and no orders are required.
14	Jitendra S. Mamanian Vs ITO	ITA 1380/Mum /18 dt 4.10.19	AO had disallowed the entire disputed purchases at 100% completely ignoring the sales made out of such disputed purchases. It is not in dispute that the sales declared by the assessee in its returns had been duly accepted by the revenue. Hence only the profit element need to be added. We find that this tribunal has been consistently holding in various decisions that addition of 12.5% profit on disputed purchases would meet the ends of justice.
15	Mohd. Farooq Sarang Vs DCIT	ITA 1177/Mum /16 dt 4.10.16	revenue could not derive benefit out of inadvertent mistake committed by the assessee. Our view is duly supported by the cited decision of Hon'ble Bombay High Court which has held that appellate authorities had adequate powers to entertain new / additional claims raised by the assessee for the first time
16	Latur District Central Co-Op. Bank Ltd Vs Pr CIT	ITA.165 & 628/PUN/19 dt 4.10.19	We have already examined that there were specific enquiries conducted by the Assessing Officer and if such enquiries were not upto the satisfaction of the Ld. Pr. Commissioner of Income Tax, it amounts to only change of opinion but that cannot be said the assessment order is erroneous so as to be prejudicial to the interest of the revenue. In view of the matter, we quash the 263 order passed by the Ld. Pr. Commissioner of Income Tax.
17	Natta Surya Rao, Vs ITO	ITA 404/Viz /19 dt 4.10.19	we hold that the assessee is eligible for deduction u/s 54F even if the construction is commenced before transfer of the capital asset and completed the construction within the period provided in 54F of the Act.
18	Emmar Logistics Pvt. Ltd Vs ACIT	ITA 130/VIZ /19 dt 4.10.19	We find that the Assessing Officer ought to have been quantified what is the excess payment made by the assessee to the related party instead of simply making adhoc disallowance. Even ld. CIT(A) also simply restricted the disallowance to the extent of 15%
19	ITO Vs Apple Elevators Pvt. Ltd	ITA 525/Viz /17 dt 4.10.19	AO did not make any addition u/s 41(1) of the Act. There is no dispute that the sum of Rs.4,98,69,526/- was not related to the assessment year under consideration and the AO made the addition u/s 68 of the Act. The AO is not permitted to make addition of opening balances u/s 68 of the Act. Though the revenue has raised the ground with regard to sustaining the addition u/s 41(1) of the Act, the assessee has neither admitted the income u/s 41(1) nor the AO made out a case for taxing the creditor u/s 41(1) of the Act.
20	SNF (India) Vs DCIT	ITA 279 & 280 /VIZ/17 dt 4.10.19	the order of the TPO is defective in not following the methods prescribed under the Act. Commercial expediency is the business decision of the tax payer and the AO cannot sit and judge the business expediency as decided by the Hon'ble Delhi High Court. The coordinate bench of ITAT, Delhi also held that TNMM is the most appropriate method for benchmarking the royalty payment

21	Pipada Motors Vs ACIT	ITA 1240/ PUN/18 dt 7.10.19	With respect to RTO expenses, it is assessee's submissions that it is incurred on behalf of the customers and the expenses are not booked in the books of account of assessee. The aforesaid contentions of the assessee have not been controverted by the Revenue. I further find that the disallowance has been made on ad-hoc basis without bringing on record any material to demonstrate that the expenses are not genuine or fictitious.
22	DCIT Vs Gujarat Co-op. Milk Marketing Federation	ITA 2800/Ahd /17 dt 9.10.19	we notice that the commission payments have been made to foreign agents overseas for rendering services outside India for obtaining export orders. The foreign agent is stated to be not carrying any business operation in India and therefore no income can be stated to accrue or arise in India. In the absence of any chargeability of income under s.4 read with Section 5(2) of the Act, provisions of Section 195 of the Act will not apply.
23	Kiri Dyes and Chemicals Ltd. Vs Pr CIT	ITA 1232/Ahd /18 dt 10.10.19	7. It was essentially held in the aforesaid case that; (i) Assessment and Penalty proceedings are separate and distinct. Except initiation, they are not dependent on assessment order. (ii) It is not open to CIT to exercise the revisional powers to create a nonexistent proceedings under S. 263 by holding the assessment proceeding as erroneous in so far as prejudicial to the interest of revenue. (iii) 'Satisfaction' required by s.271(1)(c) of the Act cannot be formed post conclusion of assessment proceedings. (iv) There must exist an order, which is sought to be revised by the Commissioner. If there is no order, question of revising the order does not arise
24	N Steel P.Ltd Vs ITO	ITA 503/Ahd /18 dt 10.10.19	since taxes have been levied upon the assessee on the basis of the book profit, therefore, it does not deserves to be visited with the penalty on the items, which were added while determining the income of the assessee under regular provisions. He further contended that assessment year in the present case is 2013-14 and Circular issued by the CBDT bearing no.25 of 2015 is duly applicable..... Since the assessment year involved before us, is 2013-14, issue is squarely covered by the above circular, and therefore, the appeal of the assessee is allowed and impugned penalty is cancelled.
25	Jameela S Vs ACIT	ITA 463/Coch /19 dt 10.10.19	The entire addition in the assessment was made on estimate basis which is because of difference of opinion between the assessee and the Department and that reason cannot be basis for the levy of penalty u/s. 271(1)(c) of the I.T. Act. In our opinion, unless positive concealment of income is found, no penalty can be levied on the addition made on estimate basis. It is to be noted that on account of mere difference of opinion with regard to the valuation of stock of rejected cashew kernels, penalty cannot be levied u/s. 271(1)(c)
26	Vishnu Apartments Pvt. Ltd., Vs ACIT and Ors	ITA 1087, 5309 & 1903 / Del/13 dt 10.10.19	assessee has maintained the books of account supported by bills and vouchers for the construction of the mall and hotel, which was not rejected by the Assessing Officer before sending the matter to the DVO for determination of the cost of construction and since the difference in the value declared by the assessee and the value determined by the DVO is also very insignificant being less than 3% of the total cost of construction declared by the assessee, therefore, in view of our discussion in the preceding paragraphs, we are of the considered opinion that the CIT(A) was not justified in sustaining the addition of Rs.90,50,894/-.

27	Ashok Kumar Garg Vs ITO	ITA 1151/Bang /19 dt 11.10.19	reopening by the AO in the present case u/s. 147 of the IT Act is arbitrary and not as per law and the proceedings should have been initiated u/s. 153C of the IT Act as it were based on the material found during the search from the premises of the searched person other than the assessee and under these facts, the reopening u/s. 147 is not valid.
28	ITO Vs Sanjay Co-operative Society Ltd.	ITA 2294 /Mum /18 dt 11.10.19	assessee cannot be treated as Co-operative Bank since assessee's activity is restricted to acceptance and lending of money only from members and not from general public. Further, he observed, since the assessee is not recognized as a Co-operative Bank by the Reserve Bank of India under Banking Regulation Act, 1949, it cannot be treated as Co-operative Bank. Thus, he held that assessee's claim of deduction under section 80P(2)(a)(i) of the Act amounting to ` 13,31,460, is allowable.
29	DCIT Vs Akruti Kailash Construction	ITA 1978/ Mum/18 dt 11.10.19	In Assessing Officer's opinion, since the development of project undertaken by the assessee is in progress, instead of debiting the expenditure to the Profit & Loss Account, the assessee should have capitalized it by transferring to WIP. Thus, there is only a difference of opinion between the assessee and the Assessing Officer with regard to the nature of expenditure. It is also a fact on record that all the necessary information relating to the expenditure has been fully disclosed by the assessee in the financial statements. In such circumstances, the assessee cannot be accused of either furnishing inaccurate particulars of income or concealing the income.
30	Uma Developers Vs ITO	ITA 2164/Mum /16 dt 11.10.19	it is a mandatory requirement that the assessee must file its return of income within the due date prescribed under section 139(1) of the Act, notwithstanding the fact whether or not the assessee has actually claimed deduction in the said return of income. Once the return of income is filed within the due date prescribed under section 139(1), even without claiming deduction under the specified provisions, the assessee can claim it subsequently either in a revised return filed under section 139(5) of the Act or by filing a revised computation during the assessment proceeding. In that situation, the condition of section 80AC would stand complied.
31	Mahendra Kr Chaudhary Vs ITO	ITA 885/JP /19 dt 14.10.19	agricultural activity carried out on the agricultural land of the assessee and payment of Rs. 19,60,000/- through cheques issued from OBC bank account. Once the payment of Rs. 19,60,000/- were admitted by the tiller/tenant who has carried out agricultural operations and that too through the banking channel then to that extent the agricultural income of the assessee for the year under consideration cannot be doubted.
32	Smt. Phulvati Vs ITO	ITA.4572/Del / 18 dt 14.10.19	it is crystal clear that just to cover up the limitation the AO has served a notice through affixture after the specified date and has also passed the assessment order before the due date of compliance given by him. Viewed from either angle the order passed by the AO is illegal and nonest.
33	Nalanda Securities Private Limited Vs DCIT	ITA 2770/Mum /18 dt 14.10.19	t is trite law that no addition could be made merely on the basis of suspicion, conjectures or surmises. In our considered opinion, the primary onus was on revenue to confront the details of the alleged fictitious transactions to the assessee and thereafter, establish that the assessee colluded with the said broker to obtain factitious losses. The facility of client

			code modification was provided by the stock exchanges / SEBI with a view to rectify the human error. No nexus of the data obtained from investigation wing could be established with the transactions, if any, carried out by the assessee, with the said broker.
34	Minal Nayan Shah vs. Pr CIT	ITA 643/Ahd /19 dt 15.10.19	the claim of the assessee under s.54F of the Act is certainly plausible in law and thus the action of the AO is not open to attack on the grounds of being arbitrary and capricious. Section 263 of the Act does not visualize a case of substitution of the judgment of the Revisional Commissioner for that of AO unless the decision of the AO is found to be erroneous. The claim under s.54F of the Act being plausible, the foundation for exercise of revisional jurisdiction in our view does not exist.
35	ITO Vs Smt. Darshiniben M. Adani	ITA 649/AHD /18 dt 15.10.19	There is nothing before the AO to make the addition and he simply proceeded on the premise that the assessee failed to provide complete details relating to purchases. It is settled position of the law that no addition can be made on the basis of receipts shown in the ITS alone, unless the AO is able to show with evidence that such income forms part of the income of the assessee. The assessee cannot be expected to prove negative, rather, it is for the Revenue to prove that the assessee has understated its income, and for that matter, received undisclosed income.

36	Gopal D. Patel Vs DCIT	ITA 322/Ahd /18 dt 15.10.19	assessment proceedings was that this land was purchased by the father; names of the assessee and his brother were included for future purpose so that no dispute with regard to inheritance would arise in the family. Father has accounted for long term capital gain of Rs.41,05,518/- and he has claimed deduction under section 54F at Rs.38,87,965/- in the return. Thus, the assessee has reasonable explanation in his mind to believe that no capital gain tax is leviable in his hand. Therefore, he does not deserve to be visited with penalty.
37	Troikaa Pharmaceuticals Ltd Vs DCIT	ITA 2458/AHD /17 dt 15.10.19	In order to claim expenditure under section 37(1) of the Income tax Act, the assessee is required to fulfill certain conditions viz. (a) there must be expenditure, (b) such expenditure must not be of the nature described in sections 30 to 36, (c) the expenditure must not be in the nature of capital expenditure or personal expenditure of the assessee, and (d) expenditure must be laid out or expended wholly and exclusively for the purpose of business or profession. The expression "wholly" employed in section 37 refers to quantification of expenditure while expression "exclusively" refers to the motive, objective and purpose of the expenditure.
38	Rudra Construction Vs DCIT	ITA 1439/AHD /17 dt 15.10.19	assessee has discharged the tax liability on self-assessment taxes along with interest, then the Id.CIT(A) ought to have not dismissed the appeal being defective and time barred. Quasi-judicial authorities are being respected not on account of their power to legalize injustice on technicalities, rather on account of their power to remove such injustice. Once taxes have been paid and plausible reasons has been shown of its non-payment, more so during the pendency of appeal, then the appeal ought to have been decided on merit.

39	St. Joseph's Monastery Vs ITO	ITA 437/Coch/19 dt 15.10.19	appeal has been filed against the order passed by the CIT u/s 264 of the I.T.Act. The order passed u/s 264 of the I.T.Act is not an appealable order to the Income Tax Appellate Tribunal u/s 253 of the I.T.Act. The assessee has to file Writ Petition before the Hon'ble High Court as against the order passed u/s 264 of the I.T.Act, if so advised. Since the order impugned is not an appealable order before the ITAT
40	Janardan Gupta (Deceased) Vs Pr CIT	ITA 199/CTK/18 dt 15.10.19	Pr. CIT is not justified in setting aside the assessment order invoking powers u/s.263 of the Act ignoring the fact that the assessee is already expired on 15.03.2015, which was already informed by legal heir Shri Jitendra Kumar Gupta, the son of the assessee during the course of assessment proceedings. The AO has also passed order u/s.143(3) of the Act in the name of legal heir of the assessee. Therefore, fresh assessment cannot be initiated against the deceased assessee
41	Arthur Bernad Sebastine Pais Vs DCIT	ITA 1683/Bang/19 dt 16.10.19	The addition that the income appearing in Form 26AS not having been included in the return of income filed is sine qua non for invoking the provisions of section 143(1)(a)(vi) since the same is absent in the present case. We are of the view that the CPC ought not to have made the impugned adjustment. The addition made is liable to be deleted on this basis alone. The issue whether income earned by the Assessee has to be taxed u/s.44AD or Sec.44ADA of the Act cannot be subject matter of decision in processing u/s.143(1) (a) of the Act. In view of the above conclusions, we are not going to the question whether the income of the Assessee is assessable under section 44ADA or 44AD of the Act
42	Chadha Auto Agencies Vs ITO	ITA 1201/Bang/19 dt 16.10.19	it was held that once the conditions laid down in section 32 are satisfied, then full depreciation has to be allowed. I have perused the decision and I find that the same is in relation to a case, where disallowance of depreciation was not on account of personal user of the vehicle. U/s. 38(2) of the Act, the claim for depreciation can be restricted to a fair proportion part having regard to user of the machinery for the purpose of business of assessee.
43	ITO Vs Levis Strauss (India) Pvt. Ltd	ITA.2547-48/Bang/18 dt 16.10.19	The Court explained that the word "paid" in s. 43(2) means actually paid or incurred according to the method of accounting on the basis of which profits or gains are computed under s. 28/29 and that Sec. 37(1) has to be read with ss. 28, 29 and 145(1). Therefore, loss suffered by the assessee in respect of a revenue liability on account of exchange difference as on the date of the balance sheet is an item of expenditure allowable under s. 37(1). The Court explained that under para 9 of AS-11, exchange differences arising on foreign currency transactions have to be recognized as income or expense in the period in which they arise, except as stated in para 10 and para 11. An enterprise has to report the outstanding liability relating to import of raw materials using closing rate or exchange. Any loss arising on conversion of said liability at the closing rate has to be recognized in the P&L a/c for the reporting period.
44	Evergain Securities (P) Ltd Vs ITO	ITA 1830/Del/19 dt 16.10.19	approval granted by the Ld. Pr. CIT-3, Delhi, New Delhi is a mechanical and without application of mind, which is not valid for initiating the reassessment proceedings issue of notice u/s. 148 of the I.T. Act, 1961 and is not in accordance with section 151 of the I.T. Act, 1961, thus, the notice issued u/s. 148 of the Act is invalid and accordingly the reopening in this is bad in law and therefore, the same is hereby quashed.

45	Voltas Limited Vs DCIT	ITA 2822-23 /Mum /17 dt 17.10.19	The Ld. AO has ignored the fact that developer had to bear the burden of payment of unearned revenue to the Government. After adding the said burden to sale consideration received by the assessee, the aggregate would be more than reckoner value. Secondly, the matter was not referred to valuation officer since the assessee had contested the reckoner value and furnished valuation report. Thirdly, it is observed that the transaction under consideration is mere development agreement and not a transaction of outright sale of land. Therefore, the provisions of Section 50C, in our opinion, were not applicable to such transactions since there was no transfer of capital assets rather it was a case of transfer of few rights out of bundle of rights available with the assessee.
46	Manju Devi Baid Vs ITO	ITA 393 & 394 /KOL/19 dt 18.10.19	I hold that the addition made by the Assessing Officer to the total income of the assessee in the assessments completed under section 147/143(3) for both the years under consideration on a different issue, which did not form the basis of belief entertained by the Assessing Officer as per the reasons recorded, is not sustainable and the ld. CIT(Appeals) is not justified in sustaining the same. I, therefore, delete the addition made by the Assessing Officer and confirmed by the ld. CIT(Appeals) under section 68 in both the years under consideration and allow these appeals of the assessee.
47	KPIT Technologies Vs DCIT	1271 & 1272/PUN/2 018 dt 18.10.19	addition of the amount disallowed u/s.14A to the amount of book-profit as per computation u/s.115JB of the Act is concerned, we hold that, primarily, there cannot be any addition because the disallowance itself has been deleted and secondly, even otherwise the disallowance u/s.14A cannot be made in the computation of income u/s.115JB of the Act.
48 9	Amirshbhai Praladbhai Patel vs. ITO	ITA 1883/Ahd /17 dt 18.10.19	Taking into consideration the entire aspect of the matter, we find that Learned AO has failed to obtain the DVO's report which ought to have been done by the authorities below. Surprisingly, the Learned CIT(A) is also failed to perform such statutory duties conferred upon him. Hence, we find the decision made by the Learned AO, confirmed by the Learned CIT(A) is not in coherence adhere to the principle laid down by the different judicial pronouncement and having no other alternative, we quash the impugned order for the reason as discussed above. However, we find it and proper to remit the issue to the file of the Learned AO to decide the matter afresh upon obtaining a copy from the DVO to ascertain the fair market value of the property in question as on 01.04.1981 and also upon giving a reasonable opportunity of being heard to the assessee
49	Mohammed Zaheeruddin Vs ITO	ITA 1288/Hyd /19 dt 18.10.19	When the assessee had made such request, by virtue of section 50C(2) of the Act it is mandatory on the part of the Ld. AO to refer the valuation of the land sold by the assessee to the Ld. DVO. However, in the instant case, the Ld. AO has grossly failed to do so. Such irresponsible action of the Ld. AO is not appreciable. On appeal, the Ld. CIT (A) has remanded the matter to the file of Ld. AO with directions to refer the valuation of the land sold by the assessee to the Ld. DVO. Considering the facts and circumstances of the case and since the Ld. CIT (A) do not have powers to remand the matter back to the file of Ld. AO, I hereby remit the matter back to the file of the Ld. AO for fresh consideration and with direction to refer the matter to the Ld. DVO for valuing the property sold by the assessee

50	Apsara Bhavanasai, Vs ITO	ITA 970/Hyd /18 dt 1810.19	7.1 In view of the above discussion, we are of the view that making a wrong claim by the assessee cannot be said to be furnishing of inaccurate particulars of income by the assessee. Therefore, we set aside the order of CIT(A) and direct the AO to delete the penalty of Rs. 26,00,000/- levied u/s 271(1)(c)
51	Tirandasu Jagannadam Vs ITO	ITA 919/Hyd /18dt 18.10.19	the income earned is less than the rate of profit stipulated U/s. 44AD of the Act then, it is mandatory for him to maintaining books of accounts and get the same duly audited as per the provisions of the Act. In the case of the assessee, it is evident that he has not maintained his books of accounts. In this situation, the Ld. CIT (A) has judiciously estimated the profit of the assessee @ 8% of the turnover being the amount deposited in the bank account of the assessee.
52	Ramsri Infratech Private Limited Vs ITO	ITA 2191/HYD /17dt 18.10.19	AO also required to consider the expenditure incurred and accounted relating the marketing and distribution and administrative expenses to determine the profit. In the instant case, the assessee has maintained the books of account, which were duly audited by the qualified accountant u/s.44AB of the Act as well as the Companies Act. No defects were pointed out by the AO in spite of production of books of account during the assessment proceedings. Therefore, we find no reason to make the addition, without having considered the expenditure
53	DCIT Vs Komal Tex Fab P.Ltd.	IT(SS)A 140-41 /Ahd/13 dt 21.10.19	On the basis of method of accountancy followed by an Assessee than he can reject the book result and the assessee's income according to his estimation or according to his best judgment. The Assessing Officer in that case is required to point out the defects in the accounts of Assessee and required to seek explanation of the Assessee qua those defects. If the assessee failed to explain the defects than on the basis of the book result, income cannot be determined and Assessing Officer would compute the income according to his estimation keeping in view the guiding factor for estimating such income
54	Unicon Merchants Pvt Ltd Vs JCIT / ACIT	IT (SS)A 2 1-22 / CTK /19 dt 21.10.19	no incriminating documents/materials have been seized from other persons, which are being assessed u/s.153C r.w.s. 143(3), then no sustainable addition can be made in the hands of other persons in such assessment year. Our view also gets a strong support from the decision of Hon'ble Supreme Court in the case of Sinhgad Technical Education Society (supra), decisions of Hon'ble Delhi High court in the case of Pepsi Indian Holdings Pvt Ltd and Nahid Finlease Pvt Ltd. (supra) ,decisions of Hon'ble Bombay High Court in the case of R.M. Investment & Trading Co. Pvt Ltd. (supra), and Continental Warehousing Corporation (supra)as vehemently relied by ld Sr. counsel for the assessee. Therefore, we have no hesitation to hold that the addition made by the AO and confirmed by the CIT(A) have no legs to stand on the premises of relevant legal provisions of section 153C of the Act and thus, same are not sustainable
55	Shri Lalji Khimjibhai Patel Vs ACIT	ITA 712-15/ RJT/10 & ITA 388-91/ RJT /13 dt 21.10.19	but perusal of the paragraph-4 of the assessment order, it indicate that originally return was filed under section 139(1) of the Act. The time limit to issue notice under section 143(2) has expired before the search was conducted upon the assessee on 11.10.2006. The AO has not referred to any seized material for the additions made

			to the total income of the assessee. In other words, no material was found during the course of search relating to this assessment year exhibiting escapement of taxable income or availability of undisclosed income for the purpose of assessment under section 153A of the Income Tax Act. If there is no material available, and on re-appraisal of that very material addition has been made by the AO, then such assessment order is not sustainable in the eyes of law, because, the AO has no jurisdiction to invoke section 153A in view of principle laid down by the Hon'ble Delhi High Court in the case of Kabul Chawla (supra). No proceedings were pending on the date of search for this assessment. Therefore, nothing would abate for making a fresh assessment under section 153A of the Act. We have perused the comments of the AO at the time of hearing. The AO has not given any comments qua first fold of grievance shown by the assessee. His comments are related to various additions made by him with regard to unexplained income from Somnath building, agriculture income etc. Accordingly, we allow the appeal of the assessee, and quash the assessment order passed under section 153A of the Act.
56	Ashwin Kedia Vs ITO	ITA 7880/Del/ 18 dt 22.10.19	Thus, if AO does not make any addition on the issue on which reassessment is invoked, he does not have authority to make addition on any other issue. As in the present case, there is no addition in assessment order u/s 143(3) read with section 147 of the Act on issue, for which notice u/s 148 is issued, no other addition can be made
57	All India Motor Transport Congress Vs ITO (Exemption)	ITA 6299/Del/18 dt 22.10.19	assessment cannot be reopened in absence of any tangible material which show that there is escapement of income from the assessment. In the present case it is also the case of change of opinion as the original assessment order has been passed u/s 143(3) of the Act.
58	Sudeep Infrastructure Vs ITO	ITA 512/Ahd /17 dt 22.10.19	assessee is not expected to furnish infallible proof towards incurring of expenditure in all circumstances. Many a times, it is not possible to establish the incurring of expenditure to the hilt and the surrounding circumstances and preponderance of probabilities would be guiding factor in many situations. Having regard to the totality of facts and circumstances, we find considerable merit in the case made out on behalf of the assessee for allowability of such expenditure
59	RP Associates Vs DCIT	ITA 1515/Del /2016 dt 23.10.19	partners have agreed to pay the specific remuneration as per addendum to partnership deed dated 25th April, 2011 which is not in dispute. Thus, the remuneration was quantified and stipulated by the partners. Thus, the decision of the Hon'ble Delhi High Court will not be applicable in the present case as the facts in the present case are distinguishable. As regards CBDT circular the same is also not applicable in the present case as well.
60	Shri Bansilal Mohanlal Malani vs. ITO	ITA 1279-80/ Hyd/18 dt 23.10.19	Held, (i) that the assessee had a right of appeal against the modification order as if it were an assessment order itself and the appellate authority was bound to entertain the appeal and decide it on merits. (ii) That since there was total denial of liability on the part of the Revenue to pay interest on the refund, an appeal lay to the next appellate authority." 5.1. The Ld.Counsel submitted that this very same logic is applicable to the interest charged u/s 220(2) of the Act as

			well, therefore, is an appealable order. We find that the decision of the Jurisdictional High Court is binding on the Subordinate Courts and Tribunals as against the decision of a different High Court. Therefore, respectfully following the decision of the Jurisdictional High Court in the case of Bakelite Hylam Ltd. (cited Supra) we set aside the issue to the file of CIT(A) with a direction to reconsider and adjudicate the issue on merits.
61	Rohan Tooling Solutions India Pvt. Ltd. vs. ITO	ITA 6583/DEL/18 dt 23.10.19	purchases entries of Rs. 30,00,000/- from the concerned M/s Global Trade Corporation. I also find that the AO has issued notice u/s. 133(6) of the Act to the purchaser but no response was received, meaning thereby that assessee has taken the bogus entry to evade the tax. Therefore, in my view, the AO as well as Ld. CIT(A) have rightly held that party from whom the purchases were made by the assessee, were found to be bogus and that is the reason for which it was not produced during the assessment proceedings. Not having doubted the consumption / sales, the motive behind obtaining bogus <u>(The appellant might have produced the copy of VAT returns filed by seller if possible)</u>
62	Indian Coal Agency Vs ACIT	ITA 464-65/Kol/18 dt 23.10.19	action of the AO to disallow the expenditure on ad-hoc basis without rejecting the books of account cannot be accepted, since the action of AO smacks of arbitrariness and cannot be allowed to sustain, therefore, all the ad-hoc disallowances made by the AO and confirmed the Ld. CIT(A) are deleted.
63	Late Shri Vijay Kumar Koganti Vs Pr CIT	ITA 1660/Chny /19 dt 23.10.19	Merely because the item of investments of earlier years were not added in the Balance Sheet of that years will not give rise to its taxability, unless it is shown that it is out of undisclosed sources . The assessee has explained its sources before the AO as well learned PCIT. There is no allegation as to the investments being made out of undisclosed or undeclared sources. Thus, in our considered view no case is made out by learned PCIT for invoking extra-ordinary revisionary powers as are enshrined in the provisions of Section 263 of the 1961 Act as the assessment order passed by the AO cannot be termed as erroneous so far as prejudicial to the interest of Revenue
64	Naveen Kumar Kaparthy Vs ITO	ITA 1659-60 / Hyd/17 dt 23.10.19	the additions on which the penalty was imposed was estimated after applying the net profit rate and that it was a settled law that penalty on ad hoc disallowance or addition made on estimate basis was not attracted. The Hon'ble Delhi High Court in CIT vs. Aero Traders Pvt. Ltd., reported in 322 ITR 316 (Del), has held that no penalty u/s 271(1)(c) can be imposed when income is determined on estimate basis. Similar view has been taken by the Hon'ble Punjab & Haryana High Court in the case of Harigopal Singh vs. CIT reported in 258 ITR 85 (P&H) and the Hon'ble Gujarat High Court in the case of CIT vs. Subhash Trading Company reported in 221 ITR 110 (Guj). In view of the foregoing precedents including the one from the Hon'ble Jurisdictional High Court, it is apparent that when the bedrock of instant penalty is the estimate of net profit, the same cannot be sustained.
65	Kandada Babu Rao (HUF) Vs ACIT and Others	ITAT 1001/Hyd /11 and others dated 23.10.19	11.4 Thus, the above decisions of the Hon'ble Supreme Court on the inheritance of property of an individual who dies intestate, after the introduction of Hindu Succession Act, 1956, hold that on the death of the Hindu Male, the property devolves on the heirs in their individual capacity and ceases

			to be the HUF property. Respectfully following said decision, we hold that the property inherited by the respective assesseees is their individual property and, therefore, the capital gains, if any, is exigible to tax in their individual hands alone
65	CKP Shakari Mandli Ltd. Vs ITO	ITA 26/Ahd /18 dt 24.10.19	The assessee, a co-operative society, has derived income from fixed deposits placed with Banks. The income so derived is not generated from the business of banking or providing credit facilities to its members. The issue is squarely covered in favour of the Revenue by the decision of the Hon'ble Supreme Court in Citizen Co-operative Society Limited vs. ACIT (2017) 88 taxmann.com 279(SC). Thus, we see no infirmity in the conclusion drawn by the Revenue authorities.
66	Shri Arun Kala, Vs DCIT	ITA 542/JP/18 dt 24.10.19	A.O. has to first decide whether the surrender made by the assessee is falling in the definition of undisclosed income as provided in the explanation to Section 271AAB(1) of the Act. When the assessee has furnished explanation that the cash found from the locker of wife of the assessee is representing the past savings of the wife then in absence of giving a finding on the part of the A.O. that the cash actually belongs to the assessee and not to the wife, the levy of penalty U/s 271AAB of the Act is not sustainable and the same is deleted.
67	Suresh H. Kerudi Vs ITO	ITA 2950-55/ Bang/2018 dt 25.10.19	penalty in the case of assessee cannot be sustained as the assessee was not a person who was subjected to search u/s. 132 of the Act and consequently the provisions of section 271AAB could not be invoked in his case.
68	Shri Bhaveshbhai N. Patel Vs ITO	ITA 2585/AHD /15 dt 25.10.19	AO cannot just levy the penalty merely on the ground that the additions were made during the quantum proceedings. As such the AO has to carry out necessary verification by issuing the notice to the parties before levying the penalty.
69	Shri Sudhir Kumar D Shah Vs DCIT and others	ITA 1864/AHD /13 and others dt 25.10.19	there is no reason to dis-believe the contention of assessee. Accordingly, we hold that the amount paid to the assessee is an advance and no addition is warranted. Hence, we set aside the order of Ld.CIT(A) and delete the addition made by the AO.
70	Aparna Duddukunta Vs DCIT	ITA 917-18/19 dt 29.10.19	Due to the existence of valid lease deeds, the transaction of allotment of the shares towards consideration of lease rent cannot be treated as a transaction without any or adequate consideration. Therefore, the additions u/s 56(2)(vii)(c)(i) of the I.T. Act are not sustainable.
71	Bina Aggarwal Vs ACIT	ITA. 2349/Del /19 dt 30.10.19	Merely because the jewellery is studded with the diamond of 47.18 carat in the instant case, the same cannot be added in the hands of the assessee when such jewellery formed part of the gross weight of the jewellery found from the premises of the assessee. The assessee made full disclosure and has submitted the details of the jewellery which were accepted by both the authorities and was never questioned. Thus, this addition does not sustained.
72	DCM Shriram Ltd Vs DCIT	ITA 5221-22 /Del/16 dt 30.10.19	assessee is entitled to claim the loss for the diminution in value of fertilizer bonds, since the bonds were held in stock in trade and the same had to be valued either on market rate or cost, whichever was less
73	Ajanta Pharma Limited Vrs DCIT	ITA 6883/ Mum /16 dt 30.10.19	simplicitor case is that the assessee during the course of search in the statement recorded under section 132(4) of the Act admitted this to be the income to avoid litigation and to buy peace of mind. It is good piece of evidence for making assessment but not for levy of penalty under section 271AAB of the Act because for levy of penalty falsity of the expense is a pre-requisite under the provision.

74	Vivek Rohatigi Vs DCIT	ITA 1293/Kol /16 dt 30.10.19	the date of search when unexplained jewellerys were found, the 17. Since the assessee's transactions of purchase & sale preceded necessary inference which one should draw is that the income which the assessee had earned from his undisclosed trading transactions in gold and jewellerys was re-invested in purchase of jewellerys which were found from his possession at the time of search. Accordingly we hold that the profit of Rs.25,86,426/- determined with reference to the notings found in the seized documents should be telescoped against the addition of Rs.65,93,763/- as confirmed in Para 8 above and accordingly no separate addition of Rs.25,86,426/- shall be made.
75	Sika India Pvt. Ltd Vs. DCIT	ITA 575/Kol /15 & other dt 30.10.19	provision made for leave encashment on the basis of actual valuation done by a competent professional is to be taken as ascertained liability.
76	ITO Vs Victoria Constructions	ITA 539/Viz /18 dt 30.10.19	The AO having verified the books of accounts did not find any defect in the books of accounts with regard to the omission or suppression of closing stock for the year ending 31.03.2012 or over statement of expenditure for the year under consideration. Therefore, we hold that the Ld.CIT(A) has rightly deleted the addition and no interference is called for
77	Y.Lakshmi Narasimha Murthy Vs ACIT	ITA 125/Viz /18 dt 30.10.19	issue was referred to the valuation cell for ascertaining the correct value u/s 50C of the Act, the issue needs to be remitted back to the file of the AO to examine the market value and to tax the market value or the value determined by the valuation officer as per the provisions of section 50C
78	Guthey Ramakrishna Vs DCIT	ITA 372-73/ Viz/2018 dt 30.10.19	8.1. The Ld.DR relied on the Hon'ble Supreme Court in the case of ITO Vs. Purushottam Das Bangur and as rightly pointed out by the Ld.AR, in the cited case, there was specific information with regard to manipulation of share prices, thus, the Hon'ble Supreme Court held that reopening of assessment was valid. Therefore, the case law relied upon by the Ld.DR does not come to the help of the revenue. Since, the assessee's case is squarely covered by the decision of Hon'ble Bombay High Court cited supra, respectfully following the view taken by the Hon'ble Bombay High Court, we are unable to uphold issue of notice u/s 148 of the act, accordingly we quash the notice and allow the appeal of the assessee.
79	Purna Chandra Kishan Kaza Vs ITO	ITA. 185/VIZ /15 dt 30.10.19	section 263 mandates that the Commissioner may pass such orders after giving an opportunity of being heard. We, have also gone through the other decisions relied up on by the assessee and the same also supports the case of the assessee. Therefore, in these circumstances we hold that the order passed by the Ld.CIT without giving opportunity to the assessee is unsustainable. Accordingly, we quash the order of the Ld.CIT and allow the appeal of the assessee.
80	Citystar Ganguly Projects Ltd Vs Pr CIT	ITA. 1103/Kol /19 dt 31.10.19	assessment order is not the result of non-application of mind or any inadequate enquiry. We are also of the considered opinion that while passing the assessment order the AO did not follow a view which can be said to be 'unsustainable in law'. In the circumstances therefore, the jurisdictional facts for usurping the jurisdiction, being absent, we hold that the action of Ld. Pr. CIT was without jurisdiction and all subsequent actions are 'null' in the eyes of law.
81	Alia Begum Alia Begum Vs ITO	ITA 147/Viz/ 19 dt 31.10.19	Having furnished necessary documents viz, confirmation letter, income tax records of the donor, the assessee has discharged the burden and the AO did not make any enquiry to ascertain the correctness of the gift and sources of the donor, thus, the transaction stands explained in the hands of

			the assessee and there is no case for suspecting the gift transaction. Therefore, we set aside the order of the Ld.CIT(A) and delete the addition made by the AO
82	K.Srinivasa Reddy Vs ACIT	ITA 464/Viz/ 18 dt 31.10.19	donor has confirmed having given the gift of land and she was the true owner as per the sale deed, we do not see any reason to suspect the genuineness of the gift. The department also could not place any material to suspect the ownership of the donor or did not place any material to hold that the assessee paid the consideration outside the books of accounts
83	ACIT Vs Shri Ravi Sharma	ITA 4930/DEL /16 dt 31.10.19	It is true that during the course of assessment itself the assessee has explained the nature of transactions. It is also true that in the balance sheet of the company M/s J.C. Infotech Technologies Ltd, it has been clearly mentioned that the amount of Rs. 1,80,42,924/- was given to the assessee which was in the ordinary course of business. We find that when same evidence were furnished before the Id. CIT(A), after examining them, the Id. CIT(A) was convinced that the transaction was in the ordinary course of business and provisions of section 2(22)(e) of the Act do not apply.
84	Vinay Agrawal Vs ITO	ITA 933/Ind/ 18 dt 31.10.19	assessee was in a bona fide belief of treating the commission income as turnover along with other turnover accounted in the books of accounts during the year which was below of limit u/s 44AB of the Act, but Ld. AO treated unaccounted turnover as part of total turnover and holding the assessee liable for paying penalty u/s 271B of the Act for not getting books of account audited, we find that the issue stands squarely covered in favour of the assessee by the decision of the Coordinate Bench, Jaipur in the case of Shri Satya Prakash Mundra vs. ITO vide ITANo.754/JP/2016 dated 23.01.2019.
85	Divya Secfin Pvt. Ltd Vs ITO	ITA 538/Kol/ 18 dt 31.10.19	AO accepted the information passed on DDIT (Inv.), which was vague in a mechanical manner which goes on to show that AO did not independently apply his mind on receipt of information from the DDIT has simply adopted the information received from the DIT (Investigation) as gospel of truth and thus the reason to belief escapement of income is not that of the AO but at best be said to be action mechanically carried out by the AO on receipt of report from DDIT (Inv.). Thus, the repetition of certain portions of the investigation report of DDIT without any reasons independently recorded by the AO on the basis of 'borrowed satisfaction' of the DDIT (Inv.) cannot be the basis for reopening of assessment u/s. 147 of the Act. Therefore, following the ratio laid down by the Hon'ble Delhi High Court in the case of Meenakshi Overseas Pvt. Ltd (supra) and various case laws as cited before us we hold that jurisdictional condition precedent in section 147 of the Act has not been satisfied by the AO for reopening the assessment. Therefore, the very usurpation of jurisdiction u/s. 147 of the Act is bad in law and is held to be void ab initio.
86	I Strat Software Pvt. Ltd Vs ACIT	ITA 3046/DEL/ 19 dt 31.10.19	assessee being a corporate entity was required to get its accounts audited in terms of the provisions of the Companies Act, 1956 before the same could be subject to the audit prescribed u/s 44AB of the Act. Ostensibly, there was a delay in the conduct of the statutory audit under the provisions of the Companies Act, 1956, for which the reasons have been explained. In my considered opinion, such delay constitutes

			<p>a reasonable cause in the present circumstances so as to mitigate the rigors of section 44AB of the Act on the assessee, especially considering the fact that bonafides of the reason for the delay are not in doubt. As a consequence, I direct that the penalty levied by the Assessing Officer be set aside.</p>
87	<p>Agson Global Pvt. Ltd Vs ACIT</p>	<p>ITA 3741, 3742, 3743, 3744, 3745 & 3746/Del/19 dt 31.10.19</p>	<p>Thus in the year of demonetization % increase in sales in less than earlier year. Growth in sales compared to earlier two years in case of the assessee shows similar trend. Thus, it cannot be said that assessee has booked non-existing sales in its books post demonetization..... Thus compared to earlier years there is no substantial increase in sales of November 2016 (Post demonetization). There is no higher booking of sales by the assessee compared to earlier years which can justify the stand of the revenue that assessee has booked non existing sales in November 2016..... Thus compared to earlier years there is substantial down fall in sales of December 2016 (Post demonetization). Thus, it cannot be said that trend of sales in this year post demonetization, assessee has booked higher sales..... For this year, in addition, amount of cash deposit is less than cash is recorded by the assessee. Thus, it is apparent that whatever cash sales recorded by the assessee for the year is deposited equal amount of cash in its bank account..... On analysis of the month wise sales it is apparent that in the month of May, June and October there is a substantial jump in the sales compared to earlier year. However, the revenue has not questioned it. It is also not the case of the revenue that by backdating the entries in its accounting software it has increased the sales fictitiously. vi. Further jump in sales in the month of March 2017 compared to same month in earlier year shows phenomenal jump of more than thousand percent. It has been accepted by the revenue. Therefore, it clearly suggests that there is a growth in the business of the assessee beyond pre demonetization and post demonetization..... There is no addition in any of the assessment year including the search year with respect to any such shortage of stock. No quantitative details of stock physically verified as well as the book stock found by the search party were shown to us, which suggested that there is a shortage of stock after considering stock lying at Sonipat..... In absence of this, it is impossible to catch hold of an assessee who can manipulate his accounts to suit his requirement. In many of the accounting, software there is an absence of any audit Trail and they can be easily erased, altered, backdated without any evidence or trace. The time has come to also look into usability of such accounting software by the regulator for filing the tax and financial results. Either this software's should be compliant of the audit trail or they may be regulated to provide such audit trails.</p>
88	<p>Radiant Hues CRM Solutions Pvt. Ltd Vs Pr CIT</p>	<p>ITA 605/DEL/ 17 dt 31.10.19</p>	<p>“record” used in Sec. 263 (1) of the Act would. mean the record as it stands at the time of examination by the Commissioner, but not as it stands at the time the order was passed by the Assessing Officer..... we are of the considered view that there remains nothing for the ld. PCIT to assume jurisdiction u/s 263 of the Act to say that the assessment order is not only erroneous but prejudicial .</p>

			to the interest of the revenue. We are of the considered view that the ld. PCIT has wrongly assumed jurisdiction u/s 263 of the Act, hence his combined order for all the A.Ys deserves to be set aside.
89	DCIT Vs Abhinav Arora and Others	ITA 4039/Del/ 13 dt 31.10.19	There is no reason for the learned CIT(A) to choose that particular document when the other one is also available. Having regard to the facts and circumstances of the case and also in view of the smallness of difference in the value of the property purchased by assesses and the adjoining one, we are inclined to accept the contention of the assessee. We, therefore, direct the AO to delete the addition of Rs.8 lacs each also. As such appeals of ground of assesses appeals are allowed
90	Motorola Solutions India Pvt. Ltd., vs DCIT	ITA 5797/Del/ 12 dt 31.10.19	The Revenue is directed to refund the amounts collected in violation of the stay order dated 13.12.2012 on or before 18.04.2013. During the dictation given in the open Court on 08.04.2013 in the presence of the parties the date announced for compliance was 15.04.2013, however due to infrastructural/ technical problems, the dictation could not be transcribed as such on 09.04.2013 the parties were informed in the open Court that the date for compliance would be on or before 18.04.2013.
91	ACIT Vs Industrial Safety Products	ITA 2128/Kol/ 17 dt 31.10.19	The AO added the difference in stock to the total income of the assessee and levied penalty u/s 271(1)(c) treating it to be 'unexplained investment' of the assessee. On appeal the coordinate Bench of the Tribunal at Bangalore found that this difference was noted as a consequence of the information provided by the assessee and that it was a not a case where undisclosed stock was detected at the time of search on taking physical inspection. The Tribunal further observed that no case was made out by the Revenue that the excess stock represented purchases made outside the books of accounts. It further held that the higher value of stock shown the books at the close of the relevant year constituted opening stock of the subsequent year and therefore the entire exercise was tax neutral. For the reasons as aforesaid the Tribunal deleted the penalty levied by the AO in respect of addition made on account of excess stock.

Karnataka GST law

By CA Annapurna Kabra

I) New Returns:

Vide Circular No: 27/2019-2020 dated 31.10.2019 (No KGST/DC/EG/CR-01/19-20 the circular has been issued for user acceptance testing of new returns offline tool and online version of form GST ANX-1 and Form GST ANX-2. The GST council meeting has decided that new Returns system will be introduced for the taxpayers. The salient features of new Return as discussed in circular is as follows:

- GST RET-1:

The Taxpayers whose aggregate turnover in the preceding financial year is above 5 crores must file monthly Return in FORM GST RET-1 based on FORM GST ANX-01 and FORM GST ANX-02. The Return is called Monthly Normal Return. The Taxpayers whose aggregate turnover in the preceding financial year is up to 5 crore has to file quarterly return in FORM GST RET-1 based on FORM GST ANX-01 and FORM GST ANX-02. The Return is called Quarterly Normal Return. But the tax has to be paid on monthly basis through Form GST PMT-08. The Taxpayers whose aggregate turnover in the preceding financial year is up to 5 crore has to file quarterly return in FORM GST RET-1 based on FORM GST ANX-01 and FORM GST ANX-02. The Return is called Quarterly Normal Return.

- GST RET-2:

The Taxpayers whose aggregate turnover in the preceding financial year is up to 5 crore and have B2C Supplies (Consumers and unregistered persons) has to file quarterly return in FORM GST RET-2 (Sahaj) based on FORM GST ANX-01 and FORM GST ANX-02. The Return is called quarterly Sahaj return. But the tax has to be paid on monthly basis through Form GST PMT-08. The taxpayers opting to file Sahaj can declare outward supply under B2C category and inward supplies attracting reverse charge only. E-Commerce operators are ineligible to file Sahaj Return.

- GST RET-3:

The Taxpayers whose aggregate turnover in the preceding financial year is up to 5 crore and have B2C Supplies (Consumers and unregistered persons) and B2B Supplies (Registered Person) has to file quarterly return in FORM GST RET-3 (Sugam) based on FORM GST ANX-01 and FORM GST ANX-02. The Return is called quarterly Sugam return. But the tax has to be paid on monthly basis through Form GST PMT-08. The taxpayers opting to file Sugam Return can declare outward supply under B2C and B2B category and inward supplies attracting reverse charge only. E-Commerce operators are ineligible to file Sugam Return.

- GST ANX-1 (Annexure for Outward Supplies)

The Returns are essentially prepared based on two forms namely GST ANX-1 and GST ANX-2. GST ANX-1 pertains to reporting of all outward supplies, Inward supplies liable to reverse charge and Import of Goods and services. The Invoice details has to be uploaded on real time basis except for B2C supplies. When the Invoices are issued by the supplier the recipient can view and take action on real time basis. The Inward supplies attracting reverse charge will be reported only by the recipients. The option is given to include the details of previous tax period in case they are omitted to be included in the Return.

- GST ANX-1A

The amended/Edited details of earlier tax period can be made in FORM GST ANX – 1A before the due date of filing of September return following the end of financial year or the

actual date of furnishing relevant annual return, whichever is earlier. The editing of documents can be done only by supplier and it is possible only when recipient has not accepted such supply. In case if such documents are already accepted then unless 'reset/unlock' settings done by recipient; the details cannot be edited by supplier.

- **Due date for accepting the details:**

The due date for accepting the details as uploaded by supplier is 10th of the following month in case the recipient has to file monthly returns and it is 10th of the following quarter in case the recipient has to file quarterly returns. The documents rejected by the recipient shall be conveyed to the supplier only after the return is filed by the recipient. The supplier may edit the rejected documents before filing the subsequent Returns. The tax liability for such edited documents will be accounted for in the same tax period and the credit will be made available to the recipients through Form GST ANX-2.

- **GST ANX-2(Annexure of Inward Supplies):**

The details of documents uploaded by the supplier will be auto populated in FORM GST ANX-2. The option to take actions on the auto populated documents are either to Accept, Reject or Keep pending on continuous basis. In case the documents are accepted then the option to amend the details are not available to corresponding supplier. In case the documents are rejected then the supplier may edit the rejected documents.

- **Returns not filed for two consecutive months by supplier:** It will be indicated to the recipient that credit shall not be available, but recipient can view the uploaded invoices, but recipient cannot avail ITC on such invoices. The recipient has to reject such invoices or keep such invoices pending till the supplier files return.

- **Relevant details**

HSN codes will be needed in order to submit details at Invoice level. Inward supplies which are liable to RCM have to be declared in FORM GST ANX-1 at the GSTIN level, by the recipient of supplies. Matching tool is available which will help the taxpayer to match their Input Tax Credit based on their FORM GST ANX-2 and Purchase register. The documents containing the features of all types of new returns may be obtain from "Download" of the Portal ([www.gst.gov.in.](http://www.gst.gov.in)) The new return system is proposed to be put into place from April 2020.

II) Other Amendments

- **Storage and Warehousing:** Services by way of storage or warehousing of cereals, pulses, fruits, nuts and vegetables, Spices, Copra, Sugarcane, Jaggery, Raw Vegetable Fibres such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, Tendu leaves, coffee and tea are **exempted** from GST with effect from 01.10.2019.

- **Exemption:** The supply of Dried tamarind and Plates and cups made up of leaves/flowers/bark are exempted from GST. GST on transport of goods by Air / Vessel to a place outside India till September 30, 2019 which is extended to September 30, 2020.

- **Place of Supply:** The place of Supply of Research and Development Services relating to Pharmaceutical sector by a person located in the taxable territory to a person located in the non-taxable territory shall be **the location of the recipient of services** subject to condition that there is contract between the parties and such supply of services fulfil all the export of service conditions **except the condition of that the place of supply of service is outside India.**

- **Supply of Development Rights:** The Notification 4/2018 dated 25.1.2018 which provide special procedure with respect to payment of tax by registered person supplying service by way of construction service against transfer of development right and transfer of

development rights against the construction service is not applicable for supply of development rights on or after 01.4.2019. Even there is an amendment in 4/2018 stating that development rights are transferred either by registered or unregistered landowner.

- **Input Tax Credit:** As per Amendment to Rule 36 wherein the input tax credit to be availed by registered person in respect of Invoices or debit Notes wherein the details of which have not been uploaded by the supplier shall not exceed 20% of the eligible credit available in respect of Invoices or debit notes the details of which have been uploaded by the suppliers.
- **Hotel Accommodation Services:** The rate of GST 12% in case the value of supply per unit/per day is in between Rs.1001 to Rs.7500 per unit/per day. The rate of GST is 18% in case the value of supply per unit is above Rs.7501. In case the value of supply per unit/per day is less than Rs. 1000/- then there is no levy of GST.
- **Restaurant Services:** The Rate of GST is 5% subject to Input Tax Credit Restrictions. In case if such services are provided in the specified premises (where the declared tariff per unit/per day of accommodation is above Rs.7500) then in such case the rate of tax is 18%.
- **Outdoor Catering:** The rate of GST is 5% subject to Input Tax Credit Restrictions. In case if such services are provided in the specified premises where the declared tariff per unit/per day of accommodation is above Rs.7500 then in such case the rate of tax is 18%. In case of composite supply of outdoor catering together with renting of premises including hotel, convention center, club, pandal, shamiana or any other place specifically arranged for organizing a function other than specified premises then the rate of tax is 5%. In case if such services are provided in specified premises then the rate of tax is 18%.
- **Reverse Charge:** Cement Purchased by Promoter for Construction Service has been notified from 01.10.2019 under reverse charge for the Registered persons (Promoter) as specified in Notification 7/2019 dated 21.3.2019. The following services has been notified under Reverse charge under section 9(3) of GST Act

Services	Supplier of Services	Recipient of Services
Transfer or Permitting the use or enjoyment of copyright relating to original Dramatic, Musical or Artistic works.	Music Composer, Photographer, Artist or the like	Music company, Producer or the like, located in the taxable territory
Transfer or Permitting the use or enjoyment of copyright relating to original literary works to a publisher	Author	Publisher located in the taxable territory
Renting of Motor Vehicle provided to a body corporate	Any person other than a body corporate paying tax at 5% on renting of motor vehicle with input tax credit only of input service in the same line of business	Any body- Corporate located in the taxable territory
Services of lending of securities under securities lending scheme 1997 of SEBI as amended	Lender i.e. a person who deposits the securities registered in his name or in the name of any other person duly authorised on his behalf with an approved intermediary for the purpose of lending under the Scheme of SEBI	Borrower i.e. a person who borrows the securities under the Scheme through an approved intermediary of SEBI.”.

- By order number C3–20275/2017/T dated 26/08/2019, rate of tax of Brass fittings (ie., elbows, tee, socket, union etc) has been held to be the revenue neutral rate by the Authority for Clarification. The Authority applied utility test to hold that sanitary wares of any description made up of brass stands covered by Entry 101 of SRO No. 82 /2006.
- In Order No.C3-28969/2014/CT Dated:03-06-2019, rate of tax of semi finished old jewellery, semi finished gold ornaments and mekkard, having HSN Code 7108.13.00 was considered. Applying the amendments by the Kerala Finance Act, 2015, it was held that semi manufactured gold or silver are taxable at the rate of 5%. Another issue that was considered in the clarification was whether a goldsmith receiving making charges and not selling gold ornaments should register himself under the Act. The Authority has ruled that registration is required if the turnover exceeds the registrable minimum and if the goldsmith also deals with gold scrap, registration is required irrespective of the turnover.
- In the Order No.C3-24026/2015/CT dated: 03-06-2019, it is held multi-functional printers under HSN 8443.31.00 are covered by Entry 69 of Schedule III of KVAT Act, 2003 and hence taxable at 5%.



CIRCULAR

CIR/CFD/CMD1/114/2019

October 18, 2019

To

All Listed Entities / Material Subsidiaries
All the Recognized Stock Exchanges

Madam / Sir,

Sub: Resignation of statutory auditors from listed entities and their material subsidiaries

1. Listed companies are required to make timely disclosures to investors in the securities market for enabling them to take informed investment decisions.
2. Under Sub-clause (2) of Clause A in Part C of Schedule II under Regulation 18(3) of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 (“**SEBI LODR Regulations**”), the Audit Committee of a listed entity, *inter alia*, has to make recommendations for the appointment, remuneration and terms of appointment of auditors of a listed entity. Under Sub-clause (7), the Audit Committee is also responsible for reviewing and monitoring the independence and performance of auditors and the effectiveness of the audit process.
3. Further, Sub-clause (7A) inserted under Clause A in Part A of Schedule III under Regulation 30(2) of SEBI LODR Regulations requires detailed reasons to be disclosed by the listed entities to the stock exchanges in case of resignation of the auditor of a listed entity as soon as possible but not later than twenty-four hours of receipt of such reasons from the auditor.
4. Regulation 36(5) of the SEBI LODR Regulations lays down certain disclosures to be made part of the notice to the shareholders for an AGM, where the statutory auditors are proposed to be appointed/re-appointed, including their terms of appointment.
5. Resignation of an auditor of a listed entity / its material subsidiary before completion of the audit of the financial results for the year due to reasons such as pre-occupation may seriously hamper investor confidence and deny them access to reliable information for taking timely investment decisions.



6. In light of the above, the conditions to be complied with upon resignation of the statutory auditor of a listed entity/material subsidiary w.r.t. limited review / audit report as per SEBI LODR Regulations, are as under:

A. All listed entities/material subsidiaries shall ensure compliance with the following conditions while appointing/re-appointing an auditor:

- (i) If the auditor resigns within 45 days from the end of a quarter of a financial year, then the auditor shall, before such resignation, issue the limited review/ audit report for such quarter.
- (ii) If the auditor resigns after 45 days from the end of a quarter of a financial year, then the auditor shall, before such resignation, issue the limited review/ audit report for such quarter as well as the next quarter.
- (iii) Notwithstanding the above, if the auditor has signed the limited review/ audit report for the first three quarters of a financial year, then the auditor shall, before such resignation, issue the limited review/ audit report for the last quarter of such financial year as well as the audit report for such financial year.

B. Other conditions relating to resignation shall include:

(i) Reporting of concerns with respect to the listed entity/its material subsidiary to the Audit Committee:

- a. In case of any concern with the management of the listed entity/material subsidiary such as non-availability of information / non-cooperation by the management which may hamper the audit process, the auditor shall approach the Chairman of the Audit Committee of the listed entity and the Audit Committee shall receive such concern directly and immediately without specifically waiting for the quarterly Audit Committee meetings.
- b. In case the auditor proposes to resign, all concerns with respect to the proposed resignation, along with relevant documents shall be brought to the notice of the Audit Committee. In cases where the proposed resignation is due to non-receipt of information / explanation from the company, the auditor shall inform the Audit Committee of the details of information / explanation sought and not provided by the management, as applicable.



- c. On receipt of such information from the auditor relating to the proposal to resign as mentioned above, the Audit Committee / board of directors, as the case may be, shall deliberate on the matter and communicate its views to the management and the auditor.

(ii) Disclaimer in case of non-receipt of information:

In case the listed entity/ its material subsidiary does not provide information required by the auditor, to that extent, the auditor shall provide an appropriate disclaimer in the audit report, which may be in accordance with the Standards of Auditing as specified by ICAI / NFRA.

The listed entity/ material subsidiary shall ensure that the conditions as mentioned in 6(A) and 6(B) above are included in the terms of appointment of the statutory auditor at the time of appointing/re-appointing the auditor. In case the auditor has already been appointed, the terms of appointment shall be suitably modified to give effect to 6(A) and 6(B) above.

The practicing company secretary shall certify compliance by a listed entity with 6(A) and 6(B) above in the annual secretarial compliance report issued in terms of SEBI Circular no. CIR/CFD/CMD1/27/2019 dated February 08, 2019.

C. Obligations of the listed entity and its material subsidiary:

(i) Format of information to be obtained from the statutory auditor upon resignation:

Upon resignation, the listed entity / its material subsidiary shall obtain information from the Auditor in the format as specified in **Annexure A** to this Circular. The listed entity shall ensure disclosure of the same under Sub-clause (7A) of Clause A in Part A of Schedule III under Regulation 30(2) of SEBI LODR Regulations.

(ii) Co-operation by listed entity and its material subsidiary:

During the period from when the auditor proposes to resign till the auditor submits the report for such quarter / financial year as specified above, the listed entity and its material subsidiaries shall continue to provide all such documents/information as may be necessary for the audit / limited review.



(iii) Disclosure of Audit Committee's views to the Stock Exchanges:

Upon resignation of the auditor, the Audit Committee shall deliberate upon all the concerns raised by the auditor with respect to its resignation as soon as possible, but not later than the date of the next Audit Committee meeting and communicate its views to the management. The listed entity shall ensure the disclosure of the Audit Committee's views to the stock exchanges as soon as possible but not later than twenty-four hours after the date of such Audit Committee meeting.

7. In case an entity is not mandated to have an Audit Committee, then the board of directors of the entity shall ensure compliance of this circular.
8. The Stock Exchanges are advised to bring the provisions of this circular to the notice of all listed entities and their material subsidiaries and also disseminate it on their websites.
9. This Circular shall come into force with immediate effect.
10. In case the auditor is rendered disqualified due to operation of any condition mentioned in Section 141 of the Companies Act, 2013, then the provisions of this Circular shall not apply.
11. The Circular is issued in exercise of the powers conferred under Section 11(1) of the Securities and Exchange Board of India Act, 1992 read with regulations 18(3), 30(2) and 36(5) of the SEBI LODR Regulations and shall be in addition to the provisions of Companies Act, 2013.
12. The circular is available on SEBI website at www.sebi.gov.in under the category - 'Legal→Circulars'.

Pradeep Ramakrishnan
General Manager
Compliance and Monitoring Division-1
Corporation Finance Department
+91-22-26449246
pradeepr@sebi.gov.in



Annexure A

**Format of information to be obtained from
the statutory auditor upon resignation**

1. Name of the listed entity/ material subsidiary:
2. Details of the statutory auditor:
 - a. Name:
 - b. Address:
 - c. Phone number:
 - d. Email:
3. Details of association with the listed entity/ material subsidiary:
 - a. Date on which the statutory auditor was appointed:
 - b. Date on which the term of the statutory auditor was scheduled to expire:
 - c. Prior to resignation, the latest audit report/limited review report submitted by the auditor and date of its submission.
4. Detailed reasons for resignation:
5. In case of any concerns, efforts made by the auditor prior to resignation (including approaching the Audit Committee/Board of Directors along with the date of communication made to the Audit Committee/Board of Directors)
6. In case the information requested by the auditor was not provided, then following shall be disclosed:
 - a. *Whether the inability to obtain sufficient appropriate audit evidence was due to a management-imposed limitation or circumstances beyond the control of the management.*
 - b. *Whether the lack of information would have significant impact on the financial statements/results.*
 - c. *Whether the auditor has performed alternative procedures to obtain appropriate evidence for the purposes of audit/limited review as laid down in SA 705 (Revised)*
 - d. *Whether the lack of information was prevalent in the previous reported financial statements/results. If yes, on what basis the previous audit/limited review reports were issued.*
7. Any other facts relevant to the resignation:

Declaration

1. *I/ We hereby confirm that the information given in this letter and its attachments is correct and complete.*
2. *I/ We hereby confirm that there is no other material reason other than those provided above for my resignation/ resignation of my firm.*

Signature of the authorized signatory

Date:

Place:

Encl:

Key takeaways from SEBI's circular tightening norms to check abrupt resignation of auditors

SEBI vide circular dated October 18, 2019 has tightened norms with regard to resignation of Auditor from listed companies. Earlier, SEBI has issued consultative paper in this regard seeking public comment to deal with menace of abrupt resignation by auditors citing reasons such as pre-occupancy, non-receipt of required information etc. Now SEBI vide circular has framed as stringent norms to requiring listed companies and auditor to ensure issuance of reports by auditors before tendering their resignation.

Key takeaways from SEBI circular on Auditor's resignation are discussed hereunder:

Additional compliance for listed cos. if auditor resigns within 45 days from end of quarter:

All listed companies and material subsidiaries shall have to ensure that an auditor submits the audit limited review /audit report, if he or she is tendering resignation, within 45 days from the end of a quarter.

Compliance in case if auditor resigns after 45 days from end of quarter:

Auditors resigning after 45 days from the end of a quarter, before their resignation shall have to issue audit reports for the quarter concerned as well as the next quarter.

What if auditor has signed limited review/audit report for first 3 quarters?

If Auditors have signed the limited review or audit report for the first three quarters then they would be required to issue the audit report for the last quarter as well as for the complete financial year before tendering their resignation.

Direct Reporting of concerns hampering audit process to audit committee: Now auditor shall approach the Chairman of the Audit Committee of the listed entity for issues such as non availability of information/non-cooperation by the management which hamper the audit process. The Audit Committee shall receive such concern directly and immediately without specifically waiting for the quarterly Audit Committee meetings.

All concerns wrt. Resignation and relevant documents to be brought to notice of audit committee

In cases where the proposed resignation is due to non-receipt of information / explanation from the company, the auditor shall inform the Audit Committee of the details of information / explanation sought and not provided by the management, as applicable.

Audit committee to deliberate on matter and communicate to management:

On receipt of such information from the auditor relating to the proposal to resign as mentioned above, the Audit Committee / board of directors, as the case may be, shall deliberate on the matter and communicate its views to the management and the auditor.

Disclaimer in case of non-receipt of information: If the listed company or its material subsidiary does not provide the required information, the auditor shall provide an appropriate disclaimer in the audit report in accordance with standard auditing issued by ICAI/NFRA.

Obligation on listed Cos. to obtain information from resigning auditor:

Upon resignation, the listed entity / its material subsidiary shall have to obtain information from the Auditor in the specified format. The listed entity shall ensure disclosure of the same under Sub-clause (7A) of Clause A in Part A of Schedule III under Regulation 30(2) of SEBI LODR Regulations

Disclosure of Audit Committee's views to the Stock Exchanges within 24 hrs of meeting:

Upon resignation of the auditor, the Audit Committee shall deliberate upon all the concerns raised by the auditor with respect to its resignation as soon as possible, but not later than the date of the next Audit Committee meeting and communicate its views to the management. The listed entity shall ensure the disclosure of the Audit Committee's views to the stock exchanges as soon as possible but not later than twenty-four hours after the date of such Audit Committee meeting.

Co-operation by listed entity and its material subsidiary:

During the period from when the auditor proposes to resign till the auditor submits the report for such quarter / financial year as specified above, the listed entity and its material subsidiaries shall continue to provide all such documents/information as may be necessary for the audit / limited review.

MADRAS HIGH COURT Judgments in VAT CST GST

by Sampathkumar V V

Goods detention: There was detention of goods. In the interim order, this Court directed the respondent to release the goods, however, by getting appropriate undertaking from the petitioner to safeguard the interest of the revenue. The respondent has released the goods and also passed an order imposing tax liability. It is prayed that this Writ Petition can be disposed of by directing the Appellate Authority to pass orders on the pending appeal within the time stipulated by this Court. The court directed the concerned Appellate Authority,, to pass orders on the appeal on merits and in accordance with law as expeditiously as possible. **Tvl.Navakar Impex Pvt.Ltd.,Vs. The Superintendent of GST & CE, Perungudi V Range, W.P.No.32227 of 2018 Dated: 30.09.2019**

Rectification petitions: These writ petitions are filed challenging the orders of assessment dated 01.04.2019 passed in respect of the assessment years 2014-2015 and 2015-2016. The petitioner has already approached the AO and filed the applications u/s 84 of the TNVAT Act, 2006, dated 09.08.2019 and the said applications are still pending. Considering the above stated facts and circumstances, the Court directed the respondent to consider the applications filed u/s 84 and pass orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and no recovery proceedings shall be pursued against the petitioner be initiated till an order is passed, as directed supra. **BBCL Developers India Pvt. Ltd., Vs. AC (ST) T.Nagar Assessment Circle W.P.Nos.28673 & 28676 of 2019 DATED: 30.09.2019**

Alternative remedy: The impugned order was passed after issuing a show cause notice to the petitioner, considering their objections and also by providing an opportunity of personal hearing. As it is evident that only the factual aspects of the matter have to be gone into and decided, such factual aspects have to be considered only by the next fact finding authority viz., Appellate Authority. Therefore, it is for the petitioner to work out alternative remedy by filing regular appeal. **M/s.Mobis India Limited vs. The DC of CGST and Central Excise Poonamallee Division; Chennai Outer Commissionerate W.P.No.13225 of 2019 DATED: 26.09.2019**

Attachment: When a petition filed u/s 84 of the TNVAT Act is pending before the respondent, the impugned demand cannot be issued. For the Assessment Year 2014-2015, 2015-2016, orders of assessments are passed on 30.06.2017. The petitioner filed an application u/s 84 on 23.10.2017, raising certain grounds seeking for rectification. The said rectification petition is still pending before the first respondent, as admitted by the learned Government Advocate. Therefore, this Court is of the view that without disposing of the said application, issuing the impugned attachment proceedings is not proper and the respondent is directed to lift the attachment. **Tvl.M.M Motors, Vs. AC (ST), Villupuram-I, W.P.No.27461 of 2019 Dated 27.09.2019**

Mismatch: The only issue involved in the impugned orders of assessment is mismatch. The learned Government Advocate fairly submitted that the impugned orders of assessment were not passed in consonance with the observations and directions issued in JKM Graphics case and accordingly, both the Writ Petitions are allowed and the impugned orders of assessment are set aside and remitted the matter back to the respondent/Assessing Officer to redo the assessment by following the guidelines/directions issued in JKM Graphics case. **Tvl.Ponni Agri Engineering vs. CTO Thiruvannamalai I Assessment Circle W.P.Nos.28301 & 28306 of 2019 DATED: 26.09.2019**

Demand notice: Writ petition is filed challenging the demand notice dated 22.08.2019, calling upon the petitioner to pay a sum of Rs.1,18,698/- without challenging the adjudication order, and hence the petitioner is not entitled to question the consequential proceedings. Therefore, the Court held that the present writ petition is not maintainable.. **JSW Steel Limited, Salem Works Pottaneri, Salem. vs. DCTO, Kandamangalam Check Post- 605 102.and another W.P.No.28404 of 2019 DATED: 26.09.2019**

Refund: In these three writ petitions, the petitioner seeks for a Mandamus to direct the respondent to refund the sum referred to in each writ petition with interest based on the representation dated 04.03.2019. The learned Government Advocate, in the further hearing after notice, submitted that the application filed by the petitioner for refund will be considered and appropriate orders on merits and in accordance with law will be passed within the time stipulated by this Court. Recording the said submission, these Writ Petitions are disposed of, without expressing any view on the merits of the claim made by the petitioner only by directing the respondent to pass orders on the request made by the petitioner on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. It is open to the petitioner to approach the respondent and produce any supportive documents, in the meantime. **Tvl.K.S.J. Metal Impex Pvt. Ltd., Vs. CTO, Ayanavaram Assessment Circle, W.P.Nos. 27639, 27641 & 27644 of 2019 Dated: 25.09.2019**

Objections / Reply: The AO has chosen to pass the impugned order, as if the petitioner has not filed any reply to the notice of proposal, while in fact the reply dated 03.01.2019 was filed and the same was acknowledged at the office of the respondent on the same day. The impugned order would show that the AO found that the dealer had not filed any reply. Hence, the above observation of the AO is factually incorrect. Therefore, the matter has to go back to the AO for redoing the assessment by considering the objections filed by the petitioner. **M/s.Raja Enterprises vs. The AC (ST) Pollachi (East) Circle W.P.No.28242 of 2019 DATED: 25.09.2019**

Limitation: The deemed assessment had taken place u/s 22(2) of the TNVAT Act, 2006. While so, if a revision of assessment is to take place, it should be done within a period of six years from the date of assessment. In this case, the impugned revision notice was issued much after the period of limitation fixed under Section 27 of the said Act. Therefore, the very initiation of revision proceeding is barred by limitation. Stating so, the Writ Petitions are allowed and the impugned notices are set aside by the Court. **Tvl. Blue Minerals Private Limited, Tirupur- 641 602.Vs.The AC (ST), North Circle, Tirupur.W.P.Nos.5877, 5884, 5889 & 5892 of 2019 Dated: 23.09.2019**

Penalty: At the time of inspection, the petitioner has paid the tax liability to the tune of Rs.81,545/-. Based upon such inspection, pre revision notice dated 28.03.2016 was issued on the petitioner and reply was filed on 27.07.2016. However, the AO proceeded to confirm the proposal for penalty without expressing his view as to whether not accounting two sale invoices was wilful or deliberate, especially, when it is claimed by the petitioner that one of such invoices pertains to inter-State transaction. This Court holds that when penalty is sought to be imposed, the AO has to specifically give finding that the sale suppression was wilful and deliberate. Since no such finding is given in this case, the Court remit the matter back to the AO to reconsider the issue with regard to penalty and pass orders after hearing the petitioner. **V.K.Sam Engineering vs. CTO Guindy Assessment Circle Chennai - 600 028. W.P.No.11670 of 2019 DATED: 19.09.2019**
