



# SIRC Newsletter

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SEPTEMBER 2019 | Volume 45 • Part 3

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

## Two Day National Conference on GST - August 23 & 24, 2019



Hon'ble Minister for Fisheries and Personnel and Administrative Reforms, Govt. of Tamil Nadu and Minister representing Govt. of Tamilnadu in GST Council Thiru D. Jayakumar along with Vice Chairman – Committee on GST and Indirect Taxes, ICAI CA. Rajendra Kumar P, CCMs CA. G. Sekar and CA. M.P.Vijay Kumar, SIRC Chairman CA. Jomon K. George, Vice Chairman CA. Dungar Chand U Jain, Secretary CA. K. Jalapathi, Chairman- Committee on GST and Indirect Taxes, SIRC CA. China Masthan Talakayala, RCMs Dr. CA. Abhishek Murali and CA. R. Sundararajan during the inaugural session.

## Vidial - Sub Regional Conference by Salem Branch of SIRC – 17th August 2019 at Salem



ICAI President CA. Prafulla P Chhajed along with SIRC Chairman CA. Jomon K. George, Vice Chairman CA. Dungar Chand U. Jain, Secretary CA. K. Jalapathi, SICASA Chairperson CA. Revathi S. Raghunathan, RCMs CA. R. Sundararajan, CA. Geetha A.B., CCMs CA. Rajendra Kumar P, CA. Dayaniwas Sharma and Managing Committee Members of Salem Branch of SIRC of ICAI and other members.

## Gyana Uthkarsha - Two Day Andhra Pradesh State Level Conference on 9th & 10th August 2019 at Vijayawada



Guest of Honour CA. Jomon K. George, Chairman-SIRC lighting the traditional lamp along with Chief Guest Dr. Audimulapu Suresh, Hon'ble Education Minister, Govt. of Andhra Pradesh, CCMs CA. D. Prasanna Kumar, CA. M.P. Vijay Kumar, RCMs CA. Geetha A.B., CA. Chengal Reddy Ramireddygari, CA. China Masthan Talakayala, CA. Naresh Chandra Gelli and Managing Committee Members of Vijayawada Branch of SIRC of ICAI.

# SIRC of ICAI



## 51<sup>ST</sup> REGIONAL CONFERENCE

Lulu Convention Centre,  
Grand Hyatt,  
Bolgatty Island, Kochi.

**18<sup>th</sup> & 19<sup>th</sup> November, 2019**



Please  
save the  
dates





# SIRC CALENDAR

# SEPTEMBER 2019 onwards...

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

Sl. No.	Date / Day / Time	Programme Topic / Speaker	Delegate Fee* (including GST)	CPE Credit
1.	Sep. 1, 2019 Sunday 09.00 a.m. - 12.00 Noon	Breakfast Meeting on <b>Legacy Dispute Resolution Scheme 219</b> CA. Rajendra Kumar P	236	3
2.	Sep. 3, 2019 Tuesday 05.30 p.m. - 08.30 p.m.	<b>CA. N. C. Rajagopal Memorial Lecture</b> on Spiritual Basis of Indian Culture Swami Atmashraddhananda Secretary, Ramakrishna Mission Ashrama, Kanpur	No Delegate Fee	-
3.	Sep. 4, 2019 Wednesday 05.30 p.m. - 08.30 p.m.	CPE Meeting on <b>Preparation of Financial Statements using MS-Excel</b> CA. Venkatesan Murali	236	3
4.	Sep. 5, 2019 Thursday 05.30 p.m. - 08.30 p.m.	CPE Meeting on <b>a) Audit Features in Tally b) MIS tool for Tally &amp; Beyond</b> CA. Vinod Kothari	236	3
5.	Sep. 7, 2019 Saturday 10.00 a.m. - 05.30 p.m.	One Day Seminar on <b>Direct Taxes</b> (Earlier proposed to be held on 14.09.2019) Details at Page No. 6	1500	6
6.	Sep. 12, 2019 Thursday 5.30 p.m. - 8.30 p.m.	CPE Meeting on <b>SME Listing in NSE</b> <b>SME Funding – The Role of Capital Markets</b> Mr. Gourisankar B., Associate Vice President & Head Southern Region-BD, National Stock Exchange of India Ltd. <b>IPO Readiness</b> Ms. Prachi Mittal, Vice President – Merchant Banking, Fedex Securities Pvt Ltd.	No Delegate Fee	2
7.	Sep. 13, 2019 Friday 6.00 p.m. - 8.00 p.m.	<b>Investor Awareness Programme</b> 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 <b>Present Macro Economic Scenario of India - Concerns and Reality</b> Dr. Somavalliappan <b>Market Cycles</b> - Shri V. Nagappan	No Delegate Fee	2
8.	Sep. 14, 2019 Saturday 10.00 a.m. - 5.00 p.m.	One Day Workshop on <b>Tech Takeaways on The Insolvency and Bankruptcy Code, 2016</b> Details at Page No. 7	1180	6
9.	Sep. 18, 2019 Wednesday 5.30 p.m. - 8.30 p.m.	CPE Meeting on <b>Red Flags in Financial Services</b> CA. R. Sivaramakrishnan	236	3
10.	Sep. 20, 2019 Friday 5.30 p.m. - 8.30 p.m.	CPE Meeting on <b>Audit of NBFCs- Role &amp; Responsibilities of Auditors</b> CA. Revathi S. Raghunathan	236	3
11.	Sep. 25, 2019 Wednesday 10.00 a.m. - 05.30 p.m.	One day Seminar on <b>Issues in GST Audit and Annual Return</b> Under the aegis of GST & Indirect Taxes Committee, ICAI Details at Page No. 8	1180	6
12.	Sep. 28, 2019 Saturday 9.30 a.m. - 1.30 p.m.	Half Day Seminar on <b>Overview of Revised Code of Ethics and its applicability</b> Under the aegis of Ethical Standards Board, ICAI	590	4
13.	October 11, 2019 Friday 6.00 p.m. - 08.00 p.m.	Investor Awareness Programme on <b>Demystifying Derivatives</b> CA. Dungar Chand U. Jain	No Delegate Fee	2
14.	October 12, 2019 Saturday 10.00 a.m. - 05.30 p.m.	<b>Intelligent Robotic Process Automation Summit</b> Under the aegis of Information Technology and Digital Transformation Committee, SIRC of ICAI	1947	6
15.	October 18, 2019 Friday 6.00 p.m. - 8.00 p.m.	<b>V. Sankar Aiyar Memorial Lecture on</b> <b>The Indian Economy- Current Challenges and Way Forward</b> By Shri Yashwant Sinha, Former Finance Minister, Govt. of India	No Delegate Fee	2
16.	November 18 & 19, 2019 Monday & Tuesday	<b>51st Regional Conference of SIRC of ICAI at Kochi.</b> Hosted by Ernakulam Branch of SIRC Venue: Lulu Convention Centre, Grand Hyatt, Bolgatty Island, Kochi	4950	12

Please note that 20% increase in Delegate Fee for Spot Registration.



## Chairman's Communique



### *Dear Professional Colleagues,*

**Extension of due date for filing of GST Annual Return and Audit Report for the Financial Year 2017-18 :** Considering the various technical and practical issues involved in preparing Annual Return and Audit Report, the Government of India has rightly extended the due date for filing GST Annual Return and Audit Report for FY 2017-18 (from 31.08.2019) to 30.11.2019. It is felt that this is a great relief for our professional colleagues and the GST Assessors that the date was extended.

I take this opportunity to request our members to finish their GST filing works well in advance and plan for the **SIRC Annual Gala Event, 51st Regional Conference of SIRC of ICAI which is now scheduled to be held on 18th and 19th November 2019 at Kochi.** Since there is a clash between the last date of filing GST Annual Return and SIRC Conference, alternative dates are now being fixed. I look forward to your participation in large numbers from across the Region. Please also inform your other colleagues in the profession to join with you to be part of this mega conference. The detailed programme structure of the Conference would be shared through our SIRC Website and other modes of communication as soon as possible. List of Hotels in Kochi are published in this Newsletter at the Page No. 7.

#### **Programmes held at SIRC during August 2019:**

**One Day Seminar on Digital Summit: ABCD of Technology – 3rd August 2019 at Chennai:** Chief Guest Dr. Santhosh Babu, IAS, Principal Secretary, IT Dept., Govt. of Tamil Nadu inaugurated the Digital Summit: ABCD of Technology i.e. Artificial Intelligence and Robotics, Block Chain disruption and opportunities for Chartered Accountants, Cyber Security and Data Security was discussed in detail by subject experts. I place on record my sincere appreciations to CA. Dungar Chand U Jain, Vice Chairman – SIRC for his sincere efforts for holding this Summit. SIRC has firmed up more Information Technology related topics in the ensuing months for the benefit of the members.

**Two Day National Conference on GST - 23rd and 24th August 2019 at Chennai :** SIRC has successfully hosted the Two Day National Conference on GST and Indirect Taxes at Kamarajar Arangam at Chennai on 23rd and 24th August 2019 under the able guidance of Vice Chairman of Committee on Indirect Taxes & GST, ICAI CA. Rajendra Kumar P. Around 580 delegates have attended this Conference. Expert speakers from across India and Dubai have enlightened the participants. The programme was well received by the delegates.

**Investor Awareness Programmes :** As part of Social Responsibility, SIRC, 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 of ICAI has been conducting Investor Awareness Programme on various contemporary topics from time to time. On 23rd August 2019, a programme was conducted at Kamarajar Arangam, Chennai. CA. A.K. Narayan and Shri V. Nagappan handled the sessions on Strategies for Personal Financial Planning for Present & Future and the Role of Asset Allocation in times of volatile market respectively. SIRC has also lined up Investor Awareness Programmes during the month of September and October. Requesting members to disseminate the details of these programmes to your students, clients and public, so that they can be benefited.

**Independence Day Celebrations – 15th August 2019 :** At SIRC, we have started the Independence day celebrations with a Special Motivational Session for students by RCM Dr. CA. Abhishek Murali, SICASA Chairperson CA. Revathi S. Raghunathan ably moderated by Central Council Members CA. M.P.Vijay Kumar and CA. Rajendra Kumar P, followed by National Flag Hoisting with my colleagues in the regional and central council, members, students and staffs.

**Inauguration of Renovated MDP Centre at ICAI – Chennai – 15th August 2019 :** SIRC has taken up various infrastructure developments and initiatives for our Institute's offices throughout the Southern Region in general and our Chennai Office in particular. The Management Development Centre - MDP I at the 3rd floor was renovated and inaugurated on 15th August 2019 in the august presence of CCMs CA. Rajendra Kumar P and CA. M.P. Vijay Kumar, RCM Dr. CA. Abhishek Murali and SICASA Chairperson CA. Revathi S. Raghunathan.

**ICAI Convocation 2019 at Chennai – 31st August 2019 :** ICAI has organized Convocation 2019 for the newly enrolled Chartered Accountants on 31st August 2019 at Chennai. Chief Guest CA. Sunil H. Talati, Past President-ICAI along with SIRC Office Bearers, Regional and Central Council Members have given the credentials to the newly enrolled members and rank holders.

**Regional Level CA Students Talent Search 2019 :** The Regional level CA Students Talent Search 2019 was organized on 16th and 17th August 2019 at ICAI Bhawan, Chennai. Winners from 29 Branches of SIRC of ICAI participated in the Regional Level.



The Event wise winners at the Regional Level are given below:

**QUIZ CONTEST - 2019**

SL. NO.	NAME	REGISTRATION NOS.	BRANCH
1	VINEETHA REDDY J	SRO0538117	HYDERABAD
2	SANNIDHI NAGA LAKSHMI DURGA POOJITHA	SRO0538152	HYDERABAD

**ELOCUTION CONTEST – 2019**

SL. NO.	NAME	REGISTRATION NOS.	BRANCH
1	MOHAMMED TABISH HASSAN	SRO0570044	BENGALURU
2	VISHAL A	SRO0630003	BENGALURU
3	SIDDHARTH SRINIVAS KAMATH	SRO0356787	MANGALURU
4	SHRIDEVI BHAT	SRO0620818	HUBBALLI

**INSTRUMENTAL MUSIC CONTEST – 2019**

SL. NO.	NAME	REGISTRATION NOS.	BRANCH
1	ALOSHIN JOSEPH	SRO0669404	ERNAKULAM
2	MANIYAR DINESH	SRO0545081	HYDERABAD

**NUKKAD DRAMA CONTEST – 2019**

SL. NO.	NAME	REGISTRATION NOS.	BRANCH
1	SATHISH PANDI S	SRO0675437	SIVAKASI
2	KARAN BABU P	SRO0516288	SIVAKASI
3	VEERAPANDIAN V	SRO0652985	SIVAKASI
4	KOKILA VANI S	SRO0670684	SIVAKASI
5	ABARNA J	SRO0636134	SIVAKASI
6	JEYA KRISHNA R D	SRO0338547	SIVAKASI

SIRC congratulates all the winners and wishes them all the very best for the All India level Contest.

**Future Programmes of SIRC:** SIRC has lined up various CPE Programmes, Breakfast Meetings, Memorial Lectures, Information Technology related programmes, Half Day Seminars, etc. on various latest topics of professional relevance. Synopsis of the same are given in the SIRC Programme Calendar. Members are requested to participate in large number to gain/update their knowledge as well as fulfill their CPE credit requirements.

**Tax Audit :** September month is not only the start of monsoon season but also the start of Tax Audit season for our members. They will be busy finalizing tax audit within the stipulated time limit. SIRC of ICAI in order to facilitate, educate our members on the latest happenings in Tax Audit is organizing

a One Day Seminar on Direct Taxes on 7th September 2019 at Residency Towers, T. Nagar, Chennai covering latest developments, latest pronouncements and judicial decisions, recent amendments, etc., in tax audit. Members are requested to make use of it to update their expertise.

**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. Details of SIRC Coaching Classes are given below:

Details of Classes	Date	Link for complete details
Intermediate and Final Rapid Revision Classes for students appearing for November 2019 Examination (Subject-wise registration)	Ongoing from 22nd August 2019 and expected to conclude by 20th October 2019	<a href="https://www.sircoficai.org/students/SIRC-Crash-Courses.aspx">https://www.sircoficai.org/students/SIRC-Crash-Courses.aspx</a>
Final (New Syllabus) Regular Classes for students appearing for May 2020 Examination (5-6 Months)	Will be commenced from 3rd week of October 2019	Exact date and complete details will be hosted at <a href="https://www.sircoficai.org/students/final.aspx">https://www.sircoficai.org/students/final.aspx</a>
Foundation Regular Coaching Classes for students appearing for May 2020 Examination (3 Months)	Will be commenced from 3rd week of October 2019	Exact date and complete details will be hosted at <a href="https://www.sircoficai.org/students/Foundation_CPT_announcements.aspx">https://www.sircoficai.org/students/Foundation_CPT_announcements.aspx</a>

I welcome our students to opt for these classes and be benefitted.

**Membership Fee for the year 2019-20:** Members may be aware that the last date for remitting the Membership fee / Certificate of Practice fee is September 30, 2019 for the year 2019-20. SIRC requests all its members to ensure the payment of fees latest by September 30, 2019 through online e-services at [www.icaai.org](http://www.icaai.org) to avoid removal of their names from the Register of Members.

**Chartered Accountants Benevolent Fund (CABF):** SIRC of ICAI is providing its members an opportunity to show their graciousness in philanthropic activities. It's time to give something back to the profession because of which we are, what we are today. An Appeal to members and firms to contribute generously to CABF and anyone who contributes Rs. 1 lakh and above finds a place in the CABF Contributors List Board installed at SIRC premises.

**Congratulations and Best Wishes from SIRC:** SIRC congratulates the successful candidates in the IPCC and Final Examinations and wish them all the best in their pursuit to become Chartered Accountants.

**“Please feel free to reach me at [sirchairman@icai.in](mailto:sirchairman@icai.in) or on 98470 31343”.**

*Yours in the Service of the Profession*

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

**CA. Jomon K. George**  
Chairman, SIRC of ICAI



<b>Intelligent Robotic Process Automation Summit</b>		<b>CPE Credit 6 Hours</b>
Under the aegis of Information Technology Committee and Digital Transformation Committee of SIRC of ICAI		
<b>Day &amp; Date:</b> Saturday, 12th October, 2019		
<b>Time:</b> 10.00 am to 5.30 pm		
<b>Venue:</b> Hotel Savera, Dr. Radhakrishnan Salai, Mylapore, Chennai - 4.		
Timings	Session Topic	Resource Persons
09.30 am to 10.00 am	Registration	
10.00 am to 12 noon	Driving Productivity & Efficiency in the Assurance Industry with RPA	<b>Dr. Suresh Babu</b> VP, UiPath
12 noon to 12.15 pm	Tea Break	
12.15 pm to 01.15 pm	Case studies in RPA	<b>Mr. Bhaskar Narayanan</b> RPA & AI Expert
01.15 pm to 02.00 pm	Lunch	
02.00 pm to 03.00 pm	Case studies in RPA	<b>Mr. Bhaskar Narayanan</b> RPA & AI Expert
03.00 pm to 03.15 pm	Tea Break	
03.15 pm to 05.15 pm	RPA in Finance and Accounting	<b>Mr. Prateek Kapoor</b> Director, Transformation and Automation CoE, AON Consulting Pvt Ltd
<b>Delegate Fees (Including GST)</b>		
Members & Students: Rs.1947/- Non - Members: Rs. 2921/-		
<b>CA. Jomon K. George</b> Chairman, SIRC of ICAI	<b>CA. Dungan Chand U. Jain,</b> Programme Director	<b>CA. K. Jalapathi</b> Secretary, SIRC of ICAI

<b>One Day Seminar on Direct Taxes</b>		<b>CPE Credit 6 Hours</b>
<b>Day &amp; Date</b> Saturday, 7th September 2019		
<b>Venue</b> Residency Towers T. Nagar, Chennai - 600017.		<b>Delegate Fee: (Including GST)</b> Members : Rs. 1500/- Non Members : Rs. 2250/- Students : Rs. 1125/-
<b>Programme Details</b>		
<b>Registration</b>	09.00 am	
<b>Technical Session I</b>	09.30 am - 11.30 am	
<b>Topic:</b>	Tax Audit – Latest Developments	
<b>Speaker:</b>	CA. V. Ramnath, Coimbatore	
<b>Tea break</b>	11.30 am - 11.45 am	
<b>Inaugural Session</b>	11.45 am - 12.15 pm	
<b>Chief Guest</b>	CA. G. Ramaswamy, Past President, ICAI	
<b>Guest of Honour</b>	CA. G. Sekar, CCM & Chairman, AASB, ICAI	
<b>Technical Session II</b>	12.15 pm - 01.45 pm	
<b>Topic</b>	Business Income – Latest Pronouncements & Judicial Decisions.	
<b>Speaker</b>	Adv. K. K. Chaitanya, Bangalore	
<b>Lunch Break</b>	01.45 pm - 02.15 pm	
<b>Technical Session III</b>	02.15 pm - 04.45 pm	
<b>Topic</b>	Recent amendments in taxation of immovable property transactions and other contemporary issues	
<b>Speaker</b>	CA. Naveen Khariwal, Bengaluru	
<b>Valedictory</b>	04.45pm to 5.00 pm	
<b>CA. Jomon K. George</b> Chairman SIRC of ICAI	<b>Dr. CA. Abhishek Murali</b> Chairman, Committee on Direct Taxes, SIRC of ICAI	<b>CA. K. Jalapathi</b> Secretary SIRC of ICAI
<b>For online registration, please visit</b> <a href="https://www.sircoficai.org/">https://www.sircoficai.org/</a>		

# UPDATES

Scan QR Code & Read

<b>FEMA</b>	
Contributed by: <b>CA. G. Murali Krishna</b> , Hyderabad gmk@sbsandco.com	

	<b>Karnataka State GST</b>
Contributed by: <b>CA. Annapurna D. Kabra</b> , Bengaluru annapurna@dnsconsulting.net	

<b>Goods and Services Tax</b>	
Contributed by: <b>CA. G. Saravana Kumar</b> , Madurai casaravanan.82@gmail.com	

<b>Tamil Nadu VAT</b>	
Contributed by: <b>CA. V.V. Sampath Kumar</b> , Chennai vvsampat@yahoo.com	

	<b>AP VAT - GST updates</b>
Contributed by: <b>CA. Ambati Chinna Gangaiah</b> , Hyderabad agcpower@icai.org	

<b>Income Tax updates</b>	
Supreme Court, High Court and Tribunal Judgements <b>CA. Ambati Chinna Gangaiah</b> , Hyderabad agcpower@icai.org	

	<b>SEBI</b>
Contributed by: <b>CA. VMV. Subba Rao</b> , Nellore vmvsr@rediffmail.com	

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

<b>ANNOUNCEMENT - SIRC</b>
<b>FOR THE KIND ATTENTION OF STUDENTS AVAILING READING HALL FACILITIES</b>
In view of the CA Foundation, Intermediate, IPCC, FINAL examinations scheduled to be held in <b>November 2019</b> 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 <b>3rd September 2019</b> , the reading hall will be kept open between <b>8.00 am and 10.00 pm till 18th November 2019</b> .
<b>SIRC of ICAI</b>

**DISCLAIMER**

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



**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	1,200.00	0484 286 7600
IMA House	3 STAR	6.30	1,500.00	0484 392 5500
EXCELLENCY	3 STAR	5.20	1,600.00	0484 237 8254
DIWANS HOTEL	2 STAR	5.00	1,800.00	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	2,100.00	0484 240 6001
AISWARYA HOTEL	3 STAR	4.80	2,100.00	0484 236 4454
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	2,500.00	0484 2380401 / 2382091
PJ PRINCESS	4 STAR	6.20	2,500.00	0484 2753056, 2495956
MERCY HOTEL	4 STAR	6.40	2,500.00	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	3,300.00	0484 4046671
IBIS HOTEL	3 STAR	3.80	3,368.00	0484 7137137
KEYS HOTEL	4 STAR	9.40	3,500.00	0484 2382323
WHYTE FORT	3 STAR	12.00	3,500.00	0484 270 6952
RENAI KOCHI	4 STAR	6.60	3,650.00	0484 2344463
GRAND HOTEL	3 STAR	5.10	3,700.00	0484 2382061
GOKULAM PARK INN	4 STAR	4.60	3,800.00	0484 3010500
PGS VENDANTA	3 STAR	4.20	3,840.00	0484 3049999, 2405777
AVENUE REGENT	4 STAR	5.10	4,200.00	0484 237 7977
BOLGATTY PALACE	4 STAR	1.10	4,500.00	0484 275 0500
MONSOON EMPRESS	4 STAR	8.20	4,550.00	0484 6665999
RADISSON BLUE	5 STAR	7.70	4,700.00	0484 4129999
LE MARITIME	4 STAR	3.60	5,000.00	0484 2867777
OLIVE DOWN TOWN	5 STAR	7.40	5,000.00	0484 422 2333
HOLIDAY INN	5 STAR	8.20	5,500.00	0484 4199000
TAJ GATEWAY	5 STAR	3.70	5,500.00	0484 6673300
FOUR POINTS SHERATON	5 STAR	15.00	5,500.00	0484 7160000
TRIDENT HOTEL	5 STAR	13.00	6,000.00	0484 2666816
LE MERIDIAN	5 STAR	13.00	6,800.00	0484 2705777
TAJ MALABAR	5 STAR	14.00	7,000.00	0484 664 3000
GRAND HYATT	5 STAR	0.00	7,500.00	0484 266 1234
MARRIOTT	5 STAR	8.70	8,500.00	0484 7177777 / 71240000
CASINO HOTEL	5 STAR	13.00	8,500.00	0484 2668421 / 2668221
CROWN PLAZA	5 STAR	13.00	8,500.00	0484 286 5000

**One Day Workshop on  
Tech Takeaways on the Insolvency and  
Bankruptcy Code, 2016**

CPE Credit  
**6** Hours

**Day & Date:** Saturday, 14th September, 2019

**Time:** 10.00 am to 05.00 pm

**(Restricted to 50 participants)**

Timings	Sessions	Topics
10:00 am to 11.15 am	Session 1	Submission of Claims using Google forms
11.15 am to 11.30 am	Tea Break	
11.30 am to 12 noon	Session 2	How to use Excel for calculation and verification of Voting rights
12.00 noon to 1.30 pm	Session 3	Verification of Claims- Using Tally
1.30 pm to 2.00 pm	Lunch Break	
2.00 pm to 3.30 pm	Session 4	Tally and Excel for PUEF (Preferential, Undervalued, Extortionate, Fraudulent) transactions.
3.30 pm to 3.45 pm	Tea Break	
3.45 pm to 5.00 pm	Session 5	Power BI for PUEF (Preferential, Undervalued, Extortionate, Fraudulent) transactions.

**Resource Persons: CA. Dungar Chand U. Jain and CA. Deephika**

**\* Bring your own Laptops**

**Delegate Fee (Including GST)**

Members: Rs.1180/-	Non Members: Rs.1770/-	Students: Rs.885/-
<b>CA. Jomon K. George</b> Chairman SIRC of ICAI	<b>Programme Co-ordinator:</b> <b>CA. Revathi S. Raghunathan</b> Chairperson - SICASA	<b>CA. K. Jalapathi</b> Secretary SIRC of ICAI

**For online registration, please visit**

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

**Extension of Due date for  
filing GST Annual Return and  
Audit Report for FY 2017-18**

Considering the time taking technical issues involved in preparing Annual Return and Audit Report, the Government has extended the **due date for filing GST Annual Return and Audit Report for FY 2017-18** (from 31.08.2019) to 30.11.2019.

**EXPOSURE DRAFTS**

**STANDARD ON INTERNAL AUDIT (SIA) 120  
INTERNAL CONTROLS\***

**STANDARD ON INTERNAL AUDIT (SIA) 390 MONITORING  
AND REPORTING OF PRIOR AUDIT ISSUES**

**STANDARD ON INTERNAL AUDIT (SIA) 350 REVIEW  
AND SUPERVISION OF AUDIT ASSIGNMENTS**

The Internal Audit Standards Board of the Institute of Chartered Accountants of India (ICAI) invites comments on

- STANDARD ON INTERNAL AUDIT (SIA) 120 INTERNAL CONTROLS\*
- STANDARD ON INTERNAL AUDIT (SIA) 390 MONITORING AND REPORTING OF PRIOR AUDIT ISSUES
- STANDARD ON INTERNAL AUDIT (SIA) 350 REVIEW AND SUPERVISION OF AUDIT ASSIGNMENTS

Comments are most helpful if they indicate a clear rationale and, where applicable, provide a suggestion for alternative wording.

Comments can be e-mailed either at  
[cia@icai.in](mailto:cia@icai.in) or [iasb.program@icai.in](mailto:iasb.program@icai.in)

**Last date for sending comments is September 14, 2019.**



**FAQs on UDIN for Audit, Assurance & Attest functions**

Institute of Chartered Accountants of India's 379th Council Meeting held on 17th and 18th December, 2018 made UDIN mandatory for all Audit, Assurance & Attest functions with effect from 1st July, 2019.

For the benefits of Members, UDIN Monitoring Group of ICAI has released detail FAQs on Audit, Assurance & Attest functions which are available at <https://udin.icai.org/faqs>

**Generate UDIN through the official site of ICAI i.e <https://udin.icai.org>**

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) that may facilitate to generate UDIN.

**Notification on UDIN Directions**

In exercise of the powers conferred on it under Item No.(1) of Part- II of the Second Schedule to the Chartered Accountants Act, 1949, the Council of the Institute of Chartered Accountants of India has issued the following guidelines for information of public and necessary compliance by members of the Institute (Notification available at the link <https://resource.cdn.icai.org/56199udinnotification45503.pdf>) –

(i) A member of the Institute in practice shall generate Unique Document Identification Number (UDIN) for all kinds of the certification, GST and Tax Audit Reports and other Audit, Assurance and Attestation functions undertaken/signed by him which made mandatory from the following dates through announcements published on the website of the ICAI [www.icai.org](http://www.icai.org) at the relevant time: -

- For all Certificates w.e.f. 1st February, 2019.
- For all GST and Tax Audit Reports w.e.f. 1st April, 2019.
- For all other Audit, Assurance and Attestation functions w.e.f. 1st July, 2019.

(ii) The above Guidelines shall come into force from the above dates for the various services respectively.

Stakeholders are requested to make a note of the same.

**Last date for sending comments is September 14, 2019.**

<b>CA. Ranjeet Kumar Agarwal</b> Convenor UDIN Monitoring Group	<b>CA. Jay Chhaira</b> Deputy Convenor UDIN Monitoring Group
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**Expression of Interest - Fixed Assets Impairment of Fixed Assets at SIRC of ICAI, Chennai.**

SIRC of ICAI invites Expression of Interest from firms of Chartered Accountants having relevant experience to undertake Fixed Assets Impairment Exercise at SIRC of ICAI, Chennai.

Financial and Technical bid may be submitted in sealed cover at

**Southern India Regional Council of The Institute of Chartered Accountants of India**  
ICAI Bhawan, No.122, Mahatma Gandhi Road,  
Nungambakkam, Chennai – 600 034.

**on or before 18th September 2019.**

**MULTIPURPOSE EMPANELMENT FORM (MEF) FOR THE YEAR 2019-20**

Practicing Chartered Accountants are invited to fill the Multipurpose Empanelment Form (MEF) for the year 2019-20 at [www.meficai.org](http://www.meficai.org). The key highlights of the MEF- 2019-20 are:

- Applicants registered earlier for MEF 2018-19 have to simply login with MEF 2018-19 credentials.
- Most of fields are pre-filled and auto-populated from Institute's records or last year's MEF.

Please refer to the Advisory while filling the MEF and for any further query/clarification, please lodge your complaint online on MEF portal. If the same is not resolved within 3 working days, may write PDC Secretariat at [mefpdc@icai.in](mailto:mefpdc@icai.in) or contact at 011-30110444 /440 between 3 pm to 5 pm on working days.

The last date for submission of online MEF Form for the year 2019-20 is 11th September, 2019 and online Declaration is to be submitted within 10 days of the filling of MEF but not later than 18th September, 2019.

<b>CA. Jay Chhaira</b> Chairman Professional Development Committee	<b>CA. Prakash Sharma</b> Vice-Chairman Professional Development Committee
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**One Day Seminar on Issues in GST Audit and Annual Return** **CPE Credit 6 Hours**  
Under the aegis of **Indirect Taxes Committee of ICAI**

Hosted by SIRC of ICAI

**Day & Date:** Wednesday, 25th September, 2019

**Time:** 10.00 am to 5.30 pm

**Venue:** P. Brahmaya Memorial Hall, ICAI Bhawan, Nungambakkam, Chennai - 600 034

Timings	Session Topic	Resource Persons
09.30 am to 10.00 am	Registration	
10.00 am to 11.30 am	Filing of GST R 9	CA. Ganesh Prabhu
11.30 am to 11.45 am	Tea Break	
11.45 am to 01.15 pm	Annual Return and Issues in Annual Return	CA. Ganesh Prabhu
01.15 pm to 02.00 pm	Lunch	
02.00 pm to 03.30 pm	GSTR 9 C and Audit Documentation & Issues in Audit documentation	CA. Sankaranarayanan
03.30 pm to 03.45 pm	Tea	
03.45 pm to 05.30 pm	Open Discussion on Issues in GST	CA. Ganesh Prabhu CA. Shankaranarayanan

**Delegate Fee (Including GST)**

**Members: Rs. 1180/- Non-Members: Rs. 1770/- Students: Rs. 885/-**

<b>CA. Jomon K. George</b> Chairman SIRC of ICAI	<b>CA. Rajendra Kumar P</b> Vice-Chairman Indirect Taxes Committee of ICAI	<b>CA. K. Jalapathi</b> Secretary SIRC of ICAI
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**CA. China Masthan Talakayala**  
Chairman, Indirect Taxes Committee of SIRC

**For online registration, please visit**  
<https://www.sircoficai.org/>





**Resource Persons - August 2019**



CA. P.B. Sampath

CA. M. Kandasami

CA. Raja Kumar Chandrasekharan

CA. Venkat Narayan Vedantam

CA. Vishesh Unni Raghunathan

CA. Dilip Kumar Khabya

CA. Sanjeev Aditya

**Two Day National Conference on GST - August 23 & 24, 2019**



Adv. N. Venkataraman

CA. A.R. Krishnan

CA. Dr. Elavarasan



CA. Manish Gadia



CA. A.K. Narayan



Shri V. Nagappan



CA. S. Venkataramani

Shri J.M. Kennedy, IRS

CA. Rajendra Kumar P



CA. Rajesh Saluja



Shri Narayanan



Shri Ram Prakash

**Investor Awareness Program**

**SIRC Congratulates**



CA. T. Thavamani



CA. Vidhya Subramanian

The Tamilnadu State Government, under its Arts and Culture Department, through "Eyyal Isai Nadaga Mandram", works to uplift artists of various art forms of Tamilnadu thereby promoting the Art forms that depict the culture, traditions and cultural heritage of the State. One of its functions is to select, appreciate and encourage various artists and their art forms by recognising the work of the artist in their field by issuing a State Level recognition in the form of Medal, cash incentives, monthly pension, Special concessions and so on. Kalaimamani award is given to artists who excel in their selected art form to encourage them and motivate others also to take up their desired art form thereby our Tamil culture, tradition and heritage would be appreciated. Thus declining artforms will survive and reach its glory.

Kalaimamani award was given for the first time in 1954 and was continued in an yearly basis. Awards have been declared recently for the past 8 years and distributed by Honourable Chief Minister of Tamilnadu on 13.08.2019 at Kalaivanar Arangam, Chennai

CA. T. Thavamani (MN 214945) has been awarded Kalaimamani Award for Karagattam (the folk dance of Tamilnadu) for the year 2017

CA. Vidhya Subramanian has been awarded Kalaimamani award for Vocal Singing for the year 2018

**SIRC of ICAI Congratulates them for their achievement.**

**Digital Summit – ABCD of Technology on 3rd August 2019 at Chennai**



CA. B.P. Sachin Kumar



CA. Narasimhan Elangovan



Shri Mayuran Palanisamy

**SIRC Congratulates CA. Nagaraj V.**



CA. Nagaraj V., Pondicherry (Mem. No. 018510) has been appointed as "Part Time Non-Official Director" of public sector undertaking M/s. Goa Shipyard Limited" (Mini Ratna Category - I Company) Vasco-Da-Gama, Goa - 403 802.

**Respectful Homage**



SIRC records with deep regret, the sad demise of G. Narayanaswamy (Mem. No. 002161), Chennai on 23rd August 2019. He was a Member of Southern India Regional Council for two terms from 1958-61 and 1961-64. He held the position of Secretary of SIRC for the years 1958-1959, 1959-1960 and 1960-1961. He was also a Central Council Member for three terms from 1979-82, 1982-85 and 1985-88.

May his Soul rest in Eternal Peace.



**Inauguration of AICTSS MCS Batches 79, 80, 81 and 82 on 19th August 2019 at Chennai**



Group Photograph of the students with Chief Guest CA. R. Bupathy, Past President-ICAI, RCM Dr. CA. Abhishek Murali and Faculty Members.

**73rd Independence Day Celebrations – 15th August 2019 at Chennai**



Special Motivational Session for Students by CCM CA. M.P. Vijay Kumar, SIRC Chairman CA. Jomon K. George, CCM CA. Rajendra Kumar P, RCM Dr. CA. Abhishek Murali, SICASA Chairperson CA. Revathi S. Raghunathan along with resource person and students.



National Flag Hoisting by SIRC Chairman CA. Jomon K. George along with CCMs CA. Rajendra Kumar P and CA. M.P. Vijay Kumar, RCM Dr. CA. Abhishek Murali, SICASA Chairperson CA. Revathi S. Raghunathan, officials and students.



Inauguration of Renovated Management Development Centre - MDP I at ICAI-Chennai by SIRC Chairman CA. Jomon K. George along with CCMs CA. Rajendra Kumar P and CA. M.P. Vijay Kumar, RCM Dr. CA. Abhishek Murali and SICASA Chairperson CA. Revathi S. Raghunathan.

**Orientation Course for Accredited Institutions held at Chennai on 30th August, 2019**



Group photograph of the delegates with Chairperson-Board of Studies CA. (Ms.) Kemisha Soni, Chairman-SIRC CA. Jomon K. George, CCMs CA. Rajendra Kumar P, CA. G. Sekar, Regional Head-SRO Mr. S. Sivanesan and faculty members

## One Day Seminar on Digital Summit – ABCD of Technology on 3rd August 2019 at Chennai

11



Chief Guest Dr. Santhosh Babu, IAS, Principal Secretary, IT Dept., Govt. of Tamil Nadu along with SIRC Chairman CA. Jomon K. George, Vice Chairman CA. Dugar Chand U Jain, RCMs Dr. CA. Abhishek Murali, CA. R. Sundararajan and SICASA Chairperson CA. Revathi S. Raghunathan during the inaugural session.

## Regional Refresher Course “Thayyar” on 9th, 10th & 11th August 2019 at Kollam



Shri. N. K. Premachandran Member of Parliament lighting the traditional lamp along with Central Council Member CA. Babu Abraham Kallivayalil, Kollam Branch Management Committee Members and Past Chairmen of the Kollam Branch.

## SIRC Chairman’s visit to Mangaluru Branch of SIRC on 7th August 2019



SIRC Chairman CA. Jomon K. George is being felicitated by the Managing Committee Members of Mangaluru Branch of SIRC of ICAI during his visit.

## Sub Regional Conference by Pondicherry Branch of SIRC on 10th August 2019 at Pondicherry



SIRC Vice Chairman CA. Dugar Chand U Jain along with SIRC Secretary CA. K. Jalapathi, RCM CA. R. Sundararajan, SICASA Chairperson CA. Revathi S. Raghunathan and Managing Committee Members of Pondicherry Branch of SIRC during the inaugural session

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**High Court**

1	Commissioner, Commercial Tax, Uttarakhand Vs Executive Engineer, Upper Ganges Canal	Commercial Tax Revision No. 15 of 2009 Dt 21.3.18 (Uttarakhand HC <b>66 GSTR 200</b> )	<p>11. In view of the admitted position that clause similar to clause-10 which was considered by the Supreme Court is also there in this case, we are of the view that the Tribunal was in error in taking the view that no tax to be paid on the sale of imported cement, sheet piles &amp; steel and sale of self-manufactured tiles.</p> <p>12. We may also incidentally notice that the definition of sale under the U.P. Trade Tax Act under Section 2-h, includes transfer of property in goods (whether as goods or in some other forms) involved in the execution of a works contract. The word 'dealer' undoubtedly includes the Government. Section 2 (c) (iv) of the U.P. Trade Tax Act, 1948 reads as under: "(iv) a Government which, whether in the course of business or otherwise buys, sells, supplies or distributes goods, directly or otherwise for cash or for deferred payment or for commission, remuneration or other valuable consideration."</p> <p>13. Finally, in fact, it is admitted by Mrs. Beena Pandey, learned Standing Counsel for the State of U.P. that the respondent is a registered dealer. Therefore, we see no reason to not apply the principle laid down by the Hon'ble Apex Court in M/s N.M. Goel and Co. (supra). In fact, we also notice that the said judgment was adverted by a learned Single Judge of this court in the decision in Trade Tax Revision No. 55 of 2006 and connected cases.</p>
2	Ambala Foods Private Limited Vs State of Haryana	CWP 328/19 dt 19 <sup>th</sup> March, 2019 ( Punjab and Haryana HC) <b>66 GSTR 144</b>	it is well settled that in the absence of any specific provision in the statute, company cannot be held liable for the surety given by its director in his individual and personal capacity. <a href="#">In Subhash Goyal vs. State of Haryana and others</a> , 2014(4) PLR 7, it was held by this Court that where the petitioner being a director stood surety, the amount can be recovered from him after issuing notice and affording an opportunity of hearing to him in accordance with law.
3	ITD-ITD CEM JV Vs Commissioner of Trade and Taxes	WP(C) 1849/16 dt 30.3.16 (Delhi HC)	<p>29. A further issue that arises is that in re-opening an assessment in exercise of the powers under Section 34 of the DVAT Act, the VATO concerned is expected to act independently and not under the dictates of any superior officer. Here, as the file notings show, the Additional Commissioner (VAT Audit) prepared a note proposing the re-opening of assessment which was approved by several of the superior officers up to the level of the Commissioner, VAT.</p> <p>30. For all the aforementioned reasons, the Court holds the impugned notice dated 9th February 2016 issued under <a href="#">Section 59</a> (2) of the DVAT Act along with the letter dated 24th February 2016 issued by the Assistant Commissioner (VAT Audit) to be unsustainable in law and they are hereby quashed.</p>
4	Mahendra Kumar Singhi vs. Commissioner of Commercial Tax of Karnataka & Others	Criminal Petition 2484-85/19 dt 15.4.19 (Karnataka HC)	<p><b>grants Anticipatory Bail against arrest under GST for Alleged Bogus Billing / Trading</b> - On appeal to the Karnataka High Court granted anticipatory bail on the following terms &amp; conditions-</p> <ol style="list-style-type: none"> <li>1. Each of the petitioners shall execute a personal bond for Rs.5,00,000/- with two sureties for the like sum to the satisfaction of the apprehending authority or authorised officer.</li> <li>2. They shall surrender before the Investigating Officer or authorised officer within fifteen days from today</li> <li>3. They shall not tamper with the prosecution evidence or destroy any documents whichever required for the purpose of interrogation or investigation.</li> <li>4. They shall co-operate with the investigation or interrogation.</li> <li>5. They shall be made available before the Investigating Agency as and when they are ordered to do so. If they do not co-operate with the investigation, the respondents are at liberty to move the Court for cancellation of bail.</li> </ol>

5	Commissioner of Central Goods and Service Tax and Central Excise Vs Alfa Packing	CEA 81/19 dt 18.06.19 (Bombay HC)	In terms of Section 11BB of the Act, the Revenue was obliged to give interest along with principal amount in terms of Section 11BB of the Act. The fact that the principal amount of Rs.49.17 lakhs was refund to respondent is in appeal before the Hon'ble Supreme Court would not detract from the obligation of the Revenue to comply with the provisions of Section 11BB of the Act in the absence of any stay to the order dated 24 <sup>th</sup> March, 2011 of the Hon'ble Gujarat High Court by the Apex Court. The liability of interest commences after 3 months of the refund application, if the refund is not made within 3 months from the date of application for refund. Thus, it runs along with the principal amount. Mere pendency of the appeal before the Apex Court would not justify the Revenue ignoring the statutory provisions of the Act namely Section 11BB of the Act.
6	State of Tamil Nadu Vs Suraj Steels	TC 118/18 dt 25.6.18 (Madras HC)	9. On a perusal of the records of the case, the order of the appellate authority and the Tribunal, which are the final fact finding authority, it is seen that they have come to the conclusion that Slip Nos. 10 and 11, do not point any sales suppression and that therefore, proceedings cannot be initiated under Section 16(1) of the TNGST Act, for reopening of the completed assessment, so as to include therein any turnover, which had escaped taxation.
7	ESS Infraprojects Private Limited Vs UOI	WP 1333/19 dt 27.6.19	Respondents seek to carry out audit in terms of Rule 5A of Service Tax Rules, 1994 and Section 174 of the CGST Act for the period prior to the introduction of CGST Act for the period prior to introduction of CGST Act.....No prejudice will be caused to the petitioner if it subjects itself to audit at this stage. If any further proceedings are taken on the basis of audit report against the petitioners, they are at liberty to move the Court for interim relief.
8	C.M.S Info Systems Ltd. vs. The Commissioner of CGST	Writ Petition 5801 of 19 Dt 9.07.19 (Bombay HC)	Reliance placed in the impugned order upon the press note issued subsequent to a GST Council recommending to allow of input tax credit in respect of the motor vehicles used for transportation of money, would not by itself lead to the conclusion that prior thereto, money was not included within the definition of goods. This has to be examined in terms of the definition of 'goods' and 'money' found in GST Act. The entire issue before the AARA as raised by the petitioner was whether the vans / motor vehicles in which the petitioners were transporting cash, would be money for the purpose of Section 2(52) of the GST Act. This aspect has not been dealt with in the impugned order dated 6th August, 2018 of the AARA.
9	ITD-ITD CEM JV Vs Commissioner of Trade and Taxes	WP(C) 7842/18 dt 7.8.19 (Delhi HC)	Petitioner filed its return in form DVAT-56 on 9th May, 2014 wherein it claimed a refund of Rs. 3,64,66,651/- under Section 11 (2) (b) of the DVAT Act. The above return was finally revised on 2nd January and the refund claimed was enhanced to Rs. 6,26,56,549/-. The revision became necessary as a result of the Petitioner adopting the Accounting Standard-7 applicable to Engineering Construction Contracts (ECC ... a direction is issued to the Respondent to issue the order granting refund to the Petitioner for the fourth quarter of 2013-14 as claimed together with interest due and ensuring that the refund amount together with interest is credited to the account of the Petitioner on or before 31st August, 2019. As pointed out by learned counsel for the Petitioner that the above calculation of interest is upto 25th July, 2018. The said interest amount will now be calculated upto the date of payment or 31st August, 2019 whichever is later.
10	Wide Impex Vs Pr Commissioner of Customs (Import)	W.P.(C) 7997/18 dt 9.8.19 (Delhi HC)	13. In the present case, a valuable right might have accrued to the Petitioner for unconditional release of the goods if no provisional release order had been passed before the expiry of six months from the date of seizure of the goods. In such event, the Petitioner could have argued that the valuable right accrued to the Petitioner cannot be taken away by passing a provisional release order beyond the period of

			six months from the seizure of the goods..... Therefore, no valuable right of the Petitioner had yet accrued for seeking unconditional release of the goods. In other words, the second proviso did not take away what was already available to the Petitioner. In that sense, the second proviso in the present case cannot be said to have applied retrospectively in order to deprive the Petitioner of a valuable right that had accrued to the Petitioner. 14. In that view of the matter, the court is unable to accept the plea of the Petitioner for unconditional release of the goods in question. All other contentions regarding the legality of the seizure can be urged by the Petitioner in the adjudication proceedings pursuant to the SCN.
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**CESTAT**

1	Ranjeet Sharma Vs Commissioner of Central Excise & ST, Raipur	ST 5262/2016 dt 26.12.18	whether the appellants is entitled to small scale exemption benefit in terms of Notification No. 6/2005 dated 7.6.2005 has to be calculated by taking into consideration the full value of the services or the abated value of the service in terms of Notification No. 1/2006. The appellants have claimed exemption by taking into consideration the value of services after abatement.....It stand held in the said decisions that the value of the services required to be computed for the purpose of small scale exemption benefit is the value arrived at after allowing the abatement..
2	Kush Constructions Vs. CGST NACIN, ZTI, Kanpur	ST/71307/2018-CU[DB] dt 20.2.19	Revenue has compared the figures reflected in the ST-3 returns and those reflected in Form 26AS filed in respect of the appellant as required under the provisions of Income Tax Act, 1961. We note that without further examining the reasons for difference in two, Revenue has raised the demand on the basis of difference between the two. We note that Revenue cannot raise the demand on the basis of such difference without examining the reasons for said difference and without establishing that the entire amount received by the appellant as reflected in said returns in the Form 26AS being consideration for services provided and without examining whether the difference was because of any exemption or abatement, since it is not legal to presume that the entire differential amount was on account of consideration for providing services.
3	Popular caterers Vs Commissioner of CGST	ST 86619/18 dt 8.5.19 (Mumbai)	catering service includes both sale of food and service for consumption of food. Therefore the other component of 40% of gross value received from catering services cannot be definitely considered as exempted services to make Rule 6(3) of CENVAT Credit Rules, 2004 applicable and to maintain separate records for availment of CENVAT credit on it including on processed food purchased as raw material.....statutory audit procedure, the purpose of audit, as available in the Manual published by the Institute of Chartered Accountants of India in respect of EA audit and CERA audit under Chapter 17 is that the idea behind such conduct of verification is to reasonably ensure that no amount, which under the central excise law is chargeable as duty, escapes taxation and the process of verification is always carried out in the presence of assessee and in the process, the auditor is required to discuss the matter with the assessee and advice him to follow correct procedure in future.
4	Khanna Constructions Vs Commissioner of Customs, CGST & Central Excise, Jodhpur	ST 52917/18 dt 23.5.19 (Delhi)	the amount paid by the appellants as service tax from 1st April, 2015 to 29th February, 2016 though was the duty for the said relevant period but due to subsequent retrospective exemption given even for the said period, the amount paid was no more a duty. In the given circumstances, the amount paid by the appellant is nothing more than the deposit made by the appellant in excess.....to the extent it holds that it is a case of unjust enrichment, and therefore, the rejection of the refund claim and depositing of the said sum of Rs. 29,80,286/- to be credited in the Consumer Welfare Fund is hereby declared to be against the existing principles of law and also is in ignorance of relevant facts

**GOs issued under GST Act**

1	G.O.MS.No. 359	<b>19.8.2019</b>	hereby specify retail outlets established in the departure area of an international airport, beyond the immigration counters, making tax free supply of goods to an outgoing international tourist, as class of persons who shall be entitled to claim refund of applicable state tax paid on inward supply of such goods, subject to the conditions specified in rule 95A of the Andhra Pradesh Goods and Services Tax Rules, 2017. Explanation. - For the purposes of this notification, the expression “outgoing international tourist” shall mean a person not normally resident in India, who enters India for a stay of not more than six months for legitimate nonimmigrant purposes.
2	G.O.MS.No. 360	<b>19.8.2019</b>	It is necessary in the public interest so to do, hereby makes the following amendment to the notification issued in G.O.Ms.No.302 Rev.(CT-II) Dept. Dt.16-05-2019, namely:- AMENDMENT In the said notification, for the figures, letters and words “21st day of June, 2019”, the figures, letters and word “21st day of August, 2019” shall be substituted.
3	G.O.MS.No. 361	<b>19.8.2019</b>	3. The time limit for furnishing the details or return, as the case may be, under sub-section (2) of section 38 and sub-section (1) of section 39 of the said Act, for the months of July, 2019 to September, 2019 shall be subsequently notified in the Official Gazette.- 31 <sup>st</sup> October, 2019
4	G.O.MS.No. 362	<b>19.8.2019</b>	supplying online information and data base access or retrieval services from a place outside India to a person in India, other than a registered person as the class of registered persons who shall follow the special procedure as mentioned below. 2. The said persons shall not be required to furnish an annual return in FORM GSTR-9 under sub-section (1) of section 44 of the said Act read with sub-rule (1) of rule 80 of the said rules. 3. The said persons shall not be required to furnish reconciliation statement in FORMGSTR-9C under sub-section (2) of section 44 of the said Act read with sub-rule (3) of rule 80 of the said rules.
5	G.O.MS.No. 363	<b>19.8.2019</b>	Amendment of Rules - Notification- Orders
6	G.O.MS.No. 364	<b>19.8.2019</b>	Further to amend the Andhra Pradesh Goods and Services Tax Rules, 2017 - Notification- Orders - Issued.
7	G.O.MS.No. 365	<b>19.8.2019</b>	amendments to the notification issued in G.O.Ms.No.301, Revenue (CT.II) Department, dated the 16th May, 2019, namely:- In the said notification, in paragraph 2, the following proviso shall be inserted, namely: - “Provided that the due date for furnishing the statement containing the details of payment of self-assessed tax in said FORM GST CMP-08, for the quarter April, 2019 to June, 2019, or part thereof, shall be the 31st day of July, 2019.”
8	G.O.MS.No. 366	<b>19.8.2019</b>	a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person, shall furnish an annual return for every financial year electronically in such form and manner as may be prescribed on or before the thirty-first day of December following the end of such financial year; AND WHEREAS, for the purpose of furnishing of the annual return electronically for every financial year as referred to in sub-section (1) of section 44 of the said Act, certain technical problems are being faced by the taxpayers as a result whereof, the said annual return for the period from the 1st July, 2017 to the 31st March, 2018 could not be furnished by the registered persons, as referred to in the said sub-section (1) and because of that, certain difficulties have arisen in giving effect to the provisions of the said section



**DC Revision Orders**

	Sai Krishna Stone Crusher	TIN 37406136654 RV No. 26/ 2018-19/ NRP Dated 14 -08- 2019	verified the documents and the case laws relied by the dealer and the main contention of the dealer is that estimation of sale turnover cannot be made on the sole ground of consumption of electricity charges. They have relied on the Judgment of Madras High Court in the case of TVI Alfa Leather Board Vs. Deputy Commercial Tax Officer In W.P.No.48159/2006 Dt. 10/10/2017 wherein their Lordships held that "assessment solely on the basis of electricity consumption is invalid." The dealer also argued that the estimation cannot be made without proper investigation and hence, the dealer requested to drop proposed revision
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**ADC Appeal Orders**

1	Tropical Agro System India (P) Ltd	Appeal No. VJA-I/24/2019-20 dt 2.8.19	On a fundamental perusal of the F-forms filed by appellant, it is clearly perceivable that the appellant has not afforded to get rectified the lapses pointed out by the A.A..... In view of the above discussed omissions on the part of the appellant, the findings of AA does not warrant any interference and needs to be upheld and appeal thereon dismissed. <b>(The assessment U/s 6A92) is to appealed to Tribunal not before First Appellate Authority as Section 18A of CST ACT)</b>
2	Ambica Enterprises	Appeal No. VSP/118/2018 -19 dt 5.8.19	it is to be understood that any selling dealer can reduce his sale price by issuing credit notes, resultantly the purchasing dealer shall also has to claim reduced purchased turnover, if supported by credit notes. In the present case also, the appellant has been issued with credit notes in connection with the purchases of Apr' 2017 to Jun' 2017 and consequently the purchase turnover initially declared, is bound to be modified.
3	K.C.P. Sugar and Industries Corporation Ltd	Appeal No.VJA -II/4 /19-20 dt 13.8.19	AA failed to establish that the disputed goods are definitely bio-fertilizers, because various authorities and experts enables this authority to opine that the disputed goods shall nevertheless be treated as organic manure listed in entry 26 Schedule I of APVAT Act, 2005. Therefore, this authority felt that it would meet ends of justice in remitting the matter back to the assessing authority
4	Omsai Professional Detective and Security Services Private Limited	Order No.4394 dt 20.8.19	plain understanding of the above section clearly envisages that, whenever any dealer failed to discharge applicable tax in time, is liable to pay interest @18% for the delayed period. Therefore, the levy of interest is upheld, but the A.A is directed to compute leviable interest as on date against the actual tax to be paid by the appellant as discussed at above paras. In the end, appeal on this aspect is <b>confirmed</b>
5	Doctors Academy of Educational Society	Order No.4400 dt 20.8.19	it is apparently perceived from the appellant's transactions and services supplied that the appellant involved in a main i.e. principal supply and other supplies, which are incidental to the principal supply. The principal supply is must for every student, as such the combination of total supplies, are to be fallen under bundled services classification, which makes it a composite supply undoubtedly. Therefore, the appellant postulations against treating as composite supply are termed to be not viable and not factual. The other contentions of the appellant regarding threshold limit of 20 lakhs turnover exemption and ITC eligibility are also thoroughly analyzed, but found to be not admissible. So the levy of tax by AO need not be interfered with and to be upheld as legitimate, and the appeal is <b>dismissed by confirming</b> the tax so levied by the audit officer.
6	Sri Veerabhadra rice mill	KKD/11/2019-20 dt 21.08.19	the penalty levied basing on an order which was held as legal and consequent penalty order also held as justifiable under the provisions of the Act. The levy of penalty on the other aspect discussed above could not find fault with the determination of the assessing authority, and the impugned penalty orders, needs to be upheld

7	Uma Spintex India Pvt. Ltd	Appeal No. VJA-I/17/2018-19 dt 22.8.19	unambiguously mandates that levy of penalty is compulsory in case of failure to upload tax invoice. The appellant contention that purchase invoice is not tax invoice, is observed to be illogical, since there is no purchase invoices, but the sale invoice of other end seller, which is generally called as purchase invoice in terms of the buyer. As such, this kind of contentions cannot be seen as rational, therefore rejected... it is to be beheld that failure on the part of the appellant is an admitted & real fact and resultantly levy of penalty is unavoidable as per the provisions of the Act.
8	Chambal Fertilizers and Chemicals Limited,	Special Appeal No. KKD/26/2019-20 dt 27.8.19	As per the provisions contained in APGST Act, 2017, filing of e-appeal is compulsory to process the appeal petition under APGST Act, 2017. To adhere to the provisions prescribed in the Section 107 and rule 108 of APGST Act & Rules, 2017, it is observed that the appeal petition not qualified to get admitted.

### **Advance Rulings given in 2019**

1	Sameer Mat Industries (Tamil Nadu)	14 /ARA/2019 Dt 22 .03.19	1. The Polypropylene Mat which are plaited using polypropylene Straw is classifiable under CTH 46019900 2. The applicable tax rate from 1.7.2017 to 24.1.2018 is 9% CGST as per sl.No. 453 of Schedule -III of Notification No. 01/2017 C.T. (Rate) dated 28.06.2017 as amended and 9% SGST as per sl.No. 453 of Schedule -III of Notification No. II (2)/CTR/532(d-4)2017 vide G.O.(Ms) No. 62 dated 29.06.2017 as amended. The rate from 25.01.2018 to 31.12.2018 is 2.5% GGST as per Sl No 198A of schedule I of Notification No. 01/2017-C.T. (Rate) dated 28.06.2017 as amended and 2.5 % SGST as per Sl No 198A of Schedule I of Notification No. II (2)/CTR/532 (d-4) vide G.O. (Ms) No. 62 dated 29.06.2017 as amended. The rate from or.r.2019 onwards is 2.5% CGST as per Sl No. 198AA of Schedule I of Notification No. 01 2017-C.T. (Rate) dated 28.06.2017 as amended and 2.5oh SGST as per Sl No 198AA of Schedule I of Notification No. II (2)/CTR/532(d-4)/2017 vide G.O. (Ms) No. 62 dated 29.06.2017 as amended.)
2	V.V. Enterprises P Ltd	15 /ARA/2019 Dt 15 .04.19	“Gemini Modern Auto Coffee Filter” and “Gemini Modern Traditional Coffee Filter” supplied by the applicants are classifiable under Chapter Heading 84198190. 2. For the period 01.07.2017 to 14.11.2017, the applicable rate on “Gemini Auto Coffee Filter is CGST 9% as per Sl. No. 453 of Schedule –III of Notification No.01/2017-CT(Rate) dated 28.06.2017 and SGST 9% as per Sl.No. 453 of Schedle III of Notification No. II(2)/CTR/532(d-4)/2017 vide G.O.Ms. No 62 dated 29.6.2017. The products are taxable to CGST 9% and SGST 9% as per Sl. No. 320 of Schedule III to Notification No.01/2017-CT(Rate) dated 28.6.2017 as amended by Notification No.41/2017 dated 14.11.2017 and Sl.No. 320 of Schedule III to Notification No.II(2)/CTR/532(d-4) vide G.O.Ms.No 62 dated 29.06.2017 effective from 15.11.2017
3	Daimler Financial Services India Private Limited	16 /ARA/2019 Dt 15 .04.19	The interest subvention income received by Daimler Financial Services India Private Limited (DFSI) from Mercedes-Benz (MB India) to reduce the effective interest rate to the final customer is chargeable to GST as a supply under SAC 999792 as Other miscellaneous Services, agreeing to do an action to 9% CGST as per Sl. No. 35 of Notification No.11/2017 Central Tax (Rate) dt 28.6.2017 as amended are chargeable as per Sl.No. 35 of Notification No.II(2)/CTR 532 (d-14)/2017 vide G.O.Ms.No.72 dated 29.6.2017 as amended.
4	Tata Projects	17 /ARA/2019 Dt 16 .04.19	1. The supply of Engineering, Procurement and Construction (EPC) contract for establishment of Fluids Servicing System between the applicant and IPRC is a composite supply in terms of Section 2(30) of CGST and TN GST Act, 2017. 2. This supply is a works contract in terms of Section 2(119) of CGST and TNGST Act 2017 and hence Notification NO.45/2017-Central Tax

			(Rate) dated 14.11.2017 and corresponding SGST Notification Vide G.O.Ms.No 161 dated 14.11.2017 is not applicable. 3. The complete transaction is taxable at the rate applicable to this supply of works contract.
5	Alekton Engineering Industries Pvt Limited	18 /ARA/2019 Dt 16 .04.19	1. Forced Lubrication Pumps, Emergency Lube Oil Pumps, DG Lub Oil Transfer Pumps and Triple Screw Pumps manufactured by the Applicant supplied to the Indian Navy for commissioning in its Vessels and Warships are parts of "All types of Vessels & Warships 2. They are covered under entry at Sl. No. 252 of Schedule I of the Notification No. 01/2017-C.T. (Rate) dated 28.6.2017 as amended at 2.5% CGST and at Sl. No. 252 of Schedule 1 of Notification No. II(2)/CTR/532(d-4)/ 2017 vide G.O. Ms No. 62 dated 28.6.2017 as amended at 2.5% SGST and at Sl No.252 of Schedule I of Notification No.1/2017 – Integrated Tax (Rate) as amended at 5% IGST..
6	Venkataswami Jagannathan	19 /ARA/2019 Dt 21 .05.19	The Profit Sharing Agreement between the applicant and various shareholders of SHA is an actionable claim and is as neither a supply of goods nor a supply of services covered under Schedule III to CGST Act and SGST Act and hence is not taxable to CGST or SGST
7	Tamilnadur Edible Oils P Ltd	21 /ARA/2019 Dt 21 .05.19	The Advance Ruling sought vide application dated 15.03.2019 by M/s. Tamil Nadu Edible Oils Private Limited is rejected under Section 97(2) of the CGST/TNGST Act 2017, as the question on which ruling is sought do not fall in the ambit of Section 97(2) of CGST Act , 2017 and TNGST Act.
8	Rajendrababu Ambika	22 /ARA/2019 Dt 22 .05.19	1.The applicable classification of the dairy Machinery cannot be pronounced as no details of such supply were produced. 2. The activity of Supply undertaken by the applicant in respect of the awarded work order by the Tiruchirapaili District Co-operative Milk Producers Union Ltd, to carry out the work towards the 7X7 Frick Ammonia Compressor, IBT Tank Liquid Separator in pipeline repairing and replacement work at Karur and work order by the Kancheperum Thiruvallur District Co-operative Milk Producers Union Ltd, Thiruvallur for providing new header to Inter connecting ice bank tank with Accel Compressor and gladded insulation with aluminium sheet is classifiable under SAC 998717 and the applicable rate of tax is 9%-CGST under Sl.No. 25(ii) of Notification No. 11/2017-C.T.(Rate) dated 28.06.2017 as amended and at 9% -SGST under Sl.No. 25(ii) of Notification No.II(2)/CTR/532(d-14)2017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended. 3. The Activity of the applicant are not a 'Works Contract 'as defined in Section 2(I).9) of the CGST/TNGST Act 2017 4. The applicability of E-way bill procedure and GSTR- 1 are not answered as the same are not the details to be filled in the purview of Advance Ruling as per Section 97 of the CGST/TNGST t 2017.
9	Rossi Gear Motors P LTd	23 /ARA/2019 Dt 22 .05.19	The 'Gear Motors' supplied by the applicant are to be classified under cTH 8501. (ii) The Question whether the gear motors can be considered as gears and gearings is not answered under Section 98(2) of the Act as not covered under the purview of section 97(2) of the Act (iii) The rate of CGST/SGST applicable on the 'Gear motors' is 9% CGST & 9% SGST as per sl.No. 372 of Schedule-III of Notification No 01 2017- C.T. (Rate) dated 28.06.2017;'and G.O.(Ms.)No. 62 dated 29.06.2017.
10	K. Suresh	24 /ARA/2019 Dt 21 .06.19	1. The product 'wet wipes' supplied by the applicant is classifiable under 3307 90 90 of First Schedule to the Customs Tariff Act 1975 2. The Rate of tax applicable is 14% CGST and 14% SGST as per Sl. No. 29 of Schedule IV of Notification no. 01/2017 – CT (Rate) dated 28.06.17 and as per Sl No 29 of Schedule of Notification No.II(2)/CTR/532(d-4)/2017 vide G.O.Ms No. 62 dated 29.6.2017 respectively upto 14.11.2017. From 15.11.2017, the applicable tax rate is 9% CGST and 9% SGST as per Sl No. 60A of Schedule III of

			Notification NO.01/2017 – CT (Rate) dated 28.6.2017 amended and as per Sl. No. 60A of Schedule III of Notification NO. 11(2) CTR 532(d-4) 2017 vide GO Ms No. 62 dated 29.6.2017 as amended respectively
11	Lumbini Square Owners Association	25 /ARA/2019 Dt 21 .06.19	If a service by the applicant, a registered housing society/ resident welfare association to its members b way of reimbursement of charges or share of contribution for sourcing of goods or services from a third person for the common use of its members, is such that is above 7500 rupees per month effective from 25.1.2018 (5,000 rupees before), it is not eligible Sl. No. 77(c) of Notification No. 12-2017 – C.t. (Rate) dated 28.06.2017 vide G.O. Ms No.73 dated 29.6.2017 as amended for SGST. CGST and SGST at appropriate rates are to be paid by members on the full amount of reimbursement of charges or share of contribution
12	Sanghavi Movers Limited	26 /ARA/2019 Dt 21 .06.19	On the supplies received from M/s Sanghavi Movers Ltd, Maharashtra, the applicant M/s Sanghvi Movers Ltd, Tamil Nadu, Is not eligible for the full input tax credit but only to the extent specified in the restrictions as per second proviso Section 16(2) of CGST Act and Rule 37 of CGST Rules read with Section 20(iv) of IGST Act, subject to fulfilment of all other conditions under Section 16 of CGST Act, read with Section 20(iv) of IGST Act.
13	Specsmakers Opticians Pvt Limited	27 /ARA/2019 Dt 24 .06.19	The value in respect of supply of goods i.e. Lenses, Frames, Sun Glasses, contact Lenses as well as reading glasses, complete spectacles by the applicant to distinct persons being branches outside the state of Tamil Nadu shall be the open market value of such supplies that is available as per of Rule 28(a) and Explanation (a) to Chapter IV of CGST /TNGST Rules 2017 read with Section 15 of the CGST/TNGST Act 2017. Where the goods are intended for further supply as such by the recipient, the applicant has the option to adopt an amount equivalent to ninety percent of the price charged for the supply of goods like kind and quality by the recipient to his customers not being a related person as the value of such supplies to the distinct recipient as per proviso to Rule (28) and Explanation (a) and (b) to Chapter IV of CGST/TNGST Rules 2017 read with Section 15 of the CGST / TNGST Act 2017.
14	Tool Compp Systems Private Limited	Order KAR ADRG 13/2019 dt 16.7.2019	The cost of the tools supplied by the OEM on FOC basis under the situations discussed in para 11 and 14 to the applicant is not required to be added to the value of the parts supplied by the applicant and hence the said value is not liable for GST
15	United Engineering Works	Order KAR ADRG 15/2019 dt 25.7.2019	The applicant supply does not qualify as works contract. It is a composite supply wherein the principle supply is that of the supply of goods i.e. submersible pumps. The applicable rate of the applicants supply would be rate applicable to the principle supply i.e. submersible pump sets.
16	Durga Projects & Infrastructure Private Limited	Order KAR ADRG 16/2019 dt 25.7.2019	<p>a) In respect of partially completed flats having identified customers before GST regime, the applicant is liable to pay service tax under the Finance Act 1994 proportionate to the services provided upto 30.6.2017 and from 1.7.2017 onwards liable to pay GST proportionate to the services provided effective from 01.07.2017 in terms of Section 142(11)(b) of CGST Act</p> <p>b) In respect of partially completed flats, where customers are identified after implementation of GST, the applicant is liable to pay GST on the transaction value of supply.</p> <p>c) In respect of partially completed flats, where no customers are identified the applicant is not liable to GST as no supply involved.</p>

			However, if the supply is made prior to the issuance of completion certificate then GST is liable to be paid on the transaction value of supply, as answered in (b) above.
17	Durga Projects & Infrastructure Private Limited	Order KAR ADRG 17/2019 dt 25.7.2019	The applicant is liable to pay GST towards work executed under Joint Development Agreement on Land Owner's portion, on the value to be arrived at in terms of para 2 of the Notification No.11/2017 Central Tax (Rate) dated 28.6.2017 at the time of transfer of possession of the land owners portion of the flats.
18	S.B. Reshellers Pvt.Ltd Maharashtra	GST-ARA, Application No. 97 Dt 2.3.19	Question 1) The activity of converting the bare shaft beams supplied by the customer in ready to use sugar mill roller (by using one's own material will be treatable as supply of goods or will be treatable as supply of service? The activity undertaken by applicant of converting the bare shaftbeams supplied by the customer into ready to use sugar mill roller (by using one's own raw material) is "supply of goods" Question 2) Whether the cost shaftbeam supplied by customer is includible in the value of the said supply for the purpose of payment of GST. Answer: - Answered is in affirmative
19	Wilhelmsen Maritime Services Pvt Ltd	GST-ARA, Application No. 136 Dt 15.6.19	The activity carried out by WMSPL is export of goods as the goods will move out of India when the next port call is not within the territorial waters of India. The Authority also said that, supply from bonded warehouse will fall under schedule III of the CGST Act "and exempted from GST and supply from Non-Bonded warehouse will not fall under Schedule III of CGST Act "and therefore not exempted from GST. The Authority has observed that, WMSPL has w.e.f 1.7.2017 levied and paid GST on all its "Maritime Products" supplies. However, in WMSPL view the said supply should be considered an "Export of goods" as defined under Section of the IGST, 2017 and thus be considered as a zero-rated supply as per Section 16 of IGST Act, 2017
20	Sanghi Brothers (Indore) P Ltd MP	6/19-20 dt 3.5.19	In respect of the question raised by the applicant we hold that on mounting Bus/Truck /Ambulance body on the chassis to be supplied by principal on delivery challan or any other owner of chassis on which Bus/Truck/Ambulance body fabricated by collecting job work charges including inputs required for such fabrication work and in no case the ownership of chassis will be transferred by applicant to the job worker will be taxable under SAC 998881 - "Motor Vehicle and trailer manufacturing services" and under entry no.26(ii) as Manufacturing services on physical inputs (goods) owned by other" it is taxable @ 18% (9% under CGST and 9% under SGST Act)
21	Pacific Quartz Surfaces LLP	Raj/AAr/19-20/6 dt 3.5.19	a. The Slabs of Quartz (Artificial Stone) is classifiable under HSN Code 68101990. b. The applicable rate of GST on Quartz Slabs (Artificial Stone) is 18% (CGST 9% +SGST 9%).
22	All Rajasthan Corrugated Board and Box Manufacturers Association	Raj/AAr/19-20/7 dt 3.5.19	I. The service provided by the applicant to the delegates and exhibitors is a composite supply and classifiable under Service Code 998596 having Service description "Events/exhibitors) conventions and assistance services" as per annexure scheme of Classification Services to Notification NO.11/2017-Central Tax (Rate) dated 28.6.2017 (amended from time to time) II. The service of brand promotion packages offered by the applicant in the course of the event is a composite supply and classifiable under Service Code998397 having Service description "Sponsorship services and brand promotion services" as per Annexure Scheme of Classification of Services in Notification NO.11/2017-Cental Tax (Rate) dated 28.06.2017 (as amended from time to time). The applicant is liable to pay GST on service of brand promotion and not covered under reverse mechanism. III. Input Tax Credit is admissible to the applicant in respect of tax paid on the following

			<p>a) Services provided by hotel including accommodation, food &amp; beverages</p> <p>b) Supply of food and beverage by outside carriers/</p> <p>c) Services provided by event manager like pickup &amp; drop, exhibition stall setup tenting etc</p>
23	Vinayak Stone Crusher	Raj/AAR/19-20/8 dt 17.5.19	<p>a. The service provided by the State of Rajasthan to the applicant for which royalty is being paid is classifiable under 997337.</p> <p>b. The rate of GST on service provided by the State of Rajasthan to the applicant for which royalty is being paid is 18% (SGST 9% + CGST 9%)</p> <p>c. As the applicant is recipient of services provided by State of Rajasthan, he is liable to pay GST on reverse charge basis under entry number 5 of the Notifications 13/2017-CT (Rate) dated 28.06.2017 and is not covered by exclusion clause number (1) of entry No.5 of said Notification.d. The services supplied by State Government of Rajasthan to Excess Royalty Collection Contractor (ERCC) by way of assigning the right to collect royalty on behalf of the State Government is exempted with certain restriction by way of Notification No.12/2017-Central Tax (Rate) dated 28.6.2017 as amended by Notification No.14/2018 CT (Rate)date 26.07.2018. However, the applicants liable to discharge GST on reverse charge mechanism.</p>
24	National Highway Authority	Raj/AAR/19-20/9 dt 28.5.19	The asset constructed by applicant does not fall under category of "goods" (as defined under GST Act, 2017), therefore no supply is involved and accordingly GST is not leviable.
25	Greentech Mega Food Park P Ltd	Raj/AAR/19-20/10 dt 28.5.19	The Lease agreement between the applicant i.e. lessor and the Lessee for a period of 99 years is a lease agreement of immovable property classifiable under HSN 9972 and attracts 18% (SGST 9% + CGST 9%)
26	Jaipur Zilla Dugdh Utpadak Sahakari Sangh Ltd	Raj/AAR/2019-20/12 dt 19.06.19	The Authority for Advance Ruling, Rajasthan has ruled that, TDS provision are not applicable to a cooperative society registered under the Rajasthan State Co-operative Society Act, 2001 under GST from the payment made to it by vendors for providing/ procuring taxable goods and services for making its supplies. <b>Ruling - The applicant is not covered under the Provisions of Section of GST Act, 2017. Therefore not liable to deduct Tax at source</b>
27	Bengal Peerless Housing Development Company Limited West Bengal	01/WBAAR/19-20 dated 02/05/2019	The Applicant is providing service of construction of a dwelling unit in a residential complex, bundled with services relating to the preferential location of the unit and right to use car parking space and common areas and facilities. It is a composite supply, construction service being the principal supply. Entire value of the composite supply is, therefore, to be treated, for the purpose of taxation, as supply of construction service, taxable under Sl No. 3(i) read with Paragraph 2 of Notification No 11/2017 - CT (Rate) dated 28/06/2017 (corresponding State Notification No. 1135-FT dated 28/06/2017), as amended from time to time
28	Senco Gold Ltd	02/WBAAR/19-20 dated 08/05/19	The Applicant can pay the consideration for inward supplies by way of setting off book debt. The GST Act and rules made there under does not restrict the recipient from claiming the input tax credit when consideration is paid through book adjustment, subject to the conditions and restrictions as may be prescribed and in the manner specified in Sections 16 and 49 of the GST Act.
29	Dredging and Desiltation Company P Ltd	03/WBAAR/19-20 dated 10/6/19	Exemption under Sl No. 3A of Notification No gt2o17 - tntegrated rax (Rate) dated 28/06/2017' as amended by Notification No.2t2o18 dated zslolt2olBntegrated rax (Rate) Bengal dated25/01/2018, applies to the Applicant's supply, as mentioned in para 1.1, to the west Fisheries Corporation Ltd.
30	Arihant Dredging Developers P Ltd	04/WBAAR/19-20 dated 10/6/19	The Applicant's supply to the Irrigation and Watenarays Directorate, Govt of West Bengal, as mentioned in para 1.1, is exempt from the payment of GST under sl No. 34 of Notification No 9/2017 - Integrated Tax (Rate) dated 28/06/2017, as amended from time to time.

31	Neo Built Corporation	05/WBAAR/19-20 dated 10/6/19	The Applicant's supply to the Irrigation and Waterways Directorate, Govt of West Bengal, as mentioned in para 1.1, is exempt from the payment of GST under Sl No.34 of Notification No 9/2017 - Integrated Tax (Rate) dated 28/06/2017 , as amended from time to time.
32	Indrajit Singh, carrying on business under the trade name M/s Maruti Enterprise	07/WBAAR/19-20 dated 10/6/19	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) dated 28/06/2017 (corresponding State Notification No. 1136 - FT dated 28/06/2017), 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.
33	Mohana Ghosh, Reesham Associates	08/WBAAR/19-20 dated 25/6/19	GST paid on the [inward supply] of motor vehicles for supplying rent-a-cab service is not admissible for credit in terms of section [17(5)(a)] of the GST Act.
34	Ashis Ghosh	09/WBAAR/19-20 dated 25/6/19	The Applicant's supply to M/s Mackintosh Burn Ltd, as described in para no.4.1, is works contract service, classifiable as site preparation service (SAC Group 99543) and taxable @ 18% under Sl No. 3(xii) of Notification No. 11/2017 - Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1135-FT dated 28/06/2017), as amended from time to time. Being a service, the Applicant's supply is not classifiable under HSN 2505.
35	Champa Nandi, Industrial Handling	10/WBAAR/19-20 dated 25/6/19	The Applicant's service to the DVC, as described in para no. 4.1, is classifiable as 'railway pushing and towing service'(SAC 996731) and taxable @ 18% under Sl No 11(ii) of Notification No. 11/2017 - Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1135 - FT dated 28/06/2017), as amended from time to time.
36	Arihant Dredging Developers Private Limited	11/WBAAR/19-20 dated 27/6/19	The recipient, namely Orissa Construction Corporation Ltd, is a government entity in terms of clause 2 (zfa) of Notification No 9/2017 - Integrated Tax (Rate) dated 28/06/2017. The Applicant's supply to Orissa Construction Corporation Ltd, as mentioned in para 4.1 above, was taxable @18% under Sl No.3(vii) of Notification No. 8/2017 - Integrated Tax (Rate) dated 28/06/17 till 12/10/2017 . The supply was taxable @ 5% under Sl 3(vii) of Notification No. 812017 - Integrated Tax (Rate) dated 28/06/2017, as amended by Notification No. 3912017 - Integrated Tax (Rate) dated 13/10/2017 with effect from 13/10/2017 till 2/10/2018. It has since been exempted under Sl No. 3A of Notification No 9/2017 - Integrated Tax (Rate) dated 28/10/2017, as amended by Notification No.2/12018- Integrated Tax (Rate) dated 25/01/2018.
37	Dredging and Desiltation Company Private Limited	12/WBAAR/19-20 dated 27/6/19	The recipient, namely Orissa Construction Corporation Ltd, is a government entity in terms of clause 2 (zfa) of Notification No 9/2017 - Integrated Tax (Rate) dated 28/06/2017. The Applicant's supply to Orissa Construction Corporation Ltd, as mentioned in para 4.1 above, was taxable @18% under Sl No. 3(vii) of Notification No. 8/2017 - Integrated Tax (Rate) dated 28/06/2017 till 12/10/2017. The supply was taxable @ 5%" under Sl 3(vii) of Notification No. 8/2017 - Integrated Tax (Rate) dated 28/06/2017, as amended by Notification No. 39/2017 - Integrated Tax (Rate) dated 13/10/2017 with effect from 13/10/2017 till 24/O1/2018
38	Borbheta Estate Pvt Ltd	13/WBAAR/19-20 dated 27/6/19	The Applicant's service of renting/leasing out the dwelling units for residential purpose, as described in para no. 4.1, is exempt under Sl No. 12 of Notification No. 12/2017-CT (Rate) dated 28/06/2017 (corresponding State Notification No. 1136 - FT dated 28/06/2017), as amended from time to time. The Applicant is, therefore, not liable to pay tax on supply of such service

39	Time Tech Waste Solutions Private Limited	14/WBAAR/2019-20 dt 27-6 - 19	The Applicant's supply to the Bally 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 28/06/2017 (corresponding State Notification No. 1136 - FT dated 28/06/2017), 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. If the Applicant's turnover consists entirely of exempt supplies, he is not liable to registration in terms of section 23(1)(a) of the GST Act. This Ruling is valid subject to the provisions under Section 103 until and unless declared void under Section 104(1) of the GST Act.
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**Notifications Issued under GST (CBIC)**

1	Notification No. 35/2019 - Central Tax	29.7.19 [F. No. 20/06/16/2018-GST (Pt. I)]	further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 21/2019- Central Tax, dated the 23rd April, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 322(E), dated the 23rd April, 2019, namely:- In the said notification, in paragraph 2, in the proviso, for the figures, letters and words "31st day of July, 2019", the figures, letters and word, "31 st day of August, 2019" shall be substituted
2	Notification No. 36/2019 - Central Tax	20.8.19 [F. No. 20/06/07/2019-GST]	further amendment in the notification of the Government of India, Ministry of Finance, Department of Revenue No.22/2019- Central Tax, dated the 23rd April, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 323(E), dated the 23rd April, 2019, namely:- In the said notification, for the figures, letters and words "21st day of August, 2019" the figures, letters and words "21st day of November, 2019" shall be substituted.
3	Notification No. 37/2019 - Central Tax	21.8.19 [F. No. 20/06/08/2019-GST]	hereby makes the following amendments in notification of the Government of India in the Ministry of Finance (Department of Revenue),No.29/2019 - 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.455(E), dated the 28th June, 2019, namely:- In the said notification, in the first paragraph, the following provisos shall be inserted, namely: - "Provided that the return in FORM GSTR-3B of the said rules for the month of July, 2019 shall be furnished electronically through the common portal, on or before the 22nd August, 2019: Provided further that the return in FORM GSTR-3B of the said rules for the month of July, 2019 for registered persons whose principal place of business is in the district mentioned in column (3) of the Table below, of the State as mentioned in column (2) of the said Table, shall be furnished electronically through the common portal, on or before the 20th September, 2019:..... Provided also that the return in FORM GSTR-3B of the said rules for the month of July, 2019 for registered persons whose principal place of business is in the State of Jammu and Kashmir shall be furnished electronically through the common portal, on or before the 20th September, 2019." 2. This notification shall come into force with effect from the 20th day of August, 2019.



## **FEMA Updates for the month of September 2019**

CA G. Murali Krishna

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### **I. External Commercial Borrowings (ECB) Policy – Rationalisation of End-use Provisions**

RBI in consultation with Government of India vide A.P.(DIR Series) Circular No. 4 dated July 30, 2019 has relaxed the end-use restrictions on ECB proceeds. Accordingly, eligible borrowers will now be permitted to raise ECBs for the following purposes from recognised lenders, except foreign branches/ overseas subsidiaries of Indian banks, subject to the following:

- a. ECBs with a minimum average maturity period of 10 years for working capital purposes and general corporate purposes. Borrowing by NBFCs with the above maturity period for on-lending for the above purposes is also permitted.
- b. ECBs with a minimum average maturity period of 7 years can be availed by eligible borrowers for repayment of rupee loans availed domestically for capital expenditure as also by NBFCs for on-lending for the same purpose. For repayment of Rupee loans availed domestically for purposes other than capital expenditure and for on-lending by NBFCs for the same, the minimum average maturity period of the ECB is required to be 10 years.
- c. It has been decided to permit eligible corporate borrowers to avail ECB for repayment of Rupee loans availed domestically for capital expenditure in manufacturing and infrastructure sector if classified as SMA-2 or NPA, under any one-time settlement with lenders. Lender banks are also permitted to sell, through assignment, such loans to eligible ECB lenders, except foreign branches/ overseas subsidiaries of Indian banks, provided, the resultant external commercial borrowing complies with all-in-cost, minimum average maturity period and other relevant norms of the ECB framework.

### **II. Foreign Exchange Management (Deposit) (Amendment) Regulations, 2019 – Acceptance of Deposits by issue of Commercial Papers**

RBI vide AP (DIR Series) Circular No. 06, dated 16<sup>th</sup> August, 2019, has implemented the Amendment regulations on Deposit, with a view to bring consistency in statutory provisions/regulations relating to Commercial Papers (CPs) has reviewed and deleted the Sub-regulation (3) of Regulation 6 of Deposit Regulations, 2016, in terms of which a company may accept deposits through issue of Commercial Papers (CPs).

As per Section 45 U(b) of RBI Act, 1934, CPs were described as one of the Money Market Instruments and Section 2(c) of Companies (Acceptance of Deposits), Rules 2014 excludes any amount received against issue of CPs from definition of deposits. It may also be noted that FEMA 20(R) (FDI Regulations), already allow investments in CPs issued by the Indian Companies. As the aforesaid provisions do not consider CPs as Deposits, RBI, in order to bring consistency with the aforesaid provisions has excluded the CPs from the ambit of Deposit Regulations.

## Update on Compounding Orders issued under FEMA Regulations

### **a. Tata Chemicals Limited**

Regulation	Regulation 6(4) of Notification No. FEMA.120/2004-RB
Contravention	No shares were issued against the remittances made by the applicant and such remittances were treated as loans. Extending loan without any equity contribution, to overseas JV (GEZ, Mozambique), without prior approval of the RBI.
Date of Order	10-07-2019
Amount of Contravention	₹ 1,19,15,500/-
Compounding Fee	₹ 1,39,366

### **b. Dharpal Agarwal**

Regulation	Regulation 3 of FEM (Borrowing and Lending in Foreign Exchange) Regulations, 2000 (FEMA 3/2000-RB)
Contravention	Joint acquisition of a residential property abroad along with other resident individuals, where a part of the total cost is met by availing a Foreign currency loan, which is not a permissible purpose.
Date of Order	19-07-2019
Amount of Contravention	₹ 6,78,26,933
Compounding Fee	₹ 5,58,702

### **c. Marari Hideaways Resorts and Travels Pvt. Ltd**

Regulation	Regulation 6 read with paras 1(iv), 1(xi) and 1(xii) of Schedule of FEM (Borrowing and Lending in Foreign Exchange) Regulations, 2000. (FEMA 3/2000-RB)
Contravention	<ul style="list-style-type: none"><li>• Availing ECB for general corporate purposes, that was not a permitted end-use at that time.</li><li>• Drawdown before obtaining Loan Registration Number (LRN) from the RBI</li><li>• Non-compliance with reporting requirements for ECB.</li></ul>
Date of Order	20-06-2019
Amount of Contravention	₹ 1,12,71,213
Compounding Fee	₹ 25,02,894

## **UPDATES ON GOODS AND SERVICES TAX – SEPTEMBER 2019** **LEGAL UPDATES IN SEPTEMBER 2019**

### **1. Waiver of Filing Form ITC 04 for FY 2017 18 & 2018 19**

Vide Notification No. 38/2019–Central Tax dated 31.08.2019, requirement to file Form GST ITC 04 for the period FY 2017 18 and 2018 19 has been waived by the central government. However, as per proviso to the notification it is required that all class of registered persons who are required to file ITC 04 shall furnish the details of all the challans in respect of goods dispatched to a job worker in the period July, 2017 to March, 2019 but not received from a job worker or not supplied from the place of business of the job worker as on the 31st March, 2019, in serial number 4 of FORM ITC-04 for the quarter April-June, 2019.

**2. Section 103 of Finance Act, comes into force with effect from 01<sup>st</sup> September, 2019.**

Vide notification no 39/2019-CT dated 31<sup>st</sup> Aug 2019, the central government appoints 01<sup>st</sup> day of September 2019 as the date on which the provisions of section 103 the said Act, shall come into force. Through section 103 of Finance Act, the central government has amended section 54 of CGST Act which enables central government to disburse the refund of state taxes in such manner as may be prescribed.

**3. Extension for filing Form GSTR 7 for the month of July 2019 in certain cases**

Vide notification No. 40/2019 – Central Tax dated 31<sup>st</sup> August, 2019, the due date for filing Form GSTR 7 for the month of July 2019 has been extended for specified areas/towns of certain states specified in the notification to 20<sup>th</sup> September, 2019

**4. Waiver of late fee in certain cases for the month of July 2019 for Form GSTR 1 and GSTR 6**

Vide notification No. 41/2019 – Central Tax dated 31<sup>st</sup> August, 2019, late fee for filing Form GSTR 1 and GSTR 6 for the month of July 2019 for certain classes of registered persons in the specified areas of states mentioned in the notification.

**5. Extension of due date for filing GSTR 9 and 9C for the FY 2017 18**

Vide order no 07/2019-Central Tax dated 26<sup>th</sup> August, 2019 due date for filing GSTR 9 and 9C has been extended from 31<sup>st</sup> August, 2019 to 30<sup>th</sup> November 2019.

**6. Notifying State benches of the Goods and Services Tax Appellate Tribunal (GSTAT)**

Vide SO no 3009(E) dated 21<sup>st</sup> August, 2019, the central government has notified creation of state benches of the Goods and Services Tax Appellate Tribunal (GSTAT) as per the table below:

**TABLE 1**

<b>S. No.</b>	<b>Name of State/Union Territory</b>	<b>Location:</b>
1.	Andhra Pradesh	Vijayawada
2.	Bihar	Patna
3.	Chhattisgarh	Raipur
4.	Delhi	New Delhi
5.	Goa	Panaji
6.	Gujarat	Ahmedabad
7.	Haryana	Hisar
8.	Himachal Pradesh	Shimla
9.	Jharkhand	Ranchi
10.	Karnataka	Bengaluru
11.	Kerala	Thiruvananthapuram
12.	Maharashtra	Mumbai

13.	Odisha	Cuttack
14.	Puducherry	Pondicherry
15.	Punjab	Chandigarh
16.	Tamil Nadu	Chennai
17.	Telangana	Hyderabad
18.	Tripura	Agartala
19.	Uttarakhand	Dehradun
20.	West Bengal	Kolkata
21.	Assam	Common State Bench of GSTAT at Guwahati, Assam
22.	Arunachal Pradesh	
23.	Manipur	
24.	Nagaland	
25.	Sikkim	
<b>UTs (Without Legislature)</b>		
26.	Andaman & Nicobar	State Bench of West Bengal (Kolkata)
27.	Dadra & Nagar Haveli	State Bench of Maharashtra (Mumbai)
28.	Daman & Diu	State Bench of Maharashtra (Mumbai)
29.	Lakshadweep	State Bench of Kerala (Ernakulum)
30.	Chandigarh	State Bench of Punjab (Chandigarh)

**Table 2**

S. No.	Name of State	Location:
1.	Andhra Pradesh	One Area Bench each at Vishakhapatnam and Tirupati
2.	Gujarat	One Area Bench each at Surat and Rajkot
3.	Maharashtra	One Area Bench each at Pune and Nagpur
4.	West Bengal	Two Area Benches at Kolkata

## MADRAS HIGH COURT Judgments in VAT CST GST

by Sampathkumar V V

**Personal Hearing:** The impugned Assessment orders have been passed without granting time Commissioner's Circular dated 03.02.2014, emphasises that principles of natural justice should be adhered to. The documents have already been furnished and if a date is fixed for personal hearing, the write petitioner undertakes to go before the respondents. Revenue counsel submits that it would be desirable to have the date 02.07.2019 as the date fixed for personal hearing. Considering all the above the court set-aside the orders and issued specific directions **V.L.S.Fibre Vs The AC (ST), Avadi Assessment Circle, W.P.Nos.14197, 14198 & 14203 of 2019 DATED : 01.07.2019**

**Alternative remedy:** The submission of writ petitioner is that the impugned order, in respect of mismatch of purchases and sales reported by the respective parties in the monthly returns, is in violation of what has now come to stay as JKM Graphics principle owing to M/s.JKM Graphics Solutions Private

Limited Vs. The CTO reported in 2017 (99) VST 343. Referring the cases in United Bank of India Vs. Satyawati Tandon and others reported in (2010) 8 SCC 110 and [Authorized Officer, SBT Vs. Mathew K.C. reported in (2018) 3 SCC this court held that this is a fit case to relegate the writ petitioner to the alternate remedy of appeal before jurisdictional Appellate Deputy Commissioner **M/s.Bright Point India (P) Ltd., Vs. The AC (ST) Pammal Assessment Circle W.P.No.18589 of 2019 DATE: 01.07.2019**

**Mismatch** : In respect of mismatch of purchases and sales reported by the buyer and seller it is submitted by learned counsel for writ petitioner that drop from Rs.93,72,607/-; to Rs.80,95,887/-; is not because of mismatch qua numerical values, but because certain supplies have been repeated and have been shown more than once. This turns heavily on facts. The principle laid down in M/s.JKM Graphics Solutions Private Limited Vs.The CTO, Veperiy Assessment Circle, Chennai-6 reported in (2017) 99 VST 343 does not come to the aid of the writ petitioner in the instant case. This Court deems it appropriate to relegate the writ petitioner to the alternate remedy of an appeal u/s 51 of TNVAT Act. **Tvl. Sampavi Properties Vs.The AC (ST) Ashok Nagar Assessment Circle W.P.No.18482 of 2019 DATE: 02.07.2019**

**Independent Mind:** The court observed that the Assessing Officer should apply his/her mind independently i.e., independent of the proposal given by the Enforcement Wing Officials and come to a conclusion. Therefore, this Court has no difficulty in coming to the conclusion that the AO has to apply his independent mind not considering the approval of enforcement wing proposal approved by JC and set aside the order **M/s.Sri Venkateswara Timber Mart Vs. State Tax Officer (CT) Namakkal (Town) Assessment Circle W.P.Nos.18676 & 18694 of 2019 DATE: 03.07.2019**

**"C" forms:** For inter-State purchases of High Speed Diesel Oil on concessional rate of tax at 2% by way of "C" forms, the assesseees can use C forms, if eligible. This issue came up for consideration before Hon'ble Judge of this Court in a batch of writ petitions i.e., W.P.Nos.19458 to 19460 of 2018 etc., and a common order came to be passed by a Hon'ble Single Judge on 26.10.2018 and directed the AO to issue / provide c forms to buyer dealers. Same is applicable to his matter too as the said ruling is in force. **M/s. Sri Vishnu Shankar Mill Limited vs The AC (ST) Rajapalayam Assessment Circle W.P.No.18904 of 2019 Dated: 03.07.2019**

**TDS Credit:** In respect of TDS Credit, Respondent, after getting the credit particulars qua TDS certificates, which have been sought for vide aforementioned four separate letters dated 31.05.2019, shall send a notice to the writ petitioner fixing a personal hearing. Impugned orders are set aside on the sole ground that the credit particulars of TDS certificate have been sought for by the sole respondent, after the impugned orders. **M/s.Naveen Enterprises vs. The STO, Arumbakkam Assessment Circle W.P.Nos.19086, 19089, 19090 & 19094 of 2019 Dated: 04.07.2019**

**Alternative remedy:** As pointed out, writ petitioner has gone into slumber after service of impugned order in the writ petition and has woken up only after the destraint notice was served on the writ petitioner on 15.04.2019 and has chosen to come to this Court on 1st July 2019 with this instant writ petition. There is no explanation whatsoever as to why the writ petitioner did not choose either to come to this Court or prefer a statutory appeal immediately after the receipt of the impugned order Writ petitioner has missed the bus and filed the writ petition at such a belated point of time and this Court does not find any exceptional situation to interfere in this setting in the instant case. There is no dispute before this Court that a statutory appeal lies to jurisdictional Appellate Deputy Commissioner u/s 51 of TNVAT Act. **Tvl.Surabhi Granites Vs. The AC (CT) Velandipalayam Assessment Circle W.P.No.19251 of 2019 DATE: 05.07.2019**

**Personal Hearing:** When the objections to the assessment proposal notice were considered and when it came to light that there were some discrepancies, particularly when the credit notes filed were examined and reconciled with the notice issued and statement filed, the writ petitioner dealer should have been afforded an opportunity to explain the same. and hence this Court is left with the considered view that

it would be appropriate to give a personal hearing to the writ petitioner to explain aforesaid discrepancies. **Bharat Heavy Electricals Limited vs. The Asst. Commissioner (ST) Ranipet (SIPCOT) Ranipet W.P.No.18957 of 2019 DATE: 09.07.2019**

**Refund:** Entire matter turns on a principle laid down, in Everest Industries Limited Vs. State of Tamil Nadu reported in (2017) 100 VST 158,. Everest Industries principle is to the effect that Section 19(2)(v) of TNVAT Act, 2006 is not applicable to manufacturers. It is submitted without any dispute or disagreement by both sides that this Everest Industries case has been carried in appeal by way of an intra court appeal and a Hon'ble Division Bench of this Court seized of the matter. Therefore, the writ petitioner has to necessarily await the outcome / verdict in aforesaid intra-court appeals, it will suffice to say that the prayer of the writ petitioner for refund will be governed by the verdict / judgment of Division Bench in the aforesaid intra court appeals as this is the undisputed position before this Court. **Janatics India Private Ltd., Vs. The AC (ST) Podanur Assessment Circle W.P.No.29941 of 2018 DATE: 10.07.2019**

## Income Tax Judgments Update

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### Gist of Judgments of Supreme Court

Sr. No	Name of the Appellant / Respondent	Appeal No and date of decision	Gist of Judgments / Orders passed
1	CIT Vs Chhabil Dass Agarwal	Civil Appeal 6704/13 Dt 8.8.13 (357 ITR 357)	19. Thus, while it can be said that this Court has recognized some exceptions to the rule of alternative remedy, i.e., where the statutory authority has not acted in accordance with the provisions of the enactment in question, or in defiance of the fundamental principles of judicial procedure, or has resorted to invoke the provisions which are repealed, or when an order has been passed in total violation of the principles of natural justice, the proposition laid down in Thansingh Nathmal case, Titagarh Paper Mills case and other similar judgments that the High Court will not entertain a petition under <a href="#">Article 226</a> of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field. Therefore, when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.
2	The Peerless General Finance & Investment Company Ltd Vs CIT	AC 1265/07 Dt 9.7.19	The assessee-Company has floated various schemes which require subscribers to deposit certain amounts by way of subscriptions in its hands, and, depending upon the scheme in question, these subscribed amounts at the end of the scheme are ultimately repaid with interest. The scheme at hand also contains forfeiture clauses as a result of which if, mid-way, a certain amount is forfeited, then the said amount would immediately become income in the hands of the assessee. This is an admitted position before us.....The "theoretical" aspect of the present transaction is the fact that the assessee treated subscription receipts as income. The reality of the situation, however, is that the business aspect of the matter, when viewed as a whole, leads inevitably to the conclusion that the receipts in question were capital receipts and not income.
3	Pr CIT Vs S.G. Asia Holdings (India) Pvt. Ltd.	AC 6144/19 Dt 13.8.19	7. In view of the guidelines issued by the CBDT in Instruction No.3/2003 the Tribunal was right in observing that by not making reference to the TPO, the Assessing Officer had

			<p>breached the mandatory instructions issued by the CBDT. We do not find the conclusion so arrived at by the Tribunal to be incorrect.</p> <p>8. However, the Tribunal ought to have accepted the submission made by the Departmental Representative as quoted in para 16.2 of its order and the matter ought to have been restored to the file of the Assessing Officer so that appropriate reference could be made to the TPO. It would therefore be upto the authorities and the Commissioner concerned to consider the matter in terms of Sub-Section (1) of Section 92CA of the Act.</p> <p>9. We, therefore, allow this Appeal to the aforesaid extent and direct that it would now be upto the Assessing Officer to take appropriate steps in terms of Instruction No.3/2003.</p>
4	CIT Vs Lzxman Das Khandelwal	AC 6261-62/19 Dt 13.8.19	<p>8. The law on the point as regards applicability of the requirement of notice under Section 143(2) of the Act is quite clear from the decision in Blue Moon's case2 . The issue that however needs to be considered is the impact of Section 292BB of the Act.</p> <p>9. According to Section 292BB of the Act, if the assessee had participated in the proceedings, by way of legal fiction, notice would be deemed to be valid even if there be infractions as detailed in said Section. The scope of the provision is to make service of notice having certain infirmities to be proper and valid if there was requisite participation on part of the assessee. It is, however, to be noted that the Section does not save complete absence of notice. For Section 292BB to apply, the notice must have emanated from the department. It is only the infirmities in the manner of service of notice that the Section seeks to cure. The Section is not intended to cure complete absence of notice itself.</p> <p>10. Since the facts on record are clear that no notice under Section 143(2) of the Act was ever issued by the Department, the findings rendered by the High Court and the Tribunal and the conclusion arrived at were correct. We, therefore, see no reason to take a different view in the matter.</p>
5	CIT Vs Odeon Builders Pvt. Ltd.	<p>Review Petition (C) Diary No.. 22394/19 in Civil Appeal 9604- 9605/18 (uploaded in Daily Orders)</p> <p>(Del HC in ITA 52/15 (Full Bench) dt 24.3.17)</p>	<p>the CIT (Appeals) allowed the appeal of the assessee stating: "Thus, the entire disallowance in this case is based on third party information gathered by the Investigation Wing of the Department, which have not been independently subjected to further verification by the AO who has not provided the copy of such statements to the appellant, thus denying opportunity of cross examination to the appellant, who has prima facie discharged the initial burden of substantiating the purchases through various documentation including purchase bills, transportation bills, confirmed copy of accounts and the fact of payment through cheques, &amp; VAT Registration of the sellers &amp; their Income Tax Return. In view of the above discussion in totality, the purchases made by the appellant from M/s Padmesh Realtors Pvt. Ltd. is found to be acceptable and the consequent disallowance resulting in addition to income made for Rs.19,39,60,866/-, is directed to be deleted." The ITAT by its judgment dated 16th May, 2014 relied on the selfsame reasoning and dismissed the appeal of the revenue. Likewise, the High Court by the impugned judgment dated 5th July, 2017, affirmed the judgments of the CIT and ITAT as concurrent factual findings, which have not been shown to be perverse and, therefore, dismissed the appeal stating that no substantial question of law arises from the impugned order of the ITAT.</p>

<b><i>SLPs dismissed</i></b>			
1	Pr CIT Vs Manohar H Kakwani	SLP (Civil) Diary 20173/19 dt 2.8.19	SLP dismissed – Bombay High Court in ITA 8227/16 dt 7.1.19 (upheld ITA no.7582/Mum./2014) - In any case, once we hold that any receipt from transfer of TDR in the present case cannot be taxed as a capital gain and this question would itself become academic. In the result, Tax Appeal is dismissed.
2	Pr CIT Vs Kewal Real Estate Pvt Ltd	SLP (Civil) Diary 22934/19 dt 2.8.19	SLP dismissed – Bombay in ITA 796/16 dt 10-12-18 (upheld ITA Nos. 2028 & 2218/PN/2012 ) specified - it can be seen that the assessee had established on record that the buildings referred to as Complex A1 and A2 were part of separate project for which a separate approval was granted by the Municipal Corporation. Likewise, with respect to buildings
			Complex A3 to A8, building permission was granted by the Municipal Corporation separately. It was, in this background, that the CIT(A) and the Tribunal accepted two different dates of completion taking into account the respective dates of approval of the housing project. The entire issue is one of the facts. No question of law arises
3	DCIT Vs Asset Reconstru ction Company India Pt. Ltd.	SLP (Civil) Diary 21234/19 dt 5.8.19	SLP dismissed – Bombay HC in WP 3953/18 dt 29.1.19 specified – the nature of reopening of assessment need to be judged only on the basis of reasons recorded by the Assessing Officer, when the reasons do not record any other element of income chargeable to tax having escaped assessment, it would not possible for the revenue to bring such element into consideration either through affidavit or oral arguments. We have examined the reasons and find that these reasons simply do not provide the live link to the formation of belief by Assessing Officer that assess's income chargeable to tax has escaped assessment.
4	JCIT Vs Tudor India Pvt Ltd	SLP (Civil) Diary 16255/19 dt 13.8.19	SLP dismissed – Gujarat HC in SCA 15142/18 dt 11.12.18 specified on a plain reading of the reasons recorded, it is evident that the same refers to sections 92C and 92CA of the Act and the failure on part of the Assessing Officer to observe the procedures prescribed thereunder. Under the circumstances, this being a reopening of the assessment beyond a period of four years from the end of the relevant assessment year, whereby the proviso to section 147 of the Act is clearly attracted, in the absence of any failure on the part of the petitioner to disclose fully and truly all material facts relevant for its assessment, the assumption of jurisdiction on the part of the Assessing Officer is without authority of law.
5	Pr CIT Vs Navin Fluorine I nternational Ltd.	SLP (Civil) Diary 22132/19 dt 13.8.19	SLP dismissed – Bombay HC in ITA 1161/16 dt 16.1.19 Assessing Officer noted that Assessee had purchased the shares of Rs.30 Crores but sold the same for amount as low as Rs.30 Lakhs. The CIT (A) and the Tribunal, however, found that there was no colourable device employed by Assessee in the process. The Tribunal noted that before sale of shares, the Assessee had obtained the valuation report of an independent valuer, who had shown the value as “Nil”. The company concerned was a sick company and was a sick undertaking and was before BIFR. Inter alia on such ground, Tribunal dismissed Revenue appeal and confirmed the decision of CIT (A). 5.We find that the issue is factual. The concurrent finding of CIT (A) and the Tribunal in absence of perversity, do not give rise to any question of law.
6	Pr CIT Vs DLF Holding Limited	SLP (Civil) Diary 22016/19 dt 23.8.19	SLP dismissed – Delhi HC in ITA 1012/18 dt 28.9.18 specified 6. The Tribunal vide order dated 9th April, 2018 has affirmed findings of the Commissioner of Income Tax (Appeals) deleting addition of Rs. 5,33,01,263/- made by the Assessing Officer



			as being contrary to law and in particular Section 36(1)(iii) of the Act. The Tribunal observed that investment in subsidiaries/ joint venture companies was one of the main objects of the respondent-assessee and hence expenditure in the nature of interest incurred for the purpose of making investments cannot be disallowed under Section 36(1)(iii) of the Act.
7	Pr CIT Vs Tata Communications Limited	SLP (Civil) Diary 25094/19 dt 23.8.19	SLP dismissed – Bombay HC in ITA 1745/16 dt 22.1.19 specified 3. Upon perusal of the impugned judgment of the Tribunal with the assistance of the learned Counsel for the parties, we notice that the Revenue had objected to the assessee’s claim of Tax Deducted at Source (for short ‘TDS’) from the payments made to the assessee on the ground that there was mis-match in the TDS certificate issued by the deductors and the aggregate amounts arrived at as appearing in Form 26 AS. The Tribunal referred to and relied on the decision of this court in case of Yashpal Sahni 293 ITR 539 and observed that in case, the deducted has failed to uphold the correct details in form 26AS, the benefit should be given to the assessee on the basis of evidence produced before the Department. Resultantly, the Tribunal only directed the assessing officer to verify the correct facts and give credit of TDS to the assessee. No question of law arises.
8	Pr CIT Vs Arvind Joshi and CO	SLP (Civil) Diary 28318/19 dt 23.8.19	SLP dismissed on low tax effect – Gujarat HC in TA 1394/16 dt 12.2.19 ( <u>confirmed IT(SS)A No. 122, 123 and 124/Ahd/2016</u> ) specified settled legal position that in case of unabated assessment under section 153A(1)(b) of the Act, unless such assessment is based upon incriminating documents seized /impounded during the course of search, no addition can be made

**Gist of Judgments of High Courts**

1	Pr. CIT Vs. Broadway Shoe Co	ITA 10/17 dt 11.10.18 (Jammu & Kashmir HC)	the return was filed by the assessee after the time prescribed for filing return under <a href="#">Sections 139(1)</a> and <a href="#">139(4)</a> had expired. Therefore, the return filed by the assessee has to be treated as non-est. The proceedings under <a href="#">Section 147</a> of the Act were initiated on the ground that the return for the assessment year 2005-06 was the first ever return filed by the assessee and was filed on 13.02.2008..... Notice under <a href="#">Section 143(2)</a> is required to be given only when return is furnished. Furnishing of the return is a sine qua non for issuance of notice under <a href="#">Section 143(2)</a> of the Act. If no return is furnished by the assessee, there can be no reason for issuance of notice under <a href="#">Section 143(2)</a> of the Act. Similar view has been taken by a Division Bench of this Court in the case of <a href="#">Azziz Qazi &amp; Brothers v. ITO</a> , (1974) Tax LR 540 (J&K).
2	CIT Vs New Delhi Television Ltd	ITA. 40/05 Dt 31-8-17 (Delhi HC)	Assessee has in the present case discharged its onus of showing that the television programmes produced by it answers the description of ‘computer software’ under clause (b) to the Explanation to Section 80HHE of the Act. Therefore, the ultimate conclusion reached by the ITAT calls for no interference
3	Pr.CIT Vs. Mohommad Haji Adam & Co	ITA 1004/16 dt 11.2.19 (Bombay HC)	Tribunal was correct in coming to the conclusion that the purchases cannot be rejected without disturbing the sales in case of a trader. The Tribunal, therefore, correctly restricted the additions limited to the extent of bringing the G.P. rate on purchases at the same rate of other genuine purchases
4	Anilukumar Gopikishan Agarwal Vs ACIT	SCA 12825/18 and batch dt 2.4.19 (Gujarat HC)	Therefore, the satisfaction note does not appear to have been prepared at any of the stages at which could it have been prepared in terms of the above decision of the Supreme Court. Be that as it may, since on the main issue, viz. on the question of assumption of jurisdiction of the Assessing Officer

			under section 153C of the Act, this court has held in favour of the petitioners, it is not necessary to /dwell on the issue any further..... Section 153C of the Act provides that after recording satisfaction as provided therein, the Assessing Officer having jurisdiction over the other person shall proceed against each such other person and issue notice and assess
			or re-assess the income of the other person in accordance with the provisions of section 153A of the Act, if, that Assessing Officer is satisfied that the books of account or documents or assets seized or requisitioned have a bearing on the determination of the total income of such other person
5	Bhagavathy Velan Vs DCIT	TCA 211/19 dt 2.6.19 (Madras HC)	it was found by the learned Tribunal that the Assessee had substantial interest in the aforesaid closely held company M/s.Shree Velu Builders (P) Ltd. and the <b>company had sold the flat in question to the Assessee himself of which a major portion of price remained unpaid by him at the end of the previous year, which, in our opinion, has been rightly treated by the Tribunal as an advance to the Director falling within the mischief of Section 2(22)(e)</b> of the Act. The same was therefore, liable to be taxed as “deemed dividend” in the hands of the Assessee. Therefore, the Appellate Tribunal has not committed any error
6	.India Trimmings Pvt. Ltd Vs DCIT	Tax Case 118/18 dt 10.6.19 (Madras HC)	it is seen that the Revenue was aggrieved by the assessment order dated 28.12.2015. On merits we find that the Revenue has not questioned the jurisdiction of the DRP which order had worked itself out and culminated in an assessment order dated 28.12.2015. Thus, the Tribunal should have considered the correctness of the final assessment order dated 28.12.2015.....Next we examine as to whether the DRP has exceeded its jurisdiction than what has been circumscribed under sub section 8 of Section 144C in passing its order dated 24.11.2015.....Tribunal was not right in holding that the DRP exceeded its jurisdiction in passing the order. In any event, the order passed by the DRP was not impugned before the Tribunal rather what was impugned was the assessment order dated 28.12.2015 passed under Section 144C(13) r/w Section 143(3) of the Act. Therefore, the Tribunal was required to consider on merits whether the said assessment order was justified or not
7	Karur Vysya Bank Limited Vs Pr CIT	WP 12595/18 dt 12.6.19 (Madras HC)	It is a well settled principle of administrative law that if the authority otherwise had the jurisdiction, mere non quoting or misquoting of the provision will not vitiate the proceedings. I sustain the stand of the authority that Section 264 of the Income Tax Act was clearly not applicable in this case. But then, Section 119 of the Income Tax Act could have been invoked. The authority ought to have posed only one question to himself i.e., whether the assessee was liable to pay the tax in question or not. <b>If he was not liable to pay the tax in question, the department had no business to retain it even if it was wrongly paid.</b> Of course, the question of paying interest for the retained amount will not arise. It is subject to the outcome of the challenge that is pending before the Madras High Court at the instance of the department. It is open to the respondent to pass such orders as the facts and circumstances warrant. But then, an applicant ought not to have been simply shown the door.
8	The Swastic Safe Deposit and Investments Ltd Vs ACIT	WP 1230/19 dt 25.6.19 (Bombay HC)	even prima facie, the counsel for the Assessing Officer was unable to demonstrate before us on the grounds stated and the reasons recorded that income chargeable to tax had escaped assessment. His i.e. Assessing Officer's attempt of further verification would amount to rowing inquiry. There is

			nothing on record prima facie suggesting that the profit out of sale of shares was taxable under the normal provisions or that it was excluded for the purpose of computing book profit under Section 115JB of the Act. Under these circumstances, the impugned notice for reassessment is quashed.
9	Kalpna Ashwin Shah Vs ACIT	WP (L) 1887 /19 dt 15.7.19 (Bombay HC)	Petitioner had not produced the documents or reply during pendency of such proceedings. The Assessing Officer therefore passed the ex-parte assessment order. He has imposed the tax of Rs.42 Lacs (round off ), 20% of which, would come to close to Rs.8 Lacs. Thus the Petitioner is required to deposit the sum of Rs.8 Lacs subject to which the remaining tax recovery would stand stayed. 3. The decision of the authorities is in consonance with the department's circulars. We do not find any extra ordinary reasons for imposing condition lighter than one which has been imposed by the said authorities.
10	Pr CIT Vs Munisuvrat Corporation	TA 187 of 19 dt 23-07-19 (Gujarat HC)	The Tribunal, ultimately recorded its findings as reflected in para 12 of the judgment order, which read thus “.....where the satisfaction by the Assessing Officer of the person searched and other person is not found recorded, the Department should not press that the matter in the Appeal. Thus, keeping in view rival submissions in light of judicial pronouncements as discussed above and CBDT Circular (supra) the assessment in the assessee case for the assessment year under consideration is held as illegal and void-ab initio. Accordingly, the grounds raised by the assessee relating to applicability of section 153 are allowed” 7. Having heard the learned counsel appearing for the parties and have gone through the material on record, we are of the view that no error, not to speak of any error of law is said to have been committed by the Tribunal in the impugned order.
11	Surendra Kumar Jain Vs Pr CIT	WP(C) 593 /2019 & CM. 2670/19 dt 29.7.19 (Delhi HC)	7. This Court has, therefore, no hesitation in setting aside reassessment order dated 29th December, 2018 for the Assessment Year AY 2011-12. Consequently, a direction is issued to the AO to once again take up for consideration, the Petitioner’s objections to the reopening of the assessment for the aforementioned AY and dispose of those objections by a reasoned order not later than four weeks from today. The said order shall be communicated to the Petitioner not later one week thereafter. 8. Thereafter, the AO will proceed in accordance with law as far as the reassessment proceedings are concerned.
12	Pr CIT Vs Symphony Marketing Solutions India	ITA 414/18 dt 7.8.19 (Delhi HC)	11. This Court has in several decisions held in similar circumstances as the present one that Infosys BPO Ltd. cannot be a suitable comparable. The pleas urged by the Revenue in the present case are similar to the ones urged by it in ITA 420 of 2019 (Pr. Commissioner of Income Tax-8 v. M/s.Sanvih Info Group Pvt. Ltd.) which was dismissed by this Court by an order dated 16th May 2019..... “11. As regards the exclusion of M/s. Infosys BPO, the same is covered in favour of the Assessee and against the Revenue by the decision in Commissioner of Income Tax v. Pentair Water India (P) Ltd. [2016] 69 taxmann.com 180 (Bom) and the decision dated 10th July, 2013 of this Court in ITA No.1204/2011 (CIT v. Agnity India Technologies Pvt. Ltd.)” 13. For the aforementioned reasons the question of law framed is answered in the negative i.e. in favour of the Assessee and against the Revenue
13	Nestle SA Vs ACIT	WP(C) 12643 /2018 dt 7.8.19 (Delhi)	25. Therefore, the fundamental premise of the Respondent that the above investment by the Petitioner in the shares of its subsidiary amounted to „income“ which had escaped

		HC)	assessment was flawed. The question of such a transaction forming a live link for reasons to believe that income had escaped assessment is entirely without basis and is rejected as such.
14	Pr CIT Vs Dreamcity Buildwell P Ltd	ITA 1152/17 dt 9.8.19 (Delhi HC)	Admittedly, this was a statement made by Mr. Taneja during the course of the search and survey proceedings. While it contained information that 'related' to the Assessee, by no stretch of imagination could it be said to a document that belonged' to the Assessee. Therefore, the jurisdictional requirement of Section 153C of the Act, as it stood at the relevant time, was not met in the present case.
15	Vedanta Limited Vs ACIT	11541/17 dt 20.8.19 (Delhi HC)	there was no omission or failure on the part of the Petitioner to disclose all material facts relevant to the original assessment proceedings under Section 143(3) of the Act. Accordingly, in terms of the proviso to Section 147 of the Act, the assumption of the jurisdiction by the AO for reopening the assessment was bad in law
16	GE Energy Part INC Vs DCIT	WP 5577/18 dt 20.8.19 (and batch) Delhi HC	35. Consequently, this Court negatives the objection of the Respondents to the maintainability of the present writ petitions. In Commissioner of Income Tax v. Chhabil Das Agrawal (supra), the Supreme Court took note of the fact that normally the existence of an alternative remedy should discourage writ petitions under Article 226 of the Constitution being entertained. However, as explained by the Supreme Court in Whirlpool Corporation v. Registrar of Trademarks (1998) 8 SCC 1 there are exceptions to this rule one of which is that the order under challenge is itself without jurisdiction. In the present case the impugned orders are, for the reasons explained, clearly without jurisdiction.
17	Ankush Jain Vs Pr CIT	W.P. (C) 6541 /17 dt 21.8.19 (Delhi HC)	34. Therefore, where the jurisdictional Principal Commissioner /Commissioner of Income Tax finds a declaration to be based on such misrepresentation or suppression of facts, he would not be precluded from holding the declaration itself to be void in terms of Section 193 of the FA, 2016. The Court accepts the contention of the Respondent that there is no provision as such in the IDS to afford the declarant a hearing prior to passing an order holding such declaration to be void for being in contravention of Section 193 of the FA, 2016.
18	Pr CIT Vs Lalith Bagai	ITA 1444/18 dt 21.8.19 (Delhi HC)	18. In the present case also the Court finds that the AO had in fact applied his mind to the audit party objection and formed a clear opinion that there is no justification for reopening of the assessment and yet it is only on the insistence of the Addl. CIT Audit that the AO changed his opinion and decided to reopen the assessment. Consequently, the reopening of the assessment in the present case, which was based on a change of opinion was vitiated in law as it did not satisfy the legal requirement of Section 147 of the Act.
19	CIT Vs Anoop Jain	ITA 927/05 dt 22.8.19 (Delhi HC)	45. However, in the present case there appears to be overwhelming evidence to show the involvement of Mr. Chaturvedi acting on behalf of Mrs. Sneha Pathak for SMI. The CBI also did not choose to proceed against the Assessee and that discounts the case of any collusion between the Assessee and Mr. Chaturvedi along with Mr. Pathak. It does appear that the Assessee was at the highest used as a conduit by the other parties and did not himself substantially gain from these transactions. 46. In that view of the matter, the concurrent view of both the CIT (A) and the ITAT that the addition of the aforementioned sum to the income of the Assessee was not warranted, does not call for interference.

**Income Tax Appellate Tribunal**

1	Ravi Bajaj Design Pvt. Ltd Vs ITO	ITA 926/Del/12 dt 04.10.17	6. Although the ld. CIT (A) has, during the course of appellate proceedings, examined the issue and has also discussed some errors in the computation of income filed by the assessee but it is very much evident that these errors are not errors or mistakes which were apparent from any information in the return and, therefore, the action of the CPC in making these prima facie adjustment is patently wrong. We agree with the contentions of the ld. AR that proper recourse would have been to issue a notice u/s 143(2) of the Act in case further clarification/explanation was required from the assessee. Therefore, we set aside the order of the ld. CIT (A) and direct the Assessing Officer to delete this addition.
2	DCIT Vs Vishal Engineering and Galavanizers Services	ITA 2316/Ahd/1 4 dt 25.6.19	when a firm is converted into company under Part – XI, properties of the erstwhile firm vest in the company. The difference between “vesting of property” and “distributions of property” as discussed above does not permit section 45(4) of the Act to be invoked. In the instant case, since there was no sale or conveyance from the firm to the company, the partner’s capital has not increased on account of sale on capital asset but it is only on account of revaluation of asset. The capital has been increased because of such conversion. The properties of the partnership firm have been vested with the company where all the assets and liability of the erstwhile firm also vested with the present company. We find no justification to hold that there was any transfer of asset and thus question of liability to pay tax on capital gain on the appellants firm does not and cannot arise at all.
3	Rasai Properties Pvt. Ltd. Vs. DCIT	ITA 770/Mum /18 dt 28.6.19	we are of a strong conviction that imposition of penalty under Sec. 271(1)(c) would be unwarranted on account of the aforesaid inadvertent and bonafide error on the part of the assessee. We thus not being able to persuade ourselves to accept the view taken by the lower authorities set aside the order of the CIT(A) and delete the penalty imposed by the A.O under Sec. 271(1)(c).
4	H.P. Singh & Others Vs ITO	ITA 1163 /Chd /18 dt 1.8.19	notice under section 143(2) of the Act was not issued in prescribed time limit as per the proviso to section 143(2) of the Act by the A.O. having the jurisdiction upon the case of the assessee and the notice issued by the ACIT, Amritsar suffered from an inherent lacuna affecting his jurisdiction so the same could not be cured by having resort to the provisions of section 292B of the Act. Therefore the assessment framed under section 143(3) of the Act, by the A.O. without issuing the notice u/s 143(2) of the Act within the time limit prescribed in the proviso to section 143(2) of the Act was invalid
5	Piramal Glass Ltd. Vs DCIT	ITA.7188 & 7666/Mum/0 4 Dt 1.8.19	The principle relied on by the assessee on the Hon’ble Bombay High Court consistently in all the cases that the re-assessment is bad in law for the simple reason that the assessee was not supplied reasons for issuance of notice under section 148 of the Act, despite request made by him. Accordingly, following the principle laid down by the Hon’ble Bombay High Court in the above cited case laws, we quash the reassessment proceedings and allow the appeal of assessee.
6	Jain Irrigation Systems Ltd Vs JCIT	ITA.739 & 831/ PUN/15 dt 1.8.19	final assessment order under section 143(3) making certain adjustments to assessee’s arm's length price without processing draft assessment order, the Tribunal in Suktas India (P.) Ltd. Vs. ACIT (supra) it was held that the said order

			being against provisions of section 144C of the Act. In view of our setting aside the assessment order passed in the case under section 143(3) of the Act,
7	Jagannath Tukaram Vs ACIT	ITA 1315/PUN /17 dt 1.8.19	Once the legs on which the assessment has been completed do not stand, consequent order passed under section 143(3) r.w.s. 263 of the Act do not stand.
8	Sri Sharada Educational Trust Vs ITO	ITA 2319/ Bang/18 dt 2.8.19	we set aside the order of authorities below and restore the matter back to the file of AO for framing the assessment afresh and for examining the claim of the assessee u/s. 11 on merit instead of rejecting the same on this basis that audit report in Form No. 10B was not filed along with the return of income filed electronically.
9	Tedlapu Venkata Ramana Vs ITO	ITA No.362/VIZ/ 2018dt 2-8- 19	It is not clear what is the basis for the Assessing Officer to come to a conclusion that value of the property is of Rs. 9,94,000/-. It is also not clear, if the property value is Rs. 9,94,000/-, why SRO registered the property for Rs.3.00 lakhs. That apart, the assessee has raised one more objection before the Id. CIT(A) that there is no approach road to this property, therefore the value of the property cannot fetch more than Rs. 3.00 lakhs.
10	Meridian Promoters Private Ltd Vs DCIT	ITA 517/Viz /17. dt 2.8.19	AO passed the common penalty order imposing penalty u/s 271(1)(c) in respect of the additions made vide order 143(3) r.w.s. u/s 153A and the order passed u/s 143(3) r.w.s. 147 of the Act on two different dates. Both the orders are independent of each other. Therefore, the AO required to initiate two penalty proceedings by issue of separate notices u/s 271(1)(c) of the Act and to pass separate penalty orders independently. Therefore, there was a defect in the penalty order passed by the AO u/s 271(1)(c) of the Act and the same is unsustainable.
11	Atlas Copco (India) LimitedVs ACIT	ITA 736/PUN /11 dt 5.8.19	assessee purchased a property during the year and carried out suitable repairs/renovation to make it fit for use. The decision of the Id. CIT(A) capitalizing 40% of the expenditure as against 80% done by the AO, was approved by the Tribunal. Once a particular amount has been held to be capital expenditure on a building purchased by the assessee, the same has to be subjected to depreciation. As the Tribunal has approved the capitalizing of certain amount to Building account, we, therefore, direct the AO to allow depreciation on such amount as per law.
12	Anil Aneja Vs ACIT	ITA 1477/Del/16 dt 6.8.19	assessee demolished the existing residential property which was jointly owned by him and constructed four new flats but has claimed only as per his own share excluding the wife's share as well. Therefore, the Assessee has rightly claimed exemption u/s 54EC as NHAI bonds of 75,00,000/- were taken by the assessee after the property was sold. All the criteria of Section 54 was fulfilled by the assessee.
13	Haq Enterprises P.Ltd. Vs DCIT	ITA 2214/Ahd /17 dt 8.8.19	9. Thus, the Hon'ble High Court has deprecated that for verification assessment cannot be reopened. Respectfully following the decision of Hon'ble jurisdictional High Court in the case cited (supra) we are of the view that reopening is not sustainable. Accordingly, it is quashed. Appeal of the assessee is allowed.
14	ITO Vs Metals Russia India Pvt. Ltd	ITA. 108/Del /14 dt 8.8.19	The A.O. did not point-out to any material to show as to how the transaction were international transaction in the matter. Since the A.O. failed to point-out that any of the party to the contract were associated concern of the assessee, there were no justification to apply such provisions of Law against the assessee.

15	United Plywood,	ITA 352/JP /19 dt 8.8.19	Once the assessee has given the details of opening stock which is not in dispute, purchase, sales and then computing the closing stock after giving effect to section 145A not a matter of dispute though the correctness of such computation and details furnished by the assessee is required to be verified.
16	The Ajmer Urban Cooperative Bank Ltd Vs ACIT	ITA 1358/JP /18 dt 8.8.19	brought forward losses of the earlier years cannot be denied on the ground of belated return because the assessee has not claimed any set off of brought forward losses due to the loss for the year under consideration. Accordingly, the brought forward of earlier years' losses has to be set off as per the provisions of section 72 of the IT Act and, therefore, the order of the AO in denying the said claim is not justified
17	Ajay Prakash Shrivastava Vs ACIT	ITA 7023/Del /18 dt 9.8.19	If the business of the assessee has not been closed down then, even if the turnover is low, it cannot be said that expenditure incurred is not wholly and exclusively for the purpose of business. If the expenses have not been found to be for personal nature or non-genuine, or is not in the nature of capital expenditure, then no disallowance can be made u/s 37(1).
18	Vijay Kumar Ladhania Vs ACIT	ITA 342/KOL /18 dt 9.8.19	Keeping in view all the facts and circumstances of the case, we are of the view that the trade advances given by the assessee during the normal course of his business cannot be treated as income of the assessee even if the assessee fails to reconcile the difference, if any, and even if it is assumed that the genuineness of the said advances is doubtful
19	ACIT Vs Corporate Ispat Alloys Ltd.	ITAT Kol (SS)A s.113 &114 /Kol /17 dt 9.8.19	We find that here in this case the statement was wrong/incorrect. Neither any evidence of the production of Ferro Alloys nor any evidence of its sales have been brought on record by the A.O. Therefore, respectfully following the decision of the Hon'ble Supreme Court in the case of Uma Charan Shaw (supra), we note that the Id. CIT(A) has rightly deleted the addition made by Assessing Officer
20	Loomtex Engineering Pvt. Limited Vs DCIT	ITA 572/KOL/20 17 & 1774/KOL/2017 dt 9.8.19	he directed the Assessing Officer to allow additional depreciation on the parts of the plant and machinery, which were already installed. At the time of hearing before us, no case law taking contrary view in favour of the Revenue on this issue has been cited by the Id. D.R. We, therefore, respectfully follow the decision of the Coordinate Bench of this Tribunal in the case of Adarsh Steel Rolling Mills (supra) and uphold the impugned order of the Id. CIT(Appeals) allowing the claim of the assessee for additional depreciation
21	ACIT Vs Anil Gulabdas Shah	ITA 5134/Mum /17 dt 9.8.19	it has been held that compensation received for loss of reputation and not to initiate civil or criminal proceedings would be capital in nature. Similar is the decision in ACIT V/s Jackie Shroff [ITA No.2792/Mum/2016 dated 23/05/2018] wherein it has been held that compensation / damages received for withdrawal of criminal complaint would be capital receipt and could not be treated as income u/s 2(24).
22	Pune Sholapur Road Dev.Co.Ltd Vs ITO	ITA 6674/Mum /17 dt 9.8.19	interest earned from short term fixed deposits kept in bank, as part of business receipts assessable under the head income from business, consequently during project implementation period same needs to be reduced from working progress.
23	Gartner Ireland Limited Vs. DCIT	ITA 6950 /Mum /17 & ITA 167/ Mum/ 18 dt 9.8.19	we uphold the view taken by the CIT(A) that the A.O had rightly concluded that the subscription fees of Rs. 126,50,63,206/- received by the assessee from its Indian

			customers/subscribers was to be assessed as „royalty“ as per the provisions of Sec. 9(1)(vi) of the Act r.w Article 12 of the IndiaIreland DTAA and subjected to tax @10% on gross basis as per Article 12 of the India-Ireland DTAA.
24	Suryadevara Avinash Vs DCIT	ITA 496-98/ Hyd /17 DT 9.8.19	Since the assessee is raising a legal ground questioning the legality of the issue, a notice u/s.148 of the Act instead of Section 153C of the Act and assessments were completed not in line as per Section 153B of the Act. Since it is a legal issue, we admit the Additional Ground of Appeal for adjudication... Respectfully following the said decision of the Co-ordinate Bench, we set aside the order of CIT(A) and quash the assessment made by the AO u/s 143(3) r.w.s. 147 of the Act. Since the very assessment is quashed, the additions made in such assessment automatically get cancelled.
25	Luxmi Township & Holding Ltd. Vs ACIT	ITA 468/Kol/19 dt 9.8.19	we are of the considered view that the assessment order is not the result of non-application of mind or wrong assumption of facts or without any 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’.
26	Talwar Brothers Pvt. Ltd., Vs ITO	ITA 2260/Ko 1/14 dt 9.8.19	We reiterate that hon'ble jurisdictional high court's in Smt. Lila Ghosh (supra) has already settled the law that mense profits are in the nature of damages which are not chargeable to tax being in the nature of a capital receipt. We apply the very analogy in the case of damages as well to conclude that both the lower authorities have erred in treating the assessee's damages amount as chargeable to tax.
27	Ideal Hitech Engineering Equipment Vs ITO	ITA No. 3316/D/201 7 dt 13.8.19	This property is owned since beginning and being used as registered office. In view of these facts, we are of the view that AO and Ld. CIT(A) were not justified in treating the office occupied by the assessee as vacant property and taxing the notional rent in the hands of the assessee company. Accordingly, we direct to delete the entire addition made and enhanced on this account by the AO as well as by the CIT (A) respectively.
28	Harish Narinder salve V ACIT	ITA 2285 & 2392 /Del/16 dt 13.8.19	merely because of the reason that assessee records the invoices prepared in foreign currency at the rate prevailing thereon for control purposes and subsequently offsetting it whenever the bills are realized by debit or credit to the profit and loss account, the net impact is that whatever is cash received is recorded in the profit and loss account. Thus, according to us, there is no addition is warranted even in cash method of accounting adopted by the assessee. In the result we do not find any infirmity in the order of the learned CIT – A in deleting the addition of INR 13,71,818/- on account of foreign exchange loss.
29	Labo Tek Vs JCIT	ITA 2109/Del /15 dt 3.8.19	books of account of the assessee are audited and the auditors have not pointed out any defects and the turnover of the assessee has gone up substantially during the year as against the immediately preceding assessment years, therefore, we deem it proper to adopt the net profit ratio of 1.88% which is the average of the current year as well as the two immediately preceding assessment years.
30	Subhash Chander & Co Vs ACIT	ITA 2158/Del /16 dt 4.8.19	assessee firm exist in assessment year under appeal and also declared business income in assessment year under appeal, there was no reason to show the impugned amount as income of Private Limited Company. It is well settled Law that income is to be taxed in the hands of person liable for taxation.



31	ACIT Vs Ashim Krishna Bhatta...	ITA 764/Kol/16 dt 14.8.19	<p>CIT(A) at page-9 para-1 has dealt with this issue. This is extracted for ready reference: "I have gone through the assessment order, the submission of the assessee and the paper book, the Remand Report and the counter comments of the AR of the assessee. Pages 163 to 215 of the paper book contain various documents like the copy of return of Smt. Soumi Bhatta for A.Y. 2010-11 in which she has shown net taxable income of Rs. 20,34,238/-, copy of audited accounts for A.Y. 2010-11, copy of return and other documents pertaining to earlier years, deed of lease dt. 16.12.2008 between Sri Kalyan Naskar and Smt. Soumi Bhatta regarding the premises of M/s S.B.Trading Co, copy of loan sanction letter dated 24.09.2009 by Syndicate Bank. All these documents clearly prove the independent status of Smt. Soumi Bhatta. The department has also accepted the independent status of Smt. Soumi Bhatta as it has never assessed her income on "protective basis". Mrs. Soumi Bhatta has been paying substantial income-tax on the returned income. The A.O. has not showed as to what benefit the assessee has been deriving by creating a "dummy assessee" in the name of his wife. In view of the above, it is held that the clubbing of income by the A.O. is legally and factually incorrect. Hence, addition of Rs. 21,32,698/- is deleted."</p> <p>7. Ld. DR could not controvert this factual findings of the Id. CIT(A). The wife of the assessee is an independent person and she has filed her return of income and paid taxes on this business and moreover she has also obtained loan from bank for her business. Under the circumstances we find no reason to interfere in this uncontroverted factual findings of the Id. CIT(A)</p>
32	Shyam Sundar Rawat Vrs ITO	ITA. 595/Kol/ 16 dt 14.8.19	<p>4. In our view, a percentage of cash which was found to be short, cannot be brought to tax as income. This is a presumption and surmise. The AO agrees that the amount in question was returned to the assessee. The explanation given by the assessee that the amount in question was sent for purchase of goods, has not been investigated and the Id. AO simply rejected the argument based on surmises and conjectures. Such an addition cannot be sustained. This ground of the assessee is allowed.</p>
33	Sanjay Dangi Vs DCIT	ITA 6908/Mum /14 dt 14.8.19	<p>In our opinion where assessee has offered the income in the statement recorded u/s.132(4) of the Act but when the same is explained with reference purchase bills and payment details then the same cannot be treated as 'un-disclosed income'. The case of assessee is also squarely covered by the decision of CIT Vs. S.Khader Khan Son [300 ITR 157] (Madras), wherein it has been held that the statement has no evidentiary value unless corroborating evidences are there to support the same. Even the case of assessee is fully supported by the Instruction F.No.286/2/2003IT(Inv-II) issued by CBDT which states no confession of additional income during the course of search and seizure and survey operations to be taken by the officers without credible evidences. In view of above, the order passed by CIT(A) is wrong and can not be sustained</p>
34	DCIT Vs Alla Venkata Nagarjuna Reddy	ITA.530/VIZ /18 dt 14.8.19	<p>No incriminating material was made available during the course of search. Therefore the facts are identical to the case laws discussed above and respectfully following the decision cited (supra) we hold that the notice issued u/s 153C is</p>

			invalid and accordingly, we quash the notice issued u/s 153C and annul the assessment made u/s 143(3) r.w.s.153C. Since we, have quashed the notice u/s 153C, we consider it is not necessary to adjudicate the grounds raised by the revenue
35	Chamarthi Mounica Vs ITO	ITA 308-09/Viz/18 dt 14.8.19	even if the construction was commenced prior to the date of transfer of capital asset, the assessee would be eligible for deduction u/s 54F. However, in the instant case, as per the detailed observations made by us, it is established that the residential unit was constructed after the transfer of capital asset, hence the case law relied upon by the assessee is only of academic interest
36	NSL Renewable Power Vs DCIT	ITA 2146/Hyd /17 dt 14.8.19	we hold that the loss of the eligible units cannot be set off against the profits of other eligible units. 18. As regards the third ground of the appeal against the observations of the CIT (A) that it is only the business income of the eligible unit and not the gross total income eligible for deduction u/s 80IA.
37	T. V. Today Network Ltd Vs Addl CIT	ITA.2977& 2978 /DEL/15 dt 16.8.19	write off of the advance as claim of bad debts though the advances were given in the ordinary course of business and since the assessee could not recover the advances or the services for which the advances were given, the advances were write off and claimed as business loss.....write off should not be considered as bad debts but has to be considered as business loss. Considering the facts of the case in their true perspective we are of the considered view that the write off should be allowed as business loss u/s. 28
38	Shri Sarrangan Ashok Vs ITO	ITA. 544/Chny /19 dt 19.8.19	interpretation which renders a provision otiose. Further had it been the intention of the legislature to make Section 50C of the Act, applicable even to the transaction of the contribution of immovable property by a partner into the firm, the Parliament could have either repelled the Section 45(3) of the Act, while introducing the provisions of Section 50C of the Act, but however the Parliament in its wisdom had retained the Section 45(3) of the Act which shows that the Parliament intended to keep the provisions of Section 45(3) of the Act. Further the provisions of Section 45(3) of the Act, are special provisions as it deems value of consideration which otherwise is not computable under general law and it is applicable to the specific situations of introduction of capital by partner to the firm and whereas the provisions of Section 50C of the Act are general in nature applicable whether consideration is known and determinate. It is a rule of construction that the special provisions prevail over general provisions as per Latin Maxim. The Hon'ble Supreme Court in the case of D.R. Yadhav v. R.K. Singh [2003] 7 SCC 110 held, that when there are two conflicting provisions of law in operation in the same field, the rule that specifically operates in that field would apply over the general rule.
39	Principal Sri Sathya Sai College for Women Vs ITO	ITA 684/JP/18 dt 19.8.19	AO has wrongly treated the salary paid to its teachers/ lecturers/staff as professional services which is reproduced as under:- "Professional services" means services rendered by a person in the course of carrying on legal, medical, engineering or architectural profession or the profession of accountancy/ company secretary or technical consultancy or interior decoration or advertising or information technology or film artists or authorized representatives. Further, as per the Notification No. 88/2008 F. No. 275/43/2008-IT(B) dated 21-8-2008 (S.O. 2085 (E) dated 21-08- 2008) – Professional

			Services include sports person, umpires & referees, coaches & trainers, team physicians & physiotherapists, even managers, commentators, anchors and sports columnists.” In view of above discussions, the Bench observes that the payments made to teachers/ lecturers/ staff by the assessee is covered u/s 192 of the Act and not covered u/s 194J of the Act.
40	DCIT Vs Suparna Chemicals Ltd	ITA. 7914 /Mum /11 dt 19.8.19	.CIT(A) has rightly concluded that the expenses incurred for the purpose of construction of compound wall are clearly revenue in nature as the new compound one is made after fall of existing compound one. Since no new asset has come into existence, therefore the same cannot be treated as ‘capital’ in nature
41	Babubhai Mavjibhai Mangukiya Vs ACIT	IT(SS)A 110 / Ahd/13 dt 20.8.19	no cognizance under section 153C ought to have been taken against the assessee, more so, addition on account of unaccounted income cannot be made on the basis of narration written by a third person in his diary found at his residence. There may be hundreds of reasons for VAS for writing such narrations, but it could not be construed that it was an escaped income assessable in the hands of the assessee.
42	Sanatam Dharam Dharamshala Society v. ITO	ITA 633/Asr /13 dt 20.8.19)	e Ld CIT(A), having observed so, has upheld the assessment of Rs.36.91 lakhs u/s 115BC of the Act. However, we find no discussion in the order of Ld CIT(A) about the additional evidences furnished by the assessee. In effect, we notice that the Ld CIT(A) has not considered the additional evidences furnished by the assessee. From the submissions made by the assessee before Ld CIT(A), we notice that the assessee has furnished the name and address of the persons who have donated the above said amount of Rs.36.91 lakhs, even though it was mentioned as “Gupt Dhan” initially. We have noticed earlier that the Ld CIT(A) had deleted the addition of Rs.40.72 lakhs by holding that the conditions prescribed in sec.68 of the Act are not applicable to the donation received by the assessee and considering the name and address of the donors.
43	Trilok Chand Chaudhary Vs ACIT	ITA 5870/Del /17 dt 20.8.19	search and seizure was conducted through one authorization, there was no requirement of issuing separate notice under section 153C of the Act and following separate procedure under section 153C of the Act. But in the instant case, separate search warrant has been issued in the case of the assessee as well in the case of Sh. Ashok Chowdhary and the Assessing Officer has used the material found in the course of search at the premise of Sh. Ashok Chowdhary, which is not permitted in view of the express provision of the law.
44	Bharat Shyamsundar Gupta Vs ITO	ITA 2238 & 2239/M/19 dt 20.8.19	therefore of the view, that in such type of cases when there are no books of accounts and income is estimated on adhoc basis by applying GP on the basis of past pattern of earning of the assessee, the issue of imposition of penalty should not be taken leniently . We therefore deem it fit and reasonable to delete the penalty on the ground that assessee was under bonafide belief that the truck income was either to be assessed under section 44AD or 44AE
45	Manish Kumar Jajoo Vs ACIT	ITA 951/M/19 dt 20.8.19	intention of the assessee at the time of purchase of shares is paramount. If the assessee had clear intention of being an investor and held the shares by way of investment then assessee is an investor and any gain arising from transfer of share should be treated as capital gain and not as business income.

46	ACIT Vs Bhagwan Mahaveer Memorial Jain Educational and Cultural Trust	ITA 1514, 1515, 1730, 1731 & 1732/Bang/16 dt 21.8.19	held that the amount which was sanctioned for use for charitable purposes, which was not actually spent in the relevant previous year would also constitute application of funds for charitable purposes within the meaning of sec. 11(1)(a) of the Act.....The law is well settled that the income of a trust has to be computed keeping in mind commercial principles as per the accepted commercial principles amount due but not paid and should also to taken into consideration for determining income.
47	Neelkanth Plywood Pvt. Ltd. Vs ITO	ITA 6702/Del/18 dt 21.8.19	Assessing Officer in the instant case has reopened the assessment on the basis of report of the investigation wing and there appears to be no independent application of mind by the Assessing officer for reopening of the case, therefore, the reassessment proceeding initiated by the Assessing Officer are not proper
48	HSBC Invest Direct Securities (I) P. Ltd Vs DCIT	IT(TP)A 3826/Mum./17 dt 21.8.19	we have no hesitation in holding that the impugned assessment order having been passed without complying to the mandatory provisions of section 144C of the Act, should be declared as void ab-initio. Accordingly, we quash the impugned assessment order
49	City Manager Association Vs ACIT	ITA 2337/Ahd/17 dt 21.8.19	It is pertinent to observe that whenever any debatable issue is involved an explanation of the assessee is required, then on such issue, no prima facie adjustment in an ex parte proceedings can be made. Reading of judgment of Hon'ble Kolkatta High Court (supra), and if facts are looked into, then it would reveal that both the issues were debatable one, where more than one opinion was possible. Adjustment under section 143(1)(a) is not permissible on both these aspects.
50	Gopal Chand Mundhra and Sons Vs ITO and batch	ITA 1375/Del/19 dt 21.8.19	Since, in the instant case, the reopening of the assessment has been made on the basis of information received from the Investigation Wing and there is no independent application of mind by the Assessing Officer and such reopening is made on the basis of borrowed satisfaction, therefore, such reopening is not in accordance with law and ha to be quashed
51	Masroor Bag Mirza Vs ITO	ITA 5182/Del/18 dt 21.8.19	Since, in the instant case, no addition has been made by the Assessing Officer on account of which the case of the assessee was reopened, therefore, the Assessing Officer cannot make addition on some other issue. Therefore, the very basis of addition made by the Assessing Officer is not legally sustainable.
52	ACIT Vs Ishman Internationa	ITA 5880/Del/16 dt 22.8.19	CIT(A) rightly observed that the payment of commission are made to non-resident overseas agents who have no PE or business activities in India and the services are also rendered outside India as such no income is arising to the non-resident commission agent in India and as such no TDS is deductible u/s 194-H which is applicable for resident Indians only.
53	Zacharia Abraham Puthenpurayil Vs ITO	ITA 329/Coch/19 dt 23.8.19	the assessee disclosed the name and address of Sri.C.V.Phillip, by way of confirmation letter and affidavit, which were not properly examined by the Department and the burden cast upon the assessee has been duly discharged. Hence, in our opinion, the addition cannot be sustained in the hands of the assessee.
54	Nokia Solutions and Networks India Pvt Ltd Vs. ACIT	ITA. 2810/DEL/14 dt 23.8.19	61. We find that under clause (g), knowledge process outsourcing services has been defined. This means that even the Legislature accepts that two segments cannot be mixed up, which means that most of the comparables used by the TPO have to be rejected. In all fairness, we deem it fit to

			restore the matter to the file of the TPO with a direction to use only those comparables which fit in Rule 10TA(e) of the Rules and decide the issue afresh after giving reasonable and fair opportunity of being heard to the assessee. The assessee shall be at liberty to bring any new comparables
55	SunitaShreego palBarasia Vs ACIT	ITA. 4909/Mum /15 dt 2.8.19	20. In the present case also, we find that the assessee has not offered interest income for tax due to wrong interpretations of the provisions of the Act and not on account of deliberate concealment of income or furnishing inaccurate particulars of such income. The assessee was under bonafide impression that she is a 'person resident outside India' as defined under FEMA. The explanation furnished by the assessee in not disclosing the interest income in the return appears to be quite genuine
56	DCIT Vs ABC Engineering Work and batch	ITA 112/Viz /13, 210,235 /Viz/15, 442, 445/Viz/16 & 75/Viz/17 dr 28.8.19	the issue is not a simple issue of mistake which is permissible for rectification u/s 154. The issue is complicated and mixed question of law and fact which required to be adjudicated after examining the facts and law in detail. Such legal issues are not permitted to be rectified u/s 154. Therefore there is no case for making rectification u/s 154
57	Khaira Majja Co-operative Vs ACIT	ITA. 540/Asr /17 dt 28.8.19	interest income earned from bank deposits is assessable as profits and gains of business in the hands of assessee and accordingly deduction u/s. 80P(2)(a)(i) of the Act is allowable thereon.
58	Rameshchand Kothari Vs aCIT	ITA 699/Bang /19 dt 28.8.19	Ld.AO is directed to provide all statements recorded by investigation wing to assessee, referred to in assessment order. In the event, statements recorded are not of secondary and subordinate category, cross examination has to be granted to assessee. Ld.AO is directed to re-examine the case of assessee in the light of aforesaid direction in accordance with law. Needless to say that proper opportunity shall be granted to assessee to represent its case as per.
59	Nattoja Foundation Trust Vs JCIT	ITA 2615-17/ Bang/18 dt 28.8.19	We also agree with the submission of the learned counsel for assessee that the provisions of section 139(4A) are applicable only in case where exemption is claimed u/s 11 and 12 of the Act and not in case where income of an organization does not form part of the total income under the Act in view of the provisions of Sec.10(23C)(iiiad) of the Act. Provisions of Sec.139(4A) makes a reference only to provisions of Sec.11 and 12 and not to the provisions of Sec.10(23C)(iiiad)
60	Archana Salarpuria Vs ACIT	ITA. 794/Kol /19 dt 28.8.19	she has not incurred any loss as alleged in the said notice. The details were furnished. Despite these explanation and evidences filed, the ld. Pr. CIT had committed a factual error in concluding at page 10 para 5 of his order that the assessee has claimed capital loss on account of share transactions of M/s. Goodwill Griha Nirman Pvt. Ltd.. An order passed u/s 263 of the Act, based on a mistake of fact, cannot be sustained.
61	ITO Vs Anil Kumar Loharuka	ITA 1315/KOL /16 dt 28.8.19	we do not find any infirmity in the impugned order of the ld. CIT(Appeals) cancelling the assessment made by the Assessing Officer under section 147/143(3) by holding the same to be invalid on the ground that the required approval under section 151(2) was granted by the concerned ld. CIT without recording her satisfaction
62	ITO Vs Centre for Cellular and Molecular Platforms	IT 271/Bang /18 dt 28.8.19	We find that in this case also, it is noted by Hon'ble Rajasthan High Court that registration was granted to the assessee u/s. 12AA of the IT Act on 29.07.2013. Under these facts, it was held by Hon'ble Rajasthan High Court that appeal is continuation of original assessment proceedings and proceedings before appellate authorities is covered by the proviso to subsection 2 of section 12A of the IT Act. In the

			present case also, the facts are similar and hence, respectfully following this judgment of Hon'ble Rajasthan High Court, we decline to interfere in the order of Id. CIT(A).
63	DCIT Vs Atlas Copco (India) Limited	ITA 649/PUN/13 & 1726/PUN/14 dt ITA No.649/PUN/2013 & 1726/PUN/14 dt 29.8.19	Cross objection to the validity of the final assessment order on the ground that the AO completed the assessment at the stage of passing of the draft assessment order by not only issuing notice of demand u/s.156 but also initiating penalty u/s.271(1)(c) of the Act. 21. Having heard both the sides, it is observed that the facts and circumstances for this year are mutatis mutandis similar to those of the preceding year discussed hereinabove. Following the same view, we declare the assessment order to be null and void. In view of this, the income declared by the assessee in the return of income becomes final.
64	Chhaganlal Agarwal, Vs ITO	ITA 319/Ran /18 dt 29.8.19	we are of the considered opinion that the AO has reopened the assessment u/s.147 of the Act on the basis of documents which were available before him at the time of original assessment proceeding, which is not sustainable
65	B.M.Land Developers & Builders Vs ITO	ITA 1146/Hyd /17 dt 30.8.19	As rightly pointed out by the Ld.Counsel for the assessee, if the transaction was to be considered as transfer, then the AO and the CIT(A) ought to have taken the transaction of sale dt.15-11-2006 also into consideration and the cost of acquisition should have been allowed and if it was so done, there would be loss and not income from the said transaction. Therefore, the premise of the AO that there is income which has escaped assessment, is incorrect. The reasons recorded for reopening also are clearly erroneous as the AO has recorded that assessee has not filed the return of income.
66	.Sandvik Tooling Sverige AB Vs DCIT	ITA 2523/PUN /17 dt 30.8.19	technical services provided by the assessee for maintenance of the existing GSS software supplied to SAPL amounts to rendering of technical or consultancy services simpliciter without 'making available' any technical knowledge, experience, skill, know-how or processes etc. to SAPL for use in future independently. In other words, it is a simple case of providing services involving technical knowledge which exhausted with its provision itself. Since such services did not result into provision of any technical knowledge, experience or skill etc. to SAPL, we are satisfied that the consideration so received by the assessee cannot be categorized as 'fees for technical services' in terms of DTAA.
67	D.S.N.Malleswara Rao Vs ITO	ITA 538/Viz /18 dt 30.8.19	there is no reason to disbelieve the submissions made by the assessee in the civil suit filed before the Hon'ble District Judge and the case of the assessee is squarely covered as exception as per proviso to section 56(2)(vii)(b) of the act and accordingly, we, hold that there is no case for invoking the provisions of section 56(2)(vii)(b) to tax the difference amount between the SRO value and the actual consideration paid as income from other sources.
68	Bhupindra Machines Pvt. Ltd. v. DCIT	ITA 56/Asr/17 dt 30.8.19	It is well settled proposition that the method of accounting consistently followed by the assessee should be accepted unless the AO is able to show that the same is not resulting in determination of correct amount of profit. In the instant case, the AO has not demonstrated so. Accordingly, in the facts and circumstances of the case, I am of the view that the tax authorities are not entitled to reject the method of valuation adopted by the assessee for valuing the stock.
69	Amit Mukhopadhyay Vs. ITO	ITA 332/Kol/19 dt 30.8.19	I find no reason to accept the Revenue's arguments. The CBDT's instruction No.1916 dated 11.05.1994 made it clear long back that gold jewellery and ornaments to the extent of 500 gr. per married lady and 250 gr. for unmarried daughters and 100 gr. with unmarried child need not be seized. Hon'ble

			Gujarat high court's decision in CIT vs. Ratanlal Vyaparilal Jain (2010) 235 CTR 568 (Guj) holds that the said circular implies that source to the extent such an amount of jewellery is deemed to have been explained in case of respective holders. I conclude in these facts that assessee had duly explained sale of gold by his father before his death on various dates from June, 2007 to November, 2007.
70	Arup Kumar Khanra Vill Vs ITO	ITA 2179/Kol/ 18 dt 30.8.19	I reiterate that the corresponding books of account already stand rejected culminating in the gross profit estimation in preceding paragraph. I conclude in this backdrop that the instant interest issue of unsecured loan would amount to double addition.
71	N Vensimal Securities Ltd Vs ACIT	ITA 942/Mum /12 dt 30.8.19	our conclusion with regard to penalty not leviable u/s.271(1)(c) of the Act is confined to the addition made on account of bad debts for which the hon'ble High Court has admitted substantial question of law as reproduced above, and not against the other penalty.
72	DCIT Vs AGC Network Ltd and batch	ITA .5157/Mum./ 12 dt 30.8.19	we are of the view that the issue requires further examination by the Assessing Officer as the assessee needs to establish with cogent material and evidence that the change in revenue recognition policy is for bona fide reasons and necessary for carrying on its business activities in a more efficient manner. Further, the assessee has to establish that the change in revenue recognition policy is in conformity with the provisions contained under section 145(1) and (2) of the Act.
73	Ashok G. Chauhan Vs Addl CIT	ITA 2876/ Mum/16 dt 30.8.19	it is held that the capital gain on surrender of tenancy right is assessable in the assessment year 2010-11 and assessee's claim of deduction under section 54F of the Act was also allowed in assessment year 2010-11, the ground raised by the assessee against the disallowance of deduction under section 54F of the Act has become redundant.
74	JBF Industries Ltd Vs DCIT	IT(TP)A 1049-50/Mum /17 dt 30.8.19	there is no basis for imposition of penalty under section 271(1)(c) of the Act in respect of the addition relating to interest on loan to subsidiary company. In fact, there is no addition as the assessee itself has offered interest income on loan to subsidiary charged @ LIBOR +2% which has been accepted by the Tribunal. In view of the aforesaid, we delete the penalty imposed under section 271(1)(c) of the Act in respect of additions made on account of corporate guarantee commission and interest on loan to subsidiary.

## Recent Amendments in GST Law

By CA Annapurna Kabra

### 1. Waiver of filing FORM ITC-04 from 01.7.2017 to 31.3.2019

As per Rule 45(3) of CGST Rules the details of delivery challans in respect of goods dispatched to a job worker or received from job worker during a quarter shall be included in FORM GST ITC-04. With reference to Notification 38/2019 dated 31.8.2019 the said persons are not required to furnish FORM ITC-04 for the period July 2017 to March 2019. However, the details of delivery challans in respect of goods dispatched from July 2017 and not received till 31<sup>st</sup> March 2019 shall be disclosed in FORM ITC-04 quarterly for April 2019 to June 2019.

### 2. Facility of blocking and unblocking E waybill extended to 21.11.2019 (Rule 138E)

As per Rule 138E of CGST Rules 2017, the person including a consignor, consignee, Transporter, E commerce operator or a Courier Agency shall not be allowed to furnish Part A of E way Bill in

respect of a Registered person as supplier or Recipient if returns are not filed within the two consecutive tax periods. This Rule will be implemented from 21.11.2019.

3. **Aadhar Authentication**

As per Section 25 (6A), The Existing Registered Person Should Undergo Authentication/Furnish proof of possession. The persons who are not assigned Aadhar shall identify the alternate viable identification which is yet to be notified. In case of failure to go for Authentication then Registration deemed to be invalid. As per Section.25 (6B), In case the New Registered Person is Individual then Aadhar Authentication is Pre-condition for Registration. As per Section 25 (6C), In case the New Registered Person is other than Individual- like Karta, MD, Partners, Trustees, then Aadhar Authentication for Authorized Representatives is Pre- condition for Registration. As per Section 25 (6D) the class of persons may be notified for inapplicability of Aadhar Authentication Section.

4. **Compulsory digital payment**

Section 31A prescribes class of Registered Persons who shall provide prescribed modes of electronic payment. The option to make payment by Recipient will be according to the prescribe modes like Debit card, Electronic wallets, Internet Banking.

5. **Transfer of Cash between the ledgers.**

As per section 49(10) of CGST Act, it is permissible to transfer of money in cash ledger from one Account to another Account and will be treated as deemed deposit and deemed Refund.

6. **Interest on Net tax Payable (Proviso to Section 50)**

The Interest is payable on portion of tax paid by debiting cash ledger. In other words, a Proviso has been inserted to clarify that interest for late payment of tax shall be levied only on that portion of tax which has been paid by debiting the electronic cash ledger. As per the amendment to Proviso to Section 50, the interest is payable on Net tax payable. The Proviso to Section 50 is not applicable on interest paid after commencement of proceedings under Section 73/Section 74.

7. **Central Government may disburse Refund of State taxes in such manner as may be prescribed (Section 54(8A)):**

Vide Notification No:39/2019-Central Tax, dt:31-08-2019, 01st September 2019 has been notified as the appointed date for the amendments to take effect. Therefore, the Central Tax officer will sanction as well as disburse both CGST and SGST of the respective state.

8. **National Appellate Authority**

The Section 101B deals with creation of National Appellate Authority to resolve the issues arising out of conflicting Advance Ruling given by AAAR of two or more states. The application can be made by Appellant whose PAN number is same and situated in different states. The Application by assessee can be made within 30 days from date of communication of AAAR Ruling and the Application by Departmental Authority can be made within 90 days. Further extension can be made within 90 days. The Bench for National Appellate Authority will consist of President, Technical Member state/ Technical member Centre.

9. **Residential Welfare Association (RWA)**

Vide Circular No.109/28/2019, the Residential Welfare Association is exempted from GST if the Maintenance charges are collected less than Rs. 7500/- per member and per flat or if the aggregate



turnover is less than twenty lakhs. There is an exemption to RWA if Maintenance Amount less than 7500 and turnover less than 20 lakhs or if Maintenance amount is more than 7500 but turnover is less than 20 lakhs or if Maintenance amount less than 7500 but turnover above than 20 lakhs. There is liability of GST if the Maintenance charges are more than 7500 and turnover is above 20 lakhs. The Input Tax credit of GST paid by them on capital goods (generators, water pumps, lawn furniture etc.), goods (taps, pipes, other sanitary/hardware fillings etc.) and input services such as repair and maintenance services can be availed as credit subject to fulfillment of conditions as specified.

## **NON COMPLIANCE WITH CERTAIN PROVISIONS OF SEBI (ISSUE OF CAPITAL AND DISCLOSURE REQUIREMENTS) REGULATIONS, 2018 ("ICDR REGULATIONS")**

### **CIRCULAR NO. SEBI/HO/CFD/DIL2/CIR/P/2019/94, DATED 19-8-2019**

1. SEBI issued a Circular bearing reference number [CIR/CFD/DIL/57/2017 dated June 15, 2017](#), specifying the fines to be imposed by the Stock Exchanges for non-compliance with certain provisions of SEBI (ICDR) Regulations, 2009.
2. Present Circular is issued in supersession to the aforesaid Circular bearing reference number CIR/CFD/DIL/57/2017 dated June 15, 2017.
3. Regulation 297 and 298 of SEBI (ICDR) Regulations, 2018, *inter alia* specify liability of a listed entity or any other person for contravention and actions which can be taken by the respective stock exchange, the revocation of such actions and consequences for failure to pay fine in the manner specified by SEBI.
4. In pursuance of the above, for non-compliance with certain provisions of ICDR Regulations, stock exchanges shall impose fines on the listed entities, as under:

S/ N	Violation	Regulation/Schedule	Fine
1.	<p>Delay in completion of a bonus issue :</p> <p><i>i.</i> Within 15 days from the date of approval of the issue by its board of directors – in cases where shareholders' approval for capitalization of profits or reserves for making the bonus issue is not required.</p> <p><i>ii.</i> Within 2 months from the date of the meeting of its board of directors wherein the decision to announce bonus issue was taken subject to shareholders' approval – in cases where issuer is required to seek shareholders' approval for capitalization of profits or reserves for making the bonus issue.</p>	295(1)	Rs.20,000 per day of non-compliance till the date of compliance.

2.	Listed entities not completing the conversion of convertible securities and allotting the shares, within 18 months from the date of allotment of convertible securities.	162	Same as above.
3.	As per Schedule XIX - Para (2) under heading Application for listing, it is stated that: <i>"The issuer shall make an application for listing, from the date of allotment, within such period as may be specified by the Board from time to time, to one or more recognized stock exchange(s)"</i> .  In regard to above, it is specified that Issuer shall make an application to the exchange/s for listing in case of further issue of equity shares from the date of allotment within 20 days (unless otherwise specified).	Schedule XIX - Listing of Securities on Stock Exchanges.	Same as above.
4.	Listed entities shall make an application for trading approval to the stock exchange/s within 7 working days from the date of grant of listing approval by the stock exchange/s.	-	Same as above.

**Credit of Fine:**

5. The amount of fine realized as per the above structure shall continue to be credited to the "Investor Protection Fund" of the concerned stock exchange.

6. The recognized stock exchange shall disseminate on their website the names of non-compliant listed entities that are liable to pay fine for non-compliance, the amount of fine imposed, details of fines received, etc.

7. The recognized stock exchange shall issue notices to the non-compliant listed entities to ensure compliance and collect fine as per this circular within 15 days from the date of such notice.

8. Needless to state, if any non-compliant listed entity fails to pay the fine, the recognized stock exchange may initiate appropriate enforcement action, including prosecution in furtherance of regulation 298 of ICDR, 2018.

**Bonus Issue Delays:**

9. With respect to bonus issue delays, it is clarified that :

(a) The approvals for the listing and trading of promoters' bonus shares may be granted by the Stock Exchange, only after payment of the requisite fine by the listed entity.

(b) However, the approvals for the listing and trading of bonus shares allotted to persons other than the promoter(s) may be granted in the interest of the investors, subject to compliance with other requirements.

10. This circular will be applicable from the date of issue of the circular.

11. The Stock Exchange are advised to bring the provisions of this circular to the notice of listed entities and also to disseminate the same on its website.
12. This circular is issued under regulation 299 of ICDR Regulations and in exercise of power conferred under Section 11(1) of the Sebi Act 1992, to protect the interests of investors in securities and to promote the development of, and to regulate, the securities market.
13. This circular is available on SEBI website at [www.sebi.gov.in](http://www.sebi.gov.in) under the categories "Legal Framework/Circulars".

## Companies Law

Dr. P. T. Giridharan

1. **Companies (Incorporation) Seventh Amendment Rules, 2019:** In the new said amendment Rules, for Form RD-1 (Form for filing application to the Regional Director) and Form RD GNL-5 (Form for filing addendum for rectification of defects and Incompleteness'), new forms have been introduced.(vide Notification 28<sup>th</sup> August, 2019).
2. **Companies (Registration Offices and Fees) Fourth Amendment, Rules, 2019:** "VII. FEE FOR FILING e-Form DIR-3 KYC or DIR-3 KYC-WEB under rule 12A of the Companies (Appointment and Qualification of Directors) Rules, 2014 will be as follows: (vide Notification 25<sup>th</sup> July, 2019)

(i) Subject to serial number (iii) below, fee payable till the 30 <sup>th</sup> September of every financial year in respect of e-form DIR-3 KYC or DIR-3 KYC- WEB through web service, as the case may be, for the immediate previous financial year.	.....
(ii) Fee payable (in delayed case).	<b>5,000</b>
(iii) Fee payable if the individual failed to file e-form DIR-3 KYC or DIR-3 KYC-WEB through web service, as the case may be, for the immediate previous financial year (in delayed case).	<b>5,000</b>

3. **Companies (Share Capital and Debentures) Amendment Rules, 2019:** [http://www.mca.gov.in/Ministry/pdf/ShareCapitalRules\\_16082019.pdf](http://www.mca.gov.in/Ministry/pdf/ShareCapitalRules_16082019.pdf) (vide Notification 28<sup>th</sup> August, 2019).
4. **Investor Education and Protection Fund Authority (Accounting, Audit, Transfer and Refund) Second Amendment Rules, 2019:** [http://www.mca.gov.in/Ministry/pdf/IEPF2Rule\\_23082019.pdf](http://www.mca.gov.in/Ministry/pdf/IEPF2Rule_23082019.pdf) (vide Notification 28<sup>th</sup> August, 2019)
5. **Companies (Appointment and Qualification of Directors) Third Amendment Rules, 2019:** [http://www.mca.gov.in/Ministry/pdf/ThirdAmendRules\\_25072019.pdf](http://www.mca.gov.in/Ministry/pdf/ThirdAmendRules_25072019.pdf) DIR-3-KYC-WEB introduced.
6. **Clarification under section 232(6) of the Companies Act, 2013:**
  - (a) The provision of section 232(6) of the Act enables the companies in question to choose and state in the scheme an 'appointed date'. This date may be a specific calendar date or may be tied to the occurrence of an event such as grant of license by a competent authority or fulfilment of any preconditions agreed upon by the parties, or meeting any other requirement as agreed upon between the parties, etc., which are relevant to the scheme.
  - (b) The 'appointed date' identified under the scheme shall also be deemed to be the 'acquisition date' and date of transfer of control for the purpose of conforming to accounting standards (including Ind-AS 103 Business Combinations).

- (c) where the 'appointed date' is chosen as a specific calendar date, it may precede the date of filing of the application for scheme of merger/amalgamation in NCLT. However, if the 'appointed date' is significantly ante-dated beyond a year from the date of filing, the justification for the same would have to be specifically brought out in the scheme and it should not be against public interest.
- (d) The scheme may identify the 'appointed date' based on the occurrence of a trigger event which is key to the proposed scheme and agreed upon by the parties to the scheme. This event would have to be indicated in the scheme itself upon occurrence of which the scheme would become effective. However in case of such event based date being a date subsequent to the date of filing the order with the Registrar under section 232(5), the company shall file an intimation of the same with the Registrar within 30 days of such scheme coming into force. (vide MCA General Circular No. 09/2019, dated 21<sup>st</sup> August, 2019).