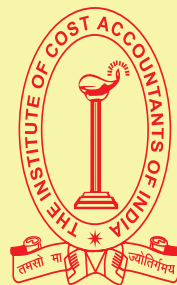


OCTOBER, 2018

TAX Bulletin



VOLUME - 26



THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

(Statutory Body under an Act of Parliament)

www.icmai.in

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“The CMA Professionals would ethically drive enterprises globally by creating value to stakeholders in the socio-economic context through competencies drawn from the integration of strategy, management and accounting.”

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“The Institute of Cost Accountants of India would be the preferred source of resources and professionals for the financial leadership of enterprises globally.”

Objectives of Taxation Committee:

1. Preparation of Guidance Note and Analysis of various Tax matters for best Management Accounting Practices for the professional development of the members of the Institute in the field of Taxation.
2. Conducting webinars, seminars and conferences etc. on various taxation related matters as per relevance to the profession and use by various stakeholders.
3. Submit suggestions to the Ministry from time to time for the betterment of Economic growth of the Country.
4. Evaluating opportunities for CMAs to make effective value addition to the tax-economy.
5. Designing of Certificate Course on Direct and Indirect Tax for members and stake holders.

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FROM THE DESK OF THE CHAIRMAN

“Make every detail perfect and limit the number of details to perfect.”

- *Jack Dorsey, co-founder of Twitter*

Namaskar and Best Wishes!

While the challenges are great, we are convinced that our team of talented, committed professionals always delivers the accounting fraternity with a solid and exciting source of knowledge. If we all pull together and pledge our total commitment and effort, we will succeed in reaching all the important goals in our timeline.

The Tax Research Department has successfully launched three courses:

- Advanced Certificate Course on GST
- Certificate Course on TDS
- Certificate Course on Income Tax Return filling and Filing

‘Guidance Note on GST Annual Return’ and ‘Handbook on GST notification Compilation – 1st yr of GST’ has been successfully published. Webinars on the topics have also been conducted on the topics – GST Amendment Bill, 2018, GST – Annual Return & Reconciliation of ITC, Tax Audit under Income Tax – Recent Amendments & Issues, Analysis of GST Audit Proforma & Rules with inspection, Search & Seizure.

Also, I wish prosperity and happiness to members, students and their family on the occasion of Durga Puja, Vijayadashami, Maharishi Valmiki Jayanti and Laxmi Puja and wish them success in all of their undertakings. Thank you all for your efforts and contributions as we work toward our goal together.

A handwritten signature in blue ink, appearing to read 'Niranjan Mishra'.

CMA Niranjan Mishra
Chairman - Taxation Committee
15th October, 2018

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Articles on the Topics of Direct and Indirect Taxation are invited from readers and authors. Along with the article please share a recent passport-sized photograph, a brief profile and the contact details. The articles should be the author's own original.

Please send the articles to

trd@icmai.in / research.ad1@icmai.in



TDS UNDER GST

CMA V S DATEY
Indirect Tax Expert

Introduction

The provisions of GST TDS have been notified and made effective from 1-10-2018.

This TDS is different from TDS under Income Tax Act. If a transaction is covered under both GST Act and Income Tax Act, both the decisions are required. Obviously, separate payments, separate returns and separate TDS certificates are required.

Section 51 of CGST Act makes provisions for GST TDS.

Standard Operating Procedure for TDS – Law Committee of GST Council has issued ‘Standard Operating Procedure’ (SOP) on 20-9-2018 for DDOs (Drawing and Disbursement Officers) and other deductors.

Registration as deductor – The deductor is required to register by applying online. He is required to register as deductor even if he is registered separately as supplier. Legal name to be indicated should be same as Income Tax TAN. Detailed procedure has been described in para 8 of the Standard Operating Procedure (SOP) issued by Law Committee of GST Council.

The registration form requires some personal details of DDO or deductor. If the DDO is transferred, details of new DDO should be submitted electronically on GSTN by amending registration details [indeed herculean task in Government department].

The DDO (Drawing and Disbursement Officer) is supposed to be personally liable to comply with TDS provisions. Mobile number and e-mail address is required as OTP is sent on mobile and e-mail for verification.

Accounting and records of TDS by DDO – Detailed instructions have been given in circular No. 65/39/2018-DOR dated 14.09.2018, vide which Guidelines for Deductions and Deposits of TDS by the DDO under GST have been given. The circular

has been issued by Department of Revenue. Records to be maintained by DDO have also been specified.

Deductor and deductee - Person deducting GST TDS will be termed as ‘deductor’. Supplier from whose invoice tax is deducted will be termed as ‘deductee’.

Applicability of TDS provisions

GST TDS provisions apply where total value of such supply, *under a contract*, exceeds rupees 2.50 lakhs (excluding GST) – section 51(1) of CGST Act.

The limit of Rs 2.50 lakhs is per contract (*excluding GST*). Thus, if contract is of value exceeding Rs 2,50 lakhs, TDS is required even if an individual invoice is less than Rs 2.50 lakhs.

TDS if advance paid to supplier on or after 1-10-2018 or tax invoice is on or after 1-10-2018 - The TDS provisions apply when payment is made or credited to supplier. Thus, if advance is paid on or after 1-10-2018, TDS provisions will apply.

Similarly, if supply is made before 1-10-2018 but invoice is issued after 1-10-2018, TDS provisions will apply.

In SOP issued on 20-9-2018, it has been clarified that if tax invoice was issued by supplier prior to 1-10-2018 but payment is made after 1-10-2018, TDS provisions do not apply.

Similarly, TDS is not required if supplier is unregistered.

When TDS not required – Para 4 of the Standard Operating Procedure (SOP) issued by Law Committee of GST Council clarifies that TDS is not required in following cases –

- Total value of taxable supply \leq Rs. 2.5 Lakh under a contract.
- Contract value $>$ Rs. 2.5 Lakh for both taxable supply and exempted supply, but the

- value of taxable supply under the said contract ≤ Rs. 2.5 Lakh.
- c) Receipt of services which are exempted. For example services exempted under notification No. 12/2017 – Central Tax (Rate) dated 28.06.2017 as amended from time to time.
 - d) Receipt of goods which are exempted. For example goods exempted under notification No. 2/2017 – Central Tax (Rate) dated 28.06.2017 as amended from time to time.
 - e) Goods on which GST is not leviable. For example petrol, diesel, petroleum crude, natural gas, aviation turbine fuel (ATF) and alcohol for human consumption.
 - f) Where a supplier had issued an invoice for any sale of goods in respect of which tax was required to be deducted at source under the VAT Law before 01.07.2017, but where payment for such sale is made on or after 01.07.2017 [Section 142(13) refers].
 - g) Where the location of the supplier and place of supply is in a State(s)/UT(s) which is different from the State / UT where the deductor is registered.
 - h) All activities or transactions specified in Schedule III of the CGST/SGST Acts 2017, irrespective of the value.
 - i) Where the payment relates to a tax invoice that has been issued before 01.10.2018.
 - j) Where any amount was paid in advance prior to 01.10.2018 and the tax invoice has been issued on or after 01.10.18, to the extent of advance payment made before 01.10.2018.
 - k) Where the tax is to be paid on reverse charge by the recipient i.e. the deductee.
 - l) Where the payment is made to an unregistered supplier.
 - m) Where the payment relates to “Cess” [GST Compensation Cess] component.

Persons liable to deduct and pay GST TDS

Following persons are liable to deduct GST TDS @ specified rate from the payment made or credited to the supplier (deductee) of taxable goods or services or both from the payment made or credited to the supplier, w.e.f. 1-10-2018 -

- a) a department or establishment of the Central or State Government, or
- b) Local authority, or
- c) Governmental agencies, or
- d) such persons or category of persons as may be notified, by the Central or a State Government on the recommendations of the GST Council.

Persons liable to deduct and pay TDS under clause (d) - Under clause (d) above, following are made liable to pay TDS

- (a) an authority or a board or any other body, - (i) set up by an Act of Parliament or a State Legislature; or (ii) established by any Government, with fifty-one per cent. or more participation by way of equity or control, to carry out any function; (b) Society established by the Central Government or the State Government or a Local Authority under the Societies Registration Act, 1860 (21 of 1860); (c) public sector undertakings.

These authorities liable to deduct and pay GST TDS were earlier notified *vide* Notification No. 33/2017-CT dated 15-9-2017.

Meaning of Local Authority and Governmental Agency – The term ‘local authority’ has been defined. The term ‘Governmental Agency’ seems to be broad and its exact meaning is not clear.

Rate at which TDS is to be made

The rate of TDS is as follows – (a) in case of intra state (i.e. within the State) supply of taxable goods or services or both = 1% of CGST plus 1% SGST/UTGST (total 2%) [section 51(1) of CGST Act and SGST Act] (b) in case of inter-state supply of taxable goods or services or both - 2% of IGST [first proviso to section 20 of IGST Act].

The deduction is from payment made or credited to the supplies exceeds Rs 2.50 lakhs per contract.

No TDS if goods or services are not taxable – TDS provisions are not applicable if goods or services supplied by supplier (deductee) are not taxable.

TDS of CGST and SGST/UTGST for intra-state supply and IGST for inter state supply

TDS of GST will be of CGST and SGST/UTGST for intra-state supply and IGST for interstate supply – proviso to section 51(1) of CGST and SGST Act and first *proviso* to section 20 of IGST Act].

Value to be taken excluding GST

For the purpose of deduction of tax specified above, the value of supply shall be taken as the amount excluding the tax (CGST, SGST or UTGST and Compensation Cess) indicated in the invoice – *explanation* to section 51(1) of CGST Act.

Thus, TDS is required to be on net value **excluding** CGST, SGST/UTGST and IGST.

Procedure to be followed by deductor

The procedure is as follows.

Deductor to pay tax deducted to Government - The amount deducted as tax under this section shall

be paid to the credit of the Government by the deductor within ten days after the end of the month, in the prescribed manner – section 51(2) of CGST Act.

Deductor to file monthly return electronically – Deductor is required to file return electronically to Government. The return is to be filed in prescribed form and manner within ten days after end of each month – section 39(3) of CGST Act.

The prescribed form of return is GSTR-7. Offline tool is available to submit GSTR-7 return.

If there is no transaction in a particular month, the deductor is not required to file return for that month – *ratio* of section 39(8) of CGST Act.

Time limit for filing return can be extended by Commissioner by issuing notification – section 39(6) of CGST Act.

Procedure for submission of return by a person required to deduct tax at source in form GSTR-7 - Every registered person required to deduct tax at source under section 51 shall furnish a return in form GSTR - 7 electronically - Rule 66(1) of CGST and SGST Rules, 2017.

The details furnished by the deductor under rule 66(1) shall be made available electronically to each of the suppliers in Part C of form GSTR - 2A (normal scheme) and form GSTR - 4A (composition scheme) on the Common Portal.

The TDS certificate under section 51(3) of CGST Act shall be made available electronically to the deductee on the Common Portal in form GSTR -7A on the basis of the return furnished under rule 66(1) of CGST and SGST Rules.

Certificate of TDS to deductee - The deductor shall, in the manner prescribed, furnish to the deductee a certificate mentioning therein the contract value, rate of deduction, amount deducted, amount paid to the appropriate Government and other prescribed details – section 51(3) of CGST Act.

The certificate is in form GSTR-7A. The certificate is generated electronically on GSTN system and cannot be issued manually by deductor.

Credit of TDS in electronic cash register of deductee

The deductee shall claim credit, in his electronic cash ledger, of the tax deducted and reflected in the return of the deductor – section 51(5) of CGST Act.

Thus, deductee can take credit in electronic cash register only when deductor files return and not on the basis of TDS certificate.

Determination of the amount in default under this section shall be made in the manner specified in section 73 or 74 of CGST Act – section 51(7) of CGST Act.



GST PRACTITIONER – ELIGIBILITY, REGISTRATION & FUNCTION

CMA S. K. MISHRA
FCMA, FCA

As per Section 2(55) of CGST Act, 2017 “goods and services tax practitioner” means any person who has been approved under Section 48 to act as such practitioner.

A GST practitioner or GSTP is a tax professional approved by the Central and State Governments to perform any or all of the following function, on behalf of a taxable person.

- File an application for fresh registration
- File an application for amendment or cancellation of registration
- Furnish details of outward and inward supplies
- Furnish monthly, quarterly, annual or final GST returns
- Make payments for credit into the electronic cash ledger, i.e. payments for tax, interest, penalty, fees or any other amount
- File a claim for refund
- Appear as an authorised representative before any officer of department, appellate authority or appellate tribunal

As per Rule 84, No person shall be eligible to attend before any authority as a goods and services tax practitioner in connection with any proceedings under the Act on behalf of any registered or un-registered person unless he has been enrolled under rule 83.

A single registration is sufficient to practice on all India basis.

Eligibility Criteria for enrolment as a GST Practitioner

As per Rule 83, an application in FORM GST PCT-01 may be made electronically through the common portal (www.gst.gov.in) either directly or through a Facilitation Centre notified by the Commissioner for enrolment as goods and services tax practitioner by any person who fulfils following conditions:

1) Basic condition

- One should be a citizen of India

- One should be a person of sound mind
- One should have not been declared as insolvent
- One should have not been convicted for an offence with imprisonment for more than two years

2) Education & Work Experience

One should meet the required education or work experience as part of the GST Practitioner Eligibility criteria, given below:

1. A retired officer of the Commercial Tax Department of any State Government or of the Central Board of Excise and Customs, having worked in a post not lower in rank than that of a Group-B gazetted officer, for a period not less than two years, OR
2. A Tax Return Preparer or a Sales Tax Practitioner registered for a period of not less than 5 years, OR
3. A graduate or postgraduate degree or its equivalent examination, having a degree in Commerce, Law, Banking including Higher Auditing, or Business Administration or Business Management from any Indian University established by any law for the time being in force, or from a recognised Foreign University, OR
4. One has passed any other examination notified by the Government for this purpose such as
 - Passed final examination of the Institute of Chartered Accountants of India OR
 - Passed final examination of the Institute of Cost Accountants of India OR
 - Passed final examination of the Institute of Company Secretaries of India

NOTE: But no person enrolled as a goods and services tax practitioner shall be eligible to remain enrolled unless he passes such examination conducted at such periods and by such authority as may be notified by the Commissioner on the recommendations of the Council.

Examination for GST Practitioners

National Academy of Customs, Indirect Taxes & Narcotics (NACIN), Faridabad has been authorized to conduct an examination for confirmation of enrolment of Goods and Service Tax Practitioners (GSTP) in terms of sub-rule (3) of rule 83 of the Central Goods and Service Tax Rules, 2017, vide **Notification No. 24/2018-Central Tax dated 28.5.2018**.

The GSTPs covered under rule 83(1)(b) read with second proviso to rule 83 (3) of said rules, are required to pass the said examination before 31.12.2018.

Process of Registering As a GST Practitioner:

The Applicant is required to log in to GST common portal www.gst.gov.in. Thereafter he has to proceed to Services – Registration and then click on ‘New Registration’. Hereafter the Applicant will be referred to the ‘New Registration’ page after which the applicant has to:

Click on New Registration

- In the ‘I am a’ dropdown, select GST Practitioner
- Select the State and District from the dropdown
- Enter Name, PAN, Email Address and Mobile Number
- Enter the captcha code
- Click on ‘Proceed’
- After validation, you will be redirected to OTP verification page

After this the Applicant will enter the 2 different OTPs received on e-mail and mobile number. This will generate a TRN (Temporary Reference Number). There after enter TRN and Captcha. Proceeding further, enters the OTP received on the registered mobile number. Subsequently, enter all the details required by this part and upload documents in .pdf and .jpeg format. Click on ‘Submit’ in the Verification page.

There are 2 ways the application can be submitted, that is either through

DSC or EVC and E-signature. Upon this submission, the applicant will receive 2 OTPs, one on the Aadhaar-linked mobile number and the other on the e-mail ID. He/ She have to enter the same and successfully file the application.

Once the application is submitted a success message will be displayed and an acknowledgment on the registered e-mail id will be received within 15 days.

Hence the applicant is registered as a successful GST Practitioner.

FORMS USED FOR GST PRACTITIONER

FORM	Description
FORM GST PCT 01	Application for Enrolment as GST Practitioner
FORM GST PCT 02	Certificate of enrolment as a GST practitioner, issued by an authorised officer
FORM GST PCT 03	Notice seeking additional information on application for enrolment or show cause notice
FORM GST PCT 04	Order of rejection of application for enrolment or disqualification of a GST practitioner found guilty of misconduct
FORM GST PCT 05	Authorisation/ withdrawal of authorisation to engage a GST practitioner by a taxable person.

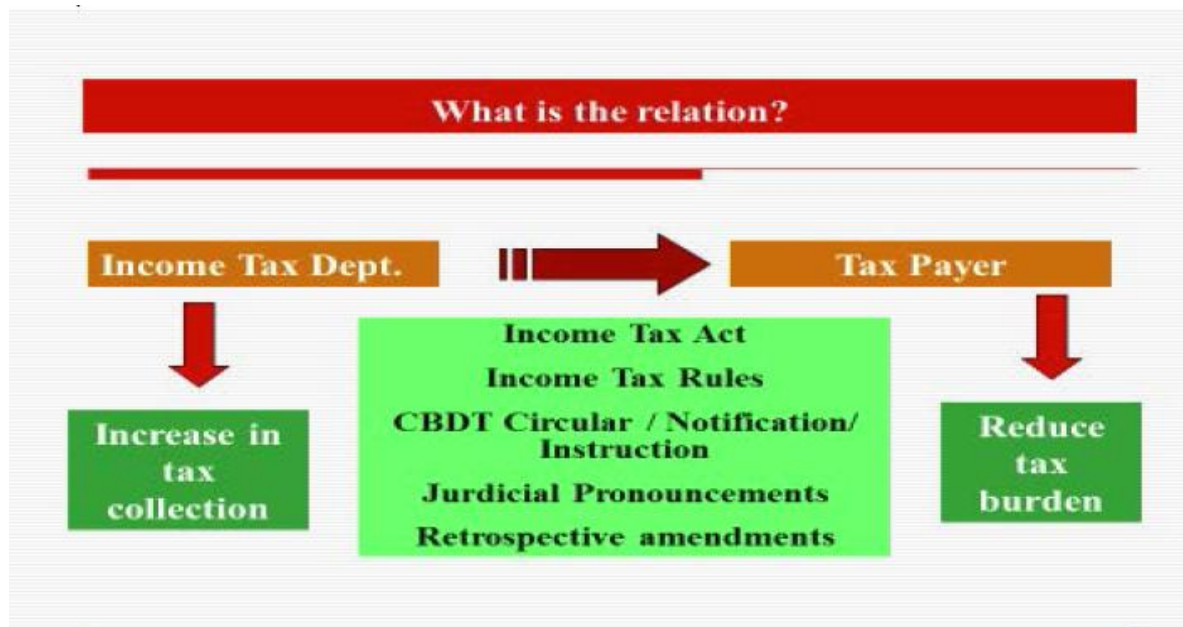


PENALTIES FOR NON-COMPLIANCE TO PROVISIONS OF INCOME TAX ACT

CMA NIRANJANA SWAIN

Senior General Manager (Finance), Odisha Power Generation Corporation Ltd

Income tax act and rules framed there under having provisions which required to be complied with by an assessee and to be followed by the income tax department. Tax payers while attempted for reducing tax burden either by making tax planning or by adopting tax evasion or tax avoidance at the same time the income tax department tried to maximize the tax collection.



Default in complying with such provisions or conditions as prescribed under the Income-tax Act would attract certain penalty and also in some cases prosecutions as well. There are three mode built in the fiscal legislation for encouraging tax compliance:

- Charge of Interest,
- Imposition of penalty
- Launching of prosecution against tax delinquents.

While charging of interest is compensatory in nature due to delay in payment of taxes, the imposition of penalty and institution of prosecution proceedings act as strong deterrents against delinquent tax payers. Some of the penalties are mandatory and a few are at the discretion of the tax authorities. In this article an attempt is made to consolidate the quantum of penalties that can be imposed under the law.

What are the defaults which may invite levy of penalty?

Chapters XVII and XXI of Income-tax Act, 1961, contain various provisions empowering an Income-tax Authority to levy penalty in case of certain defaults. The following defaults may invite levy of penalty:

Section	Nature of Default	Penalty leviable
140A(3)	Failure to pay wholly or partly – (a) self-assessment tax/fringe benefit tax, or (b) interest, and fee, or (c) both under section 140A(1)	Such amount as Assessing Officer may impose but not exceeding tax in arrears
158BFA(2)	Determination of undisclosed income of block period	Minimum: 100 per cent of tax leviable in respect of undisclosed income Maximum: 300 per cent of tax leviable in respect of undisclosed income.
221(1)	Default in making payment of tax	Such amount as Assessing Officer may impose but not exceeding amount of tax in arrears
234E	Failure to file statement within time prescribed in section 200(3) or in proviso to section 206C(3)	Rs. 200 for every day during which failure continues but not exceeding tax deductible/collectible
234F	Default in furnishing return of income within time as prescribed under section 139(1)	(a) Rs. 5000 if return is furnished on or before 31 December of assessment year. (b) Rs. 10,000 in any other case Note: if total income of the person does not exceeds Rs.5 lakh then fee payable shall be Rs. 1000
270A(1)	Under-reporting and misreporting of income	A sum equal to 50% of the amount of tax payable on under-reported income. However, if under-reported income is in consequence of any misreporting thereof by any person, the penalty shall be equal to 200% of the amount of tax payable on under-reported income
271(1)(b)	Failure to comply with a notice under section 115WD(2)/115WE(2)/142(1) or section 143(2) or failure to comply with a direction under section 142(2A)	Fixed at Rs. 10,000 for each failure Note: - However, the above penalty shall not be levied to and in relation to any assessment for the A.Y commencing on or after the 1st day of April, 2017.
271(1)(c)	Concealment of particulars of income or fringe benefits or furnishing of inaccurate particulars of income or fringe benefits Note: - However, the above penalty shall not be levied to and in relation to any assessment for the A.Y commencing on or after the 1st day of April, 2017.	Minimum : 100 per cent Maximum : 300 per cent of tax sought to be evaded in addition to tax payable Note: 'Amount of tax sought to be evaded' shall be aggregate of tax sought to be evaded under the general provisions and the tax sought to be evaded under the provisions of MAT or AMT. However, if an amount of concealed income is considered both under the general provisions and provisions of MAT or AMT, such amount shall not be considered in computing tax sought to be evaded under provisions of MAT or AMT. Further, where provisions of MAT or AMT are not applicable, the computation of tax sought to be evaded under the provisions of MAT or AMT shall be ignored.
271(4)	Distribution of profits by registered firm otherwise than in accordance with partnership deed and as a result of which partner has returned income below the real income	Not exceeding 150 per cent of difference between tax on partner's income assessed and tax on income returned, in addition to tax payable

	Note: - However, the above penalty shall not be levied to and in relation to any assessment for the A.Y commencing on or after the 1st day of April, 2017.	
271A	Failure to keep, maintain, or retain books of account, documents, etc., as required under section 44AA	Rs. 25,000
271AA(1)	(1) Failure to keep and maintain information and documents required by section 92D(1) or 92D(2) (2) Failure to report such transaction (3) Maintaining or furnishing incorrect information or document	2% of value of each international transaction/or specified domestic transaction entered into
271AA(2)	Failure to furnish information and document as required under Section 92D(4)	Rs. 5,00,000/-
271AAA	Where search has been initiated before 1-7-2012 and undisclosed income found	10% of undisclosed income
271AAB(1)	Where search has been initiated on or after 1-7-2012 but before 15-12-2016 and undisclosed income found	(a) 10% of undisclosed income of the specified previous year if assessee admits the undisclosed income; substantiates the manner in which it was derived; and on or before the specified date pays the tax, together with interest thereon and furnishes the return of income for the specified previous year declaring such undisclosed income (b) 20% of undisclosed income of the specified previous year if assessee does not admit the undisclosed income, and on or before the specified date declare such income in the return of income furnished for the specified previous year and pays the tax, together with interest thereon; (c) 60% of undisclosed income of the specified previous year if it is not covered by (a) or (b) above
271AAB(1 A)	Where search has been initiated on or after 15-12-2016 and undisclosed income found	(a) 30% of undisclosed income of the specified previous year if assessee admits the undisclosed income; substantiates the manner in which it was derived; and on or before the specified date pays the tax, together with interest thereon and furnishes the return of income for the specified previous year declaring such undisclosed income (b) 60% of undisclosed income of the specified previous year in any other case.
271AAC	Income determined by Assessing Officer includes any income referred to in section 68, section 69, section 69A, section 69B, section 69C or section 69D for any previous year. [if such income is not included by assessee in his return or tax in accordance with section 115BBE has not been paid]	10% of tax payable under section 115BBE.
271B	Failure to get accounts audited or furnish a report of audit as required under section 44AB	One-half per cent of total sales, turnover or gross receipts, etc., or Rs. 1,50,000, which-ever is less
271BA	Failure to furnish a report from an accountant as required by section 92E	Rs. 1,00,000
271BB	Failure to subscribe any amount to units	20 per cent of such amount

	issued under scheme referred to in section 88A(1)	
271C	Failure to deduct tax at source, wholly or partly, under sections 192 to 196D (Chapter XVII-B) or failure to pay wholly or partly tax u/s 115-O(2) or second proviso to section 194B	Amount equal to tax not deducted or paid
271CA	Failure to collect tax at source as required under Chapter XVII-BB	Amount equal to tax not collected
271D	<p>Taking or accepting any loan or deposit or specified sum in contravention of the provisions of Section 269SS.</p> <p>"Specified sum" means any sum of money receivable, whether as advance or otherwise, in relation to transfer of an immovable property, whether or not the transfer takes place.</p>	Amount equal to loan or deposit or specified sum so taken or accepted
271DA	Receipt of an amount of Rs. 2 lakh or more in contravention of provisions of Section 269ST.	Amount equal to such receipt
271E	<p>Repayment of any loan or deposit or specified advance otherwise than in accordance with provision of Section 269T.</p> <p>"Specified advance" means any sum of money in the nature of advance, by whatever name called, in relation to transfer of an immovable property, whether or not transfer takes place.</p>	Amount equal to loan or deposit or specified advance so repaid
271F	Failure to furnish return as required by section 139(1) or by its provisos before the end of the relevant assessment year	Rs. 5,000 Note: Applicable up to the Assessment year 2017-18
271FA ¹	<p>Failure to furnish an annual information return as required under section 285BA(1)²</p> <p>Failure to furnish annual information return within the period specified in notice u/s 285BA(5)</p>	Rs. 500 per day of default Rs. 1,000 per day of default
271FAB	<p>Section 9A provides that fund management activity carried out by an eligible offshore investment fund through an eligible fund manager acting on behalf of such fund shall not constitute business connection in India (subject to certain conditions).</p> <p>The provision requires that eligible investment fund shall furnish within 90 days from the end of the financial year a statement, in respect of its activities in a financial year, in the prescribed form containing information relating to fulfillment of specified conditions and such other information or documents as may be prescribed. Penalty to be levied if investment fund failed to comply with the requirement</p>	Rs. 5,00,000
271FB	Failure by an employer to furnish the return of fringe benefits as required under section 115WD(1)	Rs. 100 for every day of default
271G ³	Failure to furnish any information or	2% of the value of the international transaction

	document as required by section 92D(3)	/specified domestic transaction for each failure
271GA	<p>Section 285A provides for reporting by an Indian concern if following two conditions are satisfied:</p> <p>a) Shares or interest in a foreign company or entity derive substantial value, directly or indirectly, from assets located in India; and b) Such foreign company or entity holds such assets in India through or in such Indian concern.</p> <p>In this case, the Indian entity shall furnish the prescribed information for the purpose of determination of any income accruing or arising in India under Section 9(1)(i).</p> <p>In case of any failure, the Indian concern shall be liable to pay penalty.</p>	<p>Penalty shall be:</p> <p>(a) a sum equal to 2% of value of transaction in respect of which such failure has taken place, if such transaction had effect of, directly or indirectly, transferring right of management or control in relation to the Indian concern; (b) a sum of Rs. 5,000 in any other case.</p>
271GB(1)	Failure to furnish report under section 286(2)	Rs. 5,000 per day up to 30 days and Rs. 15,000 per day beyond 30 days
271GB(2)	Failure to produce the information and documents within the period allowed under section 271GB(6)	Rs. 5,000 for every day during which the failure continues.
271GB(3)	Failure to furnish report or failure to produce information/documents under section 286 even after serving order under section 271GB(1) or 271GB(2)	Rs. 50,000 for every day for which such failure continues beginning from the date of serving such order.
271GB(4)	<p>Failure to inform about inaccuracy in report furnish under section 286(2)</p> <p>Or furnishing of inaccurate information or document in response to notice issued under section 286(6).</p>	Rs. 5,00,000
271H ⁴	Failure to deliver/cause to be delivered a statement within the time prescribed in section 200(3) or the proviso to section 206C(3), or furnishes incorrect information in the statement	W.e.f. 1-10-2014 Assessing Officer may direct payment of penalty. Penalty shall not be less than Rs. 10,000 but may extend to Rs. 1,00,000
271-I	As per section 195(6) of the Act, any person responsible for paying to a non-resident or to a foreign company, any sum (whether or not chargeable to tax), shall furnish the information relating to such payment in Form 15CA and 15CB. Penalty shall be levied in case of any failure.	Rs. 1,00,000
271J	Furnishing of incorrect information in any report or certificate by an accountant or a merchant banker or a registered valuer	Rs. 10,000 for each incorrect report or certificate
272A(1)	<p>Refusal or failure to :</p> <p>(a) answer questions (b) sign statement (c) attend to give evidence or produce books of account, etc., in compliance with summons under section 131(1) (d) comply with notices u/s 142(1)/143(2) or failure to comply with direction issued u/s 142(2A).</p>	Rs. 10,000 for each failure/default

272A(2)	<p>Failure to:</p> <p>(a) furnish requisite information in respect of securities as required under section 94(6)</p> <p>(b) give notice of discontinuance of business or profession as required under section 176(3) ;</p> <p>(c) furnish in due time returns, statements or certificates, deliver declaration, allow inspection, etc., under sections 133, 134, 139(4A), 139(4C), 192(2C), 197A, 203, 206, 206C, 206C(1A) and 285B;</p> <p>(d) deduct and pay tax under section 226(2)</p> <p>(e) file a copy of the prescribed statement within the time specified in section 200(3) or the proviso to section 206C(3) (up to 1-7-2012)</p> <p>(f) file the prescribed statement within the time specified in section 206A(1)</p> <p>(g) Failure to deliver or cause to be delivered a statement under Section 200(2A) or Section 206C(3A) within prescribed time.</p> <p>With effect from June 1, 2015, it is mandatory for an office of the Government, paying TDS or TCS, as the case may be, without production of a challan, to deliver a statement in the prescribed form and manner to the prescribed authority.</p>	Rs. 10,000 for each failure/default. (In respect of penalty for failure, in relation to a declaration mentioned in section 197A, a certificate as required by section 203 and returns u/ss 206 and 206C and statements under Section 200(2A) or section 200(3) or proviso to section 206C(3) or section 206C(3A), penalty shall not exceed amount of tax deductible or collectible)
272AA(1)	Failure to comply with section 133B	Not exceeding Rs. 1,000
272B	Failure to comply with provisions of section 139A/139A(5)(c)/(5A)/(5C)	Rs. 10,000
272BB(1)	Failure to comply with section 203A	Rs. 10,000 for each failure/default
272BB(1A)	Quoting false tax deduction account number/ tax collection account number/ tax deduction and collection account number in challans/ certificates/ statements/ documents referred to in section 203A(2)	Rs. 10,000

*¹ - With effect from assessment year 2015-16 "annual information return" has been changed to "statement of financial transaction or reportable account" and word "return" has been changed to "statement".

*² - With effect from assessment year 2015-16 a new section 271FAA has been inserted to provide for a penalty of Rs. 50,000 for furnishing inaccurate statement of financial transaction or reportable account in certain cases.

*³ - With effect from 1-10-2014 TPO can also levy penalty.

*⁴ - Section 271H as amended with effect from 1-10-2014 provides that penalty shall be levied by Assessing Officer.

Analysis of few aspects of provisions:

- i. **Is the levy of penalty automatic?** No penalty under the Income-tax Act is imposed unless the person concerned has been given reasonable opportunity of being heard.
- ii. **Penalty is not to be imposed if there is no conscious breach of law: Section 270 Hindustan Steels Ltd v. State of Orissa, 83 ITR 26 (SC):** An order imposing penalty for failure to carry out a statutory obligation is the result of a quasi-criminal proceeding, and penalty will not ordinarily be imposed unless

the party obliged, either acted deliberately in defiance of law or guilty of conduct, contumacious or dishonest, or acted in conscious disregard to its obligation. Penalty will not also be imposed merely because it is lawful to do so. Whether penalty should be imposed for failure to perform a statutory obligation is a matter of discretion of the authority to be exercised judicially and on a consideration of all the relevant circumstances. Even if a minimum penalty is prescribed, the authority competent to impose the penalty will be justified in refusing to impose penalty, when there is a technical or venial breach of the provisions of the Act or where the breach flows from a *bona fide* belief that the offender is not liable to act in the manner prescribed by the statute

iii. **Relaxation from penalty:** Apart from designing penalty provisions, the Income-tax Act also contains provisions for granting relief from penalty in genuine / deserving cases. Relief can be granted in the following manner:

- a) Under section 273A(4) the Principal Commissioner or Commissioner of Income tax has power to waive or reduce any penalty levied under the Income-tax Act. Penalty can be waived or reduced by the Commissioner of Income-tax if the conditions specified in section 273A(4) in this regard are satisfied.
- b) Apart from shelter of section 273A(4) as discussed earlier, section 273B also provides relief from penalty in genuine cases. As per section 273B, no penalty shall be levied under section 271A, 271AA, 271B, 271BA, 271BB, 271C, 271CA, 271D, 271E, 271F, 271FA, 271FAB, 271FB, 271G, 271GA, 271GB, 271H, 271I, 271J, 272A(1)(c) or (d), 272A(2), 272AA(1), 272B, 272BB(1), 272BB(1A), 272BBB(1) or 273(2)(b) or (c), if the taxpayer proves that there was reasonable cause for such failure.
- c) Section 273AA provides that a person may make application to the Principal Commissioner/Commissioner for granting immunity from penalty, if
 - a. he has made an application for settlement under section 245C and the proceedings for settlement have abated; and
 - b. penalty proceeding have been initiated under this Act.The application shall not be made after the imposition of penalty after abatement.
- d) **Penalty for reasonable failure:** Section 273B provides that the penalties shall not be imposable (under sections 271C, 271CA, 271H and 272A(2) on the person or assessee as the case may be, for any failure referred to in the said provisions if he proves that there was reasonable cause for the said failure. The term reasonable cause has not been defined under the Act but decided in few judgements are given below.

Azadi Bachao Andolan vs. Union of India [2001] 252 ITR 471 (Delhi)- It was held that reasonable cause can be reasonably said to be a cause which prevents a man of average intelligence and ordinary prudence, acting under normal circumstances, without negligence or inaction or want of *bona fides*.

Woodward Governors India (P.) Ltd. vs. CIT [2001] 118 Taxman 433 (Delhi) - 'Reasonable cause' as applied to human action is that which would constrain a person of average intelligence and ordinary prudence. It means an honest belief founded upon reasonable grounds, of the existence of a state of circumstances, which, assuming them to be true, would reasonably lead any ordinary prudent and cautious man, placed in the position of the person concerned, to come to the conclusion that the same was the right thing to do.

CIT vs. Triumph International Finance (I) Ltd. [2012] 345 ITR 270 (Bom.) - The expression 'reasonable cause' would have wider connotation than the expression 'sufficient cause'. The expression 'reasonable cause' in section 273B for non-imposition of penalty under section 271E is to be construed liberally depending upon the facts of each case.

In view of above no order imposing penalty shall be passed by any Income-tax Authority, unless the person on whom the penalty is proposed to be imposed is given an opportunity of being heard in the matter by such Authority.

e) **No penalty in case of controversial issue or bona fide act**

Penalty for concealment should not be imposed where an assessee acts honestly without having any *mala fide* intention to evade tax or where issue is controversial.

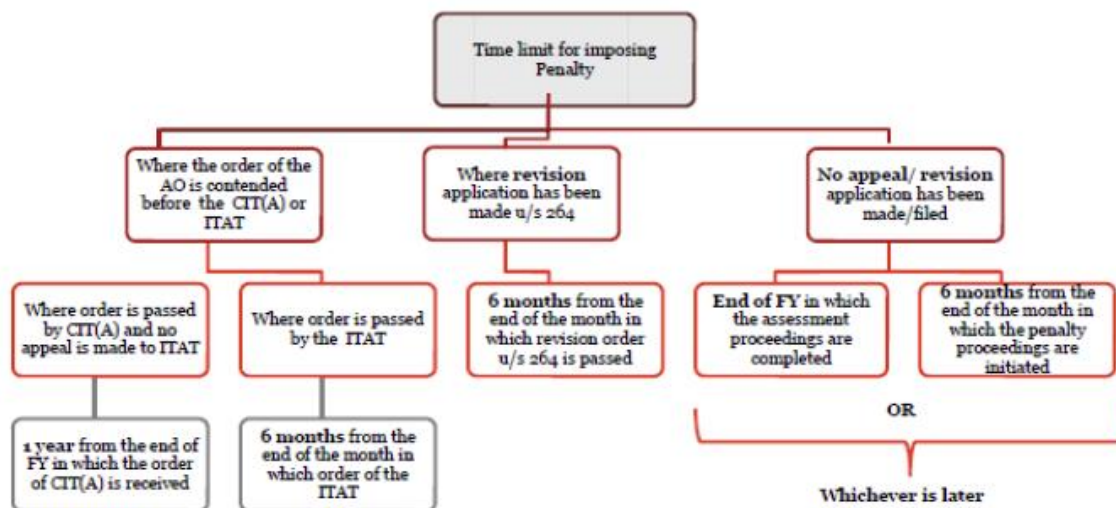
CIT vs. Reliance Petro Products [2010] 189 TAXMAN 322 (SC): "no penalty can be levied upon rejection of a bonafide claim of a taxpayer under law, even if such claim is highly debatable," majority of the Assessing Officers are not following the same.

Price Waterhouse Coopers (P.) Ltd. v. CIT [2012] 25 taxmann.com 400 (SC): Through a *bona fide* and inadvertent error the assessee failed to add the provision for gratuity to its total income which is described as a human error which we are all prone to make. The caliber and expertise of the assessee had little or nothing to do with the inadvertent error. That the assessee should have been careful could not be doubted, but the absence of due care, would not mean that the assessee was guilty of either furnishing inaccurate particulars or was attempting to conceal its income. Consequently, given the peculiar facts of this case, the imposition of penalty on the assessee was not justified.

DCIT v. Rural Electrical Co-operative Society Ltd. [2006] 152 Taxman 237 (MP): Every concealment does not attract the rigour of section 271(1) (c). It must be deliberate and intentional being in the knowledge of the assessee so as to evade payment of income-tax. Hence, no penalty could be imposed where one entry could not be subjected to tax due to some accounting mistake.

CIT v. Harshvardhan Chemicals & Mineral Ltd. [2003] 133 Taxman 320: When the assessee claimed some deduction that was debatable, in such cases, it could not be said that the assessee had concealed any income or furnished inaccurate particulars of income for the evasion of tax.

iv. **Time limit for passing the Penalty Order (section 275):**



Conclusion: Non-compliance of provisions of income tax act and payment of penalty is not only a cost to assessee but a long travel to resolve the litigation. Let comply and buy peace as a good citizen of India.

AMENDMENT IN SECTION 194-IB (TDS ON RENT)

According to section 194-IB any Individual or Hindu Undivided Family paying rent of Rs. 50,000 for a month or part of a month during the previous year, is responsible for TDS @5% on such income.

Due date of Payment

30 days from the end of month in which deduction is made.

Form No.

TDS on rent payable to Central Government is to be accompanied by a challan cum statement in Form 26QC. Certificate of TDS IN Form 16C is to be submitted to payee within 15 days from the due date of furnishing the challan cum statement.

Interest & Penalty

Interest

1% per month interest will be levied if TDS is not deducted.

1.5% per month interest will be levied if TDS deducted, but not paid.

Penalty

Rs. 100 per day will be levied as penalty if return is filed after due date.

Amount of penalty must not exceed amount of TDS.

FAQs – GSTR 9

1. What is GSTR-9?

GSTR 9 is an annual return to be filed once in a year by the registered taxpayers under GST including those registered under composition levy scheme. It consists of details regarding the supplies made and received during the year under different tax heads i.e. CGST, SGST and IGST. It consolidates the information furnished in the monthly/quarterly returns during the year.

2. Who should file GSTR-9?

All the registered taxable persons under GST must file GSTR 9. However, following persons are not required to file GSTR 9

- Casual Taxable Person
- Input service distributors
- Non-resident taxable persons
- Persons paying TDS under section 51 of GST Act.

3. What are different types of return under GSTR-9?

There are 4 types of return under GSTR 9:

<i>GSTR 9</i>	:	GSTR 9 should be filed by the regular taxpayers filing GSTR 1, GSTR 2, GSTR 3.
<i>GSTR 9A</i>	–	GSTR 9A should be filed by the persons registered under composition scheme under GST.
<i>GSTR 9B</i>	–	GSTR 9B should be filed by the e-commerce operators who have filed GSTR 8 during the financial year.
<i>GSTR 9C</i>	–	GSTR 9C should be filed by the taxpayers whose annual turnover exceeds Rs 2 crores during the financial year. All such taxpayers are also required to get their accounts audited and file a copy of audited annual accounts and reconciliation statement of tax already paid and tax payable as per audited accounts along with GSTR 9C.

4. When is GSTR-9 due?

GSTR-9 shall be filed on or before 31st December of the subsequent financial year.

For instance for FY 2017-18, the due date for filing GSTR 9 is 31st December, 2018.

5. What is the Penalty for the late filing of GSTR-9 return?

Late fees for not filing the GSTR 9 within the due date is Rs. 100 per day per act up to a maximum of an amount calculated at a quarter percent of the taxpayer turnover in the state or union territory. Thus it is Rs 100 under CGST & 100 under SGST; total penalty is Rs 200 per day of default. There is no late fee on IGST.

6. What types of details to be provided in GSTR-9

GSTR 9 has total of 9 sections.

1. Provide GSTIN: Each taxpayer will be allotted a state-wise PAN-based 15-digit Goods and Services Taxpayer Identification Number (GSTIN). GSTIN of the taxpayer will be auto-populated at the time of return filing.

2. Legal name of the registered person: Name of the taxpayer will be auto-populated at the time of logging into the common GST Portal.

Whether liable to Statutory Audit: Statutory audit is compulsory in case of companies and in case of individual/HUF if turnover exceeds Rs 1 crore.

3. Date of statutory Audit: Mention the date of the statutory audit.

4. Auditors: Mention the name of the auditors of the entity who has audited the accounts of the entity.

5. Details of Expenditure: Details of goods and services purchased during the financial year must be provided. Such information needs to be provided along with the HSN/SAC codes applicable and the taxable value of such goods and services. These details are mentioned in GSTR 2. This information is divided into following heads:

- a) Total value of purchases on which ITC availed (inter-State)
- b) Total value of purchases on which ITC availed (intra-State)
- c) Total value of purchases on which ITC availed (Imports)
- d) Other Purchases on which no ITC availed
- e) Sales Return
- f) Other Expenditure (Expenditure other than purchases)

6. Details of income: Details of all supplies and sales made during the year needs to be provided here. Such details are also mentioned in GSTR 1. These categories are as follows:

- a) Total value of supplies on which GST paid (inter-State Supplies): It includes the supplies made in other states on which IGST is paid.
- b) Total value of supplies on which GST Paid (intrastate Supplies) : It includes supplies within the state on which SGST and CGST is paid.
- c) Total value of supplies on which GST Paid (Exports): It includes export of goods and services made during the year on which IGST is paid
- d) Total value of supplies on which no GST Paid (Exports): It includes export of goods and services made during the year on which no IGST is paid
- e) Value of Other Supplies on which no GST paid: It includes the details of supply of goods and services made during the year without any GST paid on it. i.e CGST and SGST in case of intra supply and IGST in case of inter state supply.
- f) Purchase Returns: Detail of purchase return made during the year is to be provided here.
- g) Other Income (Income other than from supplies): Any other income earned during the year other than supplies mentioned in above points should be mentioned here.

7. Return Reconciliation Statement

After furnishing all the information, the system will auto-reconcile the transactions and will determine tax liability payable against the tax actually paid. The system will also populate the amount of tax difference, interest, penalty if any.

8. Other

If there is any other payable the same will be auto-populated here. It may include arrears or any liability because of the assessment.

9. Profit as per the Profit and Loss Statement

In this section, mention the breakup of gross-profit, profit after tax and net profit.

Once all the particulars are furnished correctly, the taxpayer is required to sign digitally either through a digital signature certificate (DSC) or Aadhar based signature verification to authenticate the return.

GST – COMPOSITION SCHEME FOR RESTUARANTS

The Government has introduced a composition levy under GST Law to simplify the taxing mechanism for small taxpayers to keep up with GST Compliance.

Turnover

Under this scheme, a small business having turnover of less than 100 lakhs can enroll for this composition levy and can pay tax at a predetermined fixed rate on the basis of their turnover.

Return Filling

Small taxpayers enlisted under this scheme need not to file Monthly GST Returns as well as need not to pay GST monthly.

Conditions for registration under GST Composition Scheme

- The person engaged in the supply of Food and Drinks (other than alcoholic drinks) is not running temporary or seasonal restaurant.
- If the restaurant procures goods & services from an unregistered person, then the restaurant shall be liable to pay GST on reverse charge basis.
- Any person engaged in the inter-state supply of goods can not opt GST Composition Scheme.
- Composite Taxable Person (engaged in restaurant business) cannot supply goods through electronic E-Commerce Operator.
- Under the composition scheme, the person engaged in supply of food & drinks (restaurant business) is required to pay GST @5% i.e CGST 2.5% & SGST 2.5%.
- Restaurants opting GST Composition scheme will have to file GST Returns quarterly in GSTR-4.

RECORDS TO BE MAINTAINED UNDER GST IN CASE OF GODOWNS/WAREHOUSES

In today's scenario, generally companies maintain Godowns or Warehouses as additional place of business for storing goods and inspection is being done at godown or warehouse.

In this regard, the owner or any other concerned person has to maintain following documents for inspection purpose.

- Owner or Operator of warehouse and every transporter (registered or unregistered transporter) has to maintain records of consignor and also consignee along with relevant documents of goods.
- Details with respect to period for which particular goods remain in warehouse.
- Details regarding dispatch, movement, receipt, disposal of such goods.
- Goods must be stored item wise & owner wise so that inspector can inspect any goods on demand.
- Unregistered owner of warehouse has to obtain unique enrollment number by applying electronically in GST common Portal.
- The transporter has to maintain records regarding goods transported, delivered, stored in transit along with GST number of Consignor as well as Consignee for each branches.

TAX UPDATES, NOTIFICATIONS AND CIRCULARS

INDIRECT TAX

GOODS AND SERVICES TAX

CENTRAL TAX

Notification No. 53/2018-Central Tax Dated: 09.10.2018

Eleventh Amendment to CGST Rules, 2017 – Rule 96 (Refund of integrated tax paid on goods or services exported out of India), Sub Rule 10 has been amended and substituted with the below mentioned rule.

The persons claiming refund of integrated tax paid on exports of goods or services should not have received supplies on which the supplier has availed the benefit of the Government of India, Ministry of Finance. The amendment shall be deemed to have been substituted with effect from 23rd October, 2017.

Link for more detail:

<http://www.cbic.gov.in/resources//htdocs-cbec/gst/notfctn-53-central-tax-english-2018.pdf;jsessionid=0D1F5D9B677A1597CCDB77FAFA46B511>

Notification No. 54/2018-Central Tax Dated: 09.10.2018

Twelfth Amendment to CGST Rules, 2017 – Rule 89 (Application for refund of tax, interest, penalty, fees or any other amount), sub rule 4B “NET ITC” has been substituted with the below mentioned rule.

(4B) where the person claiming refund of unutilised input tax credit on account of zero rated supplies without payment of tax has –

- (a) received supplies on which the supplier has availed the benefit of the Government of India
- (b) availed the benefit of Notification No. 78/2017-Customs (Seeks to exempt goods imported by EOUs from integrated tax and compensation cess), and Notification No. 79/2017 – Customs (Seek to amend various Customs exemption notifications to exempt Integrated Tax/Cess on import of goods under AA/EPCG)dated the 13th October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Subsection (i), vide number G.S.R 1272(E), dated the 13th October, 2017.

the refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.

Link for more detail: <http://www.cbic.gov.in/resources//htdocs-cbec/gst/notfctn-54-central-tax-english-2018.pdf;jsessionid=81D9B59EEE427C2E9188BE726669430B>

CIRCULARS

Circular No. 68/42/2018-GST Dated: 05.10.2018

Notifications issued under CGST Act, 2017 applicable to Goods and Services Tax (Compensation to States) Act, 2017

Representations have been received by the Board regarding the entitlement of UN and specified international organizations, foreign diplomatic mission or consular posts, diplomatic agents and consular offices post therein to refund of Compensation Cess payable on intra-State and inter-State supply of goods or services or both received by them.

The issue has been examined. Section 55 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as ‘CGST Act’) provides that the Government may, on the recommendation of the council, specify UN agencies and organizations notified under the UNPI Act 1947, Consulates, Embassies of foreign countries and any other person to be entitled to claim refund of the taxes paid on the notified supplies of goods and services, subject to such conditions and restrictions as may be prescribed.

Section 11 of the Goods and Services Tax (Compensation to States) Act, 2017(hereinafter referred to as 'the Compensation Cess Act'), provides that provisions of CGST Act and IGST Act apply in relation to levy and collection of Compensation Cess. Further, section 9(2) of the Compensation Cess Act provides that for all the purposes of claiming refunds, except the form to be filed, the provisions of the CGST Act and the rules made thereunder, shall apply in relation to the levy and collection of Compensation Cess.

Accordingly, notification No. 16/2017-Central Tax(Rate) dated 28.06.2017 shall be applicable for the purposes of refund of Compensation Cess to UN and specified international organizations, foreign diplomatic missions or consular posts in India, or diplomatic agents or career consular officers posted therein.

CUSTOMS

NON TARIFF

Notification No. 85/2018-Customs (NT)

Dated: 04.10.2018

According to this Notification Central Board of Indirect Taxes and Customs has determined the rate of exchange of conversion of each of the foreign currency into Indian currency or vice versa, shall, with effect from 5th October, 2018 be the rate mentioned in this Notification.

SCHEDULE-I

SL. No	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian rupees	
		(For Imported Goods)	(For Export Goods)
1	Australian Dollar	53.70	51.40
2	Bahrain Dinar	202.05	189.45
3	Canadian Dollar	58.40	56.40
4	Chinese Yuan	10.90	10.55

Go to the link for the complete list of currencies:

<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2018/cs-nt2018/csnt85-2018.pdf;jsessionid=9A818F98FFEADF83060981B86C1E9ED1>

ANTI DUMPING DUTY

Notification No. 50/2018-Customs (ADD)

Dated: 05.10.2018

The competent authority stated that Nylon Filament Yarn exported from Vietnam or European Union and imported into India concluded as per the final findings that

- the subject goods have been exported from the subject country to India below its normal value, resulting in dumping
- the domestic industry has suffered material injury due to dumping of the product under consideration from the subject country
- the material injury has been caused by the dumped imports of the subject goods from subject country

and has recommended imposition of definitive anti-dumping duty on imports of the subject goods, originating in, or exported from the subject country and imported into India, in order to remove injury to the domestic industry

The competent authority has imposed anti dumping duty as per the above notification for a period of five years and this shall be effective from 6th October 2018 and to be paid in Indian rupees.

For More details please follow the below link –

<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2018/cs-add2018/csadd50-2018.pdf;jsessionid=2AFFBB586AEDEFBA56C53CD0575A4CE73>

Notification No. 51/2018-Customs (ADD)

Dated: 09.10.2018

The Central Government has made amendments via Notification No 15/1006/2012-DGAD dated the 4th September, 2013 stating continuation of anti-dumping duty on the imports of subject goods, originating in, or exported from the subject country (Being China , PR in our case).

- i. The Central Government imposed anti-dumping duty on Ductile iron pipes via Notification No 23/2013-Customs (ADD) dated the 10th October, 2013.
- ii. M/s Electro Steel Casting Limited, M/s Srikalahasti Pipes Ltd. (SPL) and M/s Jindal Saw Limited (hereinafter referred as applicants) filed an application before the authority for review and continuation of the anti-dumping duties, imposed on the imports of the Ductile iron pipes originating in or exported from the subject country.

The authority examined the above case and issued an order No. 7/18/2018 - DGAD dated the 17th May, 2018 stating that since the applicants did not provide sufficient evidence to initiate review investigation and the authority decided that the case is not fit for initiation of sunset review investigation concerning import of "Ductile Iron Pipes" originating in or exported from China

M/s Jindal Saw Limited (hereinafter referred as petitioner) before the Hon'ble High Court of Gujrat it was ordered The respondent authority shall decide the application requesting a sunset review afresh, in accordance with law, within six months from the date of receipt of the order. Till such a decision is taken, the period of anti-dumping duty, which ceases to have effect on and from 09.10.2018, shall stand extended.

This notification, unless revoked earlier, shall remain in force up to and inclusive of the 9th April, 2019.

For More details please follow the below link –

<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2018/cs-add2018/csadd51-2018.pdf;jsessionid=53183C7D7C9631084BC5BC431A152685>

CIRCULARS

**Circular No. 36/2018 – Customs
Dated: 05.10.2018**

Grant of rewards to informers and Government Servants

Consequent to the introduction of GST, a need was felt to include recovery in cases under CGST and IGST Acts under the Reward Guidelines to ensure their parity with cases booked under the Customs Act, NDPS Act, Service Tax and Central Excise Acts.

Accordingly, the following amendments are made in existing guidelines:

The provisions of "The Guidelines for grant of Reward to informers and Government servants, 2015" shall also apply to recovery of dues under CGST & IGST under the provisions of the following Acts:

CGST Act, 2017

CGST (Extension to Jammu and Kashmir) Act, 2017

IGST Act, 2017

IGST (Extension to Jammu and Kashmir) Act, 2017

Only the recovery of dues under CGST and IGST will be calculated for the purpose of calculating the reward amount.

Government Servants – Police, BSF, Coast Guard, CISF, State GST etc. who play a role in Customs, GST, Central Excise, and Service Tax.

Follow the link, for detailed Notification:

<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-circulars/cs-circulars-2018/Circular-36-2018-Customs.pdf;jsessionid=D23F2847786A47BE64AE93CE84155F82>

**Circular No. 37/2018 – Customs
Dated: 09.10.2018**

Cases where IGST refunds have not been granted due to claiming higher rate of drawback or where higher rate and lower rate were identical.

Representations have been received from exporters/ export associations, regarding cases where IGST refunds have not been granted because higher rate of drawback has been claimed or where higher rate and lower rate identical.

The issue has been examined extensively in the Ministry. The legal provisions related to Drawback claims are as mentioned in the below link

<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-circulars/cs-circulars-2018/Circular-37-2018-Customs.pdf;jsessionid=CC3CCDCD722423E375D1B249EEAF0C56>

DIRECT TAX

INCOME TAX

Notification No. 59/2018 [F.No. 225/355/2018-ITA-II] SO 5157 (E)

Dated: 01.10.2018

It has been notified that no public servant shall produce before any person or authority, any such document or record or any information or computerised data or part thereof as comes into his possession during the discharge of official duties regarding the Taxation and Investment Regime of Pradhan Mantri Garib Kalyan Yojna Scheme 2016, other than those specified in section 199-O of Taxation Laws (Second Amendment) Act, 2016 (No. 48 of 2016)

Notification No. 60/2018 [F.No. 370142/9/2017-TPL] SO 5054 (E)

Dated: 01.10.2018

Amendment in Section 112A sub section (4) of Income Tax Act, 1961 –

Section 112A of the Income-tax Act shall not apply to transactions of acquisition of equity share entered into –

1. before the 1st day of October, 2004 or,
2. On or after the 1st day of October, 2004 which are not chargeable to securities transaction tax under Chapter VII of the Finance (No. 2) Act, 2004 (23 of 2004), other than the following, namely:
 - a. Where acquisition of existing listed equity share in a company whose equity shares are not frequently traded in a recognised stock exchange of India is made through a preferential issue.
 - b. Where transaction for acquisition of existing listed equity share in a company is not entered through a recognised stock exchange in India.
 - c. acquisition of equity share of a company during the period beginning from the date on which the company is delisted from a recognised stock exchange and ending on the date immediately preceding the date on which the company is again listed on a recognised stock exchange in accordance with the Securities Contracts (Regulation) Act, 1956 read with Securities and Exchange Board of India Act, 1992 (15 of 1992) and the rules.

This notification shall come into force with effect from the 1st day of April, 2019 and shall accordingly apply in relation to the assessment year 2019-20 and subsequent assessment years.

Please follow the link for detailed Notification:

https://www.incometaxindia.gov.in/communications/notification/notification60_2018.pdf

Notification No. 02/2018 [F.No. V.27013/3/2018-SO(NAT.COM)] SO 5160 (E)

Dated: 05.10.2018

Extension in the tenure of persons as Chairman and members of the National Committee for Promotion of Social and Economic Welfare for a further period of six months w.e.f. 1st October, 2018.

Follow the link, for getting the list of Members:

https://www.incometaxindia.gov.in/communications/notification/notification02_2018-35ac.pdf

PRESS RELEASE

INDIRECT TAX

Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect taxes and Customs

October 10, 2018

EXAMINATION FOR CONFIRMATION OF ENROLLMENT OF GST PRACTITIONERS

The National Academy of Customs, Indirect Taxes and Narcotics (NACIN) is conducting an examination for confirmation of enrollment of Goods and Services Tax Practitioners (GSTPs) enrolled on the GST Network under sub-rule (2) of Rule 83 and covered by clause (b) of sub-rule (1) of Rule 83 of Central Goods and Service Tax Rules, 2017. Such GSTPs are required to pass the examination before 31st December, 2018. The examination will be held on 31.10.2018 from 1100 hrs to 1330 hrs at designated examination centers across India. In this matter kindly refer Press Release dated 17th September, 2018.]

The registration for this exam by the eligible GSTPs has already started on 25th September, 2018, on a registration portal, link of which has been provided on NACIN and CBIC websites under the TAB “GSTP Exam Registration”.

The last date of registration which was previously 10th October 2018, is now extended upto 15th October 2018 (11:59:59 PM). All eligible candidates are requested to register themselves on the Exam registration portal urgently.
(https://nacin.onlineregistrationform.org/NACIN/LoginAction_loadIndex.action)

DIRECT TAX

Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

October 4, 2018

- **Direct Tax Collections for F.Y. 2018-19 up to September, 2018**

The provisional figures of Direct Tax collections up to September, 2018 (Halfyearly figures) show that **gross collections** are at **Rs. 5.47 lakh crore** which is **16.7%** higher than the gross collections for the corresponding period of last year. It is pertinent to

mention that gross collections of the corresponding period of F.Y. 2017- 18 also included extraordinary collections under the Income Declaration Scheme(IDS), 2016 amounting to Rs. 10,254 crore (Third and last instalment of IDS), which does not form part of the current year’s collection.

Refunds amounting to **Rs.1.03 lakh crore** have been issued during April, 2018 to September, 2018, which is **30.4%** higher than refunds issued during the same period in the preceding year. Net collections (after adjusting for refunds) have increased by **14%** to **Rs. 4.44 lakh crore** during April, 2018 to September, 2018. The net Direct Tax collections represent **38.6%** of the total Budget Estimates of Direct Taxes for F.Y. 2018-19 (Rs. 11.50 lakh crore).

So far as the growth rate for Corporate Income Tax (CIT) and Personal Income Tax (PIT) is concerned, the growth rate of **gross** collections for CIT is **19.5%** while that for PIT (including STT) is 19.1%. After adjustment of refunds, the net growth in CIT collections is **18.7%** and that in PIT collections is **14.9%**.

An amount of **Rs.2.10 lakh crore** has been collected as Advance Tax, which is **18.7%** higher than the Advance Tax collections during the corresponding period of last year. The growth rate of Corporate Advance Tax is **16.4%** and that of PIT Advance Tax is **30.3%**.

October 8, 2018

- **CBDT further extends date for filing Income Tax Returns and Audit Reports**

The due date for filing of Income Tax Returns and Audit Reports for Assessment Year 2018-19 is 30th September, 2018 for certain categories of taxpayers. Central Board of Direct Taxes (CBDT) had earlier extended the date for filing of Income Tax Returns and various reports of Audit to 15th October, 2018. Upon consideration of representations from various stakeholders, CBDT further extends the ‘due date’ for filing of Income Tax Returns as well as reports of Audit (which were required to be filed by the said specified date) from 15th October, 2018 to 31st October, 2018 in respect of the said categories of taxpayers. However, as specified in earlier order dated 24.09.2018, assessee filing their return of income within the extended due date shall be liable for levy of interest as per provisions of section 234A of the Income-tax Act, 1961.

JUDGEMENTS

INDIRECT TAX

Goods Transported without E-Way Bill: Gujarat HC refuses to release Vehicle since Petitioner is a Habitual Offender

Vanrajbhai Hasmukhbhai Chauhan vs. State of Gujrat

**Case No. -11383 of 2018
Date – 30.07.2018**

Fact of the Case

1. In the instant case, the petitioner is the transport operator.
2. The assessee's truck was detained by the department since there was no e-way bill for the movement of goods.
3. The petitioner approached the court praying that he is ready to pay tax according to law.
4. The department has pointed out that the petitioner is a habitual offender and is in habit of transporting goods without e-way bill.
5. Another 10 instances was submitted by the department that the petitioner was caught without e-way bill and therefore, the petitioner is habitual defaulter and tax evader.

Decision of the Case

Having heard learned Advocates appearing for the respective petitioner and narrated fact above by the department, the learned justice of the bench refused to release vehicles since the petitioner is habitual offender.

Classification of Skin Care Products under GST: Appellate Authority modifies AAR Order

M/S Akansha Hair & Skin Care Herbal Unit Pvt. Ltd vs. West Bengal AAR

**Case No. – 02/WBAAAR/Appeal/2018
Date – 1.08.2018**

Fact of the Case

1. In the instant case Akansha Hair & Skin Care Herbal Unit Pvt. Ltd. is the assessee.
2. The counsel for the applicant argued that the applicant producing skin care preparations are Ayurvedic Medicament and taxable under schedule II.
3. According to the AAR, if the product can be used for the treatment of specific ailments, then the ingredients used are classified as a medicament.

4. The Appellate Authority further noted that the skin care preparations which are used as medicaments may have the effect of enhancing appearance and beauty by restoring skin health.
5. Later on, the Appellate Authority modified the order in the following way. If the skin care products are used mostly for brightening the skin of sunburn & black patches, keeping skin soft, fair, glowing, preventing sunburn rashes, helping for removal of make-ups, reducing excess skin-oil, protecting from skin burn injury etc. are not qualified for categorizing the products as "Medicine".
6. The skin care products belongs to above qualities are not used in the diagnosis, treatment or prevention of disease of human beings. But these products may be defined as "Cosmetics".

Decision of the Case

In view of the above discussions, it was decided that the products supplied by the appellant are not to be classified under Chapter 30, but to be classified under chapter 33 (Cosmetics) or Chapter 34(Soaps) and are to be taxed accordingly.

ITC recoverable on 'Telecom Equipments' installed on Mobile Towers: AAR

Vindhya Telelinks Ltd. vs. Uttarakhand AAR

**Case No. -01/2018-19
Date -28.08.2018**

Fact of the Case

1. In the instant case, Vindhya Telelinks Ltd. is the applicant.
2. The applicant was registered as infrastructure provider category I where the scope of his activities are limited to establish and maintain assets on lease / rent/ sale basis only to licensed telecom service provider.
3. The issue before the AAR was the determination of availability of ITC of goods & services used for the erection of infrastructure for the telecommunication service providers since the infrastructure provided by the applicant is different from "Telecommunication Tower".

Decision of the Case

1. The authority examined the background of telecommunication service by differentiating between the types of telecommunication towers.

2. In the opinion of the authority it is stated that according to law ITC is available neither in “Works Contract Service” for construction of immovable property nor in “Telecommunication Towers” under explanation to section 17(6).
3. Installation of Telecommunication Tower is to some extent different in the present situation. It is neither constitutes of the required components nor belongs to immovable property since it can be easily be moved to another place for use without any damage to the entire infrastructure.
4. So the Authority held that the applicant can avail ITC on GST in terms of section 16(1) of CGST, SGST Act 2017.

Bombay HC asks GST Dept to Re-open TRAN-1 to Rectify Errors

O/E/N India Ltd. vs. Union of India

Case no. -2086 of 2018

Date – 26.09.2018

Fact of the Case

1. In the present case O/E/N India Ltd. is the petitioner.
2. It had submitted its form TRAN-1 to enable the unutilized Cenvat credit from Pre GST regime transferred.
3. But there was a typographical error, due to which it was indicated that Cenvat credit available was Rs. 11,10,555 instead of Rs. 1,11,05,550.
4. The company’s request to allow the corrections in the form was rejected by the tax authorities on the grounds that there is no provision in the GST Act, which allows correction/rectification of such errors.

Decision of the Case

1. Form TRAN 1 helps businesses get benefit of input tax credit due as on or before June 30, 2017, transferred under the GST regime.
1. At the time of granting an interim relief to the petitioners, the view of the bench of Bombay High Court was that it would be appropriate to issue a general and or special order under section 172 of the Act by the Central Govt. for the solution of above like problems.

AAR rejects application involving “Place of Supply” determination in case of Scientific Testing & Technical Analysis service to Foreign Client (Gujarat AAR)

Case No. - TS-525-AAR-2018-NT

Fact of the Case

1. Applicant had requested for determination as to whether the activities provided will be treated will be treated as “Export of Service” under provision of the IGST Act,2017 and hence qualify as “Zero Rated Supply” as per section 16.
2. As per opinion of AAR the ”Place of Supply” is not covered by section 97(2) of the acts. The Authority is helpless to answer the question raised in the application.

Decision of the Case

Gujarat AAR rejects application filed for advance ruling for determination of “Place of Supply” while providing services to Foreign Client OF Scientific Testing & Technical Analysis on pharmaceutical products.

DIRECT TAX

Higher Remuneration paid to Director of Company can’t be disallowed as there is No requirement to get Approval from Govt.: ITAT Mumbai

Benninger India Pvt Ltd. vs. ITAT Mubai

Case No. – 2360/Mum/2017

Date – 28.09.2018

Fact of the Case

1. Here the assessee is the unlisted closely held company.
2. The Managing Director of the assessee company is a professional director, but does not hold any equity/share capital of the assessee co.
3. The assessee company claimed as deduction of remuneration paid to the M.D.
4. The AO disallowed part of the remuneration paid to M.D as it was excessive of the limit prescribed under companies Act 1956.
5. It was a violation of Company Law as no permission was obtained from the Central Government.

Decision of the Case

1. Now there is no requirement of having approval from Central Government for making payment of higher remuneration even in case of loss in the case of unlisted public company.
 2. Deleting the order of A.O, the Tribunal disallowed the expenditure of managerial remuneration paid to M.D as allowable expenditure.
-

Block Assessment is Invalid in the absence of Satisfaction recorded by AO of Searched Party: ITAT

Fact of the Case

1. Sree Gangadhar Shetty or it's group is the applicant here.
2. On the first appeal, the CIT(A) noted that since the AO of the searched person and the person assessed under section 153C of the Act is the same, it does not require to record a separate satisfaction in this regard.
3. Before the Tribunal, the assessee challenged the order of CIT(A). The assessee contended that no proper satisfaction has been recorded by the A.O of the searched person.
4. The Tribunal observed that the assessee had requested for copy of satisfaction note before the AO during the course of assessment proceedings. But the assessee was not granted to have it.

Decision of the Case

1. Based on several judicial decisions and CBDT Circular, the Tribunal held that the satisfaction in the case is not recorded by the AO of the searched party, which is a precondition for invoking jurisdiction u/s 153C of the Act.
2. The ITAT of Mumbai passed the order that in the absence of such satisfaction note of the A.O of the searched party, block assessment was invalid.

Trust providing IT Diploma Courses for Fee eligible for Income Tax Relief: ITAT Delhi

Rastriya Saksharta Mission Innovative Technologies Education vs. ITAT Delhi

Case No. – 2647/Del/2015

Date – 1.10.2018

Fact of the Case

1. In the present case Trustee is the assessee.
2. Here the assessee Trustee is running large number of courses, i.e diploma in computer education, diploma in web & designing application, diploma in hardware & networking etc and is running several educational programmes at different places.
3. The I.T Department has refused to grant registration under section 12AA of the I.T Act by finding that the assessee is charging a heavy fee on the students.
4. The Tribunal noted that there is no question of refusing to grant registration to assessee on the basis of report of inspector who visited Lajpatnagar property.

5. It was also noted by the Tribunal that assessee Trust is carrying on genuine activities of providing education.

Decision of the Case

1. In view of the above facts, the decisions relied upon by the Ld. D.R. would not support the case of the Revenue.
2. It is also stated that there is no justification for Ld. CIT(E) to reject application for registration under section 12AA of the I.T Act.
3. It is also instructed restore the matter with a direction to pass appropriate order under section 12AA of the Income Tax Act within 1 month from the date of the order by setting aside the above impugned order of Ld. CIT(E).

Date of Obtaining absolute Legal Ownership of the Asset not relevant for granting Deduction under Sec 54: ITAT Mumbai

Salasar Dwellers Pvt. Ltd. vs. ITAT Mumbai

Case No. -5707/Mum/2015

Date- 28.09.2018

Fact of the Case

1. In the instant case, Ramesh A. Radhakrishnan is the petitioner.
2. The petitioner lived in a rental house & sold his flat which was not used for residential purposes.
3. Holding period of the flat from the date of possession was less than 3 years. The resultant gain would be treated as short term capital gain. Further more indexation of cost of acquisition as well as deduction under section 54 would not be available to the petitioner as per opinion of the A.O
4. The petitioner contended that the period of holding of the property shall be counted from the date of agreement, but not from the date of possession of the property.

Decision of the Case

1. The Tribunal held that for the purpose of determining the nature of capital gain, the provision of section 54 did not refer to absolute legal ownership.
2. As per opinion of the Tribunal Bench, the right to the property is held by a person from the date of entering into an agreement for purchase, but not from the date of acquiring possession of the property.
3. So the petitioner is allowed for granting deduction under section 54 of the Act.

TAX COMPLIANCE CALENDAR AT A GLANCE

GST CALENDAR

Date	Return Type
18 th October, 2018	GSTR 4 – For the Quarter July, 2018 to Sept, 2018 (Return for compounding taxable person)
20 th October, 2018	GSTR 3B – For the month of September, 2018
20 th October, 2018	GSTR 5 – For the Month of September, 2018 (Return for Non-Resident foreign taxable person)
31 st October, 2018	GSTR 1 - In case of taxpayers with turnover above Rs 1.5 crores in previous FY or Current FY: Regular taxpayers : for Months from July 2017 to September 2018
31 st October, 2018	GSTR 1 – In case of taxpayers with turnover upto Rs 1.5 crores in previous FY or Current FY: Regular taxpayers : for Quarters from July 2017 to September 2018
15 th November, 2018	GSTR 1 for July – Sept, 2018 (for turnover of less than Rs. 1.5 Crore) (Only for registered persons of Kerala)
20 th November, 2018	GSTR 3B for the month of October, 2018
31 st December, 2018	Extension of Due date for GSTR-3B only for newly migrated taxpayers for months July 2017 to Nov 2018.
31 st December, 2018	Extension of Due date for GSTR-1 in case of taxpayers with turnover above Rs 1.5 crores in previous FY or Current FY: Newly migrated taxpayers: for months from July 2017 to November 2018.
31 st December, 2018	GSTR 1 – In case of taxpayers with turnover upto Rs 1.5 crores in previous FY or Current FY: Newly migrated taxpayers: for Quarters from July 2017 to November 2018
31 st March, 2019	Due date of TRAN-1 is extended for certain taxpayers who could not complete filing due to tech glitch.
31 st April, 2019	Due date of TRAN-2 is extended for certain taxpayers who could not complete filing due to tech glitch.

DIRECT TAX CALENDAR - OCTOBER, 2018

07.10.2018

- Due date for deposit of tax deducted/collected for the month of September, 2018. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax Challan.
- Due date for deposit of TDS for the period July 2018 to September 2018 when Assessing Officer has permitted quarterly deposit of TDS under section 192, 194A, 194D or 194H.

15.10.2018

- Due date for furnishing of Form 24G by an office of the Government where TDS for the month of September, 2018 has been paid without the production of a challan.
- Due date for issue of TDS Certificate for tax deducted under section 194-IA & section 194-IB in the month of August, 2018.
- Quarterly statement in respect of foreign remittances (to be furnished by authorized dealers) in Form No. 15CC for quarter ending September, 2018.
- Quarterly statement of TCS deposited for the quarter ending September 30, 2018.
- Upload declarations received from recipients in Form No. 15G/15H during the quarter ending September, 2018.
- Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA in the month of September, 2018.

30.10.2018

- Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IB in the month of September, 2018
- Quarterly TCS certificate (in respect of tax collected by any person) for the quarter ending September 30, 2018

31.10.2018

- Intimation by a designated constituent entity, resident in India, of an international group in Form no. 3CEAB for the accounting year 2017-18.
- Country-By-Country Report in Form No. 3CEAD by a parent entity or an alternate reporting entity or any other constituent entity, resident in India, for the accounting year 2017-18.
- Quarterly statement of TDS deposited for the quarter ending September 30, 2018
- Due date for furnishing of Annual audited accounts for each approved programmes under section 35(2AA)
- Quarterly return of non-deduction of tax at source by a banking company from interest on time deposit in respect of the quarter ending September 30, 2018
- Copies of declaration received in Form No. 60 during April 1, 2018 to September 30, 2018 to the concerned Director/Joint Director

DIRECT TAX CALENDAR - NOVEMBER, 2018

07.11.2018

- Due date for deposit of Tax deducted/collected for the month of October, 2018. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax Challan.

14.11.2018

- Due date for issue of TDS Certificate for tax deducted under section 194-IA and section 194-IB in the month of September, 2018.

15.11.2018

- Quarterly TDS certificate (in respect of tax deducted for payments other than salary) for the quarter ending September 30, 2018.
- Due date for furnishing of Form 24G by an office of the Government where TDS for the month of October, 2018 has been paid without the production of a challan.

30.11.2018

- Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA and section 194-IB in the month of October, 2018
- Annual return of income for the assessment year 2018-19 in the case of an assessee if he/it is required to submit a report under section 92E pertaining to international or specified domestic transaction(s).
- Audit report under section 44AB for the assessment year 2018-19 in the case of an assessee who is also required to submit a report pertaining to international or specified domestic transactions under section 92E.
- Report to be furnished in Form 3CEB in respect of international transaction and specified domestic transaction.
- Report in Form No. 3CEAA by a constituent entity of an international group for the accounting year 2017-18.
- Country-By-Country Report in Form No. 3CEAD by a parent entity or an alternate reporting entity or any other constituent entity, resident in India, for the accounting year 2016-17.
- Statement of income distribution by Venture Capital Company or venture capital fund in respect of income distributed during 2017-18.
- Statement to be furnished in Form No. 64D by Alternative Investment Fund (AIF) to Principal CIT or CIT in respect of income distributed (during previous year 2017-18) to units holders.
- Due date to exercise option of safe harbour rules for international transaction by furnishing Form 3CEFA.
- Due date to exercise option of safe harbour rules for specified domestic transaction by furnishing Form 3CEFB.
- Due date for filing of statement of income distributed by business trust to unit holders during the financial year 2017-18. This statement is required to be filed electronically to Principal CIT or CIT in form No. 64A.
- Due date for e-filing of report (in Form No. 3CEJ) by an eligible investment fund in respect of arm's length price of the remuneration paid to the fund manager.
- Application in Form 9A for exercising the option available under Explanation to section 11(1) to apply income of previous year in the next year or in future (if the assessee is required to submit return of income on November 30, 2018).
- Statement in Form no. 10 to be furnished to accumulate income for future application under section 10(21) or 11(2) (if the assessee is required to submit return of income on November 30, 2018).
- Submit copy of audit of accounts to the Secretary, Department of Scientific and Industrial Research in case company is eligible for weighted deduction under section 35(2AB) [if company has any international/specified domestic transaction].
- Statement by scientific research association, university, college or other association or Indian scientific research company as required by rules 5D, 5E and 5F (if due date of submission of return of income is November 30, 2018).
- Due date for claiming foreign tax credit, upload statement of foreign income offered for tax for the previous year 2017-18 and of foreign tax deducted or paid on such income in Form no. 67. (if due date of submission of return of income is November 30, 2018).

WEBINAR CALENDAR 16th To 31st OCTOBER, 2018

Sl. No	Date	Time	Topic of the Webinar	Name of the Faculty
1.	24.10.2018 (Wednesday)	4:00 - 5:00 PM	Audit Under GST	CMA Vivek Laddha

Please Note: One CEP hour awarded for attending each webinar

SNAPSHOTS

One day Seminar on GST organized by Bangalore Chapter in association with Tax Research Department on 12th October 2018

Theme of the Seminar - "GST Return & GST Audit"



Address by CMA Niranjan Mishra, Chairman-Taxation Committee, ICAI at the Seminar.



Mr. K. V. Jyotshi, IRS, Principal Chief Commissioner of Central Taxes addressing the Seminar.



Dignitaries gracing the dais at the Seminar.

GST CERTIFICATE COURSE - 3rd BATCH

Course Eligibility

- Qualified Cost & Management Accountants
- Other Professionals (CS, CA, MBA, M.Com, Engineers, Lawyers, etc)
- Executives from Industries
- GST Practitioners
- Students who are either CMA qualified or Final pursuing

Course Duration, Fees, Examination and other Modalities

Details	Classroom Learning/Offline Mode	Online Classes
Course Duration	72 Hours	72 Hours
Classes	Live classes on Saturday - 2 Hrs & Sunday – 4 Hrs	Internet Connection is required and classes can be attended from your place.
Assessment:	Online mode	Online mode
Course Fee:	₹10,000 + GST (20% Discount for CMAs and Final pursuing Students of CMA)	₹10,000 + GST (20% Discount for CMAs and Final pursuing Students of CMA)
Examination Fee	₹1000 + GST	₹1000 + GST
Award of Certificate	Candidates with at least 70% attendance in the classes and also passing the online examination with at least 50% Marks will be awarded a Certificate by the Institute	No attendance required Passing the online examination with at least 50% Marks will be awarded a Certificate by the Institute
Date of Registration	Sept – Oct, 2018	Sept – Oct, 2018
Study Materials & Mock test paper to be provided to all participants Experienced faculties from Industry and practice		

Places

Locations	Classroom Learning	Online Classes
North	✓ Delhi	From anywhere in India
	✓ Noida	
South	✓ Chennai	
	✓ Mysore	
	✓ Bangalore	
	✓ Hyderabad	
	✓ Coimbatore	
East	✓ Hosur	
	✓ Kolkata	
	✓ Ranchi	
West	✓ Bhubaneswar	
	✓ Muzaffarpur	
	✓ Mumbai	
	✓ Pune	
	✓ Ahmedabad	
	✓ Bharuch	

Course Contents

1. Constitutional Background of GST, Concepts of GST & Definitions in GST.
2. Taxable event, Time of Supply and Place of Supply, Composite & mixed supply, non taxable supply, exempt supply, works contract, exempted supply.
3. Classification, HSN, SAC
4. Valuation under GST, Valuation rule

5. Input Tax Credit
6. Basic Procedures - Registration, Invoice, Bill of supply, E way Bills etc.
7. Records and Returns
8. Zero Rated Supplies, Imports and Exports
9. Payment and Refunds
10. Assessment
11. Audit
12. Demands
13. Adjudication and appeal
14. Penalties and Prosecutions
15. Advance Ruling
16. Job Work
17. Anti profiteering
18. Miscellaneous Provisions
19. Case studies on specific Chapters involving real life scenarios

Online Assessment for 3rd Batch: February, 2019

Mock Test Module: Mock Test paper will be uploaded in the website for 3rd Batch within January, 2019

ADVANCED CERTIFICATE COURSE ON GST

Course Eligibility

- Qualified Cost & Management Accountants
- Other Professionals (Tax Professionals CS,CA, MBA, M.Com, Engineers, Lawyers, etc)
- Executives from Industries
- GST Practitioners
- Students who are either CMA qualified or CMA Final pursuing

Course Duration, Fees, Examination and other Modalities

Details	Online Classes
Course Duration	40 Hours (20 Days , 2 Hrs each)
Classes	Internet Connection is required and classes can be attended from your place.
Assessment:	Online mode
Course Fee:	₹14,000 + GST *
Examination Fee	₹1,000 + GST*
Award of Certificate	Passing the online examination with at least 50% Marks will be awarded a Certificate by the Institute
Date of Registration	02.10.2018 – 15.11.2018

Study Materials & Model Question Bank to be provided to all participants Experienced faculties from Industry and practice

Places

Locations	Online Classes
North	From anywhere in India
South	From anywhere in India
East	From anywhere in India
West	From anywhere in India

Course Contents:

- 1) Act, rules-basics
- 2) Analysis and interpretation of notifications/circulars
- 3) Return filing
- 4) Refund/ITC
- 5) Audit
- 6) Advance ruling
- 7) Practical issue (industry specific)

Online Assessment for 1st Batch: January, 2019

Mock Test Module: Mock Test paper will be uploaded in the website for 1st Batch within January, 2019

CERTIFICATE COURSE ON TDS

Course Eligibility

- Qualified Cost & Management Accountants
- BCOM, MCOM
- Tax Practitioners
- Students who are either CMA qualified or CMA Final pursuing

Course Duration, Fees, Examination and other Modalities

Details	Online Classes
Course Duration	30 Hours (15 Days, 2 Hrs each)
Classes	Internet Connection is required and classes can be attended from your place.
Assessment	Online mode
Course Fee	₹10,000 + GST *
Examination Fee	₹1,000 + GST
Award of Certificate	Passing the online examination with at least 50% Marks will be awarded a Certificate by the Institute
Date of Registration	02.10.2018 – 15.11.2018

Study Materials & Model Question Bank to be provided to all participants Experienced faculties from Industry and practice

Places

Locations	Online Classes
North	From anywhere in India
South	From anywhere in India
East	From anywhere in India
West	From anywhere in India

Course Contents:

1. Overview of TDS: covering rationale for TDS, TDS on different types of payments, the person making payment - agent of Government, practice followed in other countries, etc.
2. TDS provisions as per Income Tax Act : TDS on payment to residents:- salary, payments to contractors, rent, commission, professional fees, etc
3. Obligations of Payer & Rights of Recipients. Duties and responsibilities of the person
4. Provisions relating to Payment and Deposit of TDS, Issuance of certificate
5. Filing of quarterly return, Correction return, Revised Return, Electronic uploading of return and downloading of consol files, etc
6. Tax on Perquisites and TDS on Acquisitions.194LA
7. Payment to Non Resident & Domestic Transfer Pricing Practical Issues.
8. TDS - Assessment and Appeal procedure
9. TCS Provisions – Applicability of procurement of Real Estate
10. Recent changes in TDS procedures and Relevant case studies

Online Assessment for 1st Batch: January, 2019

Mock Test Module: Mock Test paper will be uploaded in the website for 1st Batch within January, 2019

CERTIFICATE COURSE ON DIRECT TAX RETURN FILLING AND FILING

Course Eligibility

- Qualified Cost & Management Accountants
- BCOM, MCOM
- Tax Practitioners
- Students who are either CMA qualified or CMA Final pursuing

Course Duration, Fees, Examination and other Modalities

Details	Online Classes
Course Duration	30 Hours (15 Days, 2 Hrs each)
Classes	Internet Connection is required and classes can be attended from your place.
Assessment:	Online mode
Course Fee:	₹10,000 + GST *
Examination Fee	₹ 1,000 + GST*
Award of Certificate	Passing the online examination with at least 50% Marks will be awarded a Certificate by the Institute
Date of Registration	02.10.2018 – 15.11.2018

Study Materials & Model Question Bank to be provided to all participants Experienced faculties from Industry and practice

Places

Locations	Online Classes
North	From anywhere in India
South	From anywhere in India
East	From anywhere in India
West	From anywhere in India

Course Contents:

1. Provisions of Income Tax Act for filing of Income Tax Return
 2. Detailed discussion on Respective Forms and Rules
 3. Understanding IT Platform and infrastructure for filing Income tax return
 4. On line and off line return filing utilities
 5. Practical application Demo of Filling and Filing of Income Tax Return – for Individual Partnership business, School, Colleges, HUF, Company, Cooperative societies, etc
 6. Revised return, Belated return, Filing of return as per Order
 7. Case study on Filing ITR 1
Case study on Filing ITR 2
Case study on Filing ITR 3
Case study on Filing ITR 4
Case study on Filing ITR 5
Case study on Filing ITR 6
 8. Guide to Income tax return filing
- Recent Updates in respect of Income tax Return filling and filing

Online Assessment for 1st Batch: January, 2019

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TAXATION COMMITTEE - PLAN OF ACTION

Proposed Action Plan:

1. Publication and Circulation of E-bulletin for the awareness of stakeholders, members, traders, Chambers of Commerce, Universities.
2. Publication of Handbooks on Taxation related topics for knowledge updation of stakeholders.
3. Carry out webinars for the Capacity building of Members - Trainers in the locality to facilitate the traders/ registered dealers.
4. Conducting Seminars and workshops on industry specific issues, in association with the Trade associations/ Traders/ Chamber of commerce in different location on practical issues/aspects associated with GST.
5. Tendering representation to the Government on practical difficulties faced by the stakeholders in Taxation related matters.
6. Updating Government about the steps taken by the Institute in removing the practical difficulties in implementing various Tax Laws including GST.
7. Facilitating general public other than members through GST Help-Desk opened at Head quarter of the Institute and other places of country
8. Extending 3rd Batch of Certificate Course on GST after successfully carrying the 2 Batches of Certificate Course on GST.
9. Introducing advance level courses for the professionals on GST and Income Tax.
10. Extending Crash Courses on Taxation to Corporates, Universities, Trade Associations etc.

Disclaimer:

The Tax Bulletin is an informational document designed to provide general guidance in simplified language on a topic of interest to taxpayers. It is accurate as of the date issued. However, users should be aware that subsequent changes in the Tax Law or its interpretation may affect the accuracy of a Tax Bulletin. The information provided in these documents does not cover every situation and is not intended to replace the law or change its meaning.

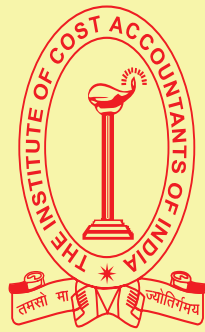
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Behind every successful business decision, there is always a CMA