

**WELCOME TO NATIONAL CMA
PRACTITIONERS ON DELIBERATIONS ON
CMA PRACTICE - EMERGING SCENARIO
NEW DIMENSIONS IN INDIRECT PRACTICE**



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**.... CMA Ashok Nawal
Practicing Cost Accountant**

- Statutory Role
 - Customs
 - Central Excise
 - Service Tax
 - State VAT
 - Foreign Trade Policy
- Proactive Role
- Strategic Consultancy
- Legal Consultancy

- Customs Act, 1962 - Section 146A ,
 - Legal practitioner and Custom House Agent is stated to be Authorized Representatives
 - In accordance with Custom, Central Excise, Service Tax Appellate Tribunal Procedures (Rule 82) following persons are also authorized to represent the matter , in accordance with Section 35Q of Central Excise Act, 1944: Chartered Accountant, Cost Accountants or Company Secretary
 - I. Quasi Judicial Authority - AC/ DC / Addl./ Commissioner
 - II. In the matters of Appeals - Commissioner Appeals / CESTAT/ Jt. Secretary Dept. Of Revenue
 - III. Advance Ruling Authority
 - IV. Settlement Commission
 - V. Anti- Dumping Authority

- Manufacture and other operations in warehouse Regulations, 1961
 - In accordance with Regulation 11, of the said Rules , special audit can be conducted by **Cost Accountants** in certain cases when, Chief Commissioner of Customs, for reasons to be recorded in writing directs such Audit.
- Refund of Special Additional Duty (SAD)
 - The Provision of obtaining SAD refund has been notified wherein, any statutory auditor (Chartered Accountant or Cost Accountant) can provide the Certificate in the prescribed format which is considered for granting refund

Statutory Role – Central Excise

1. In accordance with Section 35Q, Chartered Accountant, Cost Accountants or Company Secretary can represent before any Authorities up to CESTAT
2. In accordance with Section 14A, special audit can be conducted by Cost Accountant or Chartered Accountant for determination of correct valuation , if appointed by Chief Commissioner of Central Excise
3. In accordance with Section 14AA, special audit can be conducted by Cost Accountant or Chartered Accountant for determination of correct availment of CENVAT , if appointed by Commissioner of Central Excise
4. Central Facilities Centre (CFC) for Online submission of Applications / Returns

Statutory Role – Service Tax

- In accordance with Section 83, Chartered Accountant, Cost Accountants or Company Secretary can represent before any Authorities up to CESTAT
- In accordance with Section 72A, special audit can be conducted by Cost Accountant or Chartered Accountant for determination of correct payment of service tax if appointed by Proper Officer of Service Tax
- Central Facilities Centre (CFC) for Online submission of Applications / Returns

Statutory Role – State VAT

- VAT Audit has been made mandatory to certain class of dealer based on the turnover and Chartered Accountants are qualified to do the Audit, however, in 17 states including Maharashtra, Gujarat, etc.
- Madhya Pradesh has specified that Vat audit can be conducted by Cost Accountant when dealer is engaged in manufacturing and turnover is less than Rs. 10crs. Cost Accountants are not qualified to do the Audit in Goa and Chhattisgarh.
- Assessment of VAT Returns also can be done by eligible graduates who can be Sales Tax Practitioner

Statutory Role – Foreign Trade Policy

Sr. no.	FTP Appendix	Particulars	Nature of Certification	To be Certified by
1	11A	DATA SHEET FOR ADVANCE AUTHORIZATION APPLICATION ON SELF DECLARATION UNDER PARA 4.4.2 & 4.7 OF HBP v 1.	Consumption of Raw Material for application for Advance Authorization on self declaration	CMA / CA
2	14-I-F	FORM OF LEGAL AGREEMENT FOR EOUs	Annual Progress Report	CMA / CA
3	14-I-H	GUIDELINES FOR SALE OF GOODS IN THE DOMESTIC TARIFF AREA (DTA) BY EOU/EHTP/STP/BTP UNITS	DTA Sale Application	CMA / CA
4	14-I-I	PROCEDURE TO BE FOLLOWED FOR REIMBURSEMENT OF CENTRAL SALES TAX (CST) ON SUPPLIES MADE TO EXPORT ORIENTED UNITS (EOUS) AND UNITS IN ELECTRONIC HARDWARE TECHNOLOGY PARK (EHTP) AND SOFTWARE TECHNOLOGY PARK (STP)	CST Refund	CMA / CA
5	15A	APPLICATION FOR CERTIFICATION OF EXPORT PERFORMANCE OF UNITS IN THE PHARMACEUTICAL AND BIOTECHNOLOGY SECTORS BY THE REGIONAL OFFICES OF THE DGFT AS PER CUSTOMS NOTIFICATION NO 21/2002 DATED 1.03.2002 AS AMENDED FROM TIME TO TIME	Export Performance of Units in Pharmaceuticals & Biotechnology	CMA / CA
6	15B	APPLICATION FOR CERTIFICATION OF EXPORT PERFORMANCE OF UNITS IN AGRO CHEMICALS SECTORS BY THE REGIONAL OFFICES OF THE DGFT AS PER CUSTOMS NOTIFICATION NO 21/2002 DATED 1.03.2002 AS AMENDED FROM TIME TO TIME	Export Performance of Units in Chemicals	CMA / CA

Statutory Role – Foreign Trade Policy

Sr. no.	FTP Appendix	Particulars	Nature of Certification	To be Certified by
7	22D	CERTIFICATE FOR OFFSETTING OF EXPORT PROCEEDS	Offsetting of Export Proceeds	CMA / CA
8	23	REGISTER FOR ACCOUNTING THE CONSUMPTION AND STOCKS OF DUTY FREE IMPORTED OR DOMESTICALLY PROCURED RAW MATERIALS, COMPONENTS ETC. ALLOWED UNDER ADVANCE AUTHORISATION / DFIA*	Consumption and Stocks data under Advance License	CMA / CA
9	26	CERTIFICATE OF CHARTERED ACCOUNTANT COST AND WORKS ACCOUNTANT/ COMPANY SECRETARY (FOR ISSUE OF EPCG/ANNUAL EPCG AUTHORIZATION)	Last Three years Export performance for Calculating Average Export Performance	CMA / CA
10	26A	CERTIFICATE OF CHARTERED ACCOUNTANT/ COST AND WORKS ACCOUNTANT/COMPANY SECRETARY (FOR REDEMPTION EPCG/ ANNUAL EPCG AUTHORIZATION)	Export Proceeds	CMA / CA / CS
11	ANF 3A	Application for Grant of Status Certificate	Export Proceeds	CMA / CA / CS
12	ANF 3B	Application Form for Served From India Scheme (SFIS) [For Foreign Exchange Earned with effect from 1.1.2011 as per Appendix 41 of HBPv1/ Foreign exchange earned upto 31.12.2010 as per Appendix 10 of HBPv1, as applicable]	Export Proceeds	CMA / CA / CS

Statutory Role – Foreign Trade Policy

Sr. no.	FTP Appendix	Particulars	Nature of Certification	To be Certified by
13	ANF 3D	ANF for Policy Para 3.13.4 For Agri. Infrastructure Incentive Scrip under VKGUY (Kindly see Para 3.13.4 of FTP and Para 3.7.2 of HBPv1) Export of Products covered under ITC HS Chapter 1 to 24 (to be filing with RA, CLA, New Delhi only) April – September / October – March period	Agri-Infrastructure Incentive Scrip for VKGUY	CMA / CA
14	ANF 4A	For Advance Authorization (Including Advance authorization for Annual Requirement) / Advance Release Order (ARO)/ Invalidation letter	Last Three years Export performance for Calculating Average Export Performance	CMA / CA
15	ANF 4B	For Fixation / Modification of Standard Input Output Norms (SION)	Production and consumption details	CMA / CA
16	ANF 4C	For Fixation or Revision of DEPB Rates / Fixation of Brand rate of DEPB for SAD component	Statement containing Shipping Bill No, Date, FOB Value, towards which SAD Claim is filed	CMA / CA
17	ANF 4F	Redemption / No Bond Certificate against Advance Authorization	Statement certifying for utilization of goods	CMA / CA
18	ANF 4I	GEM REP Application	Export Proceeds	CMA / CA

Statutory Role – Foreign Trade Policy

Sr. no.	FTP Appendix	Particulars	Nature of Certification	To be Certified by
19	ANF 5A	APPLICATION FORM FOR EPCG / ANNUAL EPCG AUTHORISATION (UNDER ZERO DUTY / 3% DUTY/ EPCG DUTY REMISSION SCHEME)	Last Three years Export performance for Calculating Average Export Performance	CMA / CA
20	ANF 5B	Statement of Export for Redemption of EPCG/ Annual EPCG Authorization	Export Proceeds	CMA / CA
21	ANF 8	For claiming Duty Drawback on All Industry Rates/Fixation of Drawback Rates/Refund of Terminal Excise Duty	DBK Refund / Rate Fixation of Terminal Excise Duty	CMA / CA
22	35 & ANF 8A	<p>35 – FORMATS FOR CLAIMING DUTY DRAWBACK ON ALL INDUSTRY RATES/FIXATION OF DRAWBACK RATES/ REFUND OF TERMINAL EXCISE DUTY</p> <p>ANF- 8A – Application for payment of interest on delayed refund of Duty Drawback (DBK)/Terminal Excise Duty (TED) on deemed exports/Central Sales Tax (CST) on supplies to Export Oriented Units (EOU)</p>	<ul style="list-style-type: none"> • DBK -II, IIA, III, IIIA • DBK II – Receipts of Imported Inputs during three months prior to exports and duty involved therein • DBK IIA – Opening stock of Imported Inputs prior to three months of exports and duty involved therein • DBK III - Receipts of Indigenous Inputs during three months prior to exports and duty involved therein • DBK IIIA - Opening stock of Indigenous Inputs prior to three months of exports and duty involved therein • Brand Rate Calculation sheet 	CMA / CA

- Setting up the systems & controls including preparation of Standard Operating Procedures (SOP) & MIS
- Periodical Internal Audit for 100% Statutory Compliance and ensuring all benefits / entitlements are properly availed
- Preparation of various claims
 - Rebate
 - Refund
 - Drawback
- Advise & Updations on regular basis

- Strategic consultancy on customs - importation & exportation and various avenues to reduce logistic cost, transaction cost and deciding international pricing including transfer pricing
- Strategic consultancy on Central Excise & Service Tax
- Strategic consultancy on VAT , CST and designing distribution network - International transaction considering international rate of customs / VAT / international LAW
- Strategic consultancy on selecting options under various schemes of Foreign Trade Policies and decide International Sales Policy including Opening of the Branches outside India / within India for MNCs

- Strategic consultancy on selecting locations for setting up the unit in various parts of the countries (area based / exemptions)
- Strategic consultancy for deciding the status of the unit based on market forecast
 - DTA / DTA with FTP schemes
 - EOU / STPI / EHTP
 - SEZ
 - Private Bonded Warehouses
 - Free Trade Warehousing Zones
 - Industrial Parks
 - IT parks
 - Food parks
 - Textile parks
 - Retail Chain
 - Agro Economic Zones

- Drafting of various Agreements including Joint Venture / Technical Collaboration / Arbitrations
- Drafting legal opinions
- Reply to Show Cause Notices
- Representation Before Quasi Judicial Authorities
- Representation before Appellate Authorities
 - Commissioner Appeals,
 - CESTAT
 - Joint Secretary , Department of Revenue
 - Settlement Commissions
 - Anti – dumping Authorities
 - Appellate Committee of DGFT
 - Appellate Committee of Ministry of Commerce & Industry

**Happy Practising in New
Horizons of Indirect Taxation**

THANK YOU

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