

# ***CMA's'*** **INDUSTRY BULLETIN**

**AUGUST 2019**



## **THE INSTITUTE OF COST ACCOUNTANTS OF INDIA**

**Statutory Body under an Act of Parliament**



### MISSION STATEMENT

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.

### VISION STATEMENT

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

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## **MESSAGE**

**CMA Balwinder Singh**  
President  
The Institute of Cost Accountants of India

### **Greetings!!**

I hope the readers are enjoying the various issues of CMAs' Industry Bulletin that are being published regularly. You are aware that the Institute is taking all necessary steps for the capacity building of its members in all professional areas. Release of this e-bulletin is one very important step in this direction.

With so many developments and transformations taking place at the Industry level, CMAs have the key role in guiding their organizations in these changing economic realities. This requires them to keep abreast the latest developments in various Industries and other business domains. This monthly bulletin is an effort of the Institute to provide them with the support they need in order to succeed in their roles by providing the readers valuable articles, interviews of corporate leaders and various economic updates.

I am thankful to the Members in Industry Committee of the Institute for the efforts. I am also acknowledging the contribution of resource persons who have contributed their valuable knowledge in this Bulletin.

My best wishes to the Members of the Committee.

**CMA Balwinder Singh**  
President  
The Institute of Cost Accountants of India

## MESSAGE

**CMA Biswarup Basu**  
Vice President &  
Chairman, Members in Industry Committee  
The Institute of Cost Accountants of India



### Greetings!!!

It is heart warming and appreciating to note that the 'CMAs' Industry Bulletin' is receiving overwhelming acceptance and admiration from all quarters including the readers from various industries. The members in the Committee feel honoured for this gesture from the readers and we assure you that we will continue to try and deliver quality for our esteemed readers.

The Members in Industry Committee has been conducting various programs and seminars on the current and typical issues of Industries on regular basis. I request continuous support from every corner in the quest for value creation through the activities of this Committee. Industry participants, members and other stakeholders have been attending these programs in large numbers and have appreciated for being enriched through such programs.

The support and encouragement from my colleagues in the Council have definitely helped me to incessantly work towards the development of this profession and share knowledgeable and valuable industry information for our readers and to make this e-journal more effective and acceptable to all.

Thank you all for your effort and contribution as we work towards our goal together.

With Warm Regards

**CMA Biswarup Basu**  
Vice President &  
Chairman, Members in Industry Committee  
The Institute of Cost Accountants of India





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## "AUTHORISED OFFICER" UNDER SARFAESIA, 2002



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**T**he SARFAESI Act, 2002 vested the power of enforcement of security interest, without intervention of the Courts, in Banks and Financial Institutions. Chapter III of the Act deals with enforcement of Security Interest. As per Section 13(12) of the Act, the rights of a secured creditor under this Act may be exercised by one or more of officers authorised.

### Who is an 'Authorised Officer'?

Since a Body Corporate is a legal or juristic person, it acts through some human agency. As per Order 6, Rule 14 of the Civil Procedure Code, 1908 (CPC), a pleading before a court of law is required to be signed by the party and its advocate, if any. Order 29, Rule 1 of the CPC provides that in a suit by or against a corporation, the secretary or any Director or other Principal Officer of the corporation who is able to depose to the facts of the case may sign and verify on behalf of the company. As a company is a juristic entity, it can authorise any of its officers to sign a Pleint, Written Statement etc., on its behalf. A person may be expressly authorised to sign the pleadings on behalf of a company/corporation by the Board of Directors passing a resolution to that effect or by a power of attorney being executed in favour of any individual. The said authorization has to be produced before a court of law whenever any pleadings are filed to prove that the Pleint has been filed and verified by a competent person, i.e. an officer authorised as above. Therefore, any officer authorised as above is an Authorised Officer and may represent a body corporate in any legal proceedings. However, SARFAESI Act, 2002 has added some additional dimension for an officer of a Bank or Financial Institution to exercise the rights of a Secured Creditor.

It is interesting to note that Section 13(12) of Securitisation and Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (SARFAESIA) and Rule 2(a) of Security Interest (Enforcement) Rules, 2002, specified that the rights of a Secured Creditor can be exercised by an officer who is holding a particular rank. It

provides that the rights of a Secured Creditor under this Act are to be exercised by one or more Officers of the Secured Creditor authorized as prescribed by rules. The Act did not define the expression "Authorised Officer". Rule 2(a) of the Security Interest (Enforcement) Rules, 2002 framed under SARFAESIA defined the expression "Authorised Officer" as under:

"Authorised Officer" means an officer not less than a Chief Manager of a Public Sector Bank or equivalent, as specified by the Board of Directors or Board of Trustees of the Secured Creditor or any other person or authority exercising powers of superintendence, direction and control of the business or affairs of the secured creditor, as the case may be, to exercise the rights of a secured creditor under the Act."

As per the definition, an Officer who is of the rank of either a Chief Manager or above can only act on behalf of a Secured Creditor.

This is unique for the fact that the Act provides for exercising the rights of a Secured Creditor by an Officer of a particular rank and above only. The State Financial Corporation Act, 1951, by Section 29, empowered the State Financial Corporations to exercise similar rights for enforcement of securities by a State Financial Corporation where under any Officer could act for enforcement of securities. Similarly, Banks and FIs file suits for recovery either before the Civil Courts, Civil Procedure Code, 1908 or Debts Recovery Tribunals established under Recovery of Debts Due to Banks and Bankruptcy Act, 1993 and any Officer authorised as above can institute suits before the courts.

However, considering the intricacies involved in implementation of the Act, an officer who is experienced and well versed in banking affairs alone can deal with the issues that arise out of exercising the rights thereunder. It would take at least 10 years for an Officer to reach to the level of Chief Manager and hence he is expected to have

complete understanding of the Banking. Therefore, the Act has rightly vested such authority only in an officer who is in a rank of Chief Manager and above.

In the case of Jupiter Jewel Technology Vs. Indian Overseas Bank, the Madras High Court observed as under:

"The definition clause in the Rules provides that unless the context otherwise requires the "Authorised Officer" means an officer as specified. Such specification or delegation can be done by the Board of Directors or Board of Trustees of the secured creditor or by any other person or authority exercising powers of superintendence, direction and control of business or affairs of the secured creditor, to exercise the rights of a secured creditor. However, the definition itself contemplates that such an officer should not be less than a Chief Manager of a public sector Bank; or equivalent. The rule itself makes it clear that the definition is applicable unless the context otherwise requires. Therefore, the expression "Authorised Officer" may mean different officers in different contexts and obviously as specified by the persons in charge of the institution."

It is further observed in the said case as under:

"It is of course true that in many places the expression "secured creditor" has been used which may not necessarily mean the Authorised Officer in every instance. For example in Rule 9(2), the sale is to be confirmed by the Authorised Officer whereas such confirmation "shall be subject to confirmation by the secured creditor". This is an instance where the secured creditor has to be construed as different from the authorised officer".

Further, it appears from the definition, any Officer of the rank of Chief Manager and above of a Public Sector Bank or an equivalent rank in case of other Banks, can act as an "Authorised Officer" by virtue of his office and need not be authorised once again as such by the Bank/ Secured Creditor. In the case of Bijo M. Jacob Vs. Authorised Officer, Union Bank of India [MANU/DR/0005/2014], the DRT, Ernakulam held that an Officer of the rank of Chief Manager can initiate action under the Act by virtue of the Office held by him. Similarly, in the case of Nik-Nish Retail Pvt. Ltd. Vs. Union Bank of India [CDJ 2012 Cal HC 430], the Calcutta High Court also held to the same effect. The Division Bench of the Hon'ble High Court of Andhra Pradesh had, in the case titled Kambala Venkanna Naidu v. The Andhra Bank [CDJ 2012 APHC 675] answered in affirmative to a question as to whether the Chief Manager of Andhra Bank, Palakol Branch was competent to issue a demand notice under Section 13(2) of the said Act when the loan was sanctioned by the Royapet Branch.

#### Role of Authorised Officer:

SARFAESIA is in two parts. The first part, i.e., from Section 3 to Section 12 deals with the Securitisation and Reconstruction of assets where under licensing of asset reconstruction Companies and procedures of acquisition of financial assets by them etc. have been discussed and the second part, from Section 13 onwards deal with enforcement of securities. The said ARCs have also been given similar powers as the Banks to enforce securities, without intervention of the courts, after acquisition thereof by way of assignment or otherwise. Therefore, Banks, Financial Institutions and ARCs being Secured Creditors have to act through "Authorised Officer" under this Act for enforcement of securities.

The role of an Authorised Officer is crucial and vital in enforcement of securities. Hon'ble Supreme Court had stated in the case of Transcore Vs. Union of India that the authorised officer is like a court receiver under Order XL Rule 1 CPC and that the authorized officer under Rule 8 has greater powers than even a court receiver as security interest in the property is already created in favour of the banks/FIs.

In the case of Smt. Rekha Sahu Vs. UCO Bank, the Allahabad High Court had succinctly described the role of an Authorised Officer as under:

"Authorised Officer", who is clothed with statutory power has to perform his actions as per prescription of law. Performing action or omitting to perform the action contrary to prescription of law contemplated is not permissible (*expressio unius est exclusio alterius*). He enjoys immunity from civil and criminal prosecution if his acts are bona fide. For mala fide acts, he is not only answerable personally but also binds his secured creditor for vicarious liability in Civil and Criminal prosecution. He possesses unlimited pecuniary jurisdiction (provided the financial asset is not below one lakh rupees) and unlimited territorial jurisdiction for enforcement of security interest. Demand notice served by him operates as injunction against borrowers from dealing with secured assets. He represents secured creditor. His services are not mandatory but may be engaged to exercise the rights of the secured creditor. The purpose of choosing Chief Manager level officer as Authorised Officer is that on account of rich experience and maturity of mind he will be able to take action with due care and caution in view of stringent nature of the provisions of the Act."

The role of Authorised Officer under the Act starts from Section 13(2) which provides for issuing of Demand notice to the borrower with which proceedings for enforcement of securities begin.



### Whether Notice under 13(2) can be issued by an Advocate?

In the case of Asset Reconstruction Company of India Ltd Vs. Amit Ventures Pvt. Ltd [AIR 2007 CAL 49], the notice under Section 13(2) was issued by the Advocate of the Secured Creditor which was challenged by the Respondent Company contending that such notice can only be issued by the secured-creditor or its authorised officer but none else on their behalf. The Division Bench of Calcutta High Court held that notice given by a solicitor or an advocate on behalf of the secured-creditor or the authorised officer, as the case may be, in terms of Section 13(2) of the Act is quite in conformity with the provision contained in the Act and the Rules framed there under. Similarly, relying on the decision of the Calcutta High Court, the Rajasthan High Court also expressed similar view in the case of Kailash Chandra Sharma Vs. ICICI Bank [AIR 2013 Raj 163]. But, Andhra Pradesh High Court, in the case of Sampoorna Battu Vs. ICICI Bank [3(2012) BC 341], held that a notice under Section 13(2) cannot be issued by an Advocate and stated as under:

“To be an authorised officer, a person has to be a Chief Manager of a Public Sector Bank or an officer of equivalent rank. Secondly, such officer shall have to be specified by the Board of Directors of the Bank to be authorised officer for the purpose of exercising powers under Chapter III of the Act. As per Rule 2(b) of the Rules, a demand notice can be issued by the secured creditor or authorised officer. Needless to mention that the secured creditor means as defined in Section 2(zd) of the Act, and an authorised officer through whom the secured creditor exercises the rights (Section 13(12) of the Act) is the one who falls within the ambit of Rule 2(a) of the Rules. An Advocate, even if instructed by a Bank/financial institution and even if such Advocate is specified by the Board of Directors, cannot be treated as an authorised officer. Even if the Board of Directors of a Public Sector Bank specifies Advocate(s) to be authorised officer, the same would be ultra vires the provisions referred to here in above.”

Similarly, in the case of Bobby Sebastian Vs. Authorised Officer [AIR 2014 KER 139], the Kerala High Court held that the notice issued under Section 13(2) through an advocate was not proper and quashed the said notice issued through Advocate.

However, it appears that there is no legal bar for an Authorised Officer engaging an Advocate or any other agents to exercise the rights available to a Secured Creditor under the Act. This can be substantiated by referring to Rule 8(1) of the rules which provides as under: 8(1): Where the secured assets is an immoveable property, the authorised office shall take or *cause* to be taken possession, by delivering a possession notice -----.

It is explicitly provided therein that an Authorised Officer can himself take possession or possession can be caused to be taken. In the case of Pradeep Kothari Vs. UTI Bank [IV (2007/BC 53)], the Bank had engaged Recovery Agents to take possession of the property when the borrower had filed his objections stating that an Authorised Officer cannot delegate his statutory power to anyone else. The Debts Recovery Appellate Tribunal, Chennai, held that the Authorised Officer has power to do so and said as under:

“The language employed in this rule is that the Authorised Officer shall take or cause to be taken possession, would mean that the Authorised Officer himself shall take possession or he is entitled to delegate his power to anyone to take possession of the property. In our case, the Authorised Officer had authorised the 3rd respondent [*enforcement agent*] to do and carry out the works in taking possession of the property and also to carry out other things, as provided under Section 13(4) of the Act, and in my opinion, I do not find any error in the said process, and therefore, the argument advanced on behalf of the appellant is not proper and valid.”

The role of Authorised Officer is crucial in enforcement of security. He has to display his banking acumen and experience in enforcement of securities. The Authorised Officer has a responsibility to properly follow the Act and the Rules framed there under so that the matter is not mired in legal controversies. An Authorised Officer has to exhibit utmost maturity while exercising the rights of a Secured Creditor and ensure that there is no scope for any complaints or impropriety. Under the Act, the authorised officers of the Banks vested with statutory powers as quasi-judicial authorities. They are required to exercise their discretion with all reasonable and judicial discipline having regard to the facts and circumstances of a particular case, with fair play and transparency.

In the case of K. S. Shibu Vs. State Bank of India [MANU/DR/0159/2017], the Authorised Officer had engaged an e-auction agent for sale of the property which was challenged by the borrower on the ground that there is no scope for delegation of the powers conferred upon the authorised officer of the secured creditor bank to anyone including the so called service provider for conduction of e-auction sale. It was argued that the public e-auction in the given case having been entrusted with and conducted by a service provider, such sale cannot be construed to have been conducted by the authorised officer of the bank - he not having any direct control or involvement in the sale proceedings.

The learned counsel appearing for the Bank pleaded that engaging of the services of a 'service provider' for facilitating the e-auction is not vitiated under law. There has been no abdication or delegation of any of the powers

of the authorized officer and the engagement of the service provider had only been to facilitate the e-auction.

The DRT, Ernakulam considered whether the authorised officer had in any manner abdicated or delegated his quasi-judicial, statutory duties ordained under the Act and the Rules to the service provider pursuant to e-auction sale notice. Having noted that e-auction sale notice impugned was issued by the Authorised Officer himself and not by the service provider or anybody else, the DRT held as under:

“10.6. A conspectus reading of the terms and conditions set out in Annexure - A10 e-auction sale notice issued by the 2nd defendant - authorised officer should only lead to an infallible conclusion that it is the authorised officer who oversees the entire sale process upon making the e-auction tender document containing On-line e-auction bid application, declaration, general terms and conditions available in the said web portal - <https://sbt.auctiontiger.net>, requiring the intending purchasers/bidders to deposit EMD amount through NEFT/ RTGS transfer or online transfer to the beneficiary account being State Bank of Travancore, Panampilly Branch, Ernakulam, requiring such bidders to submit the evidence for EMD deposit along with request letter for participation in the e-auction and other self attested copies of documents set out in clause (7) to the authorised officer, requiring the bidder to furnish his details and declaration as per the format in Annexures - III & IV by uploading it in the above web portal during the time of submission of bid, etc.

10.7 As per clause (10) of Annexure - A10 e-auction sale notice, the name of eligible bidders will be identified by the authorised officer of the 1st defendant bank to participate in On-line e-auction on the portal <https://sbt.auctiontiger.net>. As per clause (12) therein the authorised officer, State Bank of Travancore will declare the opening price (OP) bid amount which shall be visible to all the bidders during the start of the e-auction and the bidder who submits the highest bid amount not below the reserve price on closure of e-auction process shall be declared as successful bidder and a communication to that effect will be issued through electronic mode which shall be subject to approval by the authorised officer/secured creditor. Clause (14) requires the successful bidder to deposit 25% of the sale price including the EMD already paid immediately on the acceptance of bid price by authorised officer of State Bank of Travancore. Clause (17) requires the H1 bidder to sign the price confirmation letter as per Annexure - (VI) and thereafter e-mail scanned letter to the authorised officer immediately on completion of bidding. Clause (19) would divulge that the authorised officer is not bound to accept the highest offer and has the absolute right to accept or

reject any or all offers or adjourn/postpone/cancel the e-auction or withdraw from auction proceeding at any stage without assigning any reason therefor. As per clause (20) therein, the sale certificate for immovable property as given in appendix -(V) will be given by authorised officer in the name of the purchasers/applicants only.

10.11 Going by the above provisions of law there can be no room for doubt that the public auction sale conducted by the authorised officer in terms of sub-Rule (5) and (6) of Rule 8 and sub-Rule (1) of Rule 9 of the relevant Rules whether by electronic mode or otherwise would be subject to confirmation by the authorised officer in terms of sub-Rule (2) and (4) of Rule 9 which shall be subject to further confirmation by the secured creditor in terms of sub-Rule (2) and (6) of Rule 9. The sale so held by public auction would thus attain finality only subject to confirmation of the authorised officer and the secured creditor consequent upon issuance of sale certificate by the authorised officer in terms of sub-rule (6) of Rule 9. The said legal position stood enunciated in the judgment rendered by the Division Bench of Hon'ble High Court of Andhra Pradesh in the case of India Finlease Securities Limited v. Indian Overseas Bank [II - 2013-BC - 289].

As observed and found supra, the authorised officer who oversees the entire sale process is obligated to perform his statutorily ordained quasi-judicial function of confirming the sale in favour of the successful bidder which shall be subject to further confirmation by the secured creditor to attach finality to any such sale. The factual/legal position being thus, the applicant cannot be heard to contend that there is in any respects a delegation or abdication of the power of sale by the authorised officer to the service provider otherwise engaged by him for mere facilitation of such 'Online' sale.”

Therefore, an Authorised Officer can delegate ministerial functions while exercising the decision making power.

The Chief responsibility of an Authorised Officer would be, inter alia, to preserve and protect the Secured assets after taking physical possession thereof, Valuation of properties, fixing of Reserve Price and Sale of the properties. The borrowers mainly challenge the actions of Authorised Officers alleging manipulations in these areas. Therefore, an Authorised Officer has to exercise utmost care and caution while carrying out these functions.

#### **Immunity from Prosecution:**

An Authorised Officer cannot function independently if there is a threat of civil and criminal proceedings against him. Therefore, the Act has provided immunity to an Authorised Officer from all legal proceedings for his bonafide actions. There are some instances where the

Courts came down heavily on the Authorised Officers for not following the provisions of the Act scrupulously. But, where unscrupulous borrowers, to intimidate the Authorised Officers from enforcing the securities, foisted false criminal cases on the Authorised Officer, the courts came to the rescue of such Authorised Officers for protecting for their bona fide actions. Section 32 of the Act granted complete immunity to an Authorised Officer and provided that no suit, prosecution or other legal proceedings shall lie against, inter alia, the Authorised Officer for anything done or omitted to be done in good faith. In the case of State Bank of India Vs State of Andhra Pradesh [2015(6)ALD665], the borrower had filed a criminal complaint alleging that the Authorized Officer had violated the provisions of the SARFAESI Act in conducting the sale of the mortgaged property and an FIR was lodged under Sections 420, 415, 464, 468, 477(A), 506 and 409 IPC read with Section 120-B IPC which are serious in nature. The High Court had come down heavily on the trial court for not applying the mind while ordering for investigation and held as under:

“In the present case, a reading of the complaint clearly discloses that the 1st accused was discharging her official duty under the provisions of the SARFAESI Act., There is not even an iota of allegation of any criminal act which can be called as an offence under the provisions of IPC that can be attributed to the said accused. It is a clear case of abuse of judicial process. The 3rd respondent (borrower) may have a grievance against the petitioner with respect to the procedure adopted by it in declaring his account as NPA or in recovering the loan amount. But such grievance has to be ventilated in a proper forum and redressal should be sought. He started legal proceedings after a sale certificate was issued in favour of the auction purchaser without availing the remedies provided under the SARFAESI Act. The facts unfold a case of harassment of the officers of the Bank for discharging their lawful duties. There may be procedural lapses or irregularities which can be remedied in the regular channels provided under the provisions of the SARFAESI Act. The invocation of the criminal proceedings is surely not an alternative remedy except for the purpose of harassing the officers. The very complaint is not maintainable and its reference to police is unwarranted. The learned Magistrate should have looked into the allegations in the complaint and should not have ordered for investigation in a routine manner. This is a clear case of non-application of mind by the learned Magistrate who ought to have taken the legal provisions and binding precedents into account. In view of the above facts, clear legal provisions and the case law on this aspect, the FIR No. 421 of 2008 is liable to be quashed and accordingly quashed.”

Therefore, an Authorised Officer is not liable in any way

for his actions which are bona fide. He has to scrupulously follow all steps as provided in the Act and rules one after another till issuance of Sale Certificate to the prospective buyer. The Authorised Officer has to familiarize himself with the Act and Rules and the precedents to ensure that there is no violation thereof. The role played by the Authorised Officer is crucial in the entire process of enforcement of securities by a Bank and he should rise to the occasion and play his role effectively and efficiently in the cause of the Bank.

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## PANACEA FOR SALES TAX ON HIGH SPEED DIESEL



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*The Oil pinch continues to play in the Indian Market as the taxes we pay nearly double the retail prices of both petrol and diesel. GST has been spoken of as a panacea for high fuel prices but the same having not agreed by the States seems to be a dream as of now. Heavy burden of VAT on High Speed Diesel has pressurized the bottom-line of the manufacturing and mining concerns forcing them to draw out a strategy to procure High Speed Diesel on payment of Central Sales Tax instead of VAT resulting in substantial saving on account of tax alone.*

**D**iesel as a fuel is generally used in diesel operated engines, transport vehicles, mining equipment, generators and train locomotives etc. The rate of VAT on Diesel varies from 14% to 28% across different States in the country whereas CST rate is generally 2%. The write up dwells upon economies of scale on procurement of Diesel post implementation of Goods & Service Tax (GST) since 01<sup>st</sup> July 2017. If approached suitably either by way of representation to the respective State Government or through a Writ Petition before the respective Hon'ble High Courts of the State, the manufacturing and mining sectors are likely to save substantially arising out of procurement of Diesel on payment of Central Sales Tax instead of VAT.

### A. Pre-GST Scenario

- A.1 Section 8 of the Central Sales Tax Act, 1956 (CST Act) provides for the rate of tax to be levied on inter-State sales. The relevant sub-sections would be Section 8(1), Section 8(3)(b) and Section 8(4) which are extracted below for ready reference:

*"8. Rates of tax on sales in the course of inter-State trade or commerce. —*

*(1) Every dealer, who in the course of inter-State trade or commerce, sells to a registered dealer goods of the description referred to in sub-section (3), shall be liable to pay tax under this Act, which shall be two per cent of his turnover or at the rate applicable to the sale or purchase of such goods inside the appropriate State under the sales tax law of that State, whichever is lower:*

*Provided that the Central Government may, by notification in the Official Gazette, reduce the rate of tax under this sub-section.*

(3) The goods referred to in sub-section (1), -

(b) are goods of the class or classes specified in the certificate of registration of the registered dealer purchasing the goods as being intended for resale by him or subject to any rules made by the Central Government in this behalf, for use by him in the manufacture or processing of goods for sale or in the telecommunications network or in mining or in the generation or distribution of electricity or any other form of power.

(4) The provisions of sub-section (1) shall not apply to any sale in the course of inter-State trade or commerce unless the dealer selling the goods furnishes to the prescribed authority in the prescribed manner a declaration duly filled and signed by the registered dealer to whom the goods are sold containing the prescribed particulars in a prescribed form obtained from the prescribed authority:

*Provided that the declaration is furnished within the prescribed time or within such further time as that authority may, for sufficient cause, permit."*

A.2 It is clear from the above that Section 8 (1) of the CST Act provides for a concessional rate of 2% for goods described in Section 8 (3) of the CST Act. Section 8 (3) of the CST Act provides that the goods being purchased must be used in a particular manner so as to be eligible for the concessional rate under Section 8 (1) of the CST Act. Section 8 (4) of the CST Act, further provides that for Section 8 (1) of the CST Act to be applicable, the purchaser must provide the prescribed declaration to the seller. Rule 12 of the Central Sales Tax (Registration and Turnover) Rules, 1957 (CST Rules) provide that the certificate referred to in Section 8 (4) of the CST Act shall be in Form-C. In summary, if the goods being bought and sold satisfy the criteria specified in Section 8 (3) of the CST Act, then the buyer can provide a declaration in Form-C to the seller who would then be eligible to discharge his tax liability at the concessional rate of 2%.

A.3 It is clear from the above that Section 8 (3) of the CST Act allows the concessional rate when the goods being bought and sold are goods of the class or classes specified in the certificate of registration of the registered dealer purchasing the goods and are:

- i. intended for resale by the purchaser; or
- ii. for use by the purchaser in the manufacture or processing of goods for sale; or
- iii. used in telecommunications networks; or
- iv. used in mining; or
- v. used in the generation or distribution of electricity or any other form of power.

A.4 Prior to 1st July 2017 (prior to the implementation of GST), the definition of the term 'goods' in Section 2 (d) of the CST Act was as follows :

*"(d) "goods" includes all materials, articles, commodities and all other kinds of movable property, but does not include newspapers, actionable claims, stocks, shares and securities."*

A.5 In the backdrop of above, manufacturers and mining companies were paying taxes on procurement of High Speed Diesel as under –

Nature of Tax	Purchases from the dealers outside the State	Purchases from the dealers inside the State
VAT	Nil	25%
CST	2%	Nil
Entry Tax	25%	1%
<b>Total Taxes</b>	<b>27%</b>	<b>26%</b>

No set-off or input tax credit is available on VAT, CST and Entry Tax in case of procurement of High Speed Diesel. Accordingly, on plain reading of above table, it would be evident that procurement of High Speed Diesel would be a costly proposition on inter-state basis besides higher incidence of transportation cost till pre-GST regime and the manufacturers and mining companies, therefore, preferred to buy High Speed Diesel from the dealers within the State.

## B. Post-GST Scenario

B.1 With effect from 1st July 2017 (simultaneous with the implementation of GST regime), the definition of 'goods'



in Section 2 (d) of the CST Act was substituted vide the Taxation Laws (Amendment) Act, 2017 and now stands as follows:

“(d) “goods” means-

- (i) petroleum crude;
- (ii) high speed diesel;
- (iii) motor spirit (commonly known as petrol);
- (iv) natural gas
- (v) aviation turbine fuel;
- (vi) alcoholic liquor for human consumption”

- B.2 Hence, w.e.f. 1st July 2017, the meaning of the term 'goods' was restricted to the six items enumerated in the said Section only. In fact, as a matter of policy, the abovementioned six items were kept outside the purview of GST legislations and continued to be taxed under the CST Act and various VAT legislations of the States.
- B.3 In pursuant to above changes in the definition of 'goods', Office Memorandum dated 07.11.2017 was issued by State Tax Division, Department of Revenue, Ministry of Revenue after receiving opinion from the Department of Legal Affairs, Ministry of Law. The Office Memorandum stated that the use of the word 'goods' under Section 8 (3) (b) of the CST Act would borrow its meaning from Section 2 (d) of the CST Act. The effect of the above clarification was that the issuance of C Form under the CST Act would be limited to certain instances.
- B.4 Many of the manufacturing and mining companies approached the respective taxation authorities in different States to allow procurement of High Speed Diesel on CST basis against C-Form on the simple logic that entry tax was abolished across all the States in the Country post implementation of GST wef 01<sup>st</sup> July 2017 inspite of the fact that there would be some increase in the cost of transportation for procurement of High Speed Diesel from the oil companies situated outside the State. The cost matrix on account of sales tax (both VAT and CST) in GST regime would stand as under –

Nature of Tax	Purchases from the dealers outside the State	Purchases from the dealers inside the State
VAT	Nil	25%
CST	2%	Nil
Entry Tax	Nil	Nil
Total Taxes	2%	25%
Saving in GST regime due to tax planning	(+) 23%	(-) 23%

- B.5 On careful reading of above table, it would reveal that there is substantial saving (say 23%) on account of procurement of High Speed Diesel from oil companies situated outside the State on payment of CST @ 2% instead of procurement from oil companies situated within the State on payment of VAT @ 25%. To demonstrate the impact, following illustrative table would make the point clear mainly for a large manufacturing and/or mining sector –

Particulars	Quantity/Amount
Annual Requirement	10000000 Litre
Rate of HSD including Excise Duty and freight	Rs. 56 per Litre
Total Landed Cost	Rs. 560000000
Saving (CST-VAT)	23%
Total recurring Saving per annum	Rs. 128800000 In short Rs. 12.88 Crore

- B.6 As against the representations of Corporates, the taxation authorities expressed similar views as that of Office Memorandum dated 07.11.2017 and summarily denied to issue online Form-C to these companies. In view of the specific denial of request for issue of Form-C, many of the Corporates approached jurisdictional High Courts for intervention and suitable direction to taxation authorities for issue of online Form-C.

### C. Legal interpretation and case citations

- C.1 In fact, in GST regime also the dealer purchasing any of the six items enumerated in Section 2 (d) of the CST Act on inter-state basis would be eligible to issue Forms-C as long as the said items are used in the manufacture or processing of any goods for sale, such manufactured goods not necessarily being enumerated in Section 2 (d) of the CST Act. The very intention of Section 8 of the CST Act was to provide a low and concessional rate of sales tax on inter-State sales. The purpose was to provide some revenue to the dispatching State without having a significant impact on the final selling price to the consumer. Accordingly, the term goods in the phrase 'for goods for sale' as used in Section 8 (3) (b) of the CST Act cannot be limited to the six items mentioned in Section 2 (d) of the CST Act therein and must be interpreted contextually to include any goods whatsoever. Therefore, refusal of the taxation authorities to make inter-state purchases of High Speed Diesel against Forms-C for the purpose of manufacturing or mining activities is wholly arbitrary without any legal basis.
- C.2 There are catena of judgments wherein it has been held that C-Form can be issued in the GST regime both for manufacturing and mining activities :
- Carpo Power Limited Vs State of Haryana 2018-VIL-154-P&H confirmed by Supreme Court judgment vide order dated 13.08.2018 as reported in (2018) 33 GSTJ 297 (SC)
  - Shree Raipur Cement Plant Vs State of Chhattisgarh 2018-VIL-225-CHG
  - Hindustan Zinc Limited Vs the State of Rajasthan 2018-VIL-233-RAJ
  - Udaipur Cement Vs State of Rajasthan on 31.05.2018
  - Ultra Tech Cement Limited Vs State of Chhattisgarh (Writ Petition (T) No. 128 of 2018) on 14.08.2018
  - RAMCO Cements Limited Vs Commissioner of Commercial Taxes, Chepauk, Chennai 2018-VIL-494-MAD
  - Tube Investment of India Ltd Vs Deputy Commissioner & Ors, WP No. 24777 of 2018, Order dated 11.12.2018
  - Star Cement Meghalaya Vs State of Assam 2018-VIL-459-GAU
  - Orissa High Court Order dated 12.12.2018 in WPC No. 9071 of 2018
  - SAIL Vs Union of India & Ors in WPT No. 01 of 2019 Order dated 11.02.2019 (CG High Court)
  - SAIL Vs Union of India & Ors in 24966 (W) of 2018 Order dated 08.01.2019 (WB High Court)
  - Usha Martin Ltd Vs State of Jharkhand in WP (T) No. 5991 of 2017, interim order dated 17.05.2018 (Jharkhand High Court)

### B. Conclusion

In the light of judgment of various High Courts and Hon'ble Supreme Court, Ministry of Finance, Department of Revenue, State Taxes Division issued clarification dated 01.11.2018 wherein it referred to its earlier Office Memorandum dated 07.11.2017 and stated that the decision of the Hon'ble Supreme Court in the case of *Carpo Power Ltd (supra)* has been accepted. The said decision of the Govt. was forwarded to respective State Govt. for compliance. However, many of the State Authorities, perhaps, did not agree to the clarification issued by Ministry of Finance. Looking into Central Govt Circular dated 01.11.2018 and favourable judgments by various Courts, the respective taxation authorities in the States may be approached suitably by way of representation for considering issue of online Form-C. If required, the matter may be litigated before the respective High Court in view of specific direction of High Courts of various States including Hon'ble Supreme Court for procurement of petroleum products including High Speed Diesel on concessional rates of CST for use in manufacturing process and mining activities.

### References

- Section 2 (d) and Section 8 of the CST Act 1956 alongwith relevant Rules
- Taxation Laws (Amendment) Act, 2017
- Office Memorandum dated 07.11.2017 issued by State Tax Division, Department of Revenue, Ministry of Revenue, Govt of India.
- Decisions by High Courts of various States including Hon'ble Supreme Court
- Clarification dated 01.11.2018 issued by Ministry of Finance, Department of Revenue, State Taxes Division, Govt of India.

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# BANKING OMBUDSMAN INDIA DETERRENCE FOR DEFICIENT BANKING SERVICE



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## Opening remarks:

**B**anking Ombudsman system in India has made a commendable contribution in redressing the grievances of bank customers and in bringing about awareness among the banking community as well as end-users, on the need for professional, error-free and satisfactory banking service.

The objective of Banking Ombudsman is to bring about resolution of customer grievance through compromise and even if an award is passed, it is on an agreeable basis and does not intend to be a punitive exercise.

In this context let us discuss the scope of Banking Ombudsman scheme in our nation and how Banks can consider the scheme as a friend and as a guide.

## Banking Ombudsman Scheme 2006 – objectives:

Banks offer financial services to the customers. Such services include opening of accounts, operations in the accounts, collection of cheques, sending and receiving remittances etc., it is possible that some deficiencies may occur in such operations, resulting in financial loss for the customers. It was felt that there should be grievance redressal mechanism, whereby customers who have suffered losses can get resolution of such grievances.

## Banking Ombudsman set-up:

RBI appoints an official of in the rank of General Manager as Banking Ombudsman. Banking Ombudsman is a quasi-judicial authority. The cost of functioning of the Ombudsman's office is borne by RBI.

## Grounds of complaint:

There are 27 grounds of complaint, based on which bank

customers can take up with Banking Ombudsman. Some of the grounds are as below:

1. Non-payment or delay in payment in collection of cheques, bills, drafts etc.,
2. Non-payment or delay in payment of inward remittances
3. Non-adherence to prescribed working hours
4. Complaints of Non- Resident Indians relating to banking transactions
5. Levying of charges without prior notice
6. Non-disbursement or delay in disbursement of pension of customers (excluding bank's own employees)
7. Refusal to accept taxes and other Government dues
8. Refusal or delay in closing deposit accounts
9. Non-adherence to Code of commitment of banks to their customers
10. Non-acceptance of application for loans, without sufficient reasons
11. Non-adherence to RBI's guidelines on lending rates
12. Non-adherence to time-schedule in sanctioning /disbursement related to loans

## Procedure for filing complaint with Banking Ombudsman:

- a. The customer should take up with the bank branch for redressal of the complaint. If a reply is not received from the bank within one month or if the reply is not satisfactory, then the complainant can approach the Banking Ombudsman.
- b. The complaint should be lodged by the customer himself or through his authorized representative, but not through a lawyer.

- c. The customer should furnish full details of the deficiency, along with documents in his possession.
- d. Complaints which are frivolous in nature are not entertained by the Banking Ombudsman.
- e. The complaints should be lodged within one year from the date of reply of the bank.
- f. The complaint should not be related to the same cause of action, as is pending/decreed in any Court of Law.

#### Procedure adopted by the Banking Ombudsman and his Powers:

- The Ombudsman has the power to call for any information related to the complaint, from the concerned Bank.
- Such information will be kept confidential by the Ombudsman.
- As far as possible, the Banking Ombudsman shall endeavor to settle the complaint through compromise, through mediation and conciliation between the Bank and the Complainant.
- If reconciliation fails, the Banking Ombudsman shall pass an award, based on the evidence furnished and given the nature of the complaint.
- The award shall direct the Bank to compensate the customer for the loss incurred due to its deficiency in service.
- Such compensation, as passed by the Award, shall not exceed rupees ten lakhs (Rupees one lakh in the case of credit card related issues)
- The aggrieved Party (the customer or the Bank) can appeal to the Appellate authority within 30 days against the Banking Ombudsman's Award. The Appellate Authority is the Deputy Governor of RBI, in charge of Customer Service. For the Bank the permission to go for appeal vests with the Chairman/MD/ED of the Bank
- The Appellate Authority can accept the Award of the Banking Ombudsman, or modify the Award, reject the Award or send it back for Review.

Every Bank should inform its customers about the Banking Ombudsman Scheme and the address of the nearest office of the Official, along with the contact particulars.

Now, let us see some of the complaints actually received by various Banking Ombudsmen in India and the disposal of the complaints.

No.	Complaint	Decision/disposal
1	A deposit had opened a fixed deposit jointly with his wife for Rs.15000/-. During the course of the deposit period, he died. On maturity, the wife came to the Bank and claimed the proceeds. The Bank refused to pay her the proceeds, saying that the deposit had heirs such as a first wife and children and hence they needed their controlling office clearance	The amount being less than Rs.25000/- no succession certificate should be insisted as per RBI guidelines. The deposit is in the joint name. When one of the depositors had died, the proceeds must be paid to the survivor on maturity. As such, the bank was directed to pay the proceeds to the joint deposit holder.
2	A customer said that when he tried to withdraw Rs.600/- from ATM, there was a power failure and he did not get any cash. But his account was debited for Rs.600/- The Bank insisted that as per transactions available with them, the customer had drawn the money from the machine.	As per Banking Ombudsman's directions, the ATM transactions were verified and it was found that the cash was not dispensed by the ATM. The customer was compensated
3	A large number of cheques, for which immediate credit to the customer's account was provided as per arranged, were subsequently dishonored by the drawee bank. But the Bank had taken a substantial time and debited the customer's account without handing over the returned cheques and without giving any reason for delay.	As the delay was on the part of the Bank, the Bank was asked to restore the amounts to the customer.
4	The customer had sent his cheque favouring Public Provident Fund with an ante-date. His representative came to the Bank and corrected the date himself. However, he got a letter from the customer authorizing the correction the next day/. But the Bank returned the cheque when presented in clearing subsequently. The complainant had lost tax benefits because of the Bank action.	The Bank admitted lapse on their part and the complaint was settled in favour of the customer.

5	A customer said that he had deposited an envelope containing certain amount of cash into an ATM for credit to his savings account. He Bank had not credited the said amount, saying that the envelope was empty.	The Bank had issued a caveat that the cash deposited through ATM was subject to verification by the Bank's officials. The customer had agreed to the risk involved in such transactions. He had not submitted any evidence., oral or documentary about his depositing the said sum. The complaint was rejected.
6	When a Bank Guarantee was invoked by the beneficiary, the Bank did not honour the invocation, saying that they were in touch with their customer.	The Bank has to honour its own Guarantee without demur and protest. The bank was advised accordingly.
7	A foreign inward remittance, for credit to a joint savings bank account was not credited to the account immediately on arrival of the remittance, as one of the depositors had died. After obtaining legal opinion, the bank credited the remittance proceeds. The complainant wanted the bank to compensate for the exchange loss that had occurred due to the delay in crediting the proceeds of the remittance.	As one of the account holders had deceased, the bank had only the obligation to pay the balance to the survivor or deal with it as per the survivor's instructions. The act that the bank paid the remittance subsequently does not mean any liability on them to pay the remittance with any back value date. The complaint was rejected.
8	A borrower had taken a loan and had deposit title deeds of her property as mortgage. When she closed the loan and asked for the property documents, the bank found that the documents were missing.	The Bank agreed that they would obtain fresh title deeds at their cost within one month
9	When a borrower had closed the loan account or take over by some other bank, the Bank charged a take-over penalty.	The bank could not produce any documentary evidence that the borrower had been informed of any such penalty, at the time of availing the loan. Hence the bank was advised to return the penalty amount
10	The complainant said that he loan application was not considered favourably by the bank	The bank replied that the information collected by them was not satisfactory. The borrower could not give clarifications/documents as called for. The Banking ombudsman held that sanctioning a loan is a conscious decision of a bank and the bank had justified the reason for rejecting the loan proposal.

#### Concluding remarks:

More awareness has to be created among Bank Staff on the scope and powers of Banking Ombudsman. There should be training sessions in every Bank's Training College where the case studies have to be discussed. There should be periodical interaction between Bank's field functionaries and the Banking Ombudsman at all centres. Banking Ombudsman should be considered by the Bank staff as their friend and guide. When a customer comes to a Bank branch with a grievance, his grievance should be attended compassionately and professionally, without any bias. If a customer feels satisfied at the branch level, there will not be any necessity for the customer to approach any other redressal mechanism. A complaining customer is a committed customer of the bank, in disguise.

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## Industry Focus - Road Infrastructure Industry

### Introduction

India has the one of largest road network across the world, spanning over a total of 5.5 million km. This road network transports 64.5 per cent of all goods in the country and 90 per cent of India's total passenger traffic uses road network to commute. Road transportation has gradually increased over the years with the improvement in connectivity between cities, towns and villages in the country.

The Indian roads carry almost 90 per cent of the country's passenger traffic. In India sales of automobiles and movement of freight by roads is growing at a rapid rate.

### Market Size

The construction of highways reached 9,829 km during FY18 which was constructed at an average of 26.93 km per day. The Government of India has set a target for construction of 10,000 km national highway in FY19. Total length of roads constructed under Prime Minister's Gram Sadak Yojana (PMGSY) was 47,447 km in 2017-18.

### Key Investments & Developments

The Union Minister of State for Road, Transport and Shipping has stated that the Government aims to boost corporate investment in roads and shipping sector, along with introducing business-friendly strategies that will balance profitability with effective project execution. According to data released by the Department of Industrial Policy and Promotion (DIPP), construction development including Townships, housing, built-up infrastructure and construction-development projects attracted Foreign Direct Investment (FDI) inflows worth US\$ 25.05 billion were recorded in the construction development^ sector between April 2000 and March 2019.

Some of the key investments and developments in the Indian roads sector are as follows:

- A total of 892 km and 2,345 km national highway projects were awarded and constructed, respectively between April –August 2018.
- In March 2019, National Highway projects worth Rs 1,10,154 crore were inaugurated.

### Government Initiatives

Some of the recent government initiatives are as follows:

- As of October 2018, total length of projects awarded was 6,400 kms under Bharatmala

Pariyojana (including residual NHDP works).

- As of August 2018, a total length of 34,800 km road projects have been proposed to be constructed, under Bharatmala Pariyojana Phase-I.
- As of August 2018, Government of India has approved highway projects worth Rs 2 billion (US\$ 29.83 million) to improve connectivity among Gujarat, Maharashtra, Rajasthan, Madhya Pradesh and Diu.

### Achievements

Following are the achievements of the government in the past four years:

- The total national highways length increased to 122,434 kms in FY18 from 92,851 kms in FY14.
- The length of national highways awarded increased to 51,073 kms between FY15-FY18 from 25,158 kms in FY11-FY14.
- The construction of national highways increased to 28,531 kms between FY15-FY18 from 16,505 kms between FY11-FY14.
- The construction of national highway per day increased to 26.9 kms per day in FY18 from 11.6 kms per day in FY14.

### Road Ahead

The government, through a series of initiatives, is working on policies to attract significant investor interest. A total of 200,000 km national highways are expected to be completed by 2022.

The Ministry of Road Transport and Highways has fixed an overall target to award 15,000 km projects and construction of 10,000 km national highways in FY19. A total of about 295 major projects including bridges and roads are expected to be completed during the same period.

Exchange Rate Used: INR 1 = US\$ 0.0159 as on Q4 FY19.

Notes: ^FDI in construction development Includes: Townships, housing, built-up infrastructure and construction-development projects

**References:** Media Reports, Press Releases, IBEF, Ministry of Road Transport and Highways, NHAI website, Press Information Bureau (PIB)

*Disclaimer: This information has been collected through secondary research and the Institute is not responsible for any errors in the same.*



## Roads

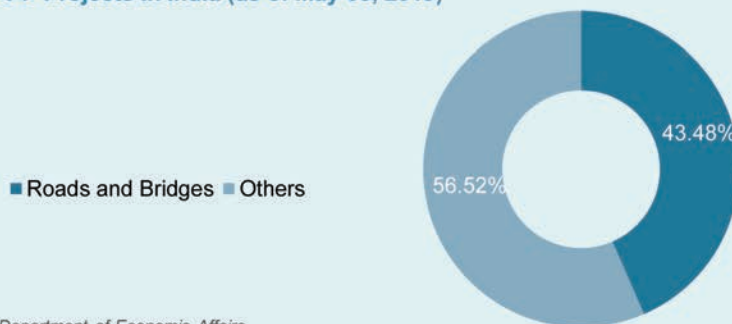
### Market Size

Highway Construction in India (km)



Note: \* Up to December 2018

Total PPP Projects In India (as of May 03, 2019)

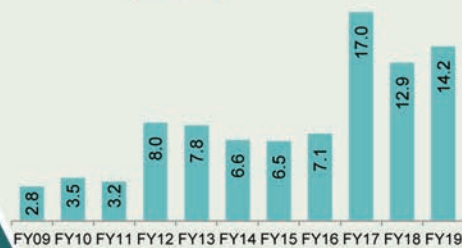


### Sector Composition

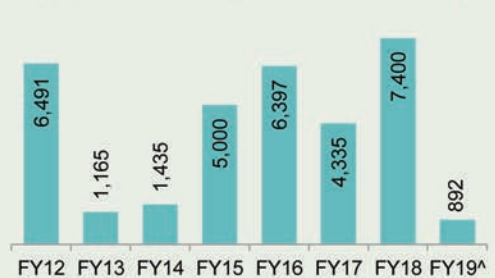
Source: Department of Economic Affairs

### Key Trends

Outlay for roads under the respective Union Budgets (US\$ bn)



Projects Awarded by NHAI (in kilometres)



Note: NHAI - National Highways Authority of India, ^ - between April - August 2018

## Industry Focus - Metals and Mining Industry

### Introduction

India holds a fair advantage in cost of production and conversion costs in steel and alumina. Its strategic location enables convenient exports to develop as well as the fast-developing Asian markets.

India produces 95 minerals – 4 fuel-related minerals, 10 metallic minerals, 23 non-metallic minerals, 3 atomic minerals and 55 minor minerals (including building and other minerals).

Rise in infrastructure development and automotive production are driving growth in the sector. Power and cement industries are also aiding growth in the metals and mining sector. Demand for iron and steel is set to continue, given the strong growth expectations for the residential and commercial building industry.

### Market Size

India is the 3rd largest producer of coal<sup>^</sup>. Coal production in the country stood at 688.8 million tonnes in FY18. It stood at 576.00 million tonnes between April 2018 - March 2019.

India ranks 4th in terms of iron ore production globally. In FY18, production of iron ore stood at 210 million tonnes. India has around 8 per cent of world's deposits of iron ore. India became the world second largest crude steel producer in 2018 with output 106.5 million tonnes.

According to Ministry of Mines, India has the 7th largest bauxite reserves- around 2,908.85 million tonnes in FY17. Aluminium production stood at 1.33 million metric tonnes during Apr-Aug 2018 and is forecasted to grow to 3.33 million tonnes in FY20.

### Investment / Developments

- Cumulative FDI inflows into the metals and mining sector between April 2000 and December 2018 stood at US\$ 14.65 billion as per Department of Industrial Policy and Promotion (DIPP).
- Under the Mines and Minerals (Development and Regulation) Act of 1957, FDI upto 100% under Automatic route is allowed for the mining and exploration of metal and non- metal ores including diamond, gold, silver and precious ores, while FDI upto 100% under Government route is allowed in for mining and mineral separation of titanium bearing minerals and its ores.
- The Government of India is taking steps boost the country's domestic steel sector and raise its capacity to 300 million tonnes (MT) by 2030-31.

### Government Initiatives

- FDI caps in the mining and exploration of metal and non-metal ores have been increased to 100 per cent under the automatic route.
- National Mineral Policy 2019 launched for transparency, better regulation and enforcement, balanced social and economic growth into the sector.
- In July 2018, Union Minister of Coal, Railways, Finance & Corporate Affairs launched a mobile application 'Khan Prahari' and Coal Mine Surveillance & Management System (CMSMS) developed by Central Mine Planning and Design Institute (CMPDI).

### Achievements

Following are the achievements of the government in the past year:

- 33 blocks of major minerals were successfully allocated in 2017.
- The Multi-sensor Aero-geophysical Survey of the obvious geological potential area was inaugurated on April 07, 2017.
- Mining Surveillance System (MSS) was launched on January 24, 2017. It aims to curb illegal mining activity through automatic remote sensing detection technology.

### Road Ahead

There is significant scope for new mining capacities in iron ore, bauxite and coal and considerable opportunities for future discoveries of sub-surface deposits.

Infrastructure projects continue to provide lucrative business opportunities for steel, zinc and aluminium producers. Aluminium production is forecasted to grow to 3.33 million metric tonnes by FY20.

Iron and steel make up a core component of the real estate sector. Demand for these metals is set to continue given strong growth expectations for the residential and commercial building industry.

Exchange Rate Used: INR 1 = US\$ 0.0159 in FY19

### References

Media Reports, IBEF, Press Information Bureau (PIB), Union Budget 2017-18

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## Metals & Mining

Market  
Size



3rd

Steel



3rd

Coal

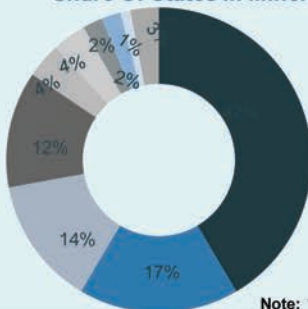


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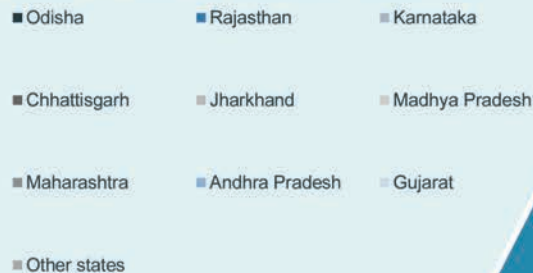
Iron Ore

**Trend Point:** India's GVA from mining and quarrying reached US\$ 58.14 billion in FY18PE

Share Of States In Mineral<sup>^</sup> Production (in terms of production value, FY19\*)



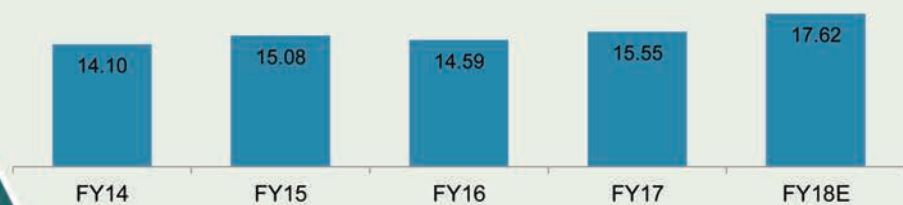
Note: \* up to July 2018



Sector  
Composition

Key Trends

Mineral Production In India (in US\$ bn)\*\*



Note: \*\*Constant exchange rate of US\$ 1 = Rs 64.45, \*\*Excluding atomic and fuel minerals



Government  
Initiatives



## Program on

### 'CONTEMPORARY CHALLENGES IN GLOBAL AND INDIAN BUSINESS – A KEY LEVEL PLAYING FIELD FOR CMAS IN INDUSTRY'

Held on 9<sup>th</sup> of September, 2019 at JN Bose Auditorium of the Institute Headquarters



Members in Industry Committee organised a program on 'Contemporary Challenges in Global and Indian Business – A Key Level Playing field for CMAs in Industry' on 9<sup>th</sup> of September, 2019 at JN Bose Auditorium of the Institute Headquarters. The program was graced by the President of the Institute CMA Balwinder Singh, CMA Amal Kumar Das, CMA Harijiban Banerjee former Presidents of the Institute, Council Members CMA V. Murali, CMA Chittaranjan Chattopadhyay and Vice President CMA Biswarup Basu who is also the Chairman of the Committee. This session was followed by two technical sessions. The first technical session was deliberated upon by CMA Asim Mukhopadhyay, Vice President & Head – Business Finance, Tata Motors Ltd. The second technical session was deliberated upon by CMA Debtosh Dey, Director on Board of M/s Ripley & Co Ltd. All the member delegates present in the audience showed their utmost eagerness to listen to the expert speakers on the valuable topic. The program was followed by Question and Answer session, wherein many of the listeners discussed their queries with the expert speakers.



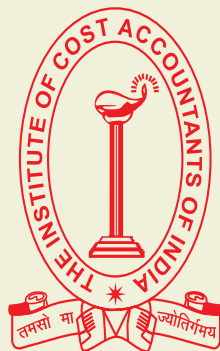
## Program on

### 'IBC-2016 & IMPACT OF RECENT AMENDMENTS THEREOF'

Held on 27<sup>th</sup> of August, 2019 at JN Bose Auditorium of the Institute Headquarters



Members in Industry Committee organised a program on 'IBC-2016 & Impact of Recent Amendments thereof' on 27<sup>th</sup> of August, 2019 at JN Bose Auditorium of the Institute Headquarters. The inaugural session was graced by CMA Harijiban Banerjee, CMA Amal Kumar Das, former Presidents of the Institute, Council Member CMA Chittaranjan Chattopadhyay and Vice President CMA Biswarup Basu who is also the Chairman of the Committee. This session was followed by two technical sessions. The first technical session was on 'Critical issues of IBC-2016' which was deliberated upon by CA Subodh Kumar Agarwal, former President of the Institute of Chartered Accountants of India and presently an Insolvency Professional. The second technical session was on 'Impact of recent amendments of IBC-2016' which was deliberated upon by CMA J K Budhiraja, former Sr. Director (Technical) and former CEO-IPA of the Institute. All the member delegates present in the audience showed their utmost eagerness to listen to the expert speakers on the valuable topic. The program was followed by Question and Answer session, wherein many of the listeners discussed their queries with the expert speakers.



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