



**Ref No. –TRD-IDT/GST/03**

**Date : 18/03/2020**

**To**  
**Mr. Pramod Kumar**  
**Director to the Government of India,**  
**Ministry of Finance**  
**(Department of Revenue)**  
**Central Board of Indirect Tax and Customs**  
**New Delhi**

**Subject: Inclusion of Cost Accountants (CMA) in Notification No. 09/2020-Central Tax dated 16<sup>th</sup> March 2020**

Respected Sir,

Please refer to the Notification No. 09/2020-Central Tax dated 16th March 2020 on the subject "*Seeks to exempt foreign airlines from furnishing reconciliation Statement in FORM GSTR-9C*". The name of "Cost Accountants (CMA)" has been excluded to authenticate the statement of Receipt and Payment in respect of Indian Business Operation of Foreign Airlines Company by 30<sup>th</sup> September of the year succeeding the financial year.

We would like to draw your kind attention that Cost Accountants are also recognized for providing various professional services in GST, Income Tax, Companies Act 2013 and Customs Act at par with Chartered Accountants. The relevant clauses are given below:

<b>Certifications under GST</b>	
<b>Section/Rule/ Notification</b>	<b>Topics</b>
Section 35(5) of Central Goods & Service Tax Act, 2017	Audit of Accounts & Records
Section 66(1) of Central Goods & Service Tax Act, 2017	Special Audit
Section 116 of Central Goods & Services Tax Act, 2017	Appearance by Authorized Representative
Section 71(2) of Central Goods & Services Tax Act, 2017	Every person in charge of place would provide all records for the scrutiny to the auditor



<b>GSTR 10</b> -A taxable person whose GST registration is cancelled or surrendered has to file a return in Form GSTR-10 called as Final Return.	Update Particulars of Authorised Person in case of Inputs held in stock or inputs as contained in semi-finished/finished goods held in stock (where invoice is not available)
<b>GST ITC 01</b> -eclaration form filed on GST portal for claiming the input tax credit by taxpayers newly registered under GST. Filing of this form is mandatory to claim ITC on such stock.	If the ITC claim is more than INR 2 lakhs, then certificate of Authorised Person must be uploaded.
<b>GST ITC 02</b> - In case any registered entity undergoes sale, merger, de-merger, amalgamation, lease or transfer, the acquired entity must file ITC declaration for transfer of ITC in the FORM GST ITC-02.	The transferor entity must submit and upload a copy of certificate issued by Authorised Person, certifying that sale / merger / amalgamation / lease or transfer of business has been done with specific provision for the transfer of liabilities.
Circular No 2017/CE- I/CT/7/GST dated 16.04.2017	Certification for GST liability on Existing Works Contracts under, Ministry of Railways, Government of India

<b>Certifications under CUSTOMS</b>	
<b>Section/Rule/ Notification</b>	<b>Topics</b>
Section 11 of Customs Act, 1962	Special Audit
Section 146A of the Customs Act, 1962;	Appearance by Authorized Representative
Appendix 4E of FTP 2015-2020	Maintenance of Technical details & data sheet for advance authorisation application on self-Declaration of HBP
Circular No 01/ 2012-Customs	Certification of refund of additional duty & special additional duty of Customs on the goods imported for subsequent sale under Indian Customs Act
DGFT Public Notice No.08/2015-2020 (ANF 5A)	Issue of EPCG Authorisation
DGFT Public Notice No. 08/2015-2020 (ANF 5B)	Redemption of EPCG authorization / issuance of post export EPCG duty Credit Scrip
FTP – Appendix 6E	Legal Agreement for EOU/EHTP/STP/BTP



FTP – Appendix 4H	Maintenance of register for accounting the consumption and stocks of duty free imported or Domestically procured raw materials, components etc. Allowed under advance Authorisation / DFIA
DGFT	Certification towards the amount of duty paid on the materials used for the manufacture of exported goods as indicated in Forms DBK-I,II, IIA,III, IIIA under Customs Act, 1962.
Rule 5 of Customs valuation Rules,2007	The proper officer shall give due consideration to the cost-certificate
CBEC Circular No. 50/96-Cus	Verification of simplified procedure scheme and drawback rates under the Fixation of brand rate of Drawback under
Circular No. 52/2002-Customs dated 14th Aug, 2002	Audit of accounts of SEZ developer as directed by the Commissioner of Customs/Central Excise
Circular No. 52/2002-Customs dated 14th August,2002;	The Commissioner of Customs/Central Excise may direct the concerned developer to get his accounts audited
FTP	Attending hearing before Customs Authority, Anti –Dumping Authority, Appellate Committee of DGFT to represent company
Customs Brokers Licensing Regulations, 2013	qualification for Customs Brokers Examination to be held from the year 2017 onwards
Circular No 01/ 2012-Customs dated 5 <sup>th</sup> January 2012	Issue a certificate, certifying that burden of 4% CVD has not been passed on by the importers to any other person;
Rule 2(c) of Customs, Excise and Gold (Control) Appellate Tribunal (Procedure)Rules, 1982	Appearance by Authorized Representative
Rule 6(1)(a) / Rule 7(1) of Customs Drawback Rules	Under the Fixation of brand rate of Drawback without pre-verification – Simplified procedure Scheme, unless there are any special reasons, drawback rates are to be fixed without pre- verification of the date filed and the exporter would be authorised by provisional brand rate letters issued by the Ministry to claim the drawback rate considered admissible from the concerned Customs House
Rules 6 and 7 of the Customs and Central Excise Duties Drawback Rules, 1995	The exporters may be asked to furnish the purchase invoice as to the procurement of the raw hides/wet blue leather. They should also furnish a certificate as to the consumption and cost of processing chemicals used for its processing and other incidental overhead charges incurred;
SVB Procedures	Preparation of submission & representations for renewal of SVB order before customs authorities
Certification to Exporters	Certificates to the exporters to overcome the problem of refund blockage and post audit scrutiny under Department of Revenue, Ministry of Finance, and Government of India



<b>Authorization under Companies Act 2013</b>	
<b>Section/Rule/ Notification</b>	<b>Topics</b>
Section 138	Internal Audit of companies listed company , unlisted public company having specified criterion and private company having specified criterion
Section 2(38)	Experts who have power or authority to issue a certificate in pursuance of any law for the time being in force and Cost Accountants are included in the definition "Expert"
Section 247	Cost Accountants having specified experience in relevant field can be registered valuer if valuation of financial assets and securities
Section 432	Cost Accountants are authorized legal representative to appear before the Tribunal or the Appellate Tribunal in the matter of merger, amalgamations, winding up, revival of sick companies, etc.
Section 442	Cost accountants are eligible to be empaneled as mediator or conciliator for mediation between the parties during the pendency of any proceedings before the Central Government or The Tribunal or Appellate Tribunal.
Nidhi Rules 2014	Cost Accountants can certify Form NDH – 3 (Half Yearly Return for NIDHI Company).
Section 275	For the purposes of winding up of a company by the Tribunal, the Tribunal at the time of passing of the order of winding up shall appoint an Official Liquidator or a liquidator from the panel maintained as the Company Liquidator. <b>Cost Accountants can be empaneled provisional liquidator of Central Government.</b>
Section 409(3)	Cost Accountant in Practice having at least fifteen years service is eligible to be appointed as a Technical Member of the National Company Law Tribunal.
Section 411(3)	Cost Accountant, either in employment or in practice, who is having experience of more than 25 years in the prescribed areas is eligible to be appointed as Technical Member of the National Company Law Appellate Tribunal.
Section 259	The interim administrator or the company administrator shall be appointed by the Tribunal from a databank maintained by the Central Government or any institute or agency authorised by the Central Government in a manner as may be prescribed consisting of the names of company secretaries, chartered accountants, <b>cost accountants</b> and such other professionals as may, by notification, be specified by the Central Government.



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In the view of the above it may kindly be noted that Cost Accountants are being considered as eminent resource contributors in all the above statutes.

Hence, in view of the above submission and in the light of **natural justice, fair play, equity**, we request you to include **Cost Accountants** also for certification of the statement of Receipt and Payment in respect of Indian Business Operation of Foreign Airlines Company.

Thanking you,

Yours Sincerely,

**CMA Niranjana Mishra**

Chairman – Indirect Taxation Committee  
The Institute of Cost Accountants of India

Copy shared to.

- 1. Chairman, Central Board of Indirect Tax and Customs**
- 2. Finance Secretary, Government of India**