

MARCH, 2019

TAX Bulletin



VOLUME - 35



THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

(Statutory Body under an Act of Parliament)

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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.”

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1. Preparation of Suggestions and Analysis of various Tax matters for best Management Practices and 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 representations to the Ministry from time to time for the betterment and financial inclusion of the Economy.
4. Evaluating opportunities for CMAs to make way for further development and sustenance of the opportunities.
5. Conducting and monitoring of Certificate Courses on Direct and Indirect Tax for members, practitioners and stake holders.

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FROM THE DESK OF THE CHAIRMAN

Namaskar and Best wishes.

The implementation of GST has helped create a common market in India and reduce cascading effects of the tax on the cost of goods and services. Not only the tax but also the cost of goods and services are affected in some sectors, and there is a boost in revenue. Multiple taxes like octroi, central and state sales taxes and entry fees are no longer present and all are brought under the GST. All in all, we see that life is only getting simpler with GST.

Under the GST method, all the central and state government taxes are merged into a single tax, which will reduce cascading or the double taxation effect. GST is levied at each stage of sale or purchase of goods and services throughout India based on the input tax credit method, wherein manufactures and traders can get tax credits on the expenses incurred for inputs or goods purchased for the purpose of manufacture or resale. Under this method, all the GST registered businesses are eligible to claim the tax credit. The main aim in introducing GST is to abolish all indirect taxes. Every person who is providing or supplying services is liable to charge for the GST.

The Tax Research Department moving in line with the implementation and integration of GST has conducted one webinar on 28.02.2019 by CMA Rajendra Rathi on the Topic 'Operational awareness/readiness tips – Amended GSTR 9 & 9C'. Publications on important aspects are being brought out in ease of implementation of GST.

I am hopeful that these continuous and rigorous efforts of Team – Tax Research under the guidance of the committed Resource Persons will bring in commendable amount of success in near future. We are in receipt and solicit your continued support in this field in future as well. I wish them best of luck.

Thank You.

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

CMA Niranjana Mishra
Chairman - Taxation Committee
4th March 2019

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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 / trd.ad1@icmai.in



ANNUAL RETURN UNDER GST – OPERATIONAL TIPS – GSTR 9 & 9C

CMA Rajendra Rathi

General Manager, Indirect Taxation, Reliance Industries

We all CMA got golden opportunities as auditor certification under GST especially in annual return GSTR 9 C which can be considered as brand building task by providing value addition services by us during audit certification as this is assessment job being performed by deptt during pre GST regime has been entrusted to CA/CMA.

It became more important to check and verify all transaction thoroughly to ensure that assessee remain GST compliant and Deptt remain full satisfied with our job.

To ensure better compliance we have following important provisions to understand and keep our ground work ready to achieve timely and correctly.

GSTR 9 – Annual Return

Annual return under GST need to understand table wise line item and respective instructions given at end of the format against each table line items to ensure correct compliance.

Further annual return can be summarized in following major section

1. Outward supply made during the financial year
2. ITC availed during the year with break up as input, capital goods, and input services
3. Details of Tax paid during the financial year
4. Transaction for previous FY declared in Return of April to Sept of Current FY or up to date of filing annual return of previous FY
5. Other information such as HSN wise summary of outward supply & inward supply having value more than 10%

Annual return contains 12 tables containing 100 rows and 5 column which means total 500 boxes need to be entered after compilation.

Out of that at 5 rows will be auto populated means balance 95 rows need to be filled up manually by taking data from GSTR1 or GSTR 3 B etc.

GSTR 9 C - PART A – Reconciliation Statement

Now if we see GSTR 9 C it can be summarized in following ways

1. Reconciliation of turnovers
2. Reconciliation of ITC and reason of difference
3. Reconciliation of tax and reason of difference
4. Auditor recommendations-Part B

Now reconciliation is required because some items like

(a) Interest, sale of land etc not attract GST but will form part of turnover /P&L as per books of accounts.

GST important provisions can be understood in following way also.

Place of Supply (To decide taxability) provisions are like heart of GST.

Input tax credit (ITC) provisions are like two eyes of GST need 200% checking before availment.

Annual Return is like Brain of GST as it need utmost care and reconciliation of return data with books of accounts data.

If above three are ensured timely and properly business can have satisfactory level of compliance maintenance under GST.

As per 31st GST council meeting, important decision relating to annual returns are.

- (a) Due date for annual return in FORM GSTR-9 ,9A and reconciliation statement in FORM GSTR9C for FY 2017-18 extended till **30.06.2019**.
- (b) ITC in relation to invoices issued by supplier during FTY 2017-18 may be availed till due date for furnishing FORM GSTR3B for the month of **March 2019**.

Auditor certification PART B in GSTR9 C

Assesse having turnover above 2 CRS need to get their return audited from Chartered accountant or cost accountant and file the annual return in GSTR 9 form along with GSTR 9 C (reconciliation format having auditor certification)

If we see the language of auditor certification in part B of GSTR 9C it is like

Auditor have examined the ----

- (a) Balance sheet as on----
- (b) Profit & loss account/income and expenditure account for the period-----
- (c) The cash flow statement for the period ----
--

2. REGISTERED PERSON - has maintained following accounts/records/documents as required by GST Act

It means auditor has examined all the records and returns as per GST act and rules.

Moreover audit definition is audit of accounts records as per GST act and any other law for time being in force which means auditor has more responsibility to audit not only compliance under GST but other act also like mining act etc.

Conclusion

All trade & business may keep data in format ready before 31.03.2019 so any ITC is not lapsed and get the data audited well in advance from auditor to avoid any last minute rush or audit qualification if any.

It is to be noted that due date for credit note /debit note raising for last FY 2017-18 is not extended.

Before filing correct data each line item of table need to understand by reading instruction given against same at the end of GSTR9 which can be understood in group discussion during knowledge sharing or study circle meetings.

Master data sheet can be created by trade & business considering all scenarios and requirement under GST Annual return so required data can be compiled by making pivot table etc.

Further table 10 of GSTR 9C need reconciliation of ITC Declared in Annual return (GSTR 9) with ITC availed on expenses as per audited annual financial statement or books of accounts.

Moreover as per CGST Rule 56(2) every registered person has to maintain accounts of stock ,receipt, supply, goods lost, stolen, destroyed written off of disposed off by way of gift or free sample ----- means 17(5) items record to be kept separately as per record rule as well as annual return format.

Above is very comprehensive exercise and need mapping of expenses with annual return. Trade & Business can have self-explanatory grouping of expenses to avoid major mismatches. It is most important as all monthly return GSTR1 and GSTR3B data are already with deptt on GSTN portal and deptt can use these data as analytics to cross check with annual return.

All CMA need to consider GST annual return as very important value added prestigious task to prove CMA as best expert on subject by conceptual clarity to keep us ahead from others in present competitive digital environment will help in enhancing brand value of CMA profession as well as support mission of revenue deptt in promoting honest tax payer through transparent GSTN portal.



GST – A BUNCH OF “ISSUES”

CMA Mohd. Saim Aziz
Cost & Management Accountant

Introduction:

When the word ‘Tax’ is spelled, the word which follows in most of the cases is ‘issue’. To clarify, the phrase ‘issues’, as stated, does not by any means imply the ‘concerns’ which we understand in common parlance pertaining to legal, compliances, accounting or likewise. Herein ‘issues’ mean various publications made by the Government of India from time to time in respect of the various enactments either for administration purposes or for ease of business etc. In this article, I will discuss various ‘issues’ published by the Government of India, limiting my discussion to indirect taxation under the Goods and Services Tax Law.

Under ‘The Goods and Services Tax Law’ (Hereinafter referred to as ‘GST Law’) we find that the Government of India has issued –Notifications, Circulars etc - from time to time, however they can only do so if the law provides for the same. Till date, in GST regime, we have seen publication of various ‘Notifications’, ‘Circulars’, ‘Orders’, issued for different reasons. An average of 8 notifications and 6 circulars, per month, have been issued for amendment of law, procedural details etc.

The different publications with their respective statutory provisions are stated below:

Sl. No	Issue	GST Law
i	Notifications	<i>No Specific Provision</i>
ii	Orders	<i>Sec 168</i>
	Circulars	
	Instructions	

I. Notifications:

As we go through the GST Law, we often come across the words **“as may be prescribed”**. Few instances being Section 146, where it provides that the Government of India may, on the recommendation of the Council notify, Common Goods and Services Tax Electronic Portal for facilitation of registration, payment of tax, furnishing of returns, computation and settlement of integrated tax, electronic way bill and for carrying out such other functions and for such purposes **as may be prescribed**. This is done by way of -issuance of **‘Notification’** by the Government of India under the Ministry of Finance – Department of Revenue.

Notifications are binding in nature both for the taxpayer - and for the Department. Even if the notification is pro-revenue, the same cannot be an excuse for the evasion of tax and to bring out any irregularity of compliances. The question that commonly arises is - **Can a notification become a Law?**

The Apex Court of India has answered the above question in the case of **CCE vs. Parle Exports P. Ltd** reported in **1998 (38) ELT 741** holding that **“Notification is to be treated as a part of enactment itself”**. The interpretation of the ‘Notification’ is to be given weight at the time of enactment or issue as held by Apex Court in the case of **CCE vs. Parle Exports P. Ltd (Supra)**.

It is pertinent to note that when any notification is issued, its effective date of enforcement is mentioned. Taking a hypothetical scenario, say, 'Notification' issued on 01st January, 2019 states that "This notification shall come into force from 01st April, 2019." then its effective date shall be 01st April, 2019. It can be **both retrospective and prospective date**. However- if no effective date is mentioned, then the date of -issuance of notification is to be treated as its effective date.

Further - section 166 of The Central Goods and Services Tax Act, 2017 provides that every notification issued by the Government shall be laid down before each houses of the Parliament for any modification or annulment of the same. However, If any modification is done to the notification or the effect of annulment is passed then it shall not hamper the validity of any previously acts done under that rule or regulation or notification, as the case may be.

II. Orders / Circulars / Instructions

- Sub-section (1) of section 168 of the Central Goods and Services Tax Act, 2017 to read as follows -

*"The Board may, if it considers it necessary or expedient so to do for the purpose of uniformity in the implementation of this Act, issue such **orders, instructions** or directions to the central tax officers as it may deem fit and thereupon all such officers and all other persons employed in the implementation of this Act **shall observe and follow** such orders, instructions or directions."*

Central Board of Indirect Tax and Customs (referred to as the 'Board') constituted under the **Central Boards of Revenue Act, 1963** has been conferred upon with the powers for issue of publications like circulars, orders, instructions. Such power is a form of a delegated Legislation by the Government. These are issued to bring about uniformity in the enactment.

Circulars issued are **clarificatory in nature** and is **binding only** on the departmental officers and they cannot take a different view that the circular is contrary to the statute. [*Zenith Rubber Ltd v. CCE* reported in 2007 (220) E.L.T 973 (CESTAT)]. If the taxpayer - is of the opinion that any circular is against the -interest of the taxpayer, then he may opt not to comply with the circular issued and may take a different view. **However such option is not available with the Department.**

The Apex Court in the case of **Ratan Melting & Wire Industries v. CCE** reported in 2008 (231) E.L.T 22 held that "*Circulars issued by the Central Board of Excise and Customs, which are contrary to judgments of the Supreme Court and the High Court are not binding on the authorities under their respective statute.*" It is pertinent to note that the Circular shall still be binding on the Revenue although different interpretation appears of the Supreme Court.

The Board in its Circular No. 1006/13/2015-CX dated 21.09.2015 has clearly instructed its officers not to follow the Board Circular which are contrary to the decisions of the Courts. The Board cannot issue circulars which are contrary to the decisions of the Hon'ble Tribunal, instead - can go for an appeal-.

The Hon'ble High Court of Rajasthan in the case of Laxmi Narayan Sharma Vs. Superintendent reported in 1996 (87) E.L.T 345 ruled as follows:-

*"where an order, instruction or direction is **issued by a superior authority** to its **subordinate officers** in exercise of the powers conferred by the statute and such order, instruction and guidelines are beneficials to the interest of the subject, **they have a binding force** and should be complied with. It is particularly so in matters relating to levy of tax, cess or duty on the subject. Such orders, instructions or circulars are, no doubt, **not binding upon the courts** but since, they are issued by a superior authority to its subordinate authorities employed in the execution of the statute they carry a binding force insofar as the subordinate authorities are concerned."*

- From the judgement of Laxmi Narayan Sharma (supra), it can be construed that time and again, it is a **decided principle that 'Circulars' issued by the superior authority are binding on the sub-ordinate officers.**

However, in the case of Laxmi Narayan Sharma(supra), it has been further set forth that any prosecution in violation of the circulars of the Board amounts to abuse of the process of the court.

*“The continuation of the **prosecution in violation of the binding circulars** of the Board, in my opinion **amounts to abuse of the process of the court** and therefore, the proceedings pending against the petitioners in the lower court are required to be quashed to prevent such abuse.”*

Another Question that arises from the above discussion is, **“Can Circulars create a liability?”** The Hon’ble High Court of Madhya Pradesh in the case of Mahakaushal Builders Welfare Association Vs. Supt. of Cus. & C. EX., JABALPUR reported in 2006 (3) S.T.R 721 has duly held as follows

*“if the petitioners are not liable to pay tax, under the law relating to service tax, the impugned **circular cannot create liability** for payment of service tax.”*

Therefore, in view of the above judgement, a circular cannot create a liability. It is confined to the four corners of the Law.

It may be argued that in the GST regime, an impugned -circular (**Circular No. 56/30/2018-GST dated 24.08.2018**) issued by CBIC -relating to -lapse of input tax credit (ITC) - of the registered person on account of -inverted duty structure is in force. It will probably not out of place that -in the -land mark judgement of *Dai-Ichi Karkaria* and *Eicher Motors Ltd*, it is a decided principle that input tax was as good as tax paid. Hence, when the taxes are paid, the same become available to the taxpayer and it can be rightly construed on co-joint reading that the lapsing of such credit is beyond the powers of the Board by a mere issue of a circular.

Conclusion:

In view of the above discussions and settled principles, it is imperative that all the publications of the Revenue -are to be read strictly and followed in a righteous manner as we all know that ignorance of law is not an excuse. Thus, a taxpayer needs to - keep regular update of -frequently published ‘Notifications’ and ‘Circulars’. With the advent of the CGST Amendment Act, 2018 even the already issued circulars are being amended by issuance of another bunch of circulars. For Instance **Circular No. 88/07/2019-GST dated 01.02.2019** was issued which amended **Circular No.8/8/2017 dated 04.10.2017**, **Circular No, 38/12/2018 dated 26.03.2018**, **Circular No. 41/15/2018 dated 13.04.2018**, **Circular No. 58/32/2018 dated 04.09.2018**, **Circular No. 69/43/2018 dated 26.10.2018**, It is these publications which would come to our rescue when the -Pandora box of -litigations will open up, when the Revenue shall take a point of departure from the set principles or already issued instructions.

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CASH CREDITS – ASSESSMENT OF CONTENTIOUS ISSUES

Prabhakar K S
Proprietor – Shree Tax Chambers

Synopsis:

- ❖ Introduction
- ❖ Objects to adopt for the first time
- ❖ Section - [68: Ingredients](#)
- ❖ Amendments
- ❖ Appeals
- ❖ Judgments in favour of Assessee and the Revenue
- ❖ Conclusion

Introduction

Section [68](#) of the Income Tax Act, 1961..!!, One of the most contentious Sections under the said Act. The Tribunals and Courts have given rich judgments, both in favour of Assessee and the Revenue. In following paragraphs, quoting few words on Cash Credits and contentious issues involved in its assessments.

The Section is meant to curb generation of unaccounted money and it is in clarificatory nature. That means the assessing officer can add a lump sum as of income from undisclosed sources.

Interestingly, there was no corresponding provision in the erstwhile Act, i.e. The Income Tax Act, 1922 and current proviso continued unamended till 1988. A very slight amendment adopted by The Direct Tax Laws (Amendment) Act, 1987 with effect from 01.04.1988. Subsequently, inserted two key provisions vide Finance Act, 2012 (which will be dealt in later part). Further, Section 68 of the present Act is statutorily authorised an Assessing Officer to assess the unexplained cash credit as 'Income and add back to the total income of an assessee accordingly.'

Objects to adopt for the first time

As a measure to prevent generation and circulation of unaccounted money and clamp the prevailing practices like

1. Concealment of unaccounted cash by showing the same as lent or deposited with them by third parties;
2. Showing of unaccounted cash as their own capital contribution;
3. Showing the alleged loan as repaid and other illegal practices.

Section - 68: *Ingredients*

Key portion of the section read as -

Where any sum is found credited in the books of an assessee maintained for any previous year, and the assessee offers no explanation about the nature and source thereof or the explanation offered by him is not,

in the opinion of the Assessing Officer, satisfactory, the sum so credited may be charged to income-tax as the income of the assessee of that previous year....

Ingredients

The three ingredients of Section 68 are:

1. The existence of books of account

The first ingredient of the section is existence of books of account. In other words, the books of account should be maintained by the concerned assessee. However, books of account of a firm where the assessee is a partner cannot be treated as his personal books of accounts for the purpose of Section 68. *Smt. Shanta Devi v. CIT* [1988] 171 ITR 532/37 Taxman 104 (Punj. & Har.)

What may be termed as books of accounts?

According to *P. Ramanatha Aiyar's Concise Law Dictionary*, unbound sheets of papers in whatever quantity, though filled up with one continuous account are not a book of account. The book of account signifies a collection of sheets of paper bound together with the intention that such binding shall be permanent and the papers used collectively in one volume.

According to Section 2(12A) of the Income Tax Act, 1961, books or books of account, includes ledgers, day-books, cash books, account-books and other books, whether kept in the written form or as print-outs of data.

Whether Bank Passbook can be regarded as books of account?

No. In *CIT v. Bhaichand N. Gandhi* [1983] 141 ITR 67/[1982] 11 Taxman 59 Hon'ble Bombay High Court held that the passbook supplied by the bank to the assessee cannot be regarded as the books of account of the assessee. In other words, a cash credit of previous year shown in the bank's passbook but not in the cash book maintained by the assessee for that year does not fall under Section 68 and if assessing officer not found suitable explanation can treat it as unexplained money under the said section.

Whether rough books can be regarded as books of account?

Yes. The Hon'ble High Court of Delhi, in *Haji Nazir Hussain v. ITO* [2004] 91 ITD 42 (Delhi - Trib.), held that where assessee failed to give satisfactory explanation for cash credits recorded in his rough books can be assessed as Income of the assessee.

Whether a piece of paper found during Search can be regarded as books of account?

No. Majority of Judges of the Hon'ble Supreme Court in *Shukla (V.C.) JT and L.K Advani on Crl. Revision Petition No. 265 of 1996* held that a piece of paper found in search does not fall within the meaning of "Books of account".

2. A credit entry in the said books of account

The second but most important ingredient is "a Credit Entry." Since the sphere of Section 68 is general and inclusive in nature, the provisions shall apply to all types of credit entries. For Instance, cash credit entry relating to "Gift by". In the absence of satisfactory explanation, the tax authorities may construe the said Gift as income from undisclosed sources. Disclosure of gifts in the Income tax returns doesn't validate the gift receipts as lawful income. *State of Karnataka v. Selvi. J. Jayalalitha* [2017] 392 ITR 97/78 taxmann.com 161 (SC).

Whether the section covers only credits in cash?

No. Credits under Section 68 shall include all amounts met for payments found in the assessee's books of account and not merely for cash receipts as loans. In other words, the section itself not confined to cash credits only, say other credits also, for e.g. by way of liabilities also requires satisfactory explanation, so in its absence, the Assessing officer may add to the income of the assessee. *V.I.S.P. (P.) Ltd. v. CIT* [2004] 265 ITR 202/136 Taxman 482 (M.P.)

3. Absence of satisfactory explanation by assessee regarding said cash credit

The third ingredient says that the assessee offers no proper, reasonable and acceptable as regards the sums found credited in Books of accounts maintained by him in the previous year. For instance, "Gift.... By" as stated above, will be taken as absence of satisfactory explanation by the assessee.

Satisfactory explanation by?

It is clear from the language of the section, it is the assessee, the assessee alone who is to offer the explanation, whether initially or subsequently.

Applicability - Whether retrospective or prospective?

Section 68 is applicable only from assessment year 1962 - 63 onwards.

Year of Charge

Since 'Previous year' is now defined to mean only the earlier financial year. In *Bhogilal Virchand v. CIT* [1981] 127 ITR 591/5 Taxman 65 (Bom.) held that effect of the Section is that statutorily, a sum which is found credited in the books of accounts maintained by assessee for any previous year in respect of which either assessee offers no satisfactory explanation or his explanation was not accepted by the assessing officer is required to be charged as income of the assessee of that previous year.

Assessing Officer & His opinion on Cash Credit

Since "May" word has been used in the Section (*fourth line*), it can be easily interpreted as "the Section itself gives discretionary power to apply the provision on a particular sum as income or not. However, even in the absence of satisfactory explanation, it is not necessary to treat all cash credits as income of the assessee. However, the assessing officer cannot act unreasonably and his opinion must be based on relevant factors.

Hindustan Tea Trading Co. Ltd. v. CIT [2003] 263 ITR 289/129 Taxman 601 (Cal.).

The Hon'ble Supreme Court, in *CIT v. P. Mohanakala*, [2007] 161 Taxman 169, held that the opinion of the assessing officer is required to be formed with reference to the material available on record.

Burden of proof - On whom? Either on Assessee or the Revenue?

The issue of cash credit has always been a matter of litigation. The Section enacts a golden rule of evidence which is not in dispute, i.e. the onus is on the assessee to explain any sum found credited in his books of account. However, the section does not absolve the responsibility of assessing officer to prove that cash credit form part of assessee's total income. Further such satisfaction must not be illusory but must have been derived from relevant facts. The amount of cash credits shall not be included in the total income of the assessee if the assessing officer's contention is not justified.

With respect to credits and investments, the Hon'ble Calcutta High Court in *CIT v. Precision Finance (P.) Ltd.* [\[1994\] 208 ITR 465/\[1995\] 82 Taxman 31](#), laid down that an assessee is expected to establish -

- Identity of creditors
- Capacity of creditors to advance money
- Genuineness of transaction

Nature and Source

The Hon'ble Bombay High Court, in *Orient Trading Co. Ltd. v. CIT* [\[1963\] 49 ITR 723](#), had a detailed observation on the nature and source of cash credits under Section 68. The observation, in brief as follows:

When cash credits appear in the books of account of the assessee, whether in his own name or in the name of third parties, the assessing officer is entrusted to satisfy himself as the true nature and source of such cash credits. In any case, absence of satisfactory explanation by the assessee, the assessing officer is entitled to add back assessee's total income. However, entries stand in third party name, then, issue of question of burden of proof arises. Divergence of opinion expressed over a period of time.

The Hon'ble Supreme Court in *Kale Khan Mohd. Hanif v. CIT* [\[1963\] 50 ITR 1](#) held that the onus on the assessee has to be understood with reference to the facts of each case. If the prima facie inference on the fact is that assessee's explanation is satisfactory, the onus shifts to the Revenue.

Peak Credit Theory

One of the key defence of an assessee, where a single or series of credits entered in the books of account, that a credit following debit entry should be treated as referable to the latter to the extent possible and that not the aggregate but only peak of the credits should be treated as unexplained.

In *Bhaiyalal Shyam Behari v. CIT* [\[2005\] 276 ITR 38 \(All.\)](#), the assessee claimed the benefit of peak credit theory. The assessee's contention was that the deposits were genuine, so that the benefit of peak credit was an alternative one. Interestingly, the assessee claimed all deposits were genuine and in the same breath asked the benefit of peak credit which is not possible, hence, the Hon'ble Tribunal denied the benefit and the High Court also upheld on the ground that there was no infirmity.

Appeals - Question of Law and Question of Fact

Cash credit is less a question of law would arise where the decision is based on evidence. The question of the genuineness of a credit or satisfactory explanation by assessee is the question of fact. On whom burden of proof lays also a question of law but whether such onus has been discharged or not is question of fact. *CIT (Central) v. K.S. Dattatreya* [\[2012\] 344 ITR 127/\[2011\] 197 Taxman 151/9 taxmann.com 106 \(Kar.\)](#).

Questions regarding the interpretation of Section 68 are also question of law. CIT v. Smt. Usha Jain [\[1990\] 182 ITR 437 \(Delhi\)](#).

In cash credit cases the tribunal is the final fact-finding body and not the High Court. *Balbir sing v. CIT* [\[2011\] 334 ITR 287/196 Taxman 339/ \[2010\] 8 taxmann.com 202 \(Punj. & Har.\)](#).

Amendments

1. Share application money

In order to prevent generation and circulation of unaccounted money in the case of closely held companies where investments were made by known persons and to place an onus on such companies, two provisions to Section 68 has been inserted vide Finance Act 2012 w.e.f 01.01.2013.

Provisions in brief

In case of any such sum credited as share capital or share premium etc. in the books of closely held company shall be treated as explained satisfactorily, only if the source of funds genuinely explained and proved.

An Exception - Additional onus of satisfactory explanation is not apply, if the shareholder is venture capital fund or venture Capital Company registered with the SEBI.

2. Set off Losses against deemed undisclosed Income

To avoid litigations, the Income Tax Act, 1961 was amended by the Finance Act, 2016. According to amendment to Section 115BBE (2), w.e.f Assessment year 2017-18 onwards, no such set off of loss shall be allowable in respect of income under the Section 68.

Judgments In favour of Assessee

1. Geniuses of Credit proved

The Hon'ble Allahabad High Court in *CIT v. Anurag Agarwal* [\[2015\] 229 Taxman 532](#) ruled in favour of assessee.

Where in respect of credit entries, the assessee established identity of all creditors by providing PANs and addresses beyond reasonable doubts.

2. Genuineness of Gift

The Hon'ble Gujarat High Court in *Smt. Neelamben Gopaldas Agrawal v. ITO* [\[2015\] 57 taxmann.com 176](#), ruled in favour of Assessee.

The said assessee received certain sum as a gift from NRI through banking channels and produced duly certified bank certificates, gift deed etc.

3. Genuineness of unsecured Loans

The Hon'ble Madras High Court in *CIT v. Mark Hospitals (P.) Ltd.* [\[2015\] 232 Taxman 197/58 taxmann.com 226](#) deleted the addition made on account of unsecured loans.

The said assessee had obtained unsecured loans from agriculturists and submitted their details except PANs. The assessing officer made addition under section 68. However, it was found that loans were made through proper banking channels and all creditors had confirmed that they had advanced loans. Since all creditors were agriculturists did not have PAN. On facts addition was deleted.

4. Share Application Money - Non-Sufficient of Identifications

The Hon'ble Supreme Court in *CIT v. Navodaya Castles (P.) Ltd.* [\[2014\] 50 taxmann.com 110/226 Taxman 190 \(Mag.\) \(Delhi\)](#) dismissed a special leave petition against Delhi High Court's impugned order.

The Hon'ble Delhi Court by the impugned order held that certificate of incorporation (COI) and PAN were not sufficient for purpose of identification of Subscriber Company when there was material to show that the subscriber was a paper company and not a genuine investor.

5. Surrendered Lesser Amount

The Hon'ble Rajasthan High Court in *CIT v. Ashok Kumar Jain* [\[2015\] 229 Taxman 65/53 taxmann.com 173/\[2014\] 369 ITR 145](#), ruled in favour.

Whereas in the stated case, the assessee in his revised return surrendered a lesser sum instead of what he had admitted during course of survey. In the absence of assessing officer's to support addition, addition was deleted.

Judgments In favour of the Revenue

Many judgments are in favour of the revenue. The assessing officers may draw conclusions by using them. Few of them are—

1. Onus of proving the source of money

The Apex Court in *Roshan Di Hatti v. CIT* [1977] 107 ITR 938 held that onus of proving the source of a sum of money found to have been received by an assessee is on him. When the nature and source of money or otherwise cannot be satisfactorily explained by the assessee, it is open to the revenue to hold that it is the income of the assessee.

2. Third Party Credits

Assessee must prove identities of creditors, capacity of creditors to advance moneys and genuineness of the transactions, then only burden will falls on the revenue.

Shankar Industries v. CIT [1978] 114 ITR 689 (The Hon'ble Calcutta High Court)

CIT v. Biju Patnaik [1986] 160 ITR 674/26 Taxman 324 (The Hon'ble Supreme Court)

3. Genuineness of creditors

In *Mangilal Jain v. ITO* [2009] 315 ITR 105 (Mad.), the assessee failed to prove the genuineness of creditors. Since assessee did not prove the identity of creditor. However, the transaction was by proper banking channel but same was not sufficient. Hence, Hon'ble Madras High Court upheld the additions.

4. Filing of Income Tax Return

The Hon'ble High Court of Calcutta, in *CIT v. Korlay Trading Co. Ltd.* [1998] 232 ITR 820, ruled that mere filing of filing of income tax return is not enough to prove genuineness of cash credit.

5. Cash Credits through Banking Channels say Cheques

As stated above, the Hon'ble High Court of Calcutta in *Precision Finance (P.) Ltd. (supra)*, held that cash credit can be assessed even if transaction passed through banking channels.

Concluding Remarks

The Section 68 is really a dynamic one under Indian Income Tax Act. The section is evolving and playing crucial role as far as concerned safeguarding revenue. The aforesaid provisions are making it extremely difficult for assessee or companies to involve in any mala fide practices like tax evasion. It is expected that the above Section and its provision preserve its due place in proposed new Income Tax Law in near future.

Reference

1. Taxmann's Income Tax Act 1961 as amended by Finance Act 2017.
2. Taxmann's Yearly Tax Digest & Referencer, 46th Edition 2017.
3. Taxmann's Master Guide to Income Tax Act, 2017.
4. Taxmann's Direct Taxes Manual 2017 47th Edition.
5. Taxman - The Tax Law weekly - latest issues.
6. Sampath Iyengar's Law of Income Tax, 12th Edition Vol. 4.
7. A N Aiyar's Indian Tax Laws 2017, 54th Edition.
8. Kanga & Palkhivala 's The Law and Practice of Income Tax, Tenth Edition Vol. 1.

UPDATES OF 33RD GST COUNCIL

TEAM TRD

Meeting held on 20.02.2019

1. Extension of Due Date for filling GSTR-3B for January 2019

For all states except Jammu & Kashmir - 22nd February 2019
For Jammu and Kashmir - 28th Feb 2019

2. Recommendation of GST rate

On under-construction properties-5% GST from 12% GST
On affordable housing category-3% or lower rate of GST from 8% GST
However, in both cases, input tax credit (ITC) cannot be claimed.
On Lottery-18% to 28% GST

The decision on real estate was pending and the meeting was adjourned and was held in Delhi on 24th February.

Meeting held on 24.02.2019

Proposed GST Rate on Residence

Type of Residence	Existing GST Rate	Proposed GST Rate	ITC Availability
Residential properties outside affordable segment	12%	5%	Without ITC
Affordable housing properties	8%	1%	

Affordable housing properties

Residential property of

- carpet area of up-to 90 sqm in non-metropolitan cities / towns
- 60 sqm in metropolitan cities

priced at Rs 45 lakh or below will be considered 'affordable'

Metropolitan Cities are – Bengaluru, Chennai, Delhi NCR (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurgaon, Faridabad), Hyderabad, Kolkata and Mumbai (whole of MMR)

The new GST rate shall be applicable from 1st April 2019.

GST exemption has also been proposed on Transfer Development Rights (TDR) / Joint Development Agreement (JDA), long term lease (premium), Floor Space Index (FSI)

GST Council has specified that an Intermediate tax on these development rights such as TDR, JDA, lease (premium), FSI will be exempt from GST for such residential properties on which GST is payable.

The new GST rate shall be applicable from 1st April 2019.

Benefits of the above recommendation made by the GST Council

1. The buyer of house will get a fair price and affordable housing gets very attractive with GST @ 1%.
2. Interest of the buyer/consumer will be protected; ITC benefits not being passed to them shall become a non-issue.
3. Cash flow problem for the sector is addressed by exemption of GST on development rights, long term lease (premium), FSI etc.
4. Unutilized ITC, which used to become cost at the end of the project gets removed and should lead to better pricing.
5. Tax structure and tax compliance becomes simpler for builders.

TAX UPDATES, NOTIFICATIONS AND CIRCULARS

INDIRECT TAX

GOODS AND SERVICES TAX

CENTRAL TAX

Notification No.09/2019 - Central Tax Date – 20.02.2019

Seeks to extend the due date for furnishing FORM GSTR-3B for the month of January, 2019 to 28.02.2019 for registered persons having principal place of business in the state of J&K & 22.02.2019 for the rest of the States.

Time limit for furnishing FORM GSTR-3B for the month of January, 2019 has been extended till 22nd February, 2019

Time limit for furnishing FORM GSTR-3B for the month of January, 2019 has been extended till 28th February, 2019 for registered persons whose principal place of business is in the State of Jammu and Kashmir.

CIRCULARS - CGST

Circular No.89/2019 Date – 18.02.2019

Seeks to clarify situations of mentioning details of inter-State supplies made to unregistered persons in Table 3.2 of FORM GSTR-3B and Table 7B of FORM GSTR-1

A registered supplier is required to mention the details of inter -State supplies made to unregistered persons, composition taxable persons and UIN holders in Table 3.2 of FORM GSTR-3B. Further, the details of all inter-State supplies made to unregistered persons where the invoice value is up to Rs 2.5 lakhs (rate-wise) are required to be reported in Table 7B of FORM GSTR-1.

It has been noticed that a number of registered persons have not reported the details of Inter-State supplies made to unregistered persons in Table 3.2 of FORM GSTR-3B. However, the said details have been mentioned in Table 7B of FORM GSTR-1. In order to ensure uniformity in the

implementation of the provisions of law across the field formations, the Board has issued the following instructions.

- It is pertinent to mention that apportionment of IGST collected on inter-State supplies made to unregistered persons in the State where such supply takes place is based on the information reported in Table 3.2 of FORM GSTR-3B by the registered person. As such, non-mentioning of the said information results in –
 - (i) non-apportionment of the due amount of IGST to the State where such supply takes place; and
 - (ii) a mis-match in the quantum of goods or services or both actually supplied in a State and the amount of integrated tax apportioned between the Centre and that State, and consequent non-compliance of sub-section (2) of section 17 of the Integrated Goods and Services Tax Act, 2017.
- Accordingly, it is instructed that the registered persons making inter-State supplies to unregistered persons shall report the details of such supplies along with the place of supply in Table 3.2 of FORM GSTR-3B and Table 7B of FORM GSTR-1 as mandated by the law. Contravention of any of the provisions of the Act or the rules made there under attracts penal action under the provisions of section 125 of the CGST Act.

Circular No. 90/2019 Date – 18.02.2019

Seeks to clarify situations of compliance of rule 46(n) of the CGST Rules, 2017 while issuing invoices in case of inter- State supply

A registered person supplying taxable goods or services or both is required to issue a tax invoice .Rule 46 of the Central Goods and Services Tax Rules, 2017 (CGST Rules for short) specifies the particulars which are required to be mentioned in a tax invoice.

- It has been noticed that a number of registered persons (especially in the banking, insurance and telecom sectors, etc.) are not mentioning the place of supply along with the name of the State in case of a supply made in the course of Inter-State trade or commerce in contravention of rule 46(n) of the CGST Rules which mandates that the said details must be mentioned in a tax invoice. In order to ensure uniformity in the implementation of the provisions of law across the field formations, the Board, has issued the following instructions.
 - After introduction of GST, it is essential to ensure that the tax paid by a registered person accrues to the State in which the consumption of goods or services or both takes place. In case of inter-State supply of goods or services or both, this is ensured by capturing the details of the place of supply along with the name of the State in the tax invoice.
 - It is therefore, instructed that all registered persons making supply of goods or services or both in the course of inter-State trade or commerce shall specify the place of supply along with the name of the State in the tax invoice.
 - The provisions of sections 10 and 12 of the Integrated Goods and Services Tax Act, 2017 may be referred to in order to determine the place of supply in case of supply of goods and services respectively. Contravention of any of the provisions of the Act or the rules made there under attracts penal action under the provisions of sections 122 or 125 of the CGST Act.

Circular No. 91/2019

Date – 18.02.2019

Seeks to give clarification regarding tax payment made for supply of warehoused goods while being deposited in a customs bonded warehouse for the period July, 2017 to March, 2018.

The applicability of integrated tax on goods transferred/sold while being deposited in a warehouse (hereinafter referred to as the “warehoused goods”) was clarified in Circular No. 3/1/2018-IGST dated 25.05.2018. According to

that circular, it has been described that from 1st of April, 2018 the supply of warehoused goods before their clearance from the warehouse would not be subject to the levy of integrated tax.

It has been noticed that during the period from 1st of July, 2017 to 31st of March, 2018, the common portal did not have the facility to enable the taxpayer to report payment of integrated tax, in the details required to be submitted in FORM GSTR-1, for such supplies especially where the supplier and the recipient were located in the same State or Union territory.

Hence taxpayers making such supplies have reported such supplies as intra-State supplies and discharged central tax and state tax instead of integrated tax accordingly.

In order to ensure uniformity in the implementation of the provisions of law across the field formations, the Board has issued the following instructions.

- Supply of warehoused goods while deposited in custom bonded warehouses had the character of inter-State supply as per the provisions of Integrated Goods and Services tax Act, 2017. But, due to non-availability of the facility on the common portal, suppliers have reported such supplies as intra-State supplies and discharged central tax and state tax on such supplies instead of integrated tax.
- In view of revenue neutral position of such tax payment and that facility to correctly report the nature of transaction in FORM GSTR-1 furnished on the common portal was not available during the period July, 2017 to March, 2018, it has been decided that, as a one-time exception, suppliers who have paid central tax and state tax on such supplies, during the said period, would be deemed to have complied with the provisions of law as far as payment of tax on such supplies is concerned as long as the amount of tax paid as central tax and state tax is equal to the due amount of integrated tax on such supplies.

CUSTOMS - TARIFF

Notification No.05/2019 - Customs

Date – 16.02.2019

seeks to insert tariff item 9806 00 00 in chapter 98 of the First schedule to Customs tariff act, 1975 to impose basic customs duty of 200% on all goods originating in or exported from Pakistan

Central Government has increased import duty leviable on all goods originating in or exported from the Islamic Republic of Pakistan, falling under the First Schedule to the Customs Tariff Act, 1975.

In the First Schedule to the Customs Tariff Act, in Section XXI, in Chapter 98, after tariff item 9805 90 00 and the entries relating thereto, the following tariff item and entries shall be inserted, namely: -

9806 00 00	All goods originating in or exported from the Islamic Republic of Pakistan	-	200%	-
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Notification No.06/2019 - Customs

Date – 26.02.2019

Seeks to further amend notification No. 50/2017- customs dated 30th June 2017 to postpone the implementation of increased customs duty on specified imports originating in USA from 2nd March, 2019 to 1st April, 2019.

Central Government has made further amendments in the Notification No. 50/2017- Customs, dated the 30th June, 2017.

Amendments - In the said notification, in the third proviso for the words and figures “2nd day of March, 2019”, the words and figures “1st day of April, 2019” shall be substituted.

CUSTOMS - NON TARIFF

Notification No.13/2019 – Customs-N.T

Date – 21.02.2019

Exchange rates notification No.13/2019 dated 21.02.2019

CBIC has determined the rate of exchange of conversion of each of the foreign currencies into Indian currency or vice versa relating to imported and export goods.

Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian rupees	
	(For Imported Goods)	(For Exported Goods)
Australian Dollar	52.20	49.90
Bahraini Dinar	194.85	182.80
Canadian Dollar	54.95	53.05
Chinese Yuan	10.80	10.45
Danish Kroner	11.00	10.60
EURO	82.25	79.25

For more details, please follow -

<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfn-2019/cs-nt2019/csnt13-2019.pdf;jsessionid=C4C81665BA9E81752D01BF327BFC2A53>

Notification No.15/2019 – Customs-N.T

Date – 27.02.2019

Substitution of BE & SB format is Courier 2010

CBIC has made amendment in the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010.

In the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010, for “Form-C, Form-H and Form-HA” the following forms has been substituted.

For more details, please follow -

<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfn-2019/cs-nt2019/csnt15-2019.pdf;jsessionid=CD066E3EB8A4B3225CFDB22BBC7C35F8>

Notification No.16/2019 – Customs-N.T
Date – 27.02.2019

Substitution of CSB V form in Courier regulations, 1998

CBIC has made amendments in the Courier Imports and Exports (Clearance) Regulations, 1998.

In the Courier Imports and Exports (Clearance) Regulations, 1998, for “Form Courier Shipping Bill-V”, the form shall be substituted.

For more details, please follow -
<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2019/cs-nt2019/csnt16-2019.pdf>

Notification No.17/2019 – Customs-N.T
Date – 27.02.2019

Postponing the date of coming into force of Sea cargo and Manifest and Transshipment Regulations, 2018 from 1st March 2019 to 1st August 2019

CBIC has made amendments in the Sea Cargo Manifest and Transshipment Regulations, 2018.

In the Sea Cargo Manifest and Transshipment Regulations, 2018, in regulation 1, in sub-regulation (2), for the words, figures and letters “the 1st March, 2019”, the words, figures and letters “the 1st August, 2019” shall be substituted.

For more details, please follow -
<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2019/cs-nt2019/csnt17-2019.pdf>

Notification No.18/2019 – Customs-N.T
Date – 28.02.2019

Tariff Notification in respect of Fixation of Tariff Value of Edible Oils, Brass Scrap, Poppy Seeds, Areca Nut, Gold and Sliver- Reg

Central Board of Indirect Taxes & Customs has made amendments in the Notification No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, and has determined the rate of exchange of conversion of each of the foreign currencies into Indian currency or vice versa relating to imported and export goods.

Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$Per Metric Tonne)
1511 10 00	Crude Palm Oil	572
1511 90 10	RBD Palm Oil	598
1511 90 90	Others – Palm Oil	585
1511 10 00	Crude Palmolein	599

For more details, please follow -
<http://cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2019/cs-nt2019/csnt18-2019.pdf;jsessionid=E4F44B0EDB53003A68F5BB9FB3DC8BF4>

Notification No.19/2019 – Customs-N.T
Date – 01.03.2019

Amendment to the Notification No. 63/1994- Customs (N.T) dated 21st November, 1994, w.r.t Golakganj LCS

Central Board of Indirect taxes and Customs has amendments in the Notification, No. 63/1994- Customs (N.T) dated the 21st November, 1994.

Amendments - In the said notification, in the first proviso, the item (iii) shall be omitted.

CUSTOMS - ANTI DUMPING DUTY

Notification No.12/2019 – Customs- (ADD)
Date – 26.02.2019

Seeks to impose definitive anti-dumping duty on "Textured Tempered Coated and Uncoated Glass" originating in or exported from Malaysia

In case of “Textured Tempered Coated and Uncoated Glass with a minimum of 90.5% transmission having thickness not exceeding 4.2 mm (including tolerance of 0.2 mm) and where at least one dimension exceeds 1500 mm, whether coated or uncoated” (hereinafter referred to as the subject goods) falling under tariff item 7007 19 00 or 7007 21 90 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) originating in, or exported from Malaysia and imported into India, the Designated Authority has come to the conclusion that the subject goods has been

exported to India from subject country below their normal values.

As a result the domestic industry has suffered material injury and that the material injury has been caused by the dumped imports of subject goods from the subject country during the Period of Investigation.

So the Designated Authority has recommended imposition of definitive anti-dumping duty on imports of the subject goods in order to remove injury to the domestic industry for a period of five years from the date of publication of this notification in the Official Gazette.

The Central Government, after considering the aforesaid final findings of the designated authority, has imposed anti-dumping duty on the subject goods.

For more details, please follow - <http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2019/cs-add2019/csadd12-2019.pdf;jsessionid=0EFB678AB7DB13348D11B246B1AAC986>

CIRCULARS – CUSTOMS

Circular No 5/2019-Customs Date – 20.02.2019

Amendment to All Industry Rates of duty drawback effective from 20.02.2019

Government has made certain amendments in the AIRs of Duty Drawback vide Notification No. 12/2019-Customs (N.T.) dated 16.02.2019 which would be effective from 20.02.2019.

The changes made, inter-alia, include –

- a) AIRs/caps of Duty Drawback have been enhanced for the following items:
 - i. Leather sofa cover and other upholstery including automobile upholstery covered under Chapter 42;
 - ii. Synthetic Filament Tow; Synthetic Staple Fibre, not carded, combed or otherwise processed for spinning; Synthetic Staple Fibre, carded, combed or otherwise processed for spinning, all covered under Chapter 55;

- iii. Carpets or other floor coverings, tufted, of manmade fibre covered under Chapter 57;
 - iv. Certain articles of Silk under Chapters 61 and 62;
 - v. Boots and half boots for adults covered under Chapter 64;
 - vi. Gold jewellery covered under Chapter 71; and
 - vii. Mobile phones with or without accessory covered under Chapter 85;
- b) AIRs of Duty Drawback have been rationalised for silver jewellery/articles covered under Chapter 71;
 - c) Cap for Duty drawback has been removed for PCB drill made from solid tungsten carbide blanks or rods covered under Chapter 82; and
 - d) Certain new tariff items have been created to allow better differentiation of export product viz. Nylon Filament Yarn (Grey) (TI 540204), Polyester Filament Yarn other than texturised/ twisted yarn (TI 540205), armature plate for common rail injector (TI 840902), armature guide for common rail injector (TI 840903) and motorcycles of cylinder capacity of 500 cc and above (TI 871101).

Circular No 6/2019-Customs Date – 20.02.2019

Rescinding Board Circular No. 132/95-Customs dated 22nd December, 1995": reg

The Circular No. 132/95-Customs, dated 22.12.1995 describes the guidelines regarding granting of in-bond manufacture facility under section 65 of Customs Act, 1965.

The board has already removed the mandatory warehousing requirements for EOUs, STPIs, EHTPs vide circular no. 35/2016-Customs dated 29.07.2016. Further the said circular clarified that all these units shall stand delicensed as warehouse under Customs Act 1962 with effect from 13.08.2016. Therefore section 65 of the Customs Act 1962, is no longer applicable to EOUs, STPIs, EHTPs etc. In view of above, the circular 132/95-Customs dated 22.12.1995 is rescinded to avoid any misrepresentation.

**Circular No 7/2019-Customs
Date – 21.02.2019**

Discontinuation of printing of Advance
Authorisations/Export Promotion Capital Goods
(EPCG) Authorisations on security paper by DGFT
for authorisations issued with EDI ports as port of
registration

In order to enhance the ease of doing business for exporters, DGFT has decided to discontinue the issuance of Advance/EPCG Authorisations on security paper as was the practice so far. DGFT has issued Policy Circular 19/2015-2020 dated 14.02.2019 notifying this change. This shall come into effect for authorisations issued from 01.03.2019 onwards for cases where the port of registration is an EDI port.

Advance/EPCG Authorisations shall continue to be transmitted electronically by DGFT to the Customs server. The details of the said authorisations would be visible in ICES to all officers involved in import/export cycle i.e. registration of the authorisation, assessment of Bill of Entry, examination of imported goods, giving out of charge to imported goods as also assessment of shipping bills, examination of export goods and giving let export order for export goods.

The process of registration of authorisations and taking bond/bank guarantee remains unchanged except that no physical copy of the authorisation shall be presented by the authorisation holder. The authorisation holder or his duly authorized representative shall approach the designated officer at the port of registration with details of his authorisation i.e. IEC Number and the authorisation number. The details of the authorisation will be available on ICES, which will include any additional/special condition transmitted on the ICES such as imposition of higher bank guarantee, waiver of bond/bank guarantee etc. The amount of bond/bank guarantee will continue to be determined and the authorisations registered as per the instructions contained in relevant Board's Circulars and ICES.

**Circular No 8/2019-Customs
Date – 26.02.2019**

Issues related to carriage of coastal cargo from one
Indian port to another port in foreign going
vessels/coastal vessels through foreign territory
regarding

CBIC has received references in relation to different issues concerning coastal movement such as movement of coastal goods through foreign territory, use of EXIM containers for carrying coastal goods, use of local or domesticated containers for transportation of EXIM cargo.

For more details, please follow -
<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-circulars/cs-circulars-2019/Circular-08-2019-Customs.pdf;jsessionid=7F03F47997443A65131A721C6F874B39>

**Circular No 9/2019-Customs
Date – 28.02.2019**

Turant Customs-Next generation reform for Ease
of Doing Business – reg

A critical component of The World Bank's Ease of Doing Business (EODB) Index rankings 2019 is its 'Trading Across Borders' category in which India now stands at rank 80, a huge jump of 66 ranks from 146 in 2018. This was made possible largely due to several reform measures initiated and implemented by the CBIC, which inter alia include SWIFT, e-Sanchit, DPD, revised AEO programme, RFID e-seal programme etc. which combined to reduce the time and cost of clearance of goods in the various Customs ports. The next target of Government is to be in the top 50 of the EODB ranking in this category and the efforts in this direction are being spearheaded by the CBIC by the introduction of the next generation reform aptly named Turant Customs. This reform is a comprehensive package of various elements that would be implemented from time to time in the next few months.

For more details, please follow -
<http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-circulars/cs-circulars-2019/Circular-09-2019-Customs.pdf;jsessionid=DC652B4FF247CDE7AB02F5D46C76216>

DIRECT TAX

Notification No. 12/2019

DATE-27.02.2019

Pradhan Mantri Kisan Samman Nidhi (PM-KISAN)

Central Government has specified Nodal Officer, Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) of all State Governments and Union Territories in connection with sharing of information regarding income tax assesseees for identifying the eligible beneficiaries under PMKISAN Yojana.

The Information to be furnished shall be:

Mapping of Income - tax payees of the Assessment year 2018 -19 from the list of otherwise eligible beneficiaries under PM-KISAN Yojana on the basis of Aadhaar Numbers.

PRESS RELEASE

INDIRECT TAX

23.02.2019

Central Board of Indirect Taxes and Customs has constituted three Working Groups to study and recommend measures to facilitate trade, promote exports and improve compliance.

The Working Groups will focus on:

- improving the legislative structure of customs tariff and update it to suit the emerging and future needs of the economy and industry. Special focus would be given to create a comprehensive export tariff structure to enhance India's export competitiveness export promotion and facilitation with emphasis on boosting
- exports through e-commerce, addressing the trade facilitation barriers faced in India's export markets and improving the quality of logistics services for exporters.
- enhancing compliance, plugging loopholes to improve revenue collection on customs and curb IGST refund frauds

The groups will consult the stakeholders extensively, including the export promotion councils and relevant wings of the Ministry of Commerce and industry.

The groups will submit their report within a period of two months.

"The recommendations of the groups, which will be taken up for implementation on priority, would further enhance the ease of doing business and export competitiveness. CBIC will be using advanced data analytics tools for augmenting revenue and curbing frauds", said Pranab Kumar Das, Chairman, Central Board of Indirect Taxes and Customs.

DIRECT TAX

27.02.2019

Income Tax Department hits at terror financing activities in J&K Region

The head of a prominent organization allegedly indulging in anti-national activities along with his associates were covered in a sensitive search action by the Income Tax Department today. Search action has been conducted at 4 premises in the Valley and 3 in the national capital. The search action has

yielded credible evidence of large scale undisclosed financial transactions carried out in the business of quarrying, hotels etc.

During the search, clinching evidence was also unearthed of huge unaccounted expenditure having been incurred in cash on the reconstruction and remodeling of the residential premises presently being used by the tax evader's family. Despite carrying out large scale financial transactions, neither the main protagonist nor any member of his family has ever filed any income tax return. The evidence found in search action is robust enough to show a deliberate and willful attempt to evade tax.

In the search action, 3 hard discs have also been seized. The analysis of the information contained in the discs is likely to yield even more substantial evidence against the tax evader and his associates. This action is part of a concerted drive to trace illegal sources of funding that have financed the separatist elements and their activities in the Valley.

DATE – 28.02.2019

TIEA between India and Brunei signed on 28.02.2019

The Government of Republic of India and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam signed an Agreement for the Exchange of Information and Assistance in Collection with respect to Taxes (TIEA) on 28th February 2019 at New Delhi. The Agreement was signed by Mr. Pramod Chandra Mody, Chairman, Central Board of Direct Taxes on behalf of India and Dato Paduka Haji Sidek Ali, High Commissioner of Brunei Darussalam to India on behalf of Brunei Darussalam.

The Agreement enables exchange of information, including banking and ownership information between the two countries for tax purposes. It is based on international standards of tax transparency and exchange of information and enables sharing of information on request as well as on automatic basis. The Agreement also provides for mutual assistance in collection of tax revenue claims between both countries.

The Agreement will enhance mutual co-operation between India and Brunei Darussalam by providing an effective framework for exchange of information in tax matters which will help curb tax evasion and tax avoidance.

JUDGEMENTS

INDIRECT TAX

MANUFACTURING TEA BAGS ATTRACT 5% GST VEDIKA EXPORTS PRIVATE LIMITED VS. WEST BENGAL AAR

Case No. – 41 of 2018

Date – 10.12.2018

Fact of the Case

- The Applicant is a contract packer of tea bags, seeks a ruling on the classification of the services provided in way of packing of tea bags and the rate of GST.
- They approached the authority for a clarification as to whether their services to HUL are classifiable as packaging service or manufacturing service or both.
- The authority noted that the Applicant's service to HUL for manufacturing tea bags is service for manufacturing a product classified under Tariff item 0902 40 40, where physical inputs are owned by the recipient.
- According to the Agreement the Applicant shall manufacture and/or process and pack tea bags of Taj Mahal, Lipton and Brook Bond brands at his plants.

Decision of the Case

The Authority for Advance Rulings (AAR) of Harayana observed the followings

- The Applicant provides service of packaging the manufactured tea bags in cartons, wraps them up and put them in specially designed boxes.
- HUL owns and provides all such packaging materials.
- These two services (service for manufacturing tea bags and the service for packaging of the manufactured tea bags) are supplied in terms of a single contract and at a single price.
- The flow chart shows that the services are supplied as processes in a continuous assembly line, where packaging of tea bags in cartons and wrapping is ancillary to manufacturing tea bags. The tea bags, of course, cannot be delivered unless they are suitably packed.

- The Applicant is, therefore, making a composite supply to HUL where the service of manufacturing tea bags from the physical inputs owned by HUL is the principal supply.
- The Authority for Advance Rulings (AAR), Haryana has ruled that the manufacturing of tea bags by the contract would be subject to 5% GST.

SERVICE TO STUDENTS FOR LODGING ALONG WITH FOOD IS A MIXED SUPPLY: AAR SARJ EDUCATIONAL CENTRE VS. WEST BENGAL AAR

Case No.- 42/WBAAR/2018-19

Date -26/02/2019

Fact of the Case

- The Applicant is stated to be the owner of a private boarding house and is providing services of lodging and food exclusively to the students of a secondary school, run by a Charitable Society, namely Sunshine Educational Society.
- He seeks a ruling on whether his service to the students for lodging along with food is a composite supply within the meaning of section 2(30) of the GST Act, and whether supply of such service is eligible for exemption under Sl. No. 14 of **Notification No. 12/2017-CT (Rate) dated 28/06/2017**.
- The Applicant also wants to know what should be the rate of tax for the combination of services he provides, if it is not considered a composite supply.
- Advance Ruling is admissible under Section 97(2)(a) & (b) of the GST Act.
- The Applicant, according to the Written Submission made at the time of Hearing, has entered into an MOU with St. Michael's School under the management of Sunshine Educational Society, for providing boarding facility exclusively to the students of the said school. The boarding facility shall include lodging, housekeeping, laundry, medical assistance and food. The consideration is a consolidated charge on the individual boarder for the combination of the services.

- As per **Circular No. 32/06/2018 dated 12/02/2018** of CBIC. It has clarified that accommodation service to students in a hostel having declared tariff below one thousand rupee per day is exempt under Sl. No. 14 of the Exemption Notification.
- In his Written Submission the Applicant further refers to Sl. No. 66 of the Exemption Notification, and argues that his services to the boarders should also be considered exempt under that entry of the said notification.

Decision of the Case

Advance Ruling Authority observed the following-

- The Applicant is not an educational institution. The services are provided in terms of an MOU with St Michael's School, the Applicant charges the consideration on the individual students. Sl. No. 66 of the Exemption Notification is, therefore, not applicable.
- The consideration charged is not, for lodging and food only. A flat amount is charged for maintenance, electricity and laundry instead of reimbursement of the actual cost. The consideration is, therefore, a consolidated charge for a combination of all these services.
- The Application and the Written Submission do not disclose any separate charge for medical assistance extended to the boarders. However, such services can hardly be expected to be supplied for an unspecified amount, and is not usually supplied with lodging and food service in ordinary course of business.
- Since lodging facility that such services are offered at a tariff below Rs.1000/- per unit per day is exempt under Sl. No. 14 of the Exemption Notification. The food served upon these recipients is taxable at 5% rate under Sl. No. 7(i) of **Notification No. 11/2017-CT (Rate) dated 28/06/2017**.
- Housekeeping, including maintenance, is classifiable under SAC 9987 and taxable at 18% rate under Sl. No. 25(ii) of the Rate Notification. Laundry service is classifiable under SAC 9997 and taxable at 18% rate under Sl. No. 35 of the Rate Notification.

- In accordance with Section 8(b) of the GST Act it is stated that, "a mixed supply comprising two or more supplies shall be treated as a supply of that particular supply which attracts the highest rate of tax." As has already been discussed, each of the combinations includes services taxable at 18% rate, which is the highest rate applicable to the services being offered vide Section 8(b) of the GST Act. Being mixed supply, value of the entire combination of services offered is taxable at 18% rate.

**ITC NOT ADMISSIBLE ON AMBULANCES
 PURCHASED FOR EMPLOYEES BENEFIT: AAR
 NIPHA EXPORTS PVT LTD VS. WEST BENGAL AAR
 CASE NO. - 43/WBAAR/2018-19
 DATE - 26/02/2019**

Fact of the Case

- Nipha Exports Pvt. Ltd. Is the applicant and engaged in manufacturing of agricultural machinery, seeks a Ruling on whether input tax credit is admissible on ambulances purchased for the benefit of the employees under legal requirement of the Factories Act, 1948.
- The concerned officer from the revenue has raised no objection to the admission of the application and admitted the said application.

Decision of the Case

The Authority observed the followings-

- Eligibility for claiming input tax credit under section 16(1) is subject to the provisions of law at the time of occurrence of the taxable event, irrespective of when the claim is made.
- Second proviso to section 17(5)(b) of the GST Act, as it stands post amendment effective from 01/02/2019, is not applicable to a transaction made in November 2018.
- It is evident from above that input tax credit on inward supply of ambulance, being a motor vehicle, is not admissible under Section 17(5)(a) of the GST Act.
- The exception carved out under Section 17(5)(b)(iii)(A) of the GST Act for services which are obligatory for an employer to provide to its employees under any law

for the time being in force is limited only to rent-a-cab, life insurance and health insurance.

- Therefore, Input tax credit is not admissible on the ambulance purchased in November 2018, as Section 17(5) of the GST Act, as it stood in the relevant period, blocks any such enjoyment, even if provisioning of ambulance service to the employees is obligatory under the Factories Act, 1948.

**REJECTION OF REFUND FOR RE-ORGANIZATION
OF DEPARTMENT AFTER GST UNJUSTIFIED
M/S. INSPIRAGE SOFTWARE CONSULTING PVT.
LTD. VS
THE COMMISSIONER GST & CCE (CESTAT
CHENNAI)
CASE NO. - ST/42525/2018
DATE - 27/02/2019**

Fact of the Case

- The appellant filed the last ST-3 return for the period January, 2017 to March, 2017 on 12.07.2017 since, from July 2017 the GST having been introduced the requirement of filing ST-3 returns was done away with. Hence no reversal could be made by the appellant at the time of filing application for refund.
- The learned counsel of the appellant pointed out that even though Section 140 (1) of CGST Act, 2017 provided an option to carry forward the closing balance as of the last return relating to the period ending with the day preceding the appointed day.
- The learned counsel supported the findings of the lower authorities, also pointed out that the date of application is 12.07.2017, which has been duly considered and refund has been worked out as on 12.07.2017 in accordance with the law.

Decision of the Case

Having gone through the contention of the appellant and respondent, the appellate tribunal observed the followings-

- There is a merit in contention made by the learned counsel of the appellant with regard to eligibility of credit in respect of house-keeping services.

- The claim of refund made as on 27.06.2017 by the appellant. But due to migration of GST, the revenue officer accepted the same as on 12.07.2017. So the delay of acceptance was at the end of revenue officer .But the date of claim of appellant for refund has been acknowledged as on 27.06.2017
- So the appellant's claim for refund is in order and in terms of notifications referred to the order in original.
- So the rejection of the claim of appellant by the commissioner (appeals) is not sustainable and hence the same is set aside.
- The Appeal is allowed with consequential benefits, if any, as per law.

DIRECT TAX

**COMPULSORY ACQUISITION OF URBAN LAND
ELIGIBLE FOR TAX BENEFIT
SRI HARIMURALI SREEDHARAPANICKAR VS. ITAT
COCHIN
CASE NO. – 207/COCH/2017
DATE -5.02.2019**

Fact of the Case

- In the instant case the assessee is the beneficiary of Capital Gain Tax from sale of agricultural land under compulsory acquisition of urban land.
- The Assessing Officer reopened the assessment against the assessee for the reason that the assessee had not disclosed capital gains tax for land sold to Vizhinjam International Seaport Limited.
- The assessee claimed that the land was compulsorily acquired and the same being an agricultural land, coming within the notified area, was entitled to the benefit u/s 10(37) of the I.T Act.
- The contention of the assessee was rejected by the Assessing Officer, solely for the reason that the land in question was not compulsorily acquired but was transferred by executing a sale deed. Therefore, it was concluded by the Assessing Officer that the assessee was not entitled to the benefit of section 10(37) of the I.T Act.
- The assessee appeared before Tribunal contesting the decision of A.O

Decision of the Case

- The Tribunal noted that the solitary reason for not granting of the benefit of section 10(37) of the Income Tax Act in respect of the acquisition of urban agricultural land was that it was not a compulsory acquisition, but only executed through a negotiated sale deed.
- In the instant case, the entire procedure prescribed under the Land Acquisition Act was followed.
- The only price was fixed upon a negotiated settlement.
- The Income Tax Appellate Tribunal (ITAT), Cochin bench has held that the compulsory acquisition of urban land is eligible for tax deduction under the Income Tax Act, 1961.

**SOCIETY IMPARTING TRAINING TO STUDENTS TO GET PLACEMENTS ELIGIBLE FOR INCOME TAX EXEMPTION
PROCESS CUM PRODUCT DEVELOPMENT CENTER
VS. CIT, DELHI
CASE NO. – 3403./DEL/2017
DATE -4.02.2019**

Fact of the Case

- In the present case the society engaged for skill training to the students in manufacturing of sports goods.
- Assessee society is engaged in conducting various short duration training programs of computer training, Web Designing, audit CAD, training in Computer Accounting System (TCAS), Tally 9, Leg guards & Gloves (STST) Hand Gloves Manufacturing, cricket bat manufacturing, batting gloves manufacturing, football manufacturing, Cricket ball manufacturing & leather workshop, training in R/P workshop, wood workshop etc.
- The Assessing Officer denied the exemption under section 10(23C) (iiib) of the Income-tax Act, 1961 to the assessee on the ground that the assessee society is not running an institution to provide systematic education.
- Being aggrieved with the decision of the assessing officer the assessee appealed to the Tribunal.

Decision of the Case

- The Tribunal noted that the assessee society, substantially financed by the Government of India, is engaged only in imparting research based education/ skill training to the students in manufacturing of sports goods and leisure equipments without any profit motive.
- The Delhi bench of the Income Tax Appellate Tribunal (ITAT) has held that a society engaged in providing education/ skill development training to the students to enable them to get placement is eligible for deduction under section 10(23C)(iiiab) of the Income Tax Act.

**CHIEF ACCOUNTANT COULDN'T HAND OVER ASSESSMENT ORDER TO TAX CONSULTANT WITHOUT MALAFIDE:
ITAT CONDONES DELAY IN FILING APPEAL
PAWAN S. JALAN VS. ACIT, AHMEDABAD
CASE NO. – 1567/AHD/2017
DATE - 1.02.2019**

Fact of the Case

- Mr. Pawan S. Jalan is the assessee in the present case.
- The assessee filed the first appeal challenging the Assessment Order with a delay of 136 days. For defense, they said that the Chief Accountant and was not aware of any proceedings going on before the Income Tax Department and he forgot to give the notice to Pawan S. Jalan (assessee) or their Chartered Accountant.
- The appeal was rejected due to delay.
- The assessee appealed before Tribunal against the decision of A.O

Decision of the Case

The Tribunal observed the following-

- The chief accountant of the company was ill and failed to hand over assessment order to the tax consultant for filing the appeal.
- There is no mala fide in this explanation. The delay had occurred on account of bona fide mistake at the end of the chief accountant.

- By making delay in filing the appeal before the Id.CIT (A) the assessee would not achieve anything. Thus, it cannot be adopted as a strategy. It could only be a result out of a bona fide mistake.
- The Income Tax Appellate Tribunal (ITAT), Hyderabad has held that the delay in filing Appeal can be condoned if the Chief Accountant, without any bad intention, could not hand over the Assessment to Tax Consultant for filing the appeal.

**RENT PAID IN CASH CAN'T BE ALLOWED AS
BUSINESS EXPENSES WITHOUT DETAILS:
SHRI SANTILAL B. PAREKH VS. ITAT MUMBAI
CASE NO. – 4262/MUM/2017
DATE -4.02.2019**

Fact of the Case

- In the present case the assessee is a person who is engaged in business.
- The assessee claimed deduction of Rs.54000 p.m as rent expenses of his business. But the A.O denied to allow the deduction.
- The assessee then appealed to the ITAT against the decision of A.O

Decision of the Case

The Income Tax Appellate Tribunal observed the followings.

- The assess paid rent in cash
- The rent paid in cash of Rs.54000 p.m without any proper supporting document in respect of rent payment i.e no lease rent agreement.
- Even there is no proper evidence that the premise has been used wholly for the running of the said business.
- Only the assessee has submitted self-supporting vouchers with respect to the payment of rent in cash.
- Under this situation, the amount of rent paid in cash cannot be allowed as business expenses.

TAX COMPLIANCE CALENDAR AT A GLANCE

GST CALENDAR

Date	Return Type
7 th March, 2019	Depositing TDS/TCS liability under Income Tax Laws for the month of February.
10 th March, 2019	GSTR-8. Monthly - E-commerce operators who are required to deduct TCS (Tax collected at source) under GST.
11 th March, 2019	GSTR-1. Monthly - Summary of outward taxable supplies where Turnover exceeds ₹1.5 Crore.
13 th March, 2019	GSTR-6. Monthly – Details of ITC received and distributed by ISD.
20 th March, 2019	GSTR 3B for the Month of February, 2018
20 th March, 2019	GSTR-5. Monthly - Summary of outward taxable supplies and tax payable by Non Resident Taxable person.
20 th March, 2019	GSTR 5A. Monthly - Summary of outward taxable supplies and tax payable by OIDAR.
20 th March, 2019	GSTR 3B for the Month of February, 2018
20 th March, 2019	GSTR-5. Monthly - Summary of outward taxable supplies and tax payable by Non Resident Taxable person.
20 th March, 2019	GSTR 5A. Monthly - Summary of outward taxable supplies and tax payable by OIDAR.
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 - MARCH, 2019

<p>02.03.2019</p> <ul style="list-style-type: none"> Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA & section 194-IB in the month of January, 2019
<p>07.03.2019</p> <ul style="list-style-type: none"> Due date for deposit of Tax deducted/collected for the month of February, 2019. 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
<p>15.03.2019</p> <ul style="list-style-type: none"> Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of February, 2019 has been paid without the production of a Challan Fourth instalment of advance tax for the assessment year 2019-20 Due date for payment of whole amount of advance tax in respect of assessment year 2019-20 for assessee covered under presumptive scheme of section 44AD/ 44ADA
<p>17.03.2019</p> <ul style="list-style-type: none"> Due date for issue of TDS Certificate for tax deducted under section 194-IA & section 194-IB in the month of January, 2019

30.03.2019

- Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA & section 194-IB in the month of February, 2019

31.03.2019

- Due date for linking of Aadhaar number with PAN
- Country-By-Country Report in Form No. 3CEAD for the previous year 2017-18 by a parent entity or the alternate reporting entity, resident in India, in respect of the international group of which it is a constituent of such group
- Country-By-Country Report in Form No. 3CEAD for a reporting accounting year (assuming reporting accounting year is April 1, 2017 to March 31, 2018) by a constituent entity, resident in India, in respect of the international group of which it is a constituent if the parent entity is not obliged to file report u/s 286(2) or the parent entity is resident of a country with which India does not have an agreement for exchange of the report etc.

DIRECT TAX CALENDAR - APRIL, 2019**07.04.2019**

- Due date for deposit of Tax deducted by an office of the government for the month of March, 2019. However, all sum deducted 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

14.04.2019

- Due date for issue of TDS Certificate for tax deducted under Section 194-IA & 194-IB in the month of February, 2019

15.04.2019

- Quarterly statement in respect of foreign remittances (to be furnished by authorized dealers) in Form No. 15CC for quarter ending March, 2019
- Due date for furnishing statement in Form no. 3BB by a stock exchange in respect of transactions in which client codes been modified after registering in the system for the month of March, 2019

30.04.2019

- Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of March, 2019 has been paid without the production of a challan
- Due date for furnishing of challan-cum-statement in respect of tax deducted under Section 194-IA & 194-IB in the month of March, 2019
- Due date for deposit of Tax deducted by an assessee other than an office of the Government for the month of March, 2019.
- Due date for e-filing of a declaration in Form No. 61 containing particulars of Form No. 60 received during the period October 1, 2018 to March 31, 2019.
- Due date for uploading declarations received from recipients in Form. 15G/15H during the quarter ending March, 2019.
- Due date for deposit of TDS for the period January 2019 to March 2019 when Assessing Officer has permitted quarterly deposit of TDS under section 192, 194A, 194D or 194H.

TAXATION COMMITTEE - PLAN OF ACTION

Proposed Action Plan:

1. Successful conduct of Certificate Course on GST.
2. Publication and Circulation of Tax bulletin (both in electronic and printed formats) for the awareness and knowledge updation of stakeholders, members, traders, Chambers of Commerce, Universities.
3. Publication of Handbooks on Taxation related topics helping stakeholders in their job deliberations.
4. Carry out webinars for the Capacity building of Members - Trainers in the locality to facilitate the traders/ registered dealers.
5. 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.
6. Tendering representation to the Government on practical difficulties faced by the stakeholders in Taxation related matters.
7. Updating Government about the steps taken by the Institute in removing the practical difficulties in implementing various Tax Laws including GST.
8. Facilitating general public other than members through GST Help-Desk opened at Head quarter of the Institute and other places of country.
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:

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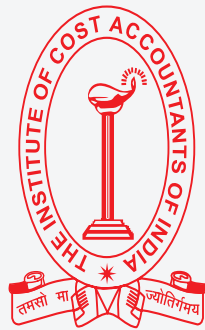
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