

NOVEMBER, 2019

TAX Bulletin

★ ★ VOLUME - 51 ★ ★



THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

(Statutory Body under an Act of Parliament)

www.icmai.in

Headquarters: CMA Bhawan, 12 Sudder Street, Kolkata - 700016

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MISSION STATEMENT

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

VISION STATEMENT

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

Objectives of Taxation Committee:

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 CHAIRMAN – INDIRECT TAXATION COMMITTEE

“If you are working on something that you really care about, you don’t have to be pushed. The Vision pulls you.”

- Steve Jobs

At the outset I would like to reveal my gratitude for immense contribution of our sincere resource persons and relentless toil of Team Tax Research Department for releasing the fortnightly Tax Bulletin on time.

During the last fortnight, The Tax research department has conducted Seminar at Bengaluru on the theme “Sabka Vishwas (Legacy dispute Resolution Scheme) 2019” and “Direct Tax Code- Expectations and Way ahead “on 20th October 2019. Sri Ajay Saxena, IRS, the Principal Commissioner, CGST and Sri S V S Prasad, IRS, the Principal commissioner Income Tax graced the occasion as Chief Guests. About 250 participants from the Industry, practice and trade houses joined the Seminar. On 24th October 2019, a Seminar on theme “Sabka Vishwas (Legacy dispute Resolution Scheme) 2019” and ‘Intricacies of GST Audit” has conducted. Shri Rupam Kapoor, IRS, Principal Commissioner, CGST graced the occasion as Chief Guest and CMA Nahar Nimkar, with CMA S P Padhi, the practicing Cost and Management Accountants and GST experts deliberated on the topics.

Besides above, programs have been conducted on GST Annual return and Audit and Sabka Vishwas (Legacy dispute Resolution Scheme) 2019” in various places by the Chapters and RCs’ of the Institute, where large number of stakeholders attended.

Beside this 5th batch of GST Certificate Course is running successfully PAN India basis and Crash Course on GST is going to be started in few colleges very soon.

This is for the information of all that, the TRD is going to open the admission for 2nd batch of “certificate course on Advance Course on GST” very soon. On behalf of the Tax research Department I would like to request to take the advantage of this course.

A representation has been sent also to Gail India Limited for “Inclusion of Cost Accountants (CMA) for GST Related work at Jaipur office under ‘Domestic Competitive Bidding’ (Tender reference GAIL/C&P/JPR19AV124/2019-20 E-Tender No-8000015769 dated 03.10.19)”.

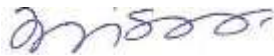
In addition to above, 2 webinars have been conducted for the benefit of Members. The members those have not gone online they may view the recording version of the webinars.. TRD has converted GST help desk to Taxation help desk, which is going to be activated soon.

The department is going to organize a seminar on the theme “Sabka Vishwas (Legacy dispute Resolution Scheme) 2019” at India Islamic Centre, Lodi Road, New Delhi on 14th November 2019 from

10 a.m to 2 p.m for the members and stakeholders. Dignitaries from CBIC have given their kind consent to grace the occasion as Chief Guests. I invite you to attend the seminar.

The Indirect Tax Committee, is in the process of compiling the Pre-Budget memorandum. The members/stakeholders those have not given their valuable suggestions may drop at trd@icmai.in by 10th of November 2019.

We pledge our best efforts in continuing our service for highest possible level to serve our fraternity and stake holders.



CMA Niranjan Mishra
Chairman, Indirect Taxation Committee
4th November 2019



FROM THE DESK OF CHAIRMAN – DIRECT TAXATION COMMITTEE

“Hard work makes you feel good because you have accomplished something.” –

AlcurtisTumer

With this belief in my mind and an optimistic approach, I would like to acknowledge the initiatives taken by the Tax Research Department and Regional Councils, Chapters and our esteemed members in observing Direct Taxation Month. From 5th September 2019 to till date, 25 seminars have been conducted in various chapters and high rank officials including Principal Chief Commissioners graced the seminars as Chief Guest. This would definitely showcase the strength and competencies of CMAs.

Another new feather of Tax Research Department is launching of Taxation Helpdesk as a form of extension of erstwhile GST helpdesk to Direct Taxation arena which would be beneficial for Members, Students and Stakeholders to resolve any query

This concerted effort will definitely take us forward in the process of inclusion of the name of Cost Accountants in the definition of “Accountant” under section 288(2) of Income Tax Act 1961. By organizing seminars on the theme “Income Tax Act and Direct Tax Code – Expectations and Way Ahead” since last 2 months on continuous basis. we have shared knowledge of Direct Tax with the stakeholders and in every seminars rational of inclusion of Cost Accountants by modifying section 288(2) of Income Tax Act 1961 has been highlighted.

Recently Bangalore chapter has conducted a Seminar and Mysore Chapter is also planning to organize a Seminar in November 2019.

In addition to the above, 2 Webinars have been conducted to give opportunity to Members for imparting knowledge.

2ND Batch of Certificate Course on TDS is going to be launched very shortly since there is huge urge from stakeholders.

I believe that Tax Research department is long racing team and in the long run this department will reach many more milestones.

My best wishes is always with my all members and I Hope that as Diwali and Dussehra has enlightened our lives, our joint efforts may also enlighten the existence of our profession,

Jai Hind



(Rakesh Bhalla)

CMA Rakesh Bhalla
Chairman, Direct Taxation Committee
4th November 2019

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ACKNOWLEDGEMENTS

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CMA Parag Gujar	Practicing Cost Accountant
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Shri Tapas Mazumdar	Tax Consultant
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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



INPUT TAX CREDIT AVAILED SHALL NOT EXCEED 20% OF ELIGIBLE CREDIT U/S 37 (1): CBIC

CMA Parag Gujar
Practicing Cost Accountant

We would like to draw your attention towards a very significant amendment notified by CBIC through **Notification no. 49/2019** –Central Tax in CGST Rules'17, which would be applicable from October'19 GSTR - 3B Returns:

The following sub-rule has been inserted in Rule No 36 of CGST Rules 2017:

Quote in Notification

“Input tax credit to be availed by a registered person in respect of invoices or debit notes, the details of which have not been uploaded by the suppliers under sub-section (1) of section 37, shall not exceed 20 per cent of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded by the suppliers under sub-section (1) of section 37.”

Unquote

GST Council has amended the provisions of Input Tax Credit (ITC) –

- While filing Form GSTR-3B return, it would be necessary for a tax payer to reconcile the ITC appearing in the Books of Account (BOA) with the ITC appearing in the Form GSTR-2A. Form GSTR-2A is an auto – populated return and it auto captures the values of the goods and/ or services uploaded by the Supplier while filing his Form GSTR-1.
- **Instances where ITC as per BOA and Form GSTR-2A is mismatching**, then in such case, recipient would be allowed to avail ITC, *only to the extent of 20% of eligible ITC.*
- Eligible ITC means ITC is reconciled with Form GSTR- 2A net of ineligible credit u/s 17(5).

An illustration is provided herewith for ease of understanding-

Particulars	ITC Claim as per current practice	Change in ITC claim after New Notification
Eligible ITC as per BOA	50,000	50,000
Eligible ITC reflected in GSTR 2A	30,000	30,000
Maximum ITC to be availed in GSTR-3B	50,000	36,000
Remarks	<ul style="list-style-type: none"> • Entire Rs.50,000 based on Purchase register can be Claimed • Later, at a subsequent month detailed reconciliation could be carried to adjust this provisional claim against information as per GSTR-2A 	<ul style="list-style-type: none"> • Rs. 30,000:- Actual ITC based on information available in GSTR-2A • Rs. 6,000 - Provisional ITC based upon the 20% rule, i.e. 20% of Rs. 30,000

About Balance Unreconciled Eligible ITC

Steps while filing GSTR 3B:-

1. Balance unreconciled ITC (which is more than 20%) **should be shown in "All Other ITC"** in the return and then same should be shown in the reversal section so net impact will be zero.
2. When it gets reconciled with GSTR-2A the same amount can be reclaimed as there is no time limit for reclaiming the ITC.

If we do not follow the above procedure then taxpayer unable to avail the unreconciled ITC as there is a time limit of under sec 16 for availing ITC till the filing of GSTR-3B of Sept month of subsequent year. Once such ITC is reconciled, recipient would be eligible to re-claim ITC to the extent of balance portion.

ITC outside the purview of Rule 36(4)



Important points needs to be considered for implementation

- ✓ *Standby of ITC for 3 months in case of return filed quarterly by small taxpayers*

ITC is availed through GSTR 3B which is a monthly return while invoices may be uploaded by suppliers quarterly where turnover is lesser than 1.5 crores. By implication the recipient shall have to wait for another 3 months to take credit if it exceeds 20% cap.

- ✓ *Reflected ITC in GSTR 2A for calculation should be netoff of the following:*

- ITC against inward supplies for non-business use.

- ITC against inward supplies exclusively for exempt supplies or nil rated supplies.
- ITC ineligible u/s 17(5)

Suggested Course of action:

Due to noncompliance of vendor, ITC is restricted to recipient, thus It would be **advisable that errant vendors should be traced and indemnity should be obtained** from such suppliers. Further, during regular intervals, **reconciliation of ITC between Purchase Register and Form GSTR – 2A** should be carried out and mismatch should be highlighted to management.

Conclusion:

Placing 20% limit shall invite more chaos and complications. Further compliance burden and shall bring more uncertainty in the payment of taxes.



THE COMPLEX WEB OF GOODS TRANSPORT AGENCY

Shri Sanjeev Mangal
Deputy Manager – BHEL

The introduction of GST has primarily had a positive effect in the popular form of goods transport in India i.e. Road Transport, as it has helped speed up the movement of consignments via road. As per the National Highways Authority of India, about 65% of freight and 80% passenger traffic is carried by the roads. Pre GST, each state had levied different tax rates on goods passing through. As a result, tax on freight is collected multiple times. Also, there are long delays at interstate checkpoints owing to review by state authorities who examine and apply the relevant taxes and other levies. Truck delays are an average 5-to-7 hours at interstate checkpoints. Post GST, the rates applicable were unilateral through the states. As per an estimate of World Bank, simply halving the delays due to roadblocks, tolls and other stoppages could cut freight times by around 20-30 per cent and logistics costs by as much as 30-40 per cent.



Taxability of Goods Transport Agency Services (GTA Services):

Entry 18 of the Notification No. 12/2017 – Central Tax -Rate (CT-R) exempts following supplies:

Services by way of transportation of goods-

(a) by road except the services of—

- i. a Goods Transportation Agency;
- ii. a courier agency;

Thus, Services by way of transportation of goods by road only by a Goods Transport Agency are taxable. The mere transportation of goods by road is exempt from GST.

Meaning of Goods Transport Agency: As per Notification No. 12/2017 (CT-R) Goods transport agency or GTA means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called.

Meaning of Consignment note: As per Explanation to Rule 4B, Service Tax Rules, 1994, a consignment note is a document issued by a goods transportation agency against the receipt of goods for the purpose of transporting the goods by road in a goods carriage which is serially numbered, and contains the name of the consignor and consignee, registration number of the goods carriage in which the goods are

transported, details of the goods transported, details of the place of origin and destination, person liable for paying service tax whether consignee, consignee or the goods transport agency.

Levy of GST: Section 9 of the Central GST (CGST) Act pertaining to the levy and collection of GST enables government to *specify categories of supply of goods or services or both, the tax on which shall be paid on reverse charge basis by the recipient of such goods or services or both.*

In terms of the said Power the Central Government vide Notification No. 13/2017 – Central Tax (Rate) specify the Supply of Services by a goods transport agency (GTA) in respect of transportation of goods by road, as service the tax on which shall be paid on reverse charge basis by the recipient of the such services.

As per Notification No. 13/2017 – (CT-R) Supply of Services by a goods transport agency (GTA) in respect of transportation of goods by road to following person (**specified category of person**) located in taxable territory are eligible to Reverse Charge Mechanism (RCM):

- a) any factory registered under or governed by the Factories Act, 1948(63 of 1948);or
- b) any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India; or
- c) any co-operative society established by or under any law; or
- d) any person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act; or
- e) anybody corporate established, by or under any law; or
- f) any partnership firm whether registered or not under any law including association of persons; or
- g) any casual taxable person.

Registration requirement of person providing Goods Transport Agency Service:

As per Notification No. 05/2017 –Central Tax (CT) specifies that the persons who are only engaged in making supplies of taxable goods or services or both, the total tax on which is liable to be paid **on reverse charge basis by the recipient of such goods or services** or both under sub-section (3) of section 9 of the said Act as the category of persons exempted from obtaining registration.

Also Section 23 (1)(a) of CGST Act, provides following person will not be liable to registration

“person engaged exclusively in the business of supplying goods or services or both that are not liable to tax or wholly exempt”

Thus to summarise GTA is required to register only in the following cases:

- 1) GTA providing services in relation to transport of Non exempted goods to person other than Specified categories person in the course of Interstate.
- 2) GTA not exclusively engaged in services of transport of goods by road. For e.g. GTA also having other business verticals making taxable supplies.
- 3) GTA who wish to avail benefit of Input Tax Credit and pay GST @ 12 %.

Rate of tax for Transport of Goods service by a GTA:

Rate & Nature of Charge	Applicability	Notification
Under Reverse Charge @ 5%	For services to Specified category of person	11/2017 -Central Tax (Rate)
Under Forward Charge @ 5%	For Service to other than specified category of person & GTA don't wish to avail ITC	11/2017 -Central Tax (Rate)
Under Forward Charge @ 12%	When GTA wish to avail Input tax credit (ITC)	11/2017 -Central Tax (Rate) as amended by

Summary of Registration & RCM Applicability in respect of Services of Goods Transport Agency

Category of Persons	Services only to Specified category of persons	Services to other than specified category of person			Remarks
		Exempted	Not exempted		
Category of Goods	Exempted & Non Exempted	Exempted	Not exempted		
Making Inter State Supply	Yes	Yes	No	Yes	
Registration	NO	NO	No	Yes (Refer remark)	Subject to Threshold limit
RCM Applicability	Yes	NA	No	No	
Rate of Tax	5%	0%	5%	12%	
ITC to transporter of Inward Services to transporter	NA	NA	No	Yes (Refer remark)	Subject to Section 17 of CGST Act
ITC to Receipt for GTA Services	Yes	NA	Yes	Yes	Subject to Section 17 of CGST Act

Category of Exempted Goods: Services provided by a Goods Transport Agency by way of transport in a goods carriage of following goods are Exempted (**Notification No. 09/2017 – Integrated Tax**)

- a) agricultural produce;
- b) goods, where consideration charged for the transportation of goods on a consignment transported in a single carriage does not exceed one thousand five hundred rupees;
- c) goods, where consideration charged for transportation of all such goods for a single consignee does not exceed rupees seven hundred and fifty;
- d) milk, salt and food grain including flour, pulses and rice;
- e) organic manure;
- f) newspaper or magazines registered with the Registrar of Newspapers;
- g) relief materials meant for victims of natural or man-made disasters, calamities, accidents or mishap; or
- h) defence or military equipments.

Place of Supply of GTA services where location of GTA & recipient of GTA services is in India:

Section 12(8) of IGST act prescribes place of supply of services by way of transportation of goods, including by mail or courier to,--

- (a) a registered person, shall be the location of such person;
- (b) a person other than a registered person, shall be the location at which such goods are handed over for their transportation.

*Provided that where the transportation of goods is to a place outside India, the place of supply shall be the place of destination of such goods.

***Proviso inserted vide IGST Amendment Act, 2018 w.e.f. 01-02.2019.**

Composite Supply by a Goods Transport Agency:

The GTA provides service to a person in relation to transportation of goods by road in a goods carriage, While providing transportation services, various intermediary and ancillary services, such as, loading/unloading,

packing/unpacking, transshipment and temporary warehousing, are also provided in the course of transport of goods by road.

These services are not provided as independent services but as ancillary to the principal service. These ancillary services are to treat as part of GTA services and be taxed as Composite Supply.

In view of this, if any intermediary and ancillary services are provided in relation to transportation of goods by road, and charges, if any, for such services are included in the invoice issued by the GTA, such service would form part of the GTA service and would not be treated as a separate supply.

However, if such incidental services are provided as separate services and charged separately, whether in the same invoice or separate invoices, they shall be treated as separate supplies.

Registration requirement when GTA also having other business Verticals:

As per Section 23 of CGST Act 2017,

(1) The following persons shall not be liable to registration, namely:--

(a) any person engaged exclusively in the business of supplying goods or services or both that are not liable to tax or wholly exempt from tax under this Act or under the Integrated Goods and Services Tax Act;

(b) an agriculturist, to the extent of supply of produce out of cultivation of land.

(2) The Government may, on the recommendations of the Council, by notification, specify the category of persons who may be exempted from obtaining registration under this Act.

In terms of Section 23(2) CBIC issues Notification 5/2017- Central Tax dt. 19.06.2017, which specifies the persons who are only engaged in making supplies of taxable goods or services or both, the total tax on which is liable to be paid on reverse charge basis by the recipient of such goods or services or both under sub-section (3) of section 9 of the said Act as the category of persons exempted from obtaining registration under the aforesaid Act.

Thus, if a GTA is having any other business of supply of goods or services not wholly exempted or is engaged in making supplies of taxable goods or services or both, taxable on forward charge basis, than GTA needs to get registered under GST Act, and will be deemed to be registered for all the businesses/supplies.

Reporting of GTA transaction in GSTR-3B & GSTR - 1 & raising of self-invoice :

(a) GTA services by a Unregistered GTA to Registered recipient :

i. In this case registered recipient needs to raise Self Invoice on the basis of LR/Bill/any other document issued by GTA and discharge tax on reverse charge basis.

ii. The details of these invoices will be reported in 3.1(d) of GSTR-3B for discharging tax on RCM Basis.

iii. The GST ITC credit will be taken on the basis of self-invoices and same will be reported in table 4(3) of GSTR-3B for availing ITC.

(b) GTA services by a Registered GTA to Registered recipient (RCM):

i. **Registered GTA:** In this case Invoice will be raised by GTA and same will be shown in GSTR-1 under Table 4B if It is B2B supplies (on which recipient is liable to pay tax under RCM). In GSTR-3B it will be reported as Outward Supply under Table 3.1 (c).

ii. **Registered recipient:** Will be reported in 3.1(d) of GSTR-3B for discharging tax on RCM Basis. In GSTR-3B it will be reported in table 4(3) for availing ITC.

(C) GTA services by a Registered GTA to Registered recipient (FCM):

i. **Registered GTA:** In this case Invoice will be raised by GTA and same will be shown in GSTR-1 under Table 4B if It is B2B supplies. In GSTR-3B it will be reported as Outward Supply under Table 3.1 (a).

ii. **Registered recipient:** Will be reported in Table 4(5) of GSTR-3B for availing ITC. The details of Invoices raised by registered GTA will be auto populated in GSTR - 2A of the registered recipient.



THE CRITICAL ISSUE UNDER SECTION 56(2)(VII)(B) IN RESPECT OF PURCHASE OF IMMOVABLE PROPERTY

Shri Tapas Mazumdar
Tax Consultant

The very crucial issue in respect of transfer of immovable properties in a considerable quantum which is lower than the market value as determined by the state Registering Authority for the levy of stamp duty and registration fees.

In order to safe guard of the govt. revenue the Income Tax authority after insertion of section 56(2)(vii)(b) is applying the levy of penalty on misreporting of Income which is at all not become the actual income of the Assessee. For example when an assessee purchased an immovable property at a considerable price which becomes the lower of the stamp duty value as determined by the State stamp duty authority and the said difference quantum is at least more than 5% of the said stamp duty value and here the difference of the stamp duty value and actual consideration will be treated as deemed Income of the respective assessee where the buyer has no role on such value even if due to certain wrong estimation of the stamp duty authority the buyer is liable to pay income tax on the portion of the deemed income and also surprisingly the Assessing Authority charges penalty on such difference. As such the person dealing with such capital transaction on transfer of the immovable property should be cautious and should approach to correct such estimated stamp duty value before transfer otherwise such consequence will be endanger after two years at the time of income tax assessment U/s 143(3) or 147 or 153A.

Actually the stamp duty authority estimated the value on the basis of the area based on Mouza proximity of the area and other relevant factors. But on several occasions it appears that the high level land and low level land in the same mouza and area are being estimated as same value without comparing that the nature of the land is situated at very low level and as such the buyer is actually paying less. And in that instant case due to the same valuation the difference of the estimated high level land value and transaction price of the low level land will be treated as Deemed Income of the Purchaser and Seller herein and also both have to face the penalty proceedings also.

However the Hon'ble Finance Minister recently while delivering the situation of in the Income Tax related issues of startups business stated that it should be handled with "utmost care" and a final-action-taken report on their grievances should be submitted within

three working days It has also asked the regional heads of the Income Tax Department to constitute a startup cell at their offices.

"The issue relating to startups are to be handled with utmost care. All the officers in your charge must handle such issues accordingly," the order sent to all regional chiefs of the I-T Department said. PTI has accessed the order. It also issued directions on handling of grievances of startups. In case of any grievance, the preliminary action taken report is to be submitted to this office (CBDT) by the next day, that is within one working day of calling of the report by this office, the order said."Startup entities can approach the cell for speedy resolution of their grievances. This initiative is the latest among the recent initiatives taken by the CBDT to further ease the compliance issues pertaining to startups," a CBDT spokesperson had said while describing the role of the new unit.

Finance Minister Nirmala Sitharaman had, during a press conference last month, announced the creation of such a cell in the CBDT and had declared exempting startups from the so-called angel tax.

"To mitigate genuine difficulties of startups and their investors, it has been decided that section 56(2)(vii)(b) of the Income-Tax Act shall not be applicable to a startup registered with DPIIT," Nirmala Sitharaman had said, adding that a startup having any income tax issue can approach the cell for quick resolution of the same. But not still considered any recourse on the other assessee's genuinely being suffered U/s 56(2)(vii)(b).

ITO Vs Shri Trilok Chand Sain (ITAT Jaipur) 159 ALL ITAT (6366)

The taxpayer, an individual, is engaged in real estate business and regularly dealt in sale and purchase of land and buildings. During the year, the taxpayer purchased land for a consideration for which the stamp authority adopted a higher value. The taxpayer recorded the purchase of the land in its trading account. According to the Tax Officer (TO), the taxpayer received the land for an inadequate consideration, which invoked the provision of section 56(2)(vii)(b)(ii) of the Act. Thus, the differential amount was taxed as deemed income of the taxpayer.



[UNLIMITED] POWER TO TAX & SPEND

CMA Mosharraf Hussain

Accounts Officer (EB, SM & Legal), BSNL, Patna

A] In order to secure justice, liberty and equality to its citizens and to promote fraternity among them [Preamble], Constitution of India empowers Union and States to levy taxes. This power, however, is not absolute and is subject to several restrictions embodied in the Constitution itself. Article 265 cogently briefs the restrictions in following simple words: No tax shall be levied or collected except by authority of law.

B] A tax could only be imposed by a law which is in conformity to the criteria laid down in the relevant Articles of the Constitutions [Singh M.P., Shukla's Constitution of India, Eastern Book Centre, 2010 p.778]. These are:

- a) the law should be one within the legislative competence of the legislature, being covered by the Legislative List assigned to it by the Constitution,
- b) the law should not be one prohibited by any particular provision of the Constitution, for example, Articles 276, 285, 286, 289, etc.,
- c) the law or the relevant portion thereof should not be void under Article 13, i.e., in conflict with the fundamental rights incorporated in Part III of the Constitution, and
- d) the law should not violate any other constitutional limitations such as Article 301 and 304.

C] Article 245 specifies the territories of Union and States with respect to their law making power. Union may make laws for the whole or any part of the territory of India whereas a State may make laws for the whole of any part of the State.

D] Article 246 specifies the subject matters on which Union and States may make law. The subject matters have been enlisted in Schedule VII of the Constitution and are arranged in three lists. List I commonly referred to as Union List enumerates the subject matters on which Union is empowered to make laws. List II commonly referred to as State List enumerates the subject matters on which States are empowered to make laws. List III commonly referred to as Concurrent List enumerates the subject matters on which

both Union and States are empowered to make laws.

E] Article 246A specifies the law making power of Union and States with respect to goods and services tax. One should note that laws made under Article 246A may not be constrained by Article 246 which specifies the subject matters of legislation vide Schedule VII or Article 254 which resolves the conflict of laws made by Union or State over the subject matters specified in Schedule VII.

F] State legislature has also been empowered to authorise local bodies such as Panchayat and Municipality to tax and appropriate such taxes. Article 243-H says that the Legislature of a state may by law authorise a Panchayat to levy, collect and appropriate such taxes, duties tolls and fees in accordance with such procedure and subject to such limits. Article 243-X says that the Legislature of a state may by law authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits.

G] Distribution of legislative powers between Union and States on taxing matters inter alia reflects the preponderance of Union over States even after introduction of Article 246A for Union has exclusive power of taxation on supply of goods and services taking place in the course of inter-state trade or commerce. Again, Entry 97 of List I gives a sweeping power to Union to legislate on any subject matter not enumerated in List II and III [Union of India v. H.S.Dhillon AIR 1972 SC 1061]. Besides this, Article 248 gives exclusive power to Union to legislate over residuary matters except on the matter of taxation of goods and services tax under Article 246A. Article 249 empowers the Union to assume legislative authority over a subject in List II in the national interest provided the Council of States resolves for a year by 2/3rd majority in this regard. Article 250 declares that during Proclamation of Emergency the Union have power to make laws with respect to matters in the State List. Article 251 clarifies that Article 249 and 250 does not take away the legislative competence of the state on the matters of List II

or state goods and service tax but in case of any inconsistency between the laws made by the Union and the State during the operational period of the resolution or proclamation under these Articles the laws made by the Union shall prevail and the laws made by the State shall be inoperative. Article 252 empowers the Union to legislate over the subject matters in the State List if two or more states consent in this regard through a resolution to this effect by all the Houses of legislatures in those states. Non-consenting states may also adopt such legislation afterwards by ratification through a resolution to this effect by their Houses of legislatures. Such enactments may be amended or repealed by the Union only, through the consent of states concerned, however. Article 253 gives overriding power to Union to make any law for giving effect to international agreements and judgments. On the matters of Concurrent List Article 254 gives prominence to the law made by the Union over that of the State.

H] The reason for such preponderance is the colonial legacy as is evident from the fact that the lists under the seventh schedule of the Constitution are replica of the Government of India Act 1935 wherein the Union government of British in India tilted the balance of fiscal power towards itself. The British Government in India knew that if the states became self-sufficient then their freedom cannot be contained. The Free India took the same presumption, though in a different perspective, that fiscal autonomy of State may engender balkanisation of Indian Territory. Needless to say that such presumption overloaded the citizens of India and led to their exploitation by the Union as well as States. The suffering gets multiplied when the Union and States starts encroaching upon each other's power and through colourful legislation both of them impose tax on the same subject matter. Doctrine of pith and substance has been pronounced by courts to resolve such confusions but it has neither acted as deterrent for the legislature nor made the executive hesitant. Promulgation of goods and services tax, however, has reduced this suffering to the extent of elimination of same goods or services being taxed earlier in full by Union as well as States.

I] Apart from the territorial and subjective demarcation between Union and States with respect to their taxing powers, mentioned above, and the delineated power to tax on supply of goods and services certain restrictive stipulations have been provided on them whereby they are not allowed to encroach upon each other's power.

J] Article 276 empowers state legislature to tax on profession, trades, callings and employment up to Rs.2500 per annum even though taxing power on income is prima facie vested with the Union. This Article, however, does not limit in any way the power of the Union to tax income.

K] Article 285 and 289 mutually exempts the property of Union and State from being taxed by each other. Article 285 says that the property of the Union shall be exempt from all taxes imposed by a state or by any authority within a state. Article 289 says that the property and income of a state shall be exempt from Union taxation. Both these Articles, however, are concerned with taxes directly either on income or property and not with taxes which may indirectly affect income or property [Re Sea Custom Act S.20 (2) AIR 1963 SC 1760].

L] By Article 286 a state is restricted to impose tax on the supply of goods and services taking place outside the state or taking place in the course of import or export.

M] By Article 287 a state is restricted to impose tax on electricity consumed by or sold to the Union or its railways.

N] By Article 288 a state is restricted to impose tax in respect of any water or electricity stored, generated, consumed, distributed, or sold by any authority established by the Union for regulating or developing any inter-state river or river-valley.

O] Article 301 gives freedom of trade, commerce and intercourse throughout the territory of India. The tax laws are not outside the purview of Article 301 [Atiabari Tea Co. v State of Assam AIR 1961 SC 232]; though this stands qualified by the recent judgement of Supreme Court to the extent that it is discriminatory. Article 302 empowers the Union to impose restrictions on such freedom in the public interest but Article 303 restricts the Union and States to make any territorial discrimination or preferential treatment of one state over the other except to deal with by the Union a situation of food scarcity. By Article 304 a state may impose tax on goods imported from other states so far it does not discriminate the goods so imported with the goods manufactured or produced in that state and it may impose reasonable restrictions in the public interest provided previous sanction of the Union is obtained.

P] On the expenditure side the lower house (or the House of the People) has been preferred to charge or to appropriate the tax proceeds [Article 114 & 198]. This preference may be for the reason that the state may run its business without any obstruction. Another reason for preference is that directly elected people are

assumed to be more responsible and sensitive towards their electorates. But in practice this exclusivity makes the money bill vulnerable to the subjectivity of the majoritarian rule.

Q] None of the above said constitutional limitations, however, makes Union and States fiscally responsible. The plenary power to tax, not being *coterminous* with the power to spend, leads to wastages and corruptions and for the sake of development one has to face ordeals of multiple exploiters in place of one monarch. Adding to this woe is the point that the protection against imposition and collection of taxes save by authority of law is a legal right, not a fundamental right [Ramjilal v. The Income Tax Officer, Mohindergarh AIR 1951 SC 97].

R] Moreover, in a recent judgement [Jindal Stainless Ltd. V State of Haryana AIR 2016 SC 5617 = (2017) 12 SCC 1] the Supreme Court has diluted the protection against taxes by upholding that power of levying tax whether high or low is an attribute of sovereignty subject only to constitutional safeguards. It is, however, respectfully submitted that the court might have got the leaning of sovereignty from the Cooley's definition - 'taxes are the enforced proportional contributions from persons and property, levied by the state by virtue of its sovereignty for the support of government and for all public needs' - but it preferred public needs than the proportional contributions which may lead to injustice with the contributors especially when the masses are wooed through freebies.

S] In forming the presumption that levy of tax is in the public interest [AIR 2016 SC 5617 p.6048], the court might have also relied on the argument proffered by Chief Justice Marshall in *M'Culloch v State of Maryland* 17 US 316 in the year 1819 that in imposing a tax the legislature acts upon its constituents and it is, in general, a sufficient guard against erroneous and oppressive taxation [AIR 2016 SC 5617 p. 6036]. But it is respectfully submitted that the social ethos of 1819 cannot be compared with the ethos of 2016 where the synergetic power and aspirations of 545 far exceeds the power of their electorates because of the executives emanating from the legislatures with regular history of absence of a strong opposition and presence of majoritarian rule [The Power to Tax: Analytic Foundations of a Fiscal Constitution by Geoffrey Brennan and James M. Buchanan, 1980].

T] In AIR 2016 SC 5617 though the court removed the judicially imposed exception to compensatory tax from the freedom of trade, commerce and intercourse under Article 301 but through obiter it established that since it is

difficult to trail the tax collected to its spending over the avowed purposes the state is free to spend the tax as per the priorities of the legislatures-cum-executives. It is, however, respectfully submitted that proliferation of wastages as well as corruption is due to this lack of trail. If a citizen who is being taxed may not even know that how his contribution has been utilised then of what use is the right to information which has been held as sacrosanct under the constitution [People's Union for Civil Liberties v Union of India AIR 2004 SC 1442]. And in a state where technology has enabled to trail an individual voter to the extent of finger print and retina then why the organs of the state hesitate to be trailed.

U] As an epilogue it will not be out of place to repeat the beautiful words of Justice V.R. Krishna Iyer [as mentioned in Commentary on the Right to Information Act by Dr. J.N. Barowala, Fourth Edition, Universal Law Publishing p.19] "... some things require to be done immediately so that the credibility of the Indian community in the changed ethos of open Government may be created".

RESTRICTION ON AVAILMENT OF ITC IN GST

TEAM TRD

CBIC has brought certain changes in the policy of availment of ITC vide Notification No. 49/2019 – Central Tax dated 9th October 2019.

CBIC has amended the rule no.36 of CGST Rule, 2017 by inserting new sub rule 4 which is reproduced as below-

“3. In the said rules, in rule 36, after sub-rule (3), the following sub-rule shall be inserted, namely:

“(4) Input tax credit to be availed by a registered person in respect of invoices or debit notes, the details of which have not been uploaded by the suppliers under sub-section (1) of section 37, shall not exceed 20 per cent. of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded by the suppliers under sub-section (1) of section 37.”

Explanation of the above sub rule 4

From October -2019 and onwards with respect to unmatched tax invoices, tax payers shall be eligible to claim ITC only 20% of the Tax invoices which are being reflected in GSTR-2A on the date of filing of GSTR-3B. Unmatched Tax Invoices means those invoices which are not available in GSTR-2A.

Example:-

The Purchase register of Sagar Telecom Private Limited situated in West Bengal shows following purchases from local GST registered vendors in the month of October-2019:-

Name of Vendors	Taxable Value	CGST @ 6%	SGST @ 6%	Remarks
A.K Enterprise	30,000.00	1,800.00	1,800.00	Reflected in GSTR-2A
Angel Traders	20,000.00	1200.00	1200.00	Reflected in GSTR-2A
Y.M Pvt. Limited	45,000.00	2,700.00	2,700.00	Not reflected in GSTR-2A as due date of Furnishing GSTR-1 is 31.01.2020 (Quarterly GSTR 1)
Total	95,000.00	5,700.00	5,700.00	

Therefore his eligible ITC in the month of October will be as below:

CGST= Rs. 3,600.00 [Rs 1,800.00 + Rs. 1,200.00 + 600.00 (20% of Rs.3,000.00)]

SGST= Rs. 3,600.00 [Rs 1,800.00 + Rs. 1,200.00 + 600.00 (20% of Rs.3,000.00)]

Note: Balance ITC of Rs. 2,100.00 (2,700-600) CGST and SGST each will be available in the month when this invoice will be reflected in GSTR-2A

Additional Compliance burden on Tax payers:

1. Reconcile Purchase ledger with GSTR-2A in every month to calculate eligible amount of ITC.
2. Regular follow-up and reminder to suppliers to file GSTR-1 so that full ITC can be availed.
3. Un-necessary blockage of ITC where GSTR-1 filing due date of supplier is on quarterly basis.

Applicable Date

This amendment is applicable from October-2019

TAX UPDATES, NOTIFICATIONS AND CIRCULARS

GOODS AND SERVICES TAX

NOTIFICATION

Central Tax Notification

Notification No. 51/2019 - Central Tax
Date - 31st October 2019

Seeks to amend notification no. 2/2017- Central Tax in order to notify jurisdiction of Jammu Commissionerate over UT of J&K and UT of Ladakh

CBIC has made further amendment in the Notification No. 02/2017- Central Tax, dated the 19th June, 2017 as follows:-

In the said notification, in Table II, in column (3), in serial number 51, for the words "State of Jammu and Kashmir", the words "Union territory of Jammu and Kashmir and Union territory of Ladakh" shall be substituted.

CUSTOMS - NON TARIFF

Notification No.76/2019 - Customs (N.T.)
Date - 17th October 2019

Exchange Rates Notification No.76/2019-Custom (NT) dated 17.10.2019

CBIC has determined the rate of exchange of conversion of 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	49.65	47.45
Bahraini Dinar	195.75	183.60
Canadian Dollar	55.10	53.15
Chinese Yuan	10.20	9.90

For more details, please follow - <http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2019/cs-nt2019/csnt76-2019.pdf;jsessionid=7A2F879477AEA16FE5BEEB42311D714E>

Notification No.77/2019 - Customs (N.T.)
Date - 18th October 2019

Road from Nongjri (Barapunji), East Khasi Hills District, Meghalaya, to Kalairag (Bangladesh) between BP No. 1251/11-S-12-S

CBIC has made amendments in the Notification No. 63/1994-Customs (N.T.), dated the 21st November, 1994.

In the said notification, in the TABLE, against serial number 2 relating to land frontier of Bangladesh, against item (23) in column (3), after entry (g) in column (4), the following entry shall be inserted, namely: -

(1)	(2)	(3)	(4)
			(h) "Road from Nongjri (Barapunji), East Khasi Hills District, Meghalaya, to Kalairag (Bangladesh) between BP No. 1251/11-S 12-S"

**Notification No.78/2019 - Customs (N.T.)
Date - 31st October 2019**

Extension in date of Sea Cargo Manifest Regulations

CBIC has made following regulations further to amend the Sea Cargo Manifest and Transhipment Regulations, 2018, namely: -

1. Short title and commencement. -

These regulations may be called the Sea Cargo Manifest and Transhipment (Second Amendment) Regulations, 2019.

They shall come into force on the date of their publication in the Official Gazette. 2. In the Sea Cargo Manifest and Transhipment Regulations, 2018, in regulation 15, in sub-regulation.

2. for the figures, letters and word "1st November, 2019", the figures, letters and word "16th February, 2020" shall be substituted.

**Notification No.79/2019 - Customs (N.T.)
Date - 31st October 2019**

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

CBIC has made amendments in the Notification No. 36/2001-Customs (N.T.), dated the 3rd August, 2001.

In the said notification, for TABLE-1, TABLE-2, and TABLE-3 the following Tables shall be substituted, namely: -

"TABLE-1

Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$Per Metric Tonne)
1511 10 00	Crude Palm Oil	560
1511 90 10	RBD Palm Oil	582
1511 90 90	Others - Palm Oil	571
1511 10 00	Crude Palmolein	583
1511 90 20	RBD Palmolein	586

For more details, please follow - <http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2019/cs-nt2019/csnt79-2019.pdf;jsessionid=66F2FE2AB68994138DEEB267D6E5C0BD>

CUSTOMS – ANTI DUMPING DUTY

Notification No.41/2019 - Customs (ADD)

Date – 25th October 2019

Seeks to amend notification No. 28/2018-Customs (ADD) dated 25th may, 2018, in pursuance of New Shipper Review investigation issued by DGTR.

In case of import of 'Saturated Fatty Alcohols' falling under sub-headings 2905 17, 2905 19, 3823, 70 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) originating in or exported from Indonesia, Malaysia and Thailand and imported into India, the designated authority had come to the conclusion that-

- (i) the product under consideration exported to India from the subject countries below its associated normal value, thus, resulting in dumping of the product;
- (ii) some of the imports were also causing material injury to the domestic industry,

and had recommended imposition of definitive anti-dumping duty on imports of Saturated Fatty Alcohols in order to remove injury to the domestic industry.

For more details, please follow - <http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2019/cs-add2019/csadd41-2019.pdf;jsessionid=C8FBFD590C674F84ECEA7E84AF6E9B81>

Notification No.42/2019 - Customs (ADD)

Date – 25th October 2019

Seeks to rescind notification No. 13/2019-Customs (ADD) dated 14th March, 2019, in pursuance of New Shipper Review investigation issued by DGTR.

CBIC has rescinded the Notification No.13/2019- Customs (ADD), dated the 14th March, 2019 except as respects things done or omitted to be done before such rescission.

CUSTOMS – CIRCULARS

Circular no. 36/2019- Customs

Date – 31st October 2019

Import, trading & re-export of rough diamonds by notified entities in Gujarat Hira Bourse, Ichhapore Surat- Reg.

Representations have been received from the Gems and Jewellery Export Promotion Council for setting up a Special Notified Zone at Surat in lines with the Special Notified Zone at Bharat Diamond Bourse, Mumbai permitted vide Circular No. 17/2015 dated 26.05.2015.

It has been submitted that Surat is the hub for diamond cutting and polishing industry dealing mostly in small gem stones. However, the availability of raw material at competitive prices to SMEs of this sector has remained a cause of major concern and thus the present request is with a view to give direct access of the SMEs of the sector to the mining companies.

So this circular has been issued to explain the issue

DIRECT TAX

NOTIFICATION

Notification No. 81/2019

Date – 21st October 2019

Amendment in Notification No 48/2018 dated 14.09.2018

In the Notification No. 48/2018 dated 14.09.2018, published in Part-II, Section 3, Sub-section (ii) of the Gazette of India vide number S.O. 4862(E).—

- (i) In paragraph 1, clause (a):-

For “Grant received from state government” read “Grant received from Government, Local Bodies and Other Government Agencies”

Notification No. 82/2019

Date – 21st October 2019

Notification regarding Core Settlement Guarantee Funds

CBDT has notified the Core Settlement Guarantee Funds set up by the Multi Commodity Exchange Clearing Corporation Limited, Mumbai for the purposes of clause (23EE) of section 10 of the Income-tax Act, 1961 for the assessment year 2019-2020 and subsequent years.

Notification No. 83/2019

Date – 21st October 2019

Notification regarding IDFC Infrastructure Finance Limited

CBDT has notified the infrastructure debt fund namely, the ‘IDFC Infrastructure Finance Limited (PAN:AADC15030Q)’ for the purpose of the clause (47) of section 10 of the Income Tax Act, 1961, for the assessment year 2020-2021 and subsequent assessment years subject to the following conditions, namely:—

- (i) that the infrastructure debt fund shall conform to and comply with the provisions of the Income tax Act, 1961, rule 2F of the Income-tax Rules, 1962 and the conditions provided by the Reserve Bank of India in this regard;
- (ii) that the infrastructure debt fund shall file its return of income as required by sub-section (4C) of section 139 of the Income-tax Act, 1961 on or before the due date.

Notification No. 84/2019

Date – 22nd October 2019

Notification regarding DTAA between Republic of India and the Government of the Kingdom of Morocco

Whereas, the Protocol amending the Convention between the Republic of India and the Government of the Kingdom of Morocco for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income has been signed at New Delhi on the 8th day of August, 2013, as set out in the annexure appended to this notification.

And whereas, the date of entry into force of the said Protocol is 15th July, 2019, being the date of the later of the notifications of the completion of the procedures required for the entry into force of the said Protocol, in accordance with Article 2 of the said Protocol;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 90 of the Income-tax Act, 1961 (43 of 1961), the Central Government has notified that all the provisions of the said Protocol, as annexed hereto, shall be given effect to in the Union of India.

For more details, please follow –

https://www.incometaxindia.gov.in/communications/notification/notification_84_2019.pdf

PRESS RELEASE

DIRECT TAX

PRESS RELEASE

Date -18th October 2019

Income Tax Department searches prominent business group in Hyderabad

Income Tax Department conducted Search & Survey action on a prominent business group having interest in infrastructure, irrigation, hydrocarbons and power sectors. More than 30 premises were covered in Hyderabad, NCR and Mumbai.

Evidence of large-scale bogus expenses, over-invoicing of purchase and sub-contract expenses have been found and seized. The group also indulged in out of books transactions and manipulation of books to suppress its taxable profits.

Evidence of illegal payments through hawala channels running into hundreds of crores have also been found and seized.

Unaccounted assets of Rs 17.4 cr have been seized.

Further investigation is in progress.

PRESS RELEASE

Date -18th October 2019

Income Tax Department conducts Search on a "wellness group" in Chennai

On 16.10.2019, the Income Tax Department conducted search action under the Income-tax Act, 1961 in the case of a conglomerate of trusts and companies that run year-round "wellness courses" and training programmes in philosophy, spirituality, etc at various sprawling residential campuses in Varadaiahpalem in AP, and also in Chennai and Bangalore. The group which was founded by a spiritual guru in the 1980s with "oneness" philosophy has also diversified into several sectors including real estate, construction, sports, etc in India and abroad. The group is presently managed and controlled by the spiritual leader who laid the foundation of the group, and his son. The courses attract residential customers from abroad and the

group earns substantial receipts in foreign exchange. There was intelligence that the group has been suppressing its receipts which are ploughed into investment in huge tracts of landed property in AP and TN and also in investments abroad. The search action which is still in progress has covered about 40 premises located in Chennai, Hyderabad, Bangalore and Varadaiahpalem.

During the search proceedings, evidence has been found that the group has been regularly suppressing its receipts at its various centres or ashrams. Evidence has been found with key employees who maintained record of cash collections that were kept outside the accounts for use in making investments elsewhere and also for paying for properties over and above documented values. It is learnt that the group also earned unaccounted income in receiving cash from property sales over and above documented values. A preliminary estimate of such unaccounted cash receipts is Rs. 409 crore from FY 2014-15 onwards. Such unaccounted cash receipts are also evidenced by huge quantities of cash and other valuables found at the residences of the founder and his son, and at one of the campuses. A total sum of cash of Rs. 43.9 crore has been found and seized by the Department at these premises.

Apart from the above, substantial sums of foreign currencies have also been found and seized. The total of such foreign exchange found at these premises is about 2.5 million USD in US currency which amounts to approximately Rs. 18 crore. Foreign exchange in other currencies has also been found and seized. Substantial quantities of undisclosed gold in the form of jewellery, about 88 kg approximately valued at over Rs. 26 crore, has also been found and seized. Undisclosed diamonds amounting to 1,271 carats valued approximately at about Rs. 5 crore were also found and seized. Total value of seizure so far is approximately Rs. 93 crore. The undisclosed income of the group detected so far is estimated at more than Rs. 500 crore. The search proceedings are still in progress.

An important finding of the search is that the group has been investing in a number of companies in India and abroad, including in tax havens. Some of these companies based in

China, USA, Singapore, UAE, etc are found to be receiving payments from foreign clients who attend the various residential “wellness” courses offered in India. The Department is investigating into diversion of income taxable in India to offshore entities by the group in this process. Further, it is found that one of the group trusts may be providing accommodation entries for other parties by receiving donations from them and then returning the money back under the garb of expenses and receiving a small percentage as fee. Instances have also been found where the group is not accounting for money received from foreign clients in cash in foreign currency and then exchanging the same in the grey market. All these leads are being pursued and investigation is in progress.

PRESS RELEASE

Date -18th October 2019

Income Tax Department conducts search on a prominent business group in Delhi

Income Tax Department conducted search operation on a group based in Delhi in connection with tax evasion and money laundering. The group is engaged in various e-governance projects and financial services. It has presence across several cities in India and also in Dubai.

The search and seizure action have led to unearthing of several incriminating evidence establishing large scale tax evasion, hawala transaction and money laundering by the said taxpayer group. The group has taken recourse to use of shell companies based in Delhi / Kolkata to route unaccounted money.

Earlier, the Department had conducted search action on entities related to Fertilizer procurement. Investigations had revealed that huge amount of commission was being collected in Dubai through shell companies of a Dubai based operator who is also an accused in a VVIP Chopper scam. A part of such commission was laundered back to India through the aforesaid Delhi based group.

Preliminary enquiries reveal the quantum of accommodation entries and hawala transactions to be more than Rs. 1000 crore.

JUDGEMENTS

INDIRECT TAX

No ITC on Inward supplies of Goods and Services given as Incentives in the form of Gifts: AAR

M/s Surfa Coats (India) is a Private Limited vs. Bangalore AAR

**Case No. KAR ADRG 28/2019
Date - 12th September 2019**

Fact of the Case

- ✓ The Applicant M/s Surfa Coats (India) is a Private Limited Company and is registered under the Goods and Services Tax Act, 2017.
- ✓ The AAR was considering the Question, Whether the applicant is eligible to claim the GST Input tax credit on the items purchased for the furtherance of business?
- ✓ The applicant states that they are into the business of manufacturing decorative paints meant for interiors as well as exterior surfaces
- ✓ The applicant frames incentive schemes, depending on the market conditions, to motivate dealers to lift their products.

Decision of the Case

- ✓ The AAR observed that, "in order to promote the business, gives incentives/ gifts to those persons who assist in the marketing of the products i.e. dealers, painters etc., in the form of goods and services.
- ✓ The said goods/services are distributed to the persons as gifts/ incentives without receiving any consideration for the same. Hence the goods and services so procured and disposed of/ distributed as incentives/ gifts are disposed without any consideration and hence do not qualify to be a supply in terms of Section 7 of the CGST Act. Further, no GST is being paid on disposal of the said gift items".
- ✓ The Authority of Advance Ruling in Karnataka has ruled that, the applicant is not eligible to avail input tax credit on the inward supplies of goods and services which are attributable to the incentives provided in the form of gifts of goods and services to the painters and

dealers and other persons under the CGST / SGST / IGST Act.

If No discrepancy in E-Way Bill or Tax Invoice the conveyance shall be allowed to move further: Gujarat HC quashes Detention Order

Insha Trading Company vs. State of Gujarat

**Case No 16901 of 2019
Date 18th October 2019**

Fact of the Case

- ✓ In the present case the petitioner is a transport operator
- ✓ The petitioner has challenged the order passed by the 3rd respondent who exercised power under section 130 of CGST Act 2017.
- ✓ The 3rd respondent confiscated the vehicle no. DL-01-GC-4470 together with goods and imposed tax , penalty and fine for confiscation of goods
- ✓ The petitioner contented that the driver of the truck was carrying invoice , E-way bill and lorry receipt while transporting from Jamnagar to Delhi
- ✓ The driver of the truck had produced the related documents but the 3rd respondent detained the truck on the ground genuineness of goods in transit.

Decision of the Case

- ✓ The division bench observed that, "The reasons for issuance of the notice for confiscation under section 130 of the CGST Act in Form GST MOV-10 are that upon preliminary verification of the dealer online, 42 e-way bills have been generated on December 2018, wherein, IGST has been shown to Rs.3,64,30,800/- and it appears that, dealers have not paid the same or that the purchases are not genuine.
- ✓ When the conveyance in question was carrying the goods which were duly accompanied by documents and no discrepancy was found in connection therewith, there was no reason for the third respondent to confiscate the same.
- ✓ The Gujarat High Court has ruled that, if upon verification of the documents and on verification of the goods, no discrepancy is found, the conveyance shall be allowed to move further.

Subscription Charge for Providing access to Online Content attracts 18% GST: AAR

M/s Informatics Publishing Limited vs. Karnataka AAR

**Case No. KAR ADRG 75/2019
Date - 24th September 2019**

Fact of the Case

- ✓ The Applicant M/s Informatics Publishing Limited is a Company and is registered under the Goods and Services Act, 2017.
- ✓ The applicant is only providing access to the articles published in various journals and papers to its subscribers. It itself is not publishing any online journal, but only maintaining a database of links to all the journals.
- ✓ . The applicant is collecting the subscription fee which is nothing but the fee charged to gain access to the data available in the database and to download the articles or information. This is an online information and database access and retrieval service provided by the applicant to its subscriber and not a sale or supply of online journals.

Decision of the Case

- ✓ The Authority was considering the question, Whether the input tax credit is available when the online educational journals and periodicals are supplied to the Educational Institutions other than to pre-school and higher secondary school or equivalent, which is exempt by virtue of Notification No.2/2018 – Central Tax (Rate) dated 25.01.2018.
- ✓ The AAR also observed that, “the transaction of the applicant is covered under the Heading 9984 Telecommunications, broadcasting and information supply services under the Group 99843 and Service Accounting Code of 998631, the description of which is “online text-based information such as online books, newspapers, periodicals,, directories and the like.
- ✓ The Authority of Advance Ruling in Karnataka has ruled that, The providing of access to the online content by the applicant to his users is covered under SAC 998431 and is liable to tax at 9% CGST and at 9% KGST.

- ✓ Since the transaction is not exempt, there is no restriction on input tax credit claims as per Section 17(1) or 17(2) of the CGST Act / SGST Act / IGST Act.

Bombay HC sets aside NAA's ruling against McDonald's Franchisee

Hardcastle Restaurants Pvt. Ltd vs. Union of India and others

**Writ Petition No. 3492 of 2018
Date - 1st October 2019**

Fact of the Case

- ✓ The Petitioner operated quick service restaurants under the brand name McDonald's in Western and Southern India.
- ✓ The Petitioner serves around 2320 types of food and beverages items from its restaurants. The Petitioner is registered under the Goods and Services Tax Act, 2017 in ten States. After the commencement of GST Act till 14 November 2017, the services rendered by the Petitioner were subjected to 18% of GST.
- ✓ A notification was issued on 14 November 2017 reducing the rate of GST to 5% with effect from 15 November 2017. As a result, the Petitioner had to charge GST at 5% on the services rendered without availing input tax credit of the taxes paid on input, input services and capital goods.
- ✓ Some customers of the Petitioner made complaints that, though the rate of GST on restaurant services was reduced from 18% to 5% with effect from 15 November 2017, the Petitioner had increased the prices of product sold, which was an act of illegal profiteering.
- ✓ The Standing Committee on Anti Profiteering examined the complaints. The Standing Committee referred the complaints to the Director-General of Safeguards. The Director General called upon the Petitioner to submit a reply to the allegations levelled in the complaints..
- ✓ The applicants did not attend nor participated any further. The Petitioner filed a reply on 5 January 2018 and denied the allegations.

Decision of the Case

- ✓ The NAA held that Section 171 of the Central GST Act was applicable since

there was a reduction in the rate of tax from 18% to 5%.

- ✓ Authority held that the Director-General had correctly considered the incremental revenue. The Authority carried out the computation and profiteering amount was derived at Rs.7.49 crores for all products where price increase was over 5.11%. The Authority directed the Petitioners to reduce the prices of its products and to deposit an amount of Rs.7.49 crores to the Consumer Welfare Fund along with 18% interest.
- ✓ The Director-General was directed to continue investigation until the Petitioners reduced the prices commensurate to the reduction in tax and to submit a report. Directions were also issued to initiate penalty proceedings.
- ✓ The company's main contention was that relevant NAA order was pronounced by four members of the authority while only three of them were there for the hearing of the case, and thus the company was not given an opportunity to present its case before the fourth signatory.
- ✓ The division bench observed that, when the three members of the Authority had heard the Petitioner and participated in the entire hearing, the collectively signed decision, when the fourth member joined only for signing the order has resulted in violation of the principles of natural justice and fairness, and is liable to be set aside.
- ✓ The division bench of the Bombay High Court has set aside National Anti-Profitteering Authority ruling against McDonald's franchisee Hardcastle Restaurants Pvt. Ltd.

Pooja Oil is Inedible Mixture taxable at 12% GST: AAR

M/S S.K Agrotech vs. Karnataka AAR

**Case No., Kar ADRG 49/2019
Date - 18th September 2019**

Fact of the Case

- ✓ The Applicant is a Partnership firm and is a wholesale dealer in edible oils, erred under the Goods and Services Act, 2017.
- ✓ The AAR was considered the question, Whether "Pooja oil" can be classified under tariff item 1518 of Schedule-1 (taxable at 5%.) or Schedule-II (taxable

at 12) of Notification No.01/2017- CT(R) dated 28.06.2017.

Decision of the Case

- ✓ The AAR observed that, "It is an admitted fact that the said product is manufactured by mixing 5 edible oils i.e. rice bran oil, coconut oil, castor oil, mahua oil and Gingely Oil, in an agreed percentage and then blended with fragrance. The process of addition of perfume to the mixture of edible oils converts the said mixture into an inedible mixture".
- ✓ Once the fragrance has been added to the mixture of several edible oils, the resultant product becomes inedible and entry at Si. No. 27 of Schedule II specifically covers inedible mixtures of vegetable oils.
- ✓ Therefore the product "pooja oil" finds a very specific entry in Schedule II. Thus it is more appropriately covered under Sl. No. 27 in Schedule II of the said Notification and accordingly taxable at 12% GST".

No Input Tax Credit on Services used Exclusively for Providing Exempted Services: AAR Tamil Nadu

M/s Royal Care Speciality Hospital Ltd. vs. Tamilnadu AAR

**Order No. 46/ARA/2019
Date 26th September 2019**

Fact of the Case

- ✓ The applicant is engaged in the health care service sector providing comprehensive patient care of International quality standards across all strata of the community
- ✓ They intend to create a sustainable health care system for the people of this region which shall be one of the most contemporary healthcare facilities with the latest infrastructure to deliver treatment as per the latest advances in modern medicine.
- ✓ They have categorized the patients as out-Patients and in-patients for administrative convenience.
- ✓ The inpatients are provided with stay facilities, medicines, consumables, surgical and implants, dietary food and other surgeries/procedures required for the treatment.

Decision of the Case

- ✓ The AAR also said that, For Input services such as housekeeping, leasing of equipment used for both exempt supply of health services to inpatients and taxable supply of medicines etc. to outpatients.
- ✓ The AAR also observed that, Supply of health care services or inpatient services by the applicant is exempted from CGST and SGST
- ✓ The Authority of Advance Ruling in Tamil Nadu has ruled that, the input tax credit (ITC) is not available on the input services used exclusively for providing exempt services of health services to inpatients such as laundry services used for inpatients.

DIRECT TAX

Assessment Notice Sent to Wrong Address of the Assessee due to Non Updating of New Address in PAN is not Bad in Law: SC

Principal Commissioner of Income Tax v M/s I-Ven Interactive Ltd

**Appeal No. 8132 of 2019
Date -18th October 2019**

Fact of the Case

- ✓ In the present case M/S M/s I-Ven Interactive Ltd is the assessee
- ✓ The assessee has changed its official address but no intimation was sent to A.O. Even the changed address is not updated in the PAN
- ✓ So despite of sending notice again and again by I.T Department to the assessee there was no response from the assessee
- ✓ In response to one of the notice , the representative of the company challenged the notice on the ground of non-receipt of the notices within the period of limitation under section 143 of The Income Tax Act 1961
- ✓ The departmental representative of Income Tax Department explained that since there was no intimation in respect to change of address from the end of assessee , so notice was sent to the assessee on the available address

Decision of the Case

- ✓ If there is change in address , the details of which is to be intimated to the A.O in form No. 18
- ✓ Under section 143(2) of Income Tax Act 1961 any notice is issued to address of auto generated system i.e from the database of the PAN
- ✓ So no question to be raised that notice is sent to assessee in wrong address
- ✓ Under such situation there is no merit of appeal of the assessee and is quashed out.

Punjab Cricket Association is engaged in a Commercial Activity: ITAT Chandigarh

**Punjab Cricket Association Vs ACIT (ITAT Chandigarh)
Case Number: ITA No. 427/CHD /2017
Date -12th September 2019**

Fact of the Case

- ✓ The assessee is a cricket association registered under the Societies Registration Act, 1860 and Section 12A of the Act
- ✓ The Commissioner of Income Tax cancelled the registration on the ground that the assessee formed with a charitable purpose was engaged in a commercial activity.
- ✓ The assessee appealed to CIT(A) against the order of A.O

Decision of the Case

- ✓ The honorable bench has concluded that it is clear from the facts and evidence that the appellant is involved in commercial activity in a systematic and regular manner
- ✓ An analysis of the Tripartite Agreement, it is clearly revealed that the assessee is systematically involved in the conduct of IPL matches.
- ✓ The BCCI in clear terms has pleaded that without the involvement of State Associations, the conduct of the IPL matches and huge revenue generation from the same is not possible.
- ✓ Hence the issue is required to be reexamined by the AO after verification of the accounts of the assessee as to ascertain which part of the club income and catering services has been generated from the members of the assessee association and which part of it is earned from the clubhouse and other facilities is

generated from the members-only and the receipt from non-members is an exception.

- ✓ The Chandigarh Bench of the Income Tax Appellate Tribunal in the case of Punjab Cricket Association v ACIT held Punjab Cricket Association to be engaged in a commercial activity.

Gujarat Cricket Association while conducting International Matches is not engaged in Commercial Activity: Gujarat High Court

**Gujarat Cricket Association vs. Director of Income Tax (Exemption)
Appeal No. 675 of 2019
Date 27th September 2019**

Fact of the Case

- ✓ In the present case Gujarat Cricket Association is the assessee which is registered under the Societies Registration Act, 1860 and Section 12AA of the 1961 Act.
- ✓ The Commissioner after duly hearing the assessee cancelled the registration of the assessee on the ground that the activities of the trust were commercial in nature.
- ✓ The ITAT, while setting aside the above and restoring the registration, has held that the action taken by the DIT does not fall within the permissible limits of Section 12AA(3).

Decision of the Case

- ✓ The Bench constituting of Justices J.B. Pardiwala and A.C. Rao held that the main and predominant object and activity of the assessee is to promote, regulate and control the game of cricket in the State of Gujarat.
- ✓ Over a period of years, this activity has been recognized by the Income Tax Department as a charitable activity and the registration under Section 12A of the Act was granted to the assessee.
- ✓ It was also held that once the certificate has been granted, it is not permissible for the AO to go behind the registration obtained by the assessee under Section 12AA of the Act.
- ✓ For the purposes of determination of whether the activity is commercial in nature, is the element of 'profit' motive which is apparently missing in the case on hand.
- ✓ The assessee is not charging any fees or revenue from the cricketer who is the

ultimate beneficiary. Thus there is no quid pro quo.

- ✓ The Ahmedabad bench of the Gujarat High Court in the case of Director of Income Tax v Gujarat Cricket Association ruling in favour of the assessee held the assessee society to be engaged in charitable activity and not in an activity of commercial nature. Further that once a certificate for registration has been granted under Section 12AA, the AO cannot go behind it.

Vodafone Idea entitled to Refund along-with Interest arising out of Return of Loss: Bombay High Court

Vodafone Idea Ltd. vs. Deputy Commissioner of Income Tax

**Writ Petition No. 2145 of 2019
Date 11th and 14th October 2019**

Fact of the Case

- ✓ Vodafone Idea Ltd. is the assessee in the present case and is engaged in the business of telecommunication services filed its return of income declaring a loss to the tune of Rs 6600.47 crores which was subsequently revised.
- ✓ The petitioner had claimed a refund of the entire amount of tax paid at source amounting to Rs 565.28 crores and Tax Collected at Source of Rs 22,31,792.
- ✓ The respondents, however, did not release the refund and reasoned that the same shall be released on completion of the assessment.
- ✓ It has been contended by the assessee that the AO did not take any steps for releasing of refund and had committed an error in the withholding of refund.

Decision of the Case

- ✓ The Bench constituting of Justices S.J. Kathawalla and Akil Kureshi held that the exercise of powers by the AO does not fulfil the requirement of Section 241A of the Act
- ✓ The Department was directed to release the refund of the petitioner arising out of the return filed and is to be done along with statutory interest within a period of 3 weeks from the date of receipt of copy of the present order.

TAX COMPLIANCE CALENDAR AT A GLANCE

GST CALENDAR

Date	Return Type
10.11.2019	GSTR-7 for the month of October 2019- to be filed by the person who is required to deduct TDS under GST
10.11.2019	GSTR-8 for the month of October 2019- to be filed by the e-commerce operators required to deduct TDS under GST
11.11.2019	GSTR-1 for the month of October 2019- Applicable for taxpayers with Annual Aggregate turnover Above Rs. 1.50 Crore or opted to file monthly Return (Rs. 1.50 Crores).
13.11.2019	GSTR-6 for the month of October 2019- to be filed by Input Service Distributor
20.11.2019	GSTR-5 & 5A for the month of October 2019- to be filed by the Non-Resident taxable person & OIDAR
20.11.2019	GSTR 3B - for the month of October 2019..
30.11.2019	GSTR 9 for the financial year 2017-18- Annual return in GST for regular taxpayers for F.Y 2017-18 to be filed (Turnover up to Rs. 2 crores -it is not compulsory)
30.11.2019	GSTR 9A for the financial year 2017-18- Annual return in GST for composite taxpayers for F.Y 2017-18 to be filed (It is not compulsory)
30.11.2019	GSTR 9C for the financial year 2017-18- GST Audit for F.Y 2017-18 to be filed whose Turnover more than Rs. 2 crores

DIRECT TAX CALENDAR - NOVEMBER, 2019

07.11.2019

- Due date for deposit of Tax deducted/collected for the month of October, 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

14.11.2019

- Due date for issue of TDS Certificate for tax deducted under section 194-IA and section 194-IB in the month of September, 2019.

15.11.2019

- Quarterly TDS certificate (in respect of tax deducted for payments other than salary) for the quarter ending September 30, 2019
- Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of October, 2019 has been paid without the production of a challan
- 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 October, 2019

30.11.2019

- Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA and section 194-IB in the month of October, 2019
- Annual return of income for the assessment year 2019-20 in the case of an assessee if he/it is required to submit a report under section 92E pertaining to international or specified domestic transaction(s)
- Audit report under section 44AB for the assessment year 2019-20 in the case of an assessee who is also required to submit a report pertaining to international or specified domestic transactions under section 92E
- Report to be furnished in Form 3CEB in respect of international transaction and specified domestic transaction
- Report in Form No. 3CEAA by a constituent entity of an international group for the accounting year 2018-19
- Country-By-Country Report in Form No. 3CEAD by a parent entity or an alternate reporting entity or any other constituent entity, resident in India, for the accounting year 2018-19
- Statement of income distribution by Venture Capital Company or venture capital fund in respect of income distributed during previous Year 2018-19 (Form No. 64)
- Statement to be furnished in Form No. 64D by Alternative Investment Fund (AIF) to Principal CIT or CIT in respect of income distributed (during previous year 2018-19) to units holders
- Due date to exercise option of safe harbour rules for international transaction by furnishing Form 3CEFA
- Due date to exercise option of safe harbour rules for specified domestic transaction by furnishing Form 3CEFB
- Due date for filing of statement of income distributed by business trust to unit holders during the financial year 2018-19. This statement is required to be filed electronically to Principal CIT or CIT in form No. 64A
- Due date for e-filing of report (in Form No. 3CEJ) by an eligible investment fund in respect of arm's length price of the remuneration paid to the fund manager.
- Application in Form 9A for exercising the option available under Explanation to section 11(1) to apply income of previous year in the next year or in future (if the assessee is required to submit return of income on November 30, 2019)
- Statement in Form no. 10 to be furnished to accumulate income for future application under section 10(21) or 11(1) (if the assessee is required to submit return of income on November 30, 2019)
- Submit copy of audit of accounts to the Secretary, Department of Scientific and Industrial Research in case company is eligible for weighted deduction under section 35(2AB) [if company has any international/specified domestic transaction]
- Statement by scientific research association, university, college or other association or Indian scientific research company as required by rules 5D, 5E and 5F (if due date of submission of return of income is November 30, 2019)
- Due date for claiming foreign tax credit, upload statement of foreign income offered for tax for the previous year 2018-19 and of foreign tax deducted or paid on such income in Form no. 67. (if due date of submission of return of income is November 30, 2019).

DIRECT TAX CALENDAR - DECEMBER, 2019

07.12.2019

- Due date for deposit of Tax deducted/collected for the month of November, 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

15.12.2019

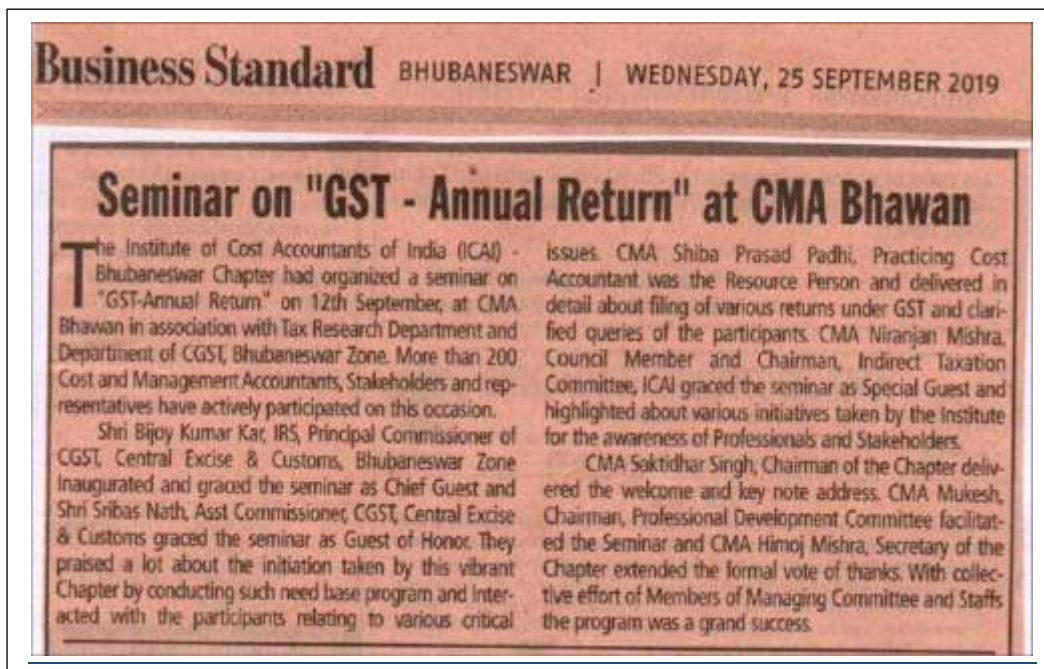
- Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of November, 2019 has been paid without the production of a challan
- Third instalment of advance tax for the assessment year 2020-21
- Due date for issue of TDS Certificate for tax deducted under section 194-IA and section 194-IB in the month of October, 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 November, 2019

30.12.2019

- Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA and section 194-IB in the month of November, 2019
- Furnishing of report in Form No. 3CEAD for a reporting accounting year (assuming reporting accounting year is January 1, 2018 to December 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.

SNAPSHOTS – OF TRD ACTIVITIES

BHUBANESWAR CHAPTER



Seminar on *GST Annual Return* in association with Department of CGST, Bhubaneswar Zone on 12.09.2019 to mark its Closing Ceremony of Golden Jubilee

Chief Guest - Shri Bijoy Kumar Kar, IRS, Principal Commissioner of CGST, Central Excise & Customs, Bhubaneswar Zone and Shri Sribas Nath, Asst Commissioner, CGST, Central Excise & Customs, Bhubaneswar Zone

CMA Niranjan Mishra, Council Member and Chairman of Indirect Taxation Committee, **CMA Shiba Prasad Padhi**-eminent GST expert, **CMA Saktidhar Singh**-Chairman of Bhubaneswar Chapter, **CMA Himoj Mishra**- Secretary of the Chapter and **CMA Mukesh Chaubey**-Chairman of PD Committee of Bhubaneswar Chapter graced the seminar



Seminar on "*Practical Aspects on GST- Audit*" on 19.09.19 to mark its Closing Ceremony of Golden Jubilee

Chief Guest - Shri Sanjeev G. Dewalwar, IRS, Commissioner of GST-Audit, Central Excise & Customs, Bhubaneswar Zone

CMA Anil Sharma, Chairman-NIRC, **CMA Saktidhar Singh**-Chairman of Bhubaneswar Chapter, **CMA Himoj Mishra**-Secretary of the Chapter and **CMA Mukesh Chaubey**-Chairman of PD Committee of Bhubaneswar Chapter graced the seminar and other dignitaries graced the seminar



Seminar on "Amendment on Direct Tax, TDS, Filing of Return and E - Assessment" in Association with Commissionerate of Income Tax, Bhubaneswar Zone on 27.09.19 to mark its Closing Ceremony of Golden Jubilee

Chief Guest - Shri Asit Kumar Mohapatra, IRS, Commissioner of Income Tax (TDS), Bhubaneswar Zone

CMA Niranjan Mishra - Chairman Indirect Taxation Committee, **CMA H Padmanabhan** - Chairman Region-Chapter Coordination Committee, **Shri Suman Sundar Sahoo**-Income Tax Officer (TDS), **CMA Niranjan Swain**-Advocate, Odisha High Court, **CMA Saktidhar Singh**-Chairman of Bhubaneswar Chapter, **CMA Himoj Mishra**-Secretary of the Chapter and **CMA Mukesh Chaubey**-Chairman of PD Committee of Bhubaneswar Chapter graced the seminar

BANGALORE CHAPTER



Seminar on "Direct and Indirect taxes" held on 20.09.19

Chief Guest - Shri Ajay Saxena, I.R.S.-Principal Commissioner of Central GST & Customs and Shri Dr. S.V.S.S. Prasad, I.R.S.-Principal Commissioner of Income Tax.

CMA Rakesh Bhalla - Chairman Direct Taxation Committee, **CMA Niranjan Mishra** - Chairman Indirect Taxation Committee, **CMA H Padmanabhan** - Chairman Region - Chapter Coordination Committee, **CMA Vishwanath Bhat** - Treasurer of SIRC and other dignitaries graced the seminar

EIRC IN ASSOCIATION WITH TAX RESEARCH DEPARTMENT



EIRC in association with TRD conducted seminar on 24.10.2019

Theme – Sabka Vishwas (Legacy Dispute Resolution) Scheme 2019 of Central Government - Scope & issues and Intricacies of GST Audit

Chief Guest - Sri Roopam Kapoor, Principal Commissioner , CGST & CX, Kolkata North Commissionerate and Shri K.G.V.N Suryateja, Joint Commissioner CGST & CX, Office of Pr.CC, Kolkata

CMA Niranjan Mishra – Chairman of Indirect Tax Committee, CMA Pallab Bhattacharya-Chairman of EIRC , CMA Nishant Singh-Chairman PD & CPD Committee of EIRC CMA Nahar Nimkar-Practicing Cost & Management Accountant and CMA Shiba Prasad Padhi- Practicing Cost & Management Accountant graced the seminar

A Handbook released on the topic “**Sabka Vishwas - Legacy Dispute Resolution Scheme 2019**”

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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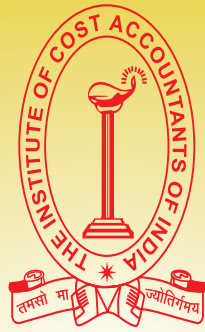
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