

All India Federation of Tax Practitioners



AIFTP TIMES

Volume 6 – No. 7 • July 2015

**FORTHCOMING
PROGRAMMES**

Date & Month	Programme	Place
11-7-2015	ITAT Bar Associations' Co-ordination Committee Meeting	Ahmedabad
11-7-2015	National Executive Committee Meeting	Ahmedabad
11, 12-7-2015	National Tax Conference (WZ)	Ahmedabad
7, 8-8-2015	Two Day Seminar on Real Estate Transactions	Mumbai

AIFTP JOURNAL SUBSCRIPTION 2015-16

Dear Members,

The AIFTP Journal is the mouthpiece of the All India Federation of Tax Practitioners and it is also a source of information for updating our subscribers with the latest developments on Direct and Indirect Taxes.

The unique feature of our Journal is that every quarter, we publish the gist of important case laws reported in more than 30 tax magazines. We publish opinions of eminent professionals, thought provoking speeches of Hon'ble Judges of Apex Court and High Courts, important articles on Direct and Indirect Taxes, articles on Wealth Management and answers by eminent professionals on various controversial issues. We are sure that in the era of information technology, our journal would definitely help you to update your knowledge on latest case laws and development of law.

Please note that AIFTP Journal subscription for the year 1st April, 2015 to 31st March, 2016 was due for payment on 1st April, 2015. Members who have not paid subscription is requested to make the payment on or before 30th July, 2015.

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JANAK VAGHANI

Treasurer

Note:

1. Payment should be made by Account Payee Cheque/Demand Draft in favour of "ALL INDIA FEDERATION OF TAX PRACTITIONERS".
2. OUTSTATION MEMBERS are requested to send payments only by either at par cheque or Demand Draft payable at Mumbai drawn in favour of "ALL INDIA FEDERATION OF TAX PRACTITIONERS".
3. An early payment of the subscription would be highly appreciated.
4. AIFTP Journal subscription form can be downloaded from our website, i.e., www.aiftponline.org.
5. Please write your name on the reverse of Cheque/D.D.

Members who have not paid the subscription for AIFTP Journal for the year 2015-16 will not receive the Journal from July 2015 onwards.

FOR ANY QUERIES MEMBERS MAY CONTACT ANY OF THE FOLLOWING OFFICE BEARERS

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TWO DAY NATIONAL TAX CONFERENCE AT AHMEDABAD

Organised by
ALL INDIA FEDERATION OF TAX PRACTITIONERS (WZ)
Jointly with
**ALL GUJARAT FEDERATION OF TAX CONSULTANTS, AHMEDABAD &
OTHER LOCAL ASSOCIATIONS**

Venue : J. B. Auditorium, Ahmedabad Management Association, Near IIM, Panjrapole, Ahmedabad
Dates : 11th & 12th July, 2015

PROGRAMME

11TH JULY, 2015 (SATURDAY)

10.00 am to 11.00 am	Inaugural Session
Inauguration by	Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India,
Guests of Honour	Hon'ble Mr. Justice V. M. Sahai, Acting Chief Justice, High Court of Gujarat Hon'ble Mr. Justice Dev Darshan Sud (Retd.), President, ITAT
11.00 am to 11.15 am	Break
11.15 am to 1.15 pm	Panel Discussion on Tax Reforms
	Chairman : Dr. Parthasarathi Shome, Chairman, Tax Administrative Reforms Commission (TARC)
	Panellists : Dr. K. Shivaram, Sr. Advocate, Mumbai & Mr. S. R. Wadhwa, Advocate, New Delhi,
	Co-ordinator and Panellist : Mr. Mukesh Patel, Advocate, Ahmedabad
01.15 pm to 2.15 pm	Lunch Break
2.15 pm to 3.45 pm	First Technical Session on Service Tax
	Chairman : Mr. Vikram Nankani, Sr. Advocate, Mumbai
	Subject : Unearthing Settled Principles – After effects of CESTAT judgments
	Speaker : Mr. Mukul Gupta, Advocate, Ghaziabad
	Subject : Reverse Charge Mechanism & Finance Act, 2015
	Speaker : Mr. Monish Bhalla, Advocate, Ahmedabad
3.45 pm to 4.00 pm	Tea Break
4.00 pm to 5.45 pm	Second Technical Session on Direct Taxes
	Chairman : Mr. K. H. Kaji, Advocate, Ahmedabad
	Subject : Taxation of Capital Gains
	Speaker : Mr. Saurabh Soparkar, Sr. Advocate, Ahmedabad
	Subject : Disallowance u/s. 14A
	Speaker : CA. H. Padamchand Khincha, Bengaluru

12TH JULY, 2015 (SUNDAY)

10.00 am to 11.30 am	Third Technical Session on Direct Taxes
	Chairman : Mr. N. M. Ranka, Sr. Advocate, Jaipur
	Subject : Revision & Reassessment
	Speaker : Mr. Ajay Vora, Sr. Advocate, New Delhi
	Subject : Assessment Proceedings and Recovery
	Speaker : CA. Ashwin C. Shah, Ahmedabad
11.30 am to 11.45 am	Break
11.45 am to 1.15 pm	Fourth Technical Session on VAT
	Chairman : Mr. P. C. Joshi, Advocate, Mumbai
	Subject : Disputed Issues of ITC under GVAT
	Speaker : Mr. Nayan A. Sheth, Advocate, Ahmedabad
	Subject : Developments under GST
	Speaker : Mrs. Nikita Badheka, Advocate, Mumbai
1.15 pm to 2.15 pm	Lunch Break

2.15 pm to 3.00 pm	Presentation on Investment Opportunities in Cambodia by Ms. Sophea Sin, Legal Advisor, BNG Legal, Cambodia
3.00 pm to 4.30 pm	Brains' Trust on Direct & Indirect Taxes Chairmen : Mr. S. K. Poddar, Advocate, Ranchi & Mr. M. L. Patodi, Advocate, Kota Trustees : Mr. Samir Divetia, Advocate, Ahmedabad Mr. Manish J. Shah, Advocate, Ahmedabad Mr. Rajul K. Patel, Advocate, Ahmedabad Mr. Paresh Dave, Advocate, Ahmedabad CA. Uchit Sheth, Ahmedabad
4.30 pm to 5.00 pm	Valedictory Session
5.00 pm	High Tea

PLACES OF VISIT

Ahmedabad Local Sight seeing: Gandhi Ashram, Akshardham, Adalaj Step Well, Kankaria Lake, Siddi Said, Hatheesingh Temple, Sardar Patel Museum, Sarkhej Roja, etc.

HOTEL ACCOMMODATIONS

Type of Hotel	Name of Hotels	Room Rates/Night
Premium	Hotel Ramada	₹ 4,000/- (Single); ₹ 4,250/- (Double)
Comfort	Hotel Ambassador	₹ 2,000/- (Single); ₹ 2,500/- (Double)
* The above rates are Subject to Tax		
	Vice President	₹ 2,000/- (Single); ₹ 2,000/- (Double)
Economy	Hotel Atithi	₹ 1,400/- (Double)
	Hotel Nilkanth Paradise	₹ 1,800/- (Double)

P.S.: Please note that, if you pay your delegates fee to "All India Federation of Tax Practitioners - Western Zone" kindly prepare cheque / DD for ₹ 2,280/- per delegate and ₹ 1,710/- per accompanying person, which includes Service Tax @ 14%.

NOTICE TO MEMBERS – AIFTP (WZ)

Notice is hereby given that the Annual General Meeting of the Members of All India Federation of Tax Practitioners (Western Zone) will be held on Thursday, the 30th July, 2015 at 215, Rewa Chambers, 31, New Marine Lines, Mumbai – 400 020 at 6.30 p.m. to the transact following business:

AGENDA

1. To read and approve the minutes of the AGM held on 31st July, 2014.
2. To receive and adopt the Annual Report of the Managing Committee (WZ) for the year 2014-15.
3. To consider and adopt the audited accounts for the year ended 31st March, 2015.
4. To appoint Auditors for the year 2015-16 and fix their honorarium.
5. To transact any other business with the permission of the Chair.

Yours faithfully,
For AIFTP (WZ)

Sd/-
(Pravin R. Shah)
Hon. Secretary

Place : Mumbai
Date : 29-6-2015

- Note. 1. Accounts for the year ended on 31-3-2015 and the report of the Managing Committee for the Western Zone can be collected from the Office of the Federation from 20th July, 2015 onwards between 11.30 a.m. and 5.00 p.m. The accounts and the report can be made available to the members through e-mail on request to the office.
2. If there is no quorum by 6.30 p.m., the meeting will be adjourned by half an hour and the members present at such adjourned meeting shall form the quorum.

TWO DAY SEMINAR ON REAL ESTATE TRANSACTIONS

ON 7TH AND 8TH AUGUST, 2015

We are pleased to announce a Two Day Seminar on “Real Estate Transactions – Legal, Taxation and Accounting Aspects”, jointly with The Chamber of Tax Consultants and The Sales Tax Practitioners’ Association of Maharashtra.

This is one of the most important and burning topics of today, in view of the complexities of such transactions and several recent amendments and court rulings. The focus of the Seminar will be to enlighten the participants about the conceptual understanding, recent developments and controversies as well as to provide solutions thereto, thereby covering various aspects of Real Estate Development. The topics have been selected keeping in mind the day-to-day needs of legal and tax professionals, apart from the needs of the consumers as well as of the industry. The faculty comprises eminent professionals, who will share their rich knowledge and experience with the participants.

Days and Dates	:	Friday 7th August, 2015 and Saturday 8th August, 2015
Time	:	9.30 am to 5.30 pm.
Venue	:	Terrace Hall, West End Hotel, New Marine Lines, Near Churchgate Station, Next to Bombay Hospital, Mumbai – 400 020

	Topics	Speakers
1.	Basic Concepts of transfer of immovable property (Under Transfer of Property Act, Easements Act, Rent Act, MOFA, etc.)	Mr. Parimal Shroff, Solicitor
2.	Concept of FSI, TDR, etc. (involving relevant provisions of BMC Act, DCR, etc.)	Eminent Faculty
3.	Legal issues in redevelopment of immovable properties, including society redevelopment.	Mr. P. A. Jani, Solicitor
4.	Drafting issues in redevelopment of immovable properties, including society redevelopment.	Mr. Pravin Veera, Solicitor
5.	Relevant provisions of Stamp Act & Indian Registration Act.	Mr. Pradeep Kapadia, Solicitor
6.	Accounting Aspects (including Accounting Standards, Guidance Note, etc.)	Eminent Faculty
7.	Issues under VAT	Mr. Vinayak Patkar, Advocate
8.	Issues under Service Tax	Mr. Bharat Raichandani, Advocate
9.	Issues under income tax from the perspective of developers/builders (including section 43 CA, ICDS, etc.)	Eminent Faculty
10.	Issues under income tax from the perspective of land owner / flat purchaser / seller (including sections 50C, 194 IA, 56 (2), 54, 54F etc.)	CA. Jagdish Punjabi

Fees:

	Enrolment up to 15th July, 2015	Enrolment after 15th July 2015
FOR MEMBERS	₹ 2,750/- + ₹ 385 (S. Tax) = ₹ 3,135/-	₹ 3,000 + ₹ 420 (S. Tax) = ₹ 3,420/-
FOR NON-MEMBERS	₹ 3,250/- + ₹ 455 (S. Tax) = ₹ 3,705/-	₹ 3,500 + ₹ 490 (S. Tax) = ₹ 3,990/-
(Fees includes tea, breakfast, lunch on both the days and course material)		

Due to the focus on in-depth discussion, the enrolment is restricted. Interested participants are requested to register at the earliest.

Note:- Cheque may be drawn in favour of “All India Federation of Tax Practitioners – Western Zone”

VOLUNTEERS FOR DIGESTING THE CASE LAWS FOR AIFTP JOURNAL

We invite our members who desire to digest the case laws for AIFTP Journal to please e-mail us at aiftp@vsnl.com.

REPORT OF THE ACTIVITIES OF SERVICE TAX & GST COMMITTEE OF 'ALL INDIA FEDERATION OF TAX PRACTITIONERS'

By Mukul Gupta, Chairman, Service Tax & GST Committee, National Vice President–North Zone

1. The Committee have made written representation having conscious issues on GST in the month of April and May 2015 to each of the Hon'ble Members of Parliament of Lok Sabha as well as Rajya Sabha to consider amendments to be made after in-depth discussions of "The Constitution (One Hundred & Twenty Second Amendment) Bill, 2014". This representation was submitted with an aim for implementation of the best possible "Goods & Services Tax" having characteristics such as "Simple, Clear and Transparent". This Committee had earlier submitted the unique and exclusive Memorandum before Hon'ble Shri Narendra Modi ji, Prime Minister of India as well as the Hon'ble Finance Minister and the Hon'ble Law Minister on the subject-Why not India adopt the best system Goods & Services Tax – Unified/Single or Ideal GST v. Dual GST- "Look Beyond the Obvious". In the light of these concerted efforts, the GST Committee of AIFTP have got a unique and wonderful opportunity by invitation dated 5th June 2015 and again a Request Letter on 17th June 2015 from Select Committee of Rajya Sabha to present a Memorandum as well as to personally hear the views on 25th June 2015 at Mumbai on various aspects of "The Constitution (One Hundred & Twenty Second Amendment) Bill, 2014".

2. As informed in the earlier National Executive Committee Meeting in Bengaluru, the Committee studied the latest Bill as well as repeatedly requested in first week of June 2015 to all the Members of AIFTP from every part of the country to send their views and issues of concern on the 122nd Constitution Amendment Bill. The National President Shri J. D. Nankani also sent an e-mail to every member of AIFTP to make an appeal for urgently sending their issues and concerns. The Committee within the time frame received valuable suggestions from various members. The Committee prepared and submitted on 18-6-2015 a detailed Memorandum before the Select Committee of the Rajya Sabha.

3. As per the desire of the Rajya Sabha Secretariat a delegation of AIFTP consisting of the following members personally represented on 25th June 2015 at Mumbai before the Rajya Sabha Select Committee and clarified various issues contained in the written Memorandum:

- i) Shri J. D. Nankani, National President
- ii) Shri P. C. Joshi, Past National President
- iii) Shri Mukul Gupta, Chairman, GST Committee
- iv) Shri Janak Vaghani, National Treasurer
- v) Shri Sujit Ghosh, Member, GST Committee
- vi) Shri Deepak Bapat, Member, GST Committee

As per the advice of our Senior Member Shri P. C. Joshi, a preparatory meeting of the Members of the delegation took place in the morning of 25th June 2015 at the Radio Club, Gateway of India, Mumbai, wherein a strategy for presentation of the issues before the Rajya Sabha Select Committee were finalised.

4. Out of the 21 Hon'ble Members of the Parliament comprising the Rajya Sabha Select Committee on GST, 17 Members were present in Mumbai. In addition to the official written Memorandum to the Rajya Sabha Secretariat, the Committee have sent the soft copy of the Memorandum which was also circulated by the Secretariat. The Committee took care in providing the printed copy of the Memorandum along with the following three documents for creating a strong presence of AIFTP to each of the Members of Parliament at their Hotel Room in Mumbai:-

- i) About the Federation.
- ii) Latest copy of AIFTP Journal.
- iii) Latest copy of AIFTP Times.

5. The Chairman of the Rajya Sabha Select Committee Hon'ble Dr. Bhupender Yadav, Member of Parliament Rajya Sabha welcomed the AIFTP delegation and asked brief introduction of the delegation as well as introduction of the Federation. The Hon'ble Chairman Dr. Bhupender Yadav, then as per the norms instructed us to keep the deliberations within the Select Committee as well as issues in the Memorandum secret till the Select Committee Report is tabled in the first week of Monsoon Session of Rajya Sabha. We will publish the Memorandum in the AIFTP Journal after the Report of the Hon'ble Select Committee is tabled in the Rajya Sabha.

6. Shri Mukul Gupta, Chairman of the GST Committee of AIFTP first introduced each of the member of delegation from AIFTP to the august gathering of 17 Members of Parliament as well as other Senior Government Officials from Ministry of Finance, Government of India as well as other senior functionaries of the Government and other Associations.

7. Shri Mukul Gupta also briefly introduced "All India Federation of Tax Practitioners" as well as the theme and contribution for professional upliftment of tax fraternity by AIFTP throughout the country.

8. Shri Mukul Gupta then one by one took various issues and suggestions including solutions already given in writing and expanded each of

them, that why it is needed to be incorporated in the “The Constitution (One Hundred & Twenty Second Amendment) Bill, 2014”. Shri P. C. Joshi and Shri Sujit Ghosh, elaborated some of the issues concerning the Constitution Amendment. The Select Committee of Rajya Sabha very patiently heard the delegation and appreciated the views incorporated in the Memorandum. The Chairman of the Rajya Sabha Select Committee Hon’ble Dr. Bhupender Yadav, Member of Parliament Rajya Sabha extended his gratitude for providing valuable inputs in the shape of the written Memorandum as well as the discussions in the meeting.

The GST Committee would like to thank every member of All India Federation of Tax Practitioners who have spared his valuable time and provided the issues of concerns and suggestions to solve them. The Chairman of the GST Committee is also feeling proud that Shri J. D. Nankani, National President and

Shri P. C. Joshi, Past President, Shri Janak Vaghani, Treasurer, Shri Sujit Ghosh, Member, GST Committee, Shri Deepak Bapat, Member, GST Committee have not only spared their valuable time by personally present before the Hon’ble Select Committee of Rajya Sabha, but also providing their valuable inputs and suggestions in finally preparing the Memorandum as well as presenting the issues in a very disciplined manner. This Committee recognises the dedicated support & presence of Shri Ravi from AIFTP Mumbai Office.

The Service Tax & GST Committee call-upon each of the member of this great Federation to pursue the cause of a well designed GST in its own way, so as to create the positive atmosphere for acceptance of the suggestions. The largest tax reform should be implemented in the shape of a well designed and efficient GST as far as nearer to ideal GST for the benefit of Indian Economy and Business.



INDIRECT TAXES

SALES TAX

D. H. Joshi, Advocate

1. DEALER VIS-À-VIS PORT TRUST

Cochin Port Trust raised a question under the Kerala General Sales Tax Act, 1959 r/w The Major Port Trust Act, 1963, whether it is a dealer *qua* its business as it is a statutory authority constituted for rendering port services. Though so argued, the AO raised demand of tax for “sale of scrap”. First Appellate Authority, Tribunal and also HC by their orders upheld that the appellant to be a “dealer” liable to tax on sale effected by it, notwithstanding that the appellant not falling within the category of a “dealer” as decided by the Apex Court in the case of *State of T.N. v. Board of Trustees of the Port Trust of Madras (1999) 4 SCC 630* decided in the context of TNGST Act and the definition of “dealer” was a “*Pari materia*” to definition of “dealer” under the KGST Act.

The question, therefore, before the SC was whether the appellant-trust was a “dealer” under the KGST Act, 1963? The SC distinguished the judgment of Madras Port Trust and also the decision of it in *CST v. Sai Publication Fund (2002) 4 SCC 57* and referred to the judgment held in the case of *Asstt. Commissioner, Ernakulam v. Hindustan Urban Infrastructure Ltd. And Ors; (2015) 57 NTN DX-51 (SC); (2015) 3 SCC 735* and held that by the Amendment Act, 22 of 2002 (TNGST Act), the legislature has specifically brought in Port Trust also within the definition of “dealer” u/s 2(g) of the Act, and, thus, the substratum of the judgment in Madras Port Trust case has been lost. Also, in the case of *Sai Publication Fund*, from the definition of dealer, it followed that a person would not be a dealer in respect of the goods sold or purchased by him unless he carried on the business of buying and selling such goods, but in the present

case, the definition of dealer u/s 2(viii) of KGST Act, was wide and specifically included persons who had effected sale or transfer of goods irrespective of the said sale or transfer being in course of business or not. Hence, the assessee Port Trust would fall within the meaning of “dealer” under the Act and was consequently assessable to tax under the Act. Accordingly, the appeal was dismissed.

Cochin Port Trust v. State of Kerala (2015) NTN (Vol. 58)-45 SC

2. INPUT TAX CREDIT

Reduction of input tax credit on sale of goods lying in stock which was purchased at 4% tax entitling the dealer to avail tax credit at 4%. Subsequent to purchase Govt. of Punjab issued Notification to the effect that input tax credit on sale of such goods lying in stock shall be reduced to 2%. Held, it was incorrect while deciding the writ petition.

Jalandhar Iron & Steel Merchants Association (Regd.) v. State of Punjab And Ors. (2015) 51 PHT 140 (P&H)

3. IMPORTANT DETERMINATION ORDER

In an determination order passed by the learned Commissioner of Excise & Taxation Punjab, under Schedule Entry B-58 determining rate of tax on “Whip Topping” being non-dairy cream sold by the querist company as an input to bakery industry whether liable to tax under Entry B-58, it was held in the negative, on the ground that “Whip Topping” was an unspecified item and did not fall in the entry so claimed. It would fall

under Entry Industrial Inputs and was thus taxable at 14.30% (including surcharge).

Rich Graviss Products (P) Ltd., Mohali v. Commissioner, Excise & Taxation, Punjab (2015) 51 PHT 200 (PB-CC)

4. LIABILITY TO TAX VIS-À-VIS ‘SALE OF CHICKS AND CHICKEN’

In the present case, arising from Kerala State, assessee-dealer was dealing in the business of poultry farms and buying one-day chicks from Tamil Nadu, reared and sold within the State of Kerala. AO imposed tax on turnover of sale of “Chicks” imported from outside the State and sold within the State i.e. Kerala. First Appellate Authority confirmed the Order of the AO. Tribunal on appeal partly allowed the appeal by holding that authorities below not justified in disallowing exemption granted under Notification No. SRO-17 No. 1727 of 1993 w.e.f. 4-11-1993 which deals with condition for eligibility. State filed the Revision Appln. before the HC. The HC in its judgment in Revision considered the objects and purpose of the Notification in question and set-aside the Order of the Tribunal. The assessee being aggrieved by the decision of the HC filed appeal before the SC. The SC following its earlier judgments, held that it was not specified that if a poultry farmer imports or effects inter-State purchases of chicks and chickens, it would be ousted from the purview of the notification and thus, not be entitled to the benefits of the Notification. Clarifying the objects and purposes of the Notification, where the language of the Notification is clear and precise and it neither reflected any ambiguity nor created confusion as to contents of the Notification, therefore, there was no need to look into the objects and purpose of the Notification which prompted State Government to frame and issue a Notification. Accordingly, the appeals were allowed and disposed of.

Selvam Broilers Pvt. Ltd. v. State of Kerala And Anr. (2015) NTN Vol. 58-62 (60)

5. SCHEDULE ENTRY

A. DVAT Act, 2005, 3rd Schedule, Entry 128 pertaining to “Handicrafts” – Rate of Tax 4% and not 12.5%. A product in order to qualify as “Handicrafts” for the purpose of application of Entry No. 128, must be made of “predominantly by hand” and it would be in consequential if some part of the process involved use of some machinery. Admittedly, such product must be one “graced with artistic visual appeal” resultant upon substantial ornamentation or some similar work adding to it elements of artistic improvement. Hence, Entry Nos. 1 to 8 of the Third Schedule governed the commodity in question, there was no question of invoking the residual category specified u/s 4(1)(e). Therefore, it was clear that the expression “handicrafts” must be construed in its plain logical sense, without any colour being added by extraneous factors. Hence, the approach of both the Commissioner and Tribunal has been erroneous, and,

to say the least, on reasoning which defied logic or substance. Accordingly, the appeal was allowed.

Ame De Verre (P) Ltd. v. Commissioner Trade & Taxes (2015) 51 PHT 148 (Del)

B. “POPCORNS” – RATE OF TAX?

In this case for the determination of the Commissioner, the assessee sought to know the correct rate of tax payable on Popcorns. According to the assessee, popcorns whether was namkeen and bhujia and would fall under Entry 123 of Schedule B of PVAT Act, 2005 ? The learned Commissioner after elaborate discussion determined that it is a unclassified item and, hence, liable to tax at 14.30% (including surcharge).

PVR Ltd., Ludhiana v. Excise & Taxation Commissioner, Punjab (2015) 51 PHT 198 (PB-CC)

6. SITUS OF SALE

“Beedi” Leaves – liability to tax – point of sale – auction – inter-State sale. Assessee having branch office in A.P with its HO in Maharashtra purchases beedi leaves from seller in an auction in A.P and subsequently made transfer to its HO outside the State in Maharashtra claiming to be an inter-State sale and, thus exempt from tax. Assessing Authority rejected the claim and held that the sale was a single point sale where assessee was the final purchaser within the State and, thus, the taxable event took place in the State. However, First Appellate Authority allowed the appeal and remanded the case to the AO. During pendency of the matter with the AO, Commissioner (Revisional Authority) issued a show cause notice to the assessee and consequently revised the Order of the First Appellate Authority by passing the Revisional Order and restored the Order of the AO. The dealer being aggrieved filed special appeal in the HC. HC by its order held that the sale qualified as an inter-State sale of goods and that the respondent herein was not exigible to tax. The State aggrieved by the judgment of the HC appealed to the SC. The SC distinguished the judgment in the case of *State of Orissa And Anr. v. K.B. Saha & Sons Industries Pvt. Ltd. And Ors. (2007) 9 SCC 97* and made reference to various other judicial decisions and held that the sale or purchase of ‘Beedi’ leaves in the present case did not occasion the movement of the goods outside the State in order to qualify as an inter-State sale u/s 3(a) of the CST Act, 1956, and, therefore, was exigible to tax under the Act. Accordingly, the appeal was allowed and the Order passed by the Revisional Authority was restored. In the text of the judgment, the Apex Court dealt with the issue on the points of (i) Inter-State Sale, (ii) Inter-branch transfer, (iii) Delivery of goods and (iv) Sale – when completed. Therefore, it is advised to read this judgment carefully to appreciate the ratio laid down by the SC.

Commissioner of Commercial Taxes, Hyderabad v. Desai Beedi Co., Andhra Pradesh (2015) NTN (Vol. 58)-53 (SC)



ANNOUNCEMENT

Concessional Subscription for www.taxmann.com

We are glad to inform you that we have worked out concessional subscription for www.taxmann.com for AIFTP members vide letter No. A-1777 dated 12-12-2013 and further email dated 21-11-2014.

www.taxmann.com will be available to AIFTP Members at Just ₹ 4,950/- per year (Otherwise priced at ₹ 8,800/-). This arrangement is for further 2 years with 10% increment in the offer price above at the end of each year. The agreement is renewable after expiry of 2 years at same for and conditions etc.

The website <http://www.taxmann.com/> – is a Complete Data Base on Direct Tax Laws since 1886, Corporate Laws since 1913, CST & VAT, Excise & Customs.

It will also provide updates on GOODS & SERVICES TAX, Reporting of nearly New 4500 cases in 2014, Reporting more cases than all other Websites & Journals put together, always updated Acts/Rules/Forms/Circulars & Notifications on ST & VAT/Service Tax/Excise & Customs, as well as Commentaries and Articles (details of features are enclosed).

MEMBERS OF AIFTP ARE REQUESTED TO TAKE BENEFIT OF OUR UNDERSTANDING WITH TAXMANN.

Advertisement Tariff for AIFTP Journal (W.e.f. 15th July, 2013)

	Particulars	Per Insertion
1.	Quarter page	₹ 1,500/-
2.	Ordinary half page	₹ 2,500/-
3.	Ordinary full page	₹ 5,000/-
4.	Third cover page	₹ 7,500/-
5.	Fourth cover page	₹ 10,000/-

There shall be Discounts on bulk advertisements.

Membership of AIFTP as on 29-6-2015 Life Members

	Associate	Individual	Association	Corporate	Total
Central	0	806	23	3	832
Eastern	3	1179	35	3	1220
Northern	0	967	17	0	984
Southern	1	939	14	7	966
Western	4	1763	33	18	1818
Total	8	5659	122	31	5820

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Associate Editor of AIFTP Times : Mr. Deepak R. Shah

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