

All India Federation of Tax Practitioners



AIFTP TIMES

Volume 7 – No. 10 • October 2016

FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
21-10-2016	National Executive Committee Meeting	Thiruvananthapuram
21, 22-10-2016	Two Day National Tax Conference	Thiruvananthapuram
5-11-2016	Full Day Seminar on Goods and Services Tax	Thane, Mumbai
11-11-2016	National Executive Committee Meeting	Pune
11, 12-11-2016	Two Day National Tax Conference	Pune
2-12-2016	National Executive Committee Meeting	New Delhi
2, 3, 4-12-2016	19th National Convention	New Delhi

REPORT ON TWO DAY NATIONAL TAX CONFERENCE 2016 HELD ON 20TH & 21ST AUGUST, 2016 AT JAMSHEDPUR

By

M. D. Kedia, *Advocate*, Chairman, Conference Committee

A Two Day National Tax Conference was held at Jamshedpur on 20th & 21st August, 2016. This Conference was organised by AIFTP (EZ) jointly with Jamshedpur Taxation Bar Association, Jamshedpur Commercial Tax Bar Association and Jamshedpur Chartered Accountant Society.

The Conference was organised at Michel John Auditorium situated in the heart of town and was full to its capacity in the presence of large number of senior authority and tax-payers invitees.

The quest for learning to achieve ethics in education and excellence in profession has prompted the organisers to organise this National Tax Conference at Jamshedpur, the Industrial Capital of Jharkhand.

The Conference was attended by legal luminaries from across the country including the States of West Bengal, Rajasthan, Gujarat, Uttar Pradesh, New Delhi, Maharashtra, Odisha, Bihar, Andhra Pradesh, Karnataka and was glamoured with the presence of Hon'ble Justice of Supreme Court, Hon'ble Judges from Jharkhand High Court, Principal Commissioner of Income Tax, Additional Solicitor General, Government of India, Advocate General Jharkhand, President, District Bar Association besides large number of National Executive Committee members, National President, Deputy President, Vice-President, Past Presidents, Shri P. C. Joshi & Shri S. K. Poddar, other senior representatives from corporate sectors, Tata Steel Ltd., TINPLATE Co. of India etc.

INAUGURAL SESSION

Hon'ble Mr. Justice R. K. Agarwal, Judge, Supreme Court of India was the Chief Guest of the session, Shri Binod Poddar, Advocate General, Jharkhand and Shri S. D. Sanjay, Additional Solicitor General, were

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

Name	Mobile	Tel. (O)	Fax	E-mail
National President – Dr. M. V. K. Moorthy, Adv.	9849004423	040-23228474	23261667	mvkmoorthy59@gmail.com
Deputy President – Smt. Prem Lata Bansal, Sr. Adv.	09811558194	011-23955703	—	plbansal49@gmail.com
Secretary General – Shri M. Srinivasa Rao, TP	09885796999	08812-238898	—	sai9malladi@yahoo.com
Treasurer – CA. S. B. Kabra	09849024732	040-23228854	23228275	ca.sbkbra@gmail.com

the Guests of Honour, Dr. M. V. K. Moorthy National President of AIFTP presided over the function. The Conference was inaugurated by the Chief Guest, Justice R. K. Agarwal, Judge, Supreme Court of India by lighting the lamp.

Shri Binod Poddar, Advocate General, Shri S. D. Sanjay, Additional Solicitor General, Dr. M. V. K. Moorthy National President, AIFTP, Shri N. P. Jain, Vice President, AIFTP, Shri R. D. Kakra, Chairman, AIFTP (EZ) and Shri M. D. Kedia, Chairman, Conference Committee also lit the lamp. After lighting the lamp melodies Saraswati Bandana was recited. Shri M. D. Kedia, Chairman, Conference Committee presented the welcome address. Shri R. D. Kakra, Chairman, AIFTP (EZ) also welcomed the dignitaries & delegates on behalf of the AIFTP (EZ).

In his inaugural address Hon'ble Chief Guest Justice R. K. Agarwal said that tax has important role for the developing country. Government requires funds for its welfare activities and people pay tax for the facilities provided by the Government, but tax should be collected in a way that affects less to poor people.

Shri Binod Poddar and Shri S. D. Sanjay Guests of the Honour also addressed the delegates. Dr. M. V. K. Moorthy, National President in his address raised the issue of delay in appointment of Judges in High Courts & Supreme Court and also stressed upon the need of such Conferences for education of Tax Practitioners. He congratulated the organisers for organising this Conference and hoped that each one participating in this seminar will be enriched with the deliberation/talks of the eminent and senior paper writers from across the country.

Shri S. K. Poddar, Past President, AIFTP introduced the chief guest.

Shri M. D. Kedia, Chairman, Conference Committee in his welcome address raised the issue of high & illegal demand raised by the Assessing Officers abusing and interpreting the judgment of Higher Courts to their convenience, due to which unrequired litigations are increasing day-by-day. There should be system of accountability in the department.

The senior tax practitioners of Jharkhand having Practice of more than 50 years were felicitated by Hon'ble Chief Guest Mr. Justice R. K. Agarwal offering a shawl and mementoes. They were advocates Shri S. K. Poddar, Shri Binod Poddar, Shri Shrawan Kumar Modi, Shri M. L. Modi, Shri Jagmohan Poddar (all from Ranchi), Shri B. P. Dalmia and Shri S. S. Choudhary from Dhanbad, Shri M. D. Kedia and Shri R. M. Agarwal from Jamshedpur.

Souvenir published to commemorate the event (Tax Conference 2016) was presented by Shri K. Tripathy, Shri Binod Saraiwala, Shri Mahesh Agarwal and Shri Ajay Agarwal and was released by Chief Guest and other guests.

The dignitaries were presented mementoes as a token of respect and remembrance. Shri M. Srinivasa Rao, Secretary General, AIFTP presented Vote of Thanks to all the dignitaries guests and delegates present and also the print & electronic media.

CA Manish Kedia was the master of ceremony.

First Technical Session (20-8-2016)

1st Technical Session on a subject "Search Seizure and Survey under Income-tax Act". The Session was Chaired by Shri S. K. Poddar, Advocate, Ranchi and paper was presented by Shri Mahendra Gargieya Advocate from Jaipur. The subject was discussed in detail & questions raised during the session were also replied by the paper writers as well as the chairman of the session. Chairman & paper writers were felicitated with the flower bouquet and the mementoes as mark of respect and remembrance. CA Vivek Choudhary was the master of ceremony of this session.

Second Technical Session (20-8-2016)

2nd Technical Session was Chaired by Shri P. C. Joshi, Advocate and Past President, AIFTP. The subjects discussed were "Legal, Taxation & Accounting Aspects in Real Estate Transactions under Income-tax Act & Service Tax" as well as on GST. Mrs. Prem Lata Bansal, Senior Advocate, Delhi & Shri Mukul Gupta, Advocate from Ghaziabad were the Speakers of the session. The subjects were deliberated in detail by

the Speakers Shri P. C. Joshi, Chairman of the Session replied to the queries raised by the delegates in respect of issues raised during the course of deliberation. Shri Ankit Agarwal & Shri Manav Kedia were the master of ceremonies of this session.

NEC meeting of AIFTP was held from 6.30 pm in Conference hall of Tata Workers Union.

Cultural Programme

Immediately after the 2nd Technical Session a cultural programme (Dance & Drama) was presented by Shri Hari Mittal the Director with his team. The programme was enjoyed by each & everyone present in the auditorium. The artist & the directors were commended and congratulated by Shri M. D. Kedia, Chairman Conference Committee.

Third Technical Session (21-8-2016)

At the 3rd Technical Session, the subjects discussed were (I) ITC under JVAT Act after recent amendments (II) Controversial issues of ITC under VAT Act (III) Problem & Remedies under Service Tax Act. This session was chaired by Hon'ble Mr. Justice D. N. Patel, Judge, Jharkhand High Court who was also the Chief Guest of this session. Shri Sumeet Gadodia, Advocate from Ranchi, Mrs. Nikita Badheka, Advocate from Mumbai and CA Arun Agarwal from Kolkata respectively presented the papers on the subjects of the session. The issues were deliberated in detail. Mr. Justice D. N. Patel, Judge, Jharkhand High Court moderated the issues raised in the session and said that all the issues raised and discussed are controversial issues and many of such cases are pending for hearing in Jharkhand High Court and replied that he cannot express any opinion at this forum. Shri Rajiv Agarwal was the master of ceremony of this session.

Fourth Technical Session (21-8-2016)

4th Technical Session was Chaired by Hon'ble Mr. Justice Ananda Sen, Judge, Jharkhand High Court who was also the chief guest of this session. Shri Narayan Jain, Advocate from Kolkata explained in detail mind the Important Amendments by Finance Act 2016 and CA. A. K. Srivastava from Delhi presented paper in respect of Income Disclosure Scheme 2016. The queries raised in course of deliberations were also replied by the speakers of session. Hon'ble Mr. Justice Ananda Sen the Chairman of the session moderated the issues deliberated and asserted that the person who is liable to pay tax should discharge his liability honestly because the social welfare scheme are implemented with the tax collected by the Government both Central & State Government. CA. Jagdish Khandelwal was the master of ceremony of this session.

Brains' Trust Session

The Brains' Trust Session was Chaired by Shri R. D. Kakra, Advocate and Chairman, AIFTP (EZ). The other Trustees were Shri S. K. Poddar, Advocate Ranchi, Shri Ganesh Purohit, Sr. Advocate, Jabalpur, CA. S. B. Kabra, Hyderabad and Shri N. P. Jain, Advocate, Kolkata and other Senior Advocates.

All the queries raised on Income Tax, VAT, Service Tax matters were aptly replied by the trustees of this session. The Chairman of this session desired that the queries, in writing should be sent to the organisers sufficiently in advance so that the queries and their replies could be printed and circulated for the benefit of the delegates.

Valedictory Session

The concluding session was Chaired by the Shri Shyam Kumar, IRS Principal Commissioner of Income Tax, Jamshedpur. The chairperson dwelt upon the importance of such Conferences which updates and enriches the participants, taxpayers and also tax administrators and helps them in better compliance of the tax laws and proper discharge of their duties. The Chairman also deliberated about the opportunity provided by the Government on Income Disclosure Scheme and explained in detail the benefits of this

Scheme to the tax payers. He requested that the taxpayers who have Undisclosed Income / Investments should avail of this scheme.

Chairman extended whole hearted thanks to the organisers for most successfully organising the Conference in all respects.

Shri M. D. Kedia, Advocate, Chairman of the Conference Committee proposed a Vote of Thanks to all concerns Tata Steel, Tata Workers Union, The Concern India Pvt. Ltd. and Shri H. C. Agarwal for delicious food arrangements and all participant members of print & electronic media for helping in organising the National Tax Conference 2016 at Jamshedpur. He specially thanked the members of Organising Committee for their hard & team work due to which the conference has been successfully concluded. Mementoes were presented to the members of the Organising Committee who have made special efforts in organising this conference by the Principal Commissioner of Income Tax Jamshedpur.

Total 372 delegates from all over India participated in the Two Day National Tax Conference, 2016.

The Conference was concluded with National Anthem.

5

ACTIVITY REPORT OF CENTRAL ZONE

By

D. C. Mali, Chairman, AIFTP (CZ)

1. Meeting of GST State Level Advisory Committee was attended by Shri P. M. Chopra and D. C. Mali on 15-9-2016 at Secretariat in the leadership of Shri Rajpal Singh Shekhawat, State Cabinet Minister. In this meeting, Principal Secretary (Finance) Shri P. S. Mehra, Deputy Secretary (Tax) Shri Praveen Gupta, Shri Alok Gupta Commissioner, Commercial Taxes Department, Government of Rajasthan, Secretary, Industries, Shri Vaibhav Gelaria I.A.S. and all the associations of the State took participation and submitted suggestions for the forthcoming GST and also submitted representation on 20-9-2016 to Hon'ble Chief Minister (Rajasthan) and Principal Secretary (Finance) for allowing Tax Practitioners to appear before GST Authority.
2. We also submitted representation to the government that before GST from 1-4-2017 introduce one liberal amnesty scheme for old demands, for declaration forms, for late fees and for hard copies & penalty. We also submit representation to extend the date of accepting old declaration forms up to 31-12-2016.
3. We also submitted representation to the Chairman, Central Board of Direct Taxes for posting of CIT (Appeals) for Central Circle Assessment at Jodhpur.
4. We also attended video conferencing meeting on 16-9-2016 for starting E-court bench in Jodhpur from 5-10-2016.
5. **We have introduced five new members in the month of September.**
6. Our members of Federation attended meeting of Income Disclosure Scheme with Chief Commissioner Shri D. D. Goyal on behalf of All India Federation of Tax Practitioners (CZ) at Jodhpur, Ujjain, Indore, Bhopal, Jaipur, Jabalpur and Udaipur.
7. **We shall organize our next seminar at M.P. and Jaipur very soon. From our zone near about 12 persons are participating in Pune Conference.**

5

REPORT OF ANAND (GUJARAT) CONFERENCE

By

Bhaskar B. Patel, Joint Secretary, AIFTP

The conference was organised by the Anand VAT (Sales Tax) Bar Association on 10th September, 2016 at Elecon Hall, G.I.D.C., Vitthal Udyog Nagar, Anand (Gujarat) jointly with All India Federation of Tax Practitioners (WZ) supported by All Gujarat Federation of Tax Consultants, the Gujarat Sales Tax Bar Association and Central Gujarat Chamber of Tax Consultants.

The President, Mr. Jayesh D. Patel and Chief Convener, Shri Kamlesh M. Patel of the Anand VAT (Sales Tax) Bar Association had welcomed to all Presidents, Secretaries and other office Bearers of joining and supporting associations, the speakers and the Chairmen of technical sessions, the delegates and invitees, etc.

Dr. M. V. K. Moorthy, the keynote Speaker and National President of AIFTP, Shri Bakul Parikh, President of AGFTC, Shri Rupesh Shah, President of GSTBA and Mr. Vipul K. Shah, President of CGCTC had welcomed all who represented regarding their activity of respective associations.

Shri Samir S. Jani, the Vice President of AIFTP (WZ) and Shri Bhaskar B. Patel, Jt. Secretary of AIFTP (WZ) and Vice President of AGFTC had also addressed the occasion.

The function was inaugurated by lighting the lamp by Mr. Rohit Patel, Chief Guest, Hon'ble Minister of Finance, Gujarat State along with the Guest of Honour Mr. Pradip Patel and Mr. Pradip Negi and dignitaries on the dais.

The Guest of Honour, Mr. Pradip Patel and Mr. Pradip Negi had given their speech and announced their whole hearted support in future to the organising association.

The Chief Guest, Hon'ble Minister of Finance Gujarat State, Mr. Rohit Patel had given his inaugural speech with the important issues of GST regime likely to be introduced in India and in the state of Gujarat particularly. He had given his thoughts regarding GST to be implemented in the State of Gujarat, he was very much positive for the taxpayer and professionals at large in Gujarat and also announced that their Government will take positive approach for the betterment of taxpayers and professionals in the state of Gujarat. The vote of thanks was proposed by Ajay N. Shah, Conference co-ordinator, Anand

In the first and second technical sessions on the subject of "GST-An Overview" the speech was given by the speaker Mr. Uchit N. Sheth, Advocate, Ahmedabad and he has clarified the proposed GST Act section wise with illustrations to understand the GST Act properly by the delegates and invitees present in the conference under the chairmanship of CA. Janak Vaghani of Mumbai. The Chairman, CA. Janak Vaghani had also drawn kind attention for the pros and cons of the proposed GST Act. The vote of thanks was proposed by Sanjay V. Patel, Secretary, CGCTC.

In the third technical session on the subject of "NRI investments and Taxation – some contemporary issues under Income tax", raised by the speaker Mr. Jigar M. Patel, Advocate, Ahmedabad and he has clarified regarding NRI investments and taxation under Indian Income-tax Act with illustrations to understand on the respective issues by the delegates and invitees present in the Conference under the chairmanship of Mr. K. H. Kaji, Advocate of Ahmedabad. The Chairman, Mr. K. H. Kaji had also clarified some of the issues and provisions of the Act for NRI investments and taxation under Indian Income-tax Act. The vote of thanks was proposed by Kaushal Vyas, Secretary, AGFTC.

Due to support of the members of Anand VAT (Sales Tax) Bar Association, AIFTP (WZ), AGFTC, GSTBA, and CGCTC we have achieved target of 460 delegates in the Conference.

□

NATIONAL TAX CONFERENCE – THIRUVANANTHAPURAM

Jointly Organised by

ALL INDIA FEDERATION OF TAX PRACTITIONERS (SOUTHERN ZONE)
&
KERALA TAX PRACTITIONERS ASSOCIATION

21st and 22nd October, 2016 at Hotel SP Grand Days, Panavila Junction, Thiruvananthapuram

ANANTHA VIJNAN **Programme**

DAY 1 – 21st OCTOBER, 2016 (FRIDAY)

- 08.30-10.00 am Registration & Fellowship
10.00-11.30 am Inaugural Session Chief Guest : Shri Thomas Isaac*, Finance Minister, Kerala
11.45-01.15 pm Technical Session – 1 International Taxation – Recent Trends
Chairman: CA. R. Krishnan, Nagercoil
Speaker : CA. P. V. S. S. Prasad, Hyderabad
02.00-03.30 pm Technical Session – 2 Role of Accounts in Income Tax
Chairman: Smt. Premlata Bansal. Sr. Advocate, New Delhi
Speaker : CA. Gururaj Acharya K., Bengaluru
03.45-05.15 pm Technical Session – 3 Recent Circulars in Income Tax
Chairman : Shri S. K. Poddar. Advocate, Ranchi
Speaker : CA. Veeramony P. M., Kochi

DAY 2 – 22nd OCTOBER, 2016 (SATURDAY)

- 09.15-10.15 am Spiritual Talk Dr. N. Gopalakrishnan
10.15-11.45 am Technical Session – 4 Goods and Service Tax
Chairman : Shri R. G. Muralidhar, National President,
ITPI, Bengaluru
Speaker : Shri K. Vaitheeswaran, Advocate, Chennai
12.00-01.30 pm Technical Session – 5 Reverse Charge of Service Tax – A Straight Analysis
Chairman : Shri M. V. J. K. Kumar, Advocate, Hyderabad
Speaker : CA. Prasanna Krishnan, Chennai
02.15-03.45 pm Technical Session – 6 Works Contract under KVAT and Service Tax
Chairman : Dr. N. Ramalingam, Professor, GIFT, Tvm.
Speaker : CA. Tony, Thrissur

*Confirmation awaited

REGISTRATION FEES

Fee for Delegates : ₹ 2,000/- (₹ 300/- Fee + ₹ 1,700/- Food and Conference Kit)

Fee for Accompanying Spouse : ₹ 1,500/- (Charges for Food)

Cheque / DD in favour of “All India Federation of Tax Practitioners” payable at Hyderabad

For details contact : CA. Subramonia Sarma N., (9847065706), aiftptvm@gmail.com

For Hotel details please log on to our website www.aiftponline.org

CONFERENCE COMMITTEE

Shri V. Nagendra Prasad, Chairman, AIFTP-SZ, (M) 9246367913 • vnprasadtax@yahoo.com

Shri D. Amarnath, Secretary, AIFTP-SZ, (M) 9440470185 • dasoju_amar@yahoo.co.in

Shri A. Retnakumar Convenor, Conference Committee,

National Joint Secretary, AIFTP-SZ, (M) 9447153745 • retna56@yahoo.com

Shri S. S. Satyanarayana, National Vice-President, AIFTP-SZ, (M) 9989924646, • sreepadass@gmail.com

Shri S. Vijayan Achari, Tax Practitioner, President, KTPA, (M) 9846255537, • vijayanacharystp@gmail.com

Shri M. Ganeshan, Tax Practitioner, General Secretary, KTPA, (M) 9447178190 • gs.ktpa2015@gmail.com

CA. H. Ramakrishnan (AIFTP) (M) 9995808196 • CA. S. Padmanabhan (AIFTP) (M) 9447964275

CA. C. Hari (AIFTP) (M) 9349329711 • Shri Subrahmanian, Tax Practitioner (KTPA) (M) 9447190866

Shri S. Rajeev, Tax Practitioner (KTPA) (M) 9447020555 • CA. R. Balagopal (AIFTP) (M) 9895051224

CA. R. Bhadrakumar (AIFTP) (M) 9447112420 • CA. S. Sundar (AIFTP) (M) 9447777256

TWO DAY NATIONAL TAX CONFERENCE AT PUNE

Organised by

ALL INDIA FEDERATION OF TAX PRACTITIONERS' (WESTERN ZONE)

Jointly with

**THE WESTERN MAHARASHTRA TAX PRACTITIONERS' ASSOCIATION AND
THE SALES TAX PRACTITIONERS' ASSOCIATION OF MAHARASHTRA**

on 11th and 12th November, 2016

at PYC (Poona Young Cricket Club), Off. Bhandarkar Road, Deccan Gymkhana, Pune – 411004.

Session Schedule : Day I

08:30 AM to 10:00 AM	:	Registration and Breakfast
10:00 AM to 01:00 PM	:	AIFTP 40th Year Function & NTC Inaugural Session
01:00 PM to 01:45 PM	:	Lunch
02:00 PM to 03:15 PM	:	1st Session : Intricacies and controversies under capital gains tax Speaker – CA. Shekhar Nanivadekar, Pune Chairman – Dr. K. Shivaram, Sr. Advocate, Mumbai
03:15 PM to 03:30 PM	:	High Tea
03:30 PM to 4.45 PM	:	2nd Session : Inspection, search & seizure, prosecution, offences & penalty under MVAT Act Speaker – Mr. Dinesh Tambde, Advocate, Mumbai Chairman – Mr. Vinayak Patkar, Advocate, Mumbai
4.45 PM to 6.00 PM	:	3rd Session : Important definitions & charging Section (excluding supply) Speaker – Mr. A. K. Batra, Advocate, Delhi Chairman – Mrs. Prem Lata Bansal, Sr. Advocate, Delhi

Session Schedule : Day II

8.30 AM to 9.30 AM	:	Breakfast
9.30 AM to 11.00 AM	:	1st Session : Supply – Definition, time & place of value of supply. Speaker – CA. Kiran Garkar, Mumbai Chairman – Mr. P. C. Joshi, Advocate, Mumbai
11.00 AM to 12.30 PM	:	2nd Session : Input Tax Credit under GST Speaker – CA. Dilip Satbhai, Pune Chairman – Mr. C. B. Thakar, Advocate, Mumbai
12.30 PM to 01.30 PM	:	Lunch
01.30 PM to 03.00 PM	:	3rd Session : Registration, Tax Invoice, Returns, Job work, Assessment Speaker – CA. Ashit Shah, Mumbai Chairperson – Mrs. Nikita Badheka, Advocate, Mumbai
03.00 PM to 04.30 PM	:	4th Session : Provisions relating to Import, Export, Transitional period and Misc. Provisions under GST Speaker – Mr. Vidhyadhar Apte, Advocate, Pune Chairman – Dr. Ashok Saraf, Sr. Advocate, Guwahati

Delegate Fees : For Members of AIFTP, STPAM, WMTPA:

₹ 3,250/- (inclusive of conference materials, breakfast, lunch, tea on both days)

For Non-members: ₹ 4,000/- (inclusive of conference materials, breakfast, lunch, tea on both days)

For Accompanying Spouse: ₹ 2,250/-

- Note: 1) Kindly issue DD/Cheque at par in favour of “All India Federation of Tax Practitioners – Western Zone”, Payable at Mumbai.
2) Separate cheque / DD may be sent to Hotel directly in case of room booking.
3) Registration forms to reach us by 31-10-2016.
4) Hotel accommodation will be on individual responsibility after 31-10-2016.

For Hotel details please log on to our website www.aiftponline.org

For details contact:

Shri Chirag S. Parekh, Chairman-AIFTP - WZ • 9821634128 • chiragnp7@gmail.com

Shri Deepak Godse, President-WMTPA • 9823043030 • advbabuji123@gmail.com

Dr. Shashank Dhond, President-STPAM • 9821094250 8 • dhondoffice@gmail.com

Dr. M. V. K. Moorthy, National President-AIFTP • 9849004423 • mvkmoorthy59@gmail.com

Shri M. Srinivasa Rao, Secretary General-AIFTP • 9885736999 • sai9malladi@yahoo.com

Shri Milind Bhonde, Chairman, Confrence Comm.-WMTPA • 9890090161 • milindbhonde@gmail.com

Shri Prakash Joglekar, Convenor, Confrence Comm.-WMTPA • 9822047015 • taxpakash@gmail.com

Shri Prashant Vora, Convenor, NRRC ommittee-STPAM • 9819938858 • prashant@rpjindia.com

Shri Narendra Sonawane, Member-In-charge, Hotel Accom.-WMTPA • 9822601617 • sonawanenarendra@ymail.com

Shri V. G. Shah, Member-In-charge, Registration-WMTPA • 9850527905 • vgs.office@yahoo.co.in

FULL DAY SEMINAR ON GOODS AND SERVICES TAX

Organised by

ALL INDIA FEDERATION OF TAX PRACTITIONERS (WZ)

Jointly with

**TAX PRACTITIONERS' ASSOCIATION, THANE,
SALES TAX PRACTITIONERS ASSOCIATION OF MAHARASHTRA, MUMBAI
BHIWANDI TAX PRACTITIONERS ASSOCIATION, BHIWANDI
AND TAX FRIENDS, MUMBAI**

With the recent constitutional amendment clearing the way for the implementation of the Goods and Services Tax (GST), it is now imperative to understand the finer details of the new law.

With a view to help the professionals, dealers and assesseees, All India Federation of Tax Practitioners (WZ) jointly with the Tax Practitioners Association – Thane, Sales Tax Practitioners Association of Maharashtra – Mumbai, Bhiwandi Tax Practitioners Association – Bhiwandi and Tax Friends - Mumbai, has arranged a full day seminar on the Goods and Services Tax on **Saturday, 5th November, 2016 from 9.00 a.m. to 5.30 p.m.** at R Nest Banquets, Opp. Satkar Grande, Wagle Estate, Thane – 400 604.

Topics	Speakers
Session I – Model GST Law • Basic Structure & important concepts • Components of Model GST law • Important definitions & concepts • Taxable event under GST • Meaning & scope of the term “Supply” and its implications • Tax treatment of intra-State & inter-state supply under GST	Smt. Nikita Badheka, Advocate
Session II – Tax Base, Threshold and Registration under GST • Tax Base and Rate of Tax • Taxes to be subsumed under GST and its implications • Indirect Taxes to continue after introduction of GST • CGST, SGST and IGST • Revenue Neutral Rate (‘RNR’) • Exemptions and Exclusions under GST • Threshold for exemptions • Composition Levy • TDS and TCS under GST regime • Concept of ‘taxable person’ • Registration related provisions of Model Law • Relevant transitional provisions	CA. Mayur Parekh
Session III – Input Tax Credit (‘ITC’) under GST • Provisions governing Input Tax credit • Coverage of & Exclusions from ITC • Restrictions under ITC mechanism • Invoice-matching under GST • Buyer’s burden under GST • Input service distributor • Documentation & records for ITC • Relevant transitional provisions of Model law	Shri Shailesh Sheth, Advocate
Session IV – Operational and procedural aspects of GST • Place of Supply of Goods & Services • Time of Supply of Goods & Services • Export & Import of Goods & Services • Registration • Tax invoice, credit notes and debit notes • Payment of tax • Accounts and records • Audit • Returns • Refunds • Relevant transitional provisions	CA. A. R. Krishnan

Who can attend

Professionals practising in field of Direct and Indirect Taxes, Trade and Industry Members, Hotels and Restaurants, service providers.

Delegate fee (including Breakfast, Lunch, Tea & Material)

₹ 1,100/- for Members (Incl. Staff), ₹ 1,250/- for Others

(Early Bird Discount of ₹ 150/- to be given for Registrations received up to 10th October, 2016)

Cheques to be drawn in favour of “Tax Practitioners’ Association, Thane”

Members are requested to take advantage of this unique opportunity and enrol early to avoid disappointment and also to encourage their clients to take advantage.

Members wishing to enrol can contact AIFTP Office at 2200 6342 / 43

NATIONAL TAX CONVENTION – 2016

Organized by
ALL INDIA FEDERATION OF TAX PRACTITIONERS (NZ)

Jointly with
SALES TAX BAR ASSOCIATION (Regd.) New Delhi

2nd to 4th December, 2016

at Indian Council of Agricultural Research, NASC Complex, PUSA, New Delhi – 110 012 (PUSA Institute)

**Theme : Fundamental Duties of a Citizen – Article 51A
of the Constitution of India A Forgotten Affair!**

PROGRAMME

Friday, 2nd December, 2016

11.00 AM to 02.00 PM	National Executive Committee Meeting	
02.00 PM to 05.00 PM	Registration & Tea	
05.00 PM to 07.00 PM	Inaugural session :	
	Inauguration by :	Hon'ble Mr. Justice T. S. Thakur, Chief Justice of India
	Chief Guests :	Hon'ble Mr. Justice A. K. Sikri, Judge, Supreme Court of India Hon'ble Mr. Justice R. K. Agrawal, Judge, Supreme Court of India
	Guest of Honour :	Mr. Praveen H. Parekh, Sr. Advocate, Ex-President, Supreme Court Bar Association
	Tribute to Hon'ble Mr. Justice S. H. Kapadia, Former Chief Justice of India	
07.00 PM to 07.30 PM	Tea	
07.30 PM to 08.30 PM	Spiritual conversation by Sister Shivani of Prajapita Brahma Kumaris with Shri Suresh Oberoi	
08.30 PM onwards	Dinner	

Saturday, 3rd December, 2016

09.00 AM to 10.00 AM	Breakfast & Registration	
10.00 AM to 11.30 AM	1st Technical Session – Income Tax “Tax Planning - Formation & Assessment of HUFs & Private Trusts”	
	Chairman :	Hon'ble Mr. Justice Vibhu Bakhru, Judge, Delhi High Court
	Co-Chairman :	Shri N. M. Ranka, Sr. Advocate, Jaipur
	Speaker :	Dr. Girish Ahuja, FCA, Delhi
	Upcoming Speaker :	Mr. Puneet Singh, Advocate, Varanasi
11.30 AM to 11.45 AM	Tea followed by Quiz	
11.45 AM to 01.15 PM	2nd Technical Session – Income Tax “Scrutiny assessment & reassessment on the basis of AIR, CTR & STR Information”	
	Chairman :	Hon'ble Mr. Justice J. K. Ranka, Judge, Rajasthan High Court
	Co-Chairman :	Dr. K. Shivaram, Sr. Advocate, Mumbai
	Speaker :	CA. H. Padamchand Khincha, Bengaluru
	Upcoming Speaker :	Mr. Rahul Agrawal, Advocate, Allahabad
01.15 PM to 02.15 PM	Lunch followed by Hasya Kavita	
02.15 PM to 03.45 PM	3rd Technical Session – Goods & Service Tax	
	Chairman :	Hon'ble Mr. Justice Rajesh Bindal, Judge, Punjab & Haryana High Court
	Co-Chairman :	Shri P. C. Joshi, Advocate, Mumbai
	Subject :	(a) Concept, Time & Value of Supply
	Speaker :	CA H. L. Madan, Delhi
	Speaker :	(b) Penalty, Offences and Prosecution Mr. Sujit Ghosh, Advocate, Delhi

03.45 PM to 04.00 PM	Tea followed by Hasya Vyang	
04.00 PM to 05.30 PM	4th Technical Session – Goods & Services Tax	
	Chairman :	Hon'ble Mr. Justice Sanjeev Khanna, Judge, Delhi High Court
	Co-Chairman :	Shri M. L. Patodi, Advocate, Kota
	Subject :	a) Transitional Provisions & Tax Credits
	Speaker :	CA. Bimal Jain, Delhi
	Subject :	b) Sectoral Impact of GST
	Speaker :	CA. Ms. Rohini Aggarwal, Delhi
05.30 PM to 06.30 PM	Tea	
06.30 PM to 08.00 PM	A family play by Sparsh Natya Rang “Pati Gaye Ree Kathiawar”	
08.00 PM onwards	Dinner	
Sunday, 4th December, 2016		
09.00 AM to 10.00 AM	Breakfast	
10.00 AM to 11.45 AM	5th Technical Session – Intricate Issues relating to Works Contracts – Under VAT & Service Tax	
	Chairman :	Hon'ble Mr. Justice S. Muralidhar, Judge, Delhi High Court
	Co-Chairman :	Shri S. K. Poddar, Advocate, Ranchi
	Speakers :	(a) Service Tax - Mr. Lakshmikumaran, Advocate, Delhi
		(b) VAT – Mr. Narendra Sharma, Advocate, Kanpur
Upcoming Speaker :	Mr. Sumit Batra, Advocate, Delhi	
	Parallel Session – International Taxation	
	Chairman :	Hon'ble Mr. Justice R. V. Easwar *, Former Judge, Delhi High Court
	Co-Chairman :	Shri S. R. Wadhwa, Advocate, Delhi
	Speaker :	Mr. Ajay Vohra, Senior Advocate, Delhi
	Upcoming Speaker :	CA Akhil Bansal, Delhi
11.45 AM to 12.00 Noon	Tea followed by Quiz	
12.00 Noon to 01.30 PM	Valedictory Session “Collegium System, a success or failure – The voice within”	
	Chief Guest :	Hon'ble Mr Justice Kailash Gambhir, Former Judge, Delhi High Court
	Chairman :	Shri J. D. Nankani, Advocate, Mumbai
	Co-Chairman :	Mr. Ganesh Purohit, Sr. Advocate, Jabalpur
	01.30 PM onwards	Lunch

* Confirmation awaited

REGISTRATION

Fee for Delegates : ₹ 3,000/- (₹ 500/- Fee + ₹ 2,500/- Food and Conference Kit)

Fee for Accompanying Spouse : ₹ 2,000/- (Charges for Food)

Cheque / DD in favour of “All India Federation of Tax Practitioners (NZ)-Convention A/c” payable at New Delhi

Details for NEFT/RTGS : Bank : Punjab & Sind Bank
Current A/c No. 06901100000505
Branch : Bikri Kar Bhawan, I P Estate, New Delhi – 110 002
IFSC Code : PSIB0000690
MICR Code : 110023076

Note: NEFT/RTGS be made under intimation to the Co-ordination Committee Member Mr. Sanjay Sharma (09810071545), (E-mail – Adv_sanjay_31@yahoo.co.in)

Hotel Tariff (inclusive of taxes)

	Hotel	Deluxe Room	Club Room
1	Jaypee Siddharth Hotel 3, Rajendra Place, New Delhi-110 008 Contact Person - Mr Amit Chandra (9818125041) e-mail : amit.chandra@jaypee-hotels.com	₹ 8,000/-	₹ 10,500/-
		Executive Room	
		Single Occupancy	Double Occupancy
2	Golden Grand W-1/10, Main Patel Road, Opp Metro Pillar No. 202-203 New Delhi – 110 008 Contact Person - Mr Raj (9811862255) e-mail : sales.goldengrand@gmail.com	₹ 4,500/-	₹ 4,800/-
		Premium Room	
		Single Occupancy	Double Occupancy
3	Regent Grand 2/6, East Patel Nagar, Opp Metro Pillar No.167, New Delhi – 110 008 Contact Person - Mr. Manohar Lal (9810902122) e-mail : info@hotelregentindia.com	₹ 4,000/-	₹ 4,500/-
		Executive / Club Room	
		Single Occupancy	Double Occupancy
4	Relax Inn 35, South Patel Nagar, Near Main Road Circle, Metro Pillar No.162, New Delhi – 110 008 Contact Person - Mr Sanju Singh (011-42604200) e-mail : info@relaxinndelhi.com	₹ 3,000/-	₹ 3,500/-
5	International Guest House at Conference Venue	Suite Room – ₹ 3,000/- Double Bed Room – ₹ 2,000/- Single Bed – ₹ 1,500/- (Twin Sharing Basis)	

(All hotels are within 3-4 kms from the conference venue except International Guest House)

Note : Rooms are subject to availability.

Dr. M. V. K.. Moorthy
National President,
Mobile : 9849004423

Prem Lata Bansal
National Dy. President
Mobile : 09811558194

M. Srinivasa Rao
Secretary General,
Mobile: 9885796999

K. L. Goyal
Chairman (NZ)
Mobile : 09872233224

Raj K. Batra
Conference Chairman
Mobile : 09810035077

CA H. L. Madan
Conference Secretary
Mobile : 09312238908

Sanjay Sharma
President STBA
Mobile : 09810071545

D. K. Gandhi
Co-ordination Committee Member
Mobile : 09810216801

A. K. Srivastava
Co-ordination Committee Member
Mobile : 09810128812

Convention Secretariat : 2nd Floor, Vyapar Bhawan, Indraprastha Estate, New Delhi – 110 002
Email : aiftpnz2016@gmail.com

Congratulations

Hearty Congratulations to the newly elected office bearers of Tax Practitioners Association, Thane for the period 2016-17.

President : Shri Chhagan Bhanushali
Vice-President : Shri Vijay Kewalramani
Hon. Joint-Secretaries : Shri Bharat Sachdev & Shri Parag Chitnis
Hon. Treasurer : Shri Kiran Savar

We wish them all the success

Congratulations to Mr. Ajay Kumar Rastogi, Member of AIFTP and Member ITATBA 2016-17 for appointing as Additional Advocate General, Patna High Court, Patna by Govt. of Bihar.

We wish him all the success.

DIRECT TAXES

Ms. Neelam Jadhav, *Advocate*, KSA Legal Chambers

TRIBUNAL

1. 2(14)(iii) : Capital Assets – Sale of Agricultural Land – Exempt from tax – even if purpose of the buyer is non-agricultural

The assessee sold a land which was claimed as agricultural land and claimed exempt from capital gain tax. The AO did not accept it and denied the benefit of exemption and treated the same land as non-agricultural land and held the same to be liable for capital gain tax mainly on the ground that the land was not used for agricultural purpose by the assessee during the last 2 years and that the purchaser of land had got permission to convert the said land for industrial purposes before the sale of land by the assessee. The CIT(A) considered the submissions and evidences in detail and held that the claim of the assessee is in accordance with law and thus he deleted the addition made by the AO. The Revenue filed an appeal before ITAT.

The ITAT observed that, distance of the land was much beyond 8 kms from both the municipal limits. Further it establishing that originally the agricultural land belonged to the forefathers of spouse of the assessee. The said land was given for cultivation to various persons from time-to-time. Therefore Hon'ble ITAT held that merely because the purchaser was a non-agriculturist or she had intention of its non-agricultural use, then the land would not lose its character as agricultural land at the time of sale. The allegation of the AO is the purchaser obtained permission to convert the land for industrial purpose. It is not disputed that for the assessee it was agricultural land; therefore, what use the purchaser would be making of the land cannot be in the control of the assessee. Therefore the said sale of land is capital assets as available for claim of exemption.

ITO v. Damayanti Chunilal Gada, ITA No. 289/Mum/2015, dt. 24-8-2016, source: www.itat.nic.

2. S. 12A : If Trust is not registered u/s. 12A – Corpus donation will not be taxable as capital receipts

The assessee is a religious charitable trust registered under Bombay Public Trust Act, 1950 engaged in providing stay facilities to sadhus and sadhvis, and pooja facilities to Swetamber Jains. During the year the assessee has received a corpus donation. The A.O. observed that the assessee has not submitted copy of registration u/s. 12AA or u/s. 10(23C), therefore, the trust was assessed as AOP and also taxed at marginal maximum rate

u/s. 167B(1) of the Act. As per the provisions of section 11(1)(d) income in the form of voluntary contributions made with a specific direction that shall form part of the corpus of the trust shall not be included in the total income of the trust in receipt of the income.

The ITAT held that the assessee could not produce registration u/ss. 12A/12AA, hence it could be presumed that the assessee is not registered u/ ss. 12A/12AA as the onus was on the assessee to bring on record the evidences to prove it. When the donors gives specific donations to be utilised for specific purposes cannot be diverted for any other purposes and the same are credited to the respective funds in the Balance Sheet, and utilisation of funds is also reflected from these specific funds. Therefore, corpus donations are held to be capital receipts being capital in nature and are not taxable despite the fact that trust is not registered u/s. 12A/12AA of the Act.

Chandraprabhu Jain v. ACIT, ITA No. 230/Mum./2016 dt. 12-8-2016, (Mum) (Trib.) Source : www.itat.nic

3. S. 80IA & 80IB : New undertaking established by way of expansion is located adjacent to the existing undertaking would not render the new undertaking ineligible for the claim of deduction u/s. 80-IA/80IB

The assessee company is engaged in the business of manufacture and trading of bulk drugs as well as pharmaceutical formulations comprising of oral liquids, tablets and capsules. Its manufacturing facilities located at different places. The controversy is that confined to manufacturing activities carried out in the two units located at Daman Unit-1 and Unit-2. Unit-1 is in operation since A.Y. 1995-96 and has been claiming exemption u/s. 80IA. Unit-2 is stated to have been set-up in the previous year relevant to the A.Y. 1999-2000 and, therefore, the claim for exemption u/s.80IA and 80IB has come up. The claim of exemption for Unit-2 is sought to be defeated by the Revenue on the ground that it was merely an extension of Daman Unit. The assessee establishes that the products being manufactured in Unit-2 are different from those being manufactured in Unit-1, although the common genre of the product is in the pharmaceutical line of business in Unit-1, the assessee is undertaking manufacture of oral liquids only, whereas in Unit-2 assessee company is undertaking manufacture of tablets and capsules as also some oral liquids and Blactum antibiotics. The new unit to manufacture

an entirely different item from what was being manufactured by the old Unit - 1 in order to claim exemption u/s.80IA and 80IB. That new unit were set-up for the purpose of producing the same item which was being produced in the old units.

The Hon'ble ITAT observed that Industrial unit set up must be new in the sense that new plant and machinery should be installed for producing either the same commodity or some new commodity. it is clear that the Unit-2 has been set-up on a later date and it is located on a separate piece of land. The objections of the Revenue, do not distract the fact that Unit-2 is a physically separate industrial unit. Unit-2 was separate unit having its own plant and machinery, manufacturing of products, independent funds, and separate labour force, it cannot be considered as a mere part of the Unit-1 so as to defeat its claim of deduction u/s. 80IA/80IB of the Act. Therefore, it was held that the new undertaking so established by way of expansion is located adjacent to the existing undertaking would not render the new undertaking ineligible for the claim of deduction u/s. 80 / IA/80IB.

Medley Pharmaceuticals Ltd. v. DCIT, ITA No. 1384/MUM/2009, dt.29/06/2016, (Mum)(Trib.) Source: www.itat.nic.

4. S. 80P : Deduction in respect income of Co-op Society – interest received / derived on deposits with coop. banks.

The assessee is a Co-operative Society and during the year it earned interest on deposits with Co-operative Banks and therefore same was claimed as exempt u/s. 80(P)(2)(d). The AO allowed the said deduction however the CIT(A) enhanced the income of the assessee by rejecting the deduction u/s. 80P(2)(d) being interest on investment with other Co-op banks.

The issue before ITAT was whether Co-op. Society which has derived income on investments with co-operative bank is entitled to deduction u/s. 80P(2)(d). The ITAT held that provisions of Section 80P(2)(d) provides deduction in respect of income by way of interest or dividend on investments made with other Cooperative society. If the Co-operative Society received the same and such income is included in the gross total income of the such co-op. society then the assessee is entitled to the claim of deduction in respect of interest received/ derived on deposits with Co-op. Banks. (A.Y. 2009-10)

Lands Ends Co-operative Housing Society Ltd. v. ITO, ITA No. 3566/Mum/2014 dt. 15-1-2016, Source : www.itat.nic

□

Subscription Rates w.e.f. 1-4-2014

1. Life Membership of the AIFTP					₹ 2,500/-*
ID Card Fees					₹ 100/-*
Subscription of AIFTP Journal (for 1 year)					₹ 800/-
Subscription of AIFTP Journal (for 3 years)					₹ 2,100/-
2. For Non-Members					
Subscription of AIFTP Journal (for 1 year)					₹ 1,000/-
Subscription of AIFTP Journal (for 3 years)					₹ 3,000/-
Single copy of the AIFTP Journal					₹ 80/-
3. Corporate Membership					
Nature of fees	Type I (5 Yrs.)	Type II (10 Yrs.)	Type III (15 Yrs.)	Type IV (20 Yrs.)	
Admission	500/-*	500/-*	500/-*	500/-*	
Subscription	5,000/-	7,500/-	11,500/-	15,000/-	
Total	5,500/-	8,000/-	12,000/-	15,500/-	

Note: Members may download the membership form from the website of AIFTP, i.e., www.aiftponline.org

* 15% Service Tax as applicable.

INDIRECT TAXES

CA. Janak Vaghani

1. Rate of Tax – “Ujala Supreme” and “Ujala Stiff And Shine” – Liquid Whitener and Stiffener Respectively

Both products are covered by same HSN and are included in List A to the Third Schedule, of The Kerala VAT Act, whether, manufactured or not irrelevant as long as it remained in same HSN.

(Source: M/s. M. P. Agencies v. State of Kerala, Civil Appeal Nos. 4610-4616, 4815-4818 of 2012, dated March 18, 2015, (2016) 67 STA 7 (SC)).

2. Disallowance of Input Tax Credit – For Showing Lessor Amount in Sales By Seller – Not Justified – To Be Allowed After Cross Examination

The failure of seller to file correct returns reflecting the exact amount of sales made by them to petitioner cannot, *per se*, be a ground to deny Input Tax Credit. The claim may be allowed after cross examination of petitioner and vendors with grant of opportunity to the petitioner to vindicate his stand.

(Source: Ranjit Gantait v. STO, Case No. 148 of 2015, dated June 30, 2015), (2016) 67 STA 62 (WBTT)).

3. Enhancement of Turnover – Based on Inflated Figures of Sales, Purchases and Stock Submitted to Bank – Not Justified

The assessment is required to be made on the basis of the documents as listed in section 63 of The West Bengal Value Added Tax Act, 2003 and to verify the statement made before the bank authorities reflects the actual sales / purchase by examination of the documents as required under the Act and Rules. Enhancement of turnover merely on noticing difference enhancement of turnover based on statement of sales, purchases, stocks given to bank for obtaining higher credit facility not justified.

(Source: M/s. Mohammed Azher & Co. & Ors v. D. C. S. T. & Ors., Case No. RN – 51 & 2013, dated July, 23, 2015. (2016) 67 STA 173, (WBTT)).

4. Works Contract – Total Turnover – Does Not Include Turnover of Sub-Contract

The value of the work entrusted to the sub-contractors or payments made to them shall not be taken into consideration while computing total turnover for the purposes of Section 6-B of the Karnataka Sales Tax Act.

(Source: M/s. Larsen & Toubro Limited v. Additional Deputy Commissioner of Commercial Taxes & Anrs., Civil Appeal Nos. 2956 of 2007, 2318 of 2013 and 7241 of 2016, dated September 5, 2016 (SC)).

5. Classification of Goods – Bitumen Emulsifier – Is Bitumen – Taxable at 4%

The Bitumen Emulsifier is Bitumen within the meaning of the Entry 22 of Part A of Schedule II of the UP VAT Act and taxable at 4%.

(Source: Commissioner of Commercial Taxes v. M/s. A. R. Thermosets (Pvt.) Ltd., Civil Appeal No. 2650 of 2016, dated September 6, 2016, (SC)).

☐

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 28-9-2016 Life Members

	Associate	Individual	Association	Corporate	Total
Central	0	879	23	3	905
Eastern	3	1296	36	3	1338
Northern	0	1028	17	0	1045
Southern	1	1091	19	8	1119
Western	4	1838	37	18	1878
Total	8	6113	132	32	6285

IMPORTANT CASE LAWS IN SERVICE TAX, CENTRAL EXCISE

S. S. Satyanarayana, Tax Practitioner, Hyderabad.

Central Excise : Assessee was engaged in manufacture of tractor parts liable to Central Excise Duty. It claimed exemption from payment of duty under Notification No. 50/2003-CE, dated 10-6-2003 stating that there had been a substantial expansion of installed capacity by more than 25 per cent. Adjudicating Authority denied exemption on grounds that (i) replacement of hydraulic press by assessee with another machinery could not be considered as expansion of installed capacity, and (ii) assessee could not establish fact of substantial expansion of more than 25 per cent. Held : Expansion of installed capacity could happen either by adding or by part or full replacement of existing machinery. [*HIM Engineers India (P) Ltd. v. CCE, Chandigarh* - [2016] 69 *taxmann.com* 397 (New Delhi - CESTAT)]

Customs : Pending dispute as to valuation, assessee furnished bank guarantee on High Court's direction. High Court held in favour of revenue and revenue encashed bank guarantee. Supreme Court reversed High Court judgment and thereupon, assessee applied for refund of 'encashed bank guarantee'. Department denied refund on ground of unjust enrichment holding that assessee did not furnish documents to show that amount was shown as 'receivables'. Assessee argued that unjust enrichment is not applicable to refund of encashed bank guarantee, as encashment of bank guarantee is not 'payment of duty'. Held : Recovery by way of encashment of bank guarantee on High Court deciding in favour of revenue, amounts to 'payment of duty'. Hence, refund thereof on Supreme Court holding in favour of assessee would be subject to doctrine of unjust enrichment under Section 27 of the Customs Act, 1962. Assessee was granted liberty to furnish documents to show that there was no unjust enrichment to become eligible for refund. [*Ruchi Soya Industries Ltd. v. Union of India* - [2016] 70 *taxmann.com* 39 (Gujarat)]

Central Excise : Assessee did not pay duty on intermediate goods used for manufacturing 'exempted PAA'. Department invoked extended period in the year 1991 for period 1-3-1986 to 31-12-1989 on ground that, in classification list, details of PAA was not disclosed and wrong Notification number was mentioned Held : Mere mention of wrong Notification number cannot lead to 'suppression' or 'misstatement' and when all other facts were within the knowledge of the Department, extended period cannot be invoked. [*DCM Shriram Industries Ltd. v. Union of India*] - [2016] 70 *taxmann.com* 150 (Delhi)]

CENVAT Credit : Assessee was engaged in repair and reconditioning of used cylinders for oil companies. Department demanded service tax but assessee denied taxability. The Commissioner (Appeals) upheld the demand, but, denied claim of credit on inputs on the ground that 'plea of CENVAT credit' was made for the first time before him. Held : If service tax demand is upheld by the Commissioner (Appeals), then, assessee's plea to permit CENVAT credit raised for the first time before Commissioner (Appeals) is to be allowed. Hence, credit is allowed subject to verification. [*Universal*

Cylinders Ltd. v. CCE, Jaipur-I] - [2016] 70 *taxmann.com* 304 (New Delhi - CESTAT)]

Service Tax : The assessee has various units established in the country. One of its units is situated in the Special Economic Zone. This Special Economic Zone unit had carried out project management activities including planning and controls, technical support, supply chain management, contracts management, engineering and design and back operations for finance and accounts and human resources functions and such services were availed by units of assessee situated in Domestic Tariff area. These were in the nature of business support services and were taxable services under the Finance Act, 1994. The adjudicating authority therefore, issued a show cause notice why service tax on such services provided by the assessee should not be levied with penalty and interest. The assessee opposed such proposal mainly on the ground that one unit of a company cannot provide service to another unit since for providing taxable service, it is necessary that there should be two separate entities. The adjudicating authority however, was of the opinion that the SEZ and DTA units of the assessee company were separate and distinct units. Held: Principle of mutuality does not apply for the services provided by the SEZ unit to the DTA unit of the same assessee since as per the scheme both the units are distinct and separate. However no service tax could be levied since the SEZ unit of respondent assessee had not charged for the services provided to its DTA unit. Department's appeal dismissed. [*CCE v. Larsen and Toubro Ltd.* - 2016 (7) TMI 307 - Gujarat High Court]

Service Tax : The appellants are engaged in providing the services of re-treading of old tyres which fall under the category of 'Maintenance & repair services'. Though the appellant took registration in 2007, they did not discharge their service tax liability or filed ST-3 returns. The Department issued summons to the appellant to furnish details on 2-8-2008 and statement of the person-in-charge of appellant company was recorded on 15-9-2008. Though Department had full knowledge of activities of the appellants show cause notice dated 14-10-2010 was issued after lapse of more than 2 years raising a demand for the period from 1-4-2007 to 31-3-2010. After due process of law, the original authority confirmed the demand, interest and imposed penalties. Being aggrieved the appellant filed appeal. The Commissioner (Appeals) *vide* the impugned order upheld the same. Hence the present appeal. Held : The Show Cause Notice issued beyond the period of one year from the date of acquiring knowledge is barred by limitation. As there is no allegation in the SCN that appellant caused delay in furnishing information or did not co-operate with the investigation/inquiry. The findings of the Commissioner (Appeals) that the details furnished was insufficient to compute liability is based on mere assumptions. Demand set aside [*Marva Treads v. CCE, Visakhapatnam* - 2016 (7) TMI 658 - CESTAT Hyderabad].

☐

Publications for sale

Sr. No.	Name of Publication	Rates (₹)			
		Edition	Members	Non-Members	Courier Charges
1.	Basic questions and answers on FEMA, Non-Resident Taxation, LLP, Allied Laws & Report of Foreign Bank and Financial Accounts	Dec., 2014	200.00	225.00	60.00
2.	“212 Frequently Asked Questions on Survey – Direct Taxes”	Dec., 2015	240.00	270.00	60.00

- Notes:
1. The above publications are available for sale; those who desire to buy may contact the office of the Federation.
 2. Local/Outstation members not collecting from office are requested to add courier charges, as mentioned above.
 3. Please draw Cheque/Draft in favour of “All India Federation of Tax Practitioners” payable at Mumbai.

DISCLAIMER

The opinions and views expressed in this Times are those of the contributors. The Federation does not necessarily concur with the opinions/views expressed in this journal.

Non-receipt of the Times must be notified within one month from the date of publication, which is 4th of every month.

No part of this Times may be reproduced or transmitted in any form or by any means without the permission in writing from All India Federation of Tax Practitioners.

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

Printed by Kotecha Mitesh Ashwin Published by Kotecha Mitesh Ashwin on behalf of All India Federation of Tax Practitioners (name of owner) and Printed at Finesse Graphics & Prints Pvt. Ltd., 309, Parvati Industrial Premises, Sun Mill Compound, Lower Parel, Mumbai – 400 013. (name of the printing press with address) and published at All India Federation of Tax Practitioners, 215 Rewa Chambers, 31, New Marine Lines, Mumbai – 400 020 (full address of the place of publication). Editor: Vanjara Kishor Dwarkadas.

To

**Posted at Mumbai Patrika Channel Sorting Office
Mumbai – 400 001.**

Date of Publishing : 1st of every month.

Date of Posting : 3rd & 4th October, 2016

If undelivered, please return to :



ALL INDIA FEDERATION OF TAX PRACTITIONERS

215, Rewa Chambers, 31, New Marine Lines, Mumbai 400 020. • Tel.: 22006342
Telefax: 22006343 • E-mail: aiftp@vsnl.com • Website: www.aiftponline.org