

## All India Federation of Tax Practitioners



# AIFTP TIMES

Volume 8 – No. 2 • February 2017

## FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
18-2-2017, 4, 17, 18, 24-3-2017	Workshop on GST, MVAT & Service Tax	Mumbai
25-2-2017	National Executive Committee Meeting	Chandigarh
25, 26-2-2017	Two National Tax Conference	Chandigarh

## REPORT OF 19TH NATIONAL TAX CONVENTION, 2016

held from 2nd to 4th December, 2016 at New Delhi  
By Sanjay Sharma, *Advocate*, Secretary General (Designate)

The Northern Zone of All India Federation Tax Practitioners organised a National Tax Convention – 2016 at Indian Council of Agriculture Research, NASC Complex – PUSA, New Delhi from 2nd to 4th December, 2016. This Convention was jointly organised with Sales Tax Bar Association (Regd.), New Delhi. The venue chosen was unique and famous PUSA Institute with lush green surrounding. The theme of the Convention was Fundamental Duties of a Citizen: Article 51A of the Constitution of India – A Forgotten Affair! The theme was chosen keeping in view the current trend of our Society in which every person is concerned about Fundamental Rights but does not care about the duties casted upon him under the Constitution. Hon'ble Mr. Justice T. S. Thakur, Chief Justice of India was supposed to inaugurate but at last moment he could not make up due to personal exigency and Convention was inaugurated by Hon'ble Mr. Justice A. K. Sikri, Judge Supreme Court of India and Hon'ble Mr. Justice R. K. Agarwal, Judge, Supreme Court of India as Guest of Honour. Shri P. H. Parekh, Past President, Supreme Court Bar Association and a Padmashree awardee was the Special Guest on the occasion. Convention started with the welcome of Guests on the dais with a soothing Shehnai Vadan. The lighting of the Ceremonial lamp was done by the Hon'ble Guests in the sound of melodious Saraswati Vandana and Bhajans by Prof. S. K. Ojha from Gandharva Mahavidhyalay. Convention was inaugurated and addressed by Justice Sikri who remembered his association with the Federation and expressed his faith in the Federation while delivering the lecture on the Theme. Justice Sikri stressed upon the moral obligations of all citizens to help promote spirit of integrity, to uphold the unity of India and respect its ideals and institutions. Justice R. K. Agarwal addressed the gathering with a special thrust on Fundamental Duties enshrined in the Constitution. A Tribute was paid to Hon'ble Mr. Justice S. H. Kapadia Former Chief Justice of India. On this occasion the latest publication of the Federation namely Interpretation of Taxing Statutes – Frequently Asked Questions was released by the Hon'ble Guests Shri K. L. Goyal Sr. Advocate and Chairman North Zone presented a welcome address. Mr. Sanjay Sharma, President Sales Tax Bar Association (Regd.) also welcomed the dignitaries on the dais and off the dais and delegates from all over the country, Members of STBA, DTBA and Officers from the Delhi VAT Department, in his address. He spoke about the functioning of both STBA and AIFTP, conference partners, as he stood in the dual capacity, representing both organisations. Smt. Prem Lata Bansal, Sr. Advocate, Deputy President AIFTP and incoming President – 2017 gave a sparkling address. Dr. M. V. K. Moorthy, Advocate and National President AIFTP delivered his Presidential address. He congratulated the organisers for organising this Conference and hoped that each one participating in this Conference will be enriched with the deliberations of senior speakers from across the country.

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

Name	Mobile	Tel. (O)	Fax	E-mail
National President – Smt. Premlata Bansal, Sr. Adv.	9811558194	011-23955703	–	plbansal49@gmail.com
Deputy President – Shri Ganesh Purohit, Sr. Adv.	9425154914	0761-2660402	4003074	purohitganesh@gmail.com
Secretary General – Shri Sanjay Sharma, Adv.	9810071545	011-45539955	45539955	adv_sanjay_31@yahoo.co.in
Treasurer – Shri Vipul B. Joshi, Adv.	9820045569	022-66333736	22080951	vipulbjoshi@gmail.com

On this momentous occasion a befitting Souvenir containing articles from prominent professionals had been published, which was released by the Chief Guest and other Guests. For the very first time the Souvenir contained the blessings and messages from Hierarchy in India i.e. His Excellency President of India, Vice President of India, Prime Minister of India, Chief Justice of India, Union Finance Minister, Judges from the Supreme Court of India, Chief Justice Delhi High Court, Chief Minister of Delhi, Judges from Delhi and various High Courts of the country, Members DVAT Appellate Tribunal, Commissioner DVAT.

Latest Edition of a book on Direct Taxes authored by Mr. Narayan Jain, National Vice President (EZ) was released by the Hon'ble Judges and other dignitaries.

In the inaugural session the presence of Hon'ble Ms. Justice Dr. Anita Sumanth, Judge Madras High Court on the dais made it more gracious. Her recent elevation to the bench in October, 2016 was another feather in the cap of AIFTP family and made everyone feel proud. She was presented with a shawl by the Chief Guest Justice A. K. Sikri.

The occasion was aptly chosen to honour Shri P. S. Sarin, Advocate, Senior Member AIFTP, Patron of Conference and lovingly called Bhishma Pitamah. He was presented a memento by the Chief Guest, for his lifetime of hard work and contribution to the legal Profession.

Shri S. K. Bagga, Member AIFTP and sitting MLA in Delhi Assembly was also honoured with a shawl. The Senior most member of AIFTP Shri K. H. Kazi, Past Advocate General of Gujarat could not make it at last moment due to his ill health. Shri Samir Jani, Advocate was offered a shawl by the Guests on his behalf.

For sending a large contingent of 124 delegates team from the Delhi VAT Department to attend this Conference, the Commissioner, VAT H. Rajesh Prasad, IAS was presented a splendid memento of Lord Ganesha and in his absence the same was received by Spl. Commissioner, VAT.

Awards instituted by many organisations such as Ranka Public Charitable Trust and memorial awards were given by the Chief Guest to the person(s) of excellence during the year.

Mr. Sandeep Goyal, Advocate, presented a short paper on a Tribute to Hon'ble Mr. Justice S. H. Kapadia, Former CJI prepared by Dr. K. Shivaram, Sr. Advocate.

The dignitaries were presented memento of Lord Shiva, built in 24 carat gold ornamental as a token of respect and remembrance.

The session concluded with the vote of thanks by Shri Raj K. Batra, Advocate, the Conference Chairman. The master of ceremonies for the inaugural session was Mrs. Anchal Goyal, Advocate from Chandigarh, who conducted it superbly.

Every person in the hall rose to the National anthem played distinguishably live on Violin, Synthesizer and Accordion.

The inaugural session was followed by a distinct session of Spiritual Talk by Sister Shivani of Prajapita Brahma Kumaris. The session was conducted by Mr. Nasir Aziz, Advocate and was well attended as the key issue "How to Control Anger" was the topic of this spiritual talk. The questions raised by audience were answered by Sister to their satisfaction.

The evening concluded with a lavish dinner with light live music in the background at venue lawns which was soberly lit and around the water ponds decorated with petals and flowers.

**Day 2** started with *1st Technical Session* on the new Central legislation likely to see the light of the day i.e. Goods and Services Tax. The subject was aptly chosen as "Concept, Time, Value of Supply And Penalty, Offences and Prosecution under Revised Model GST Law." The session was chaired by Hon'ble Mr. Justice Rajesh Bindal, Judge P & H High Court. Everyones favourite Shri P. C. Joshi, Advocate Mumbai and Past President AIFTP was the Co-Chairman of the session. Two speakers CA H. L. Madan, Delhi and Mr. Sujit Ghosh, Advocate, Delhi presented their papers. Young lawyer Anuj Bansal was the Moderator of the session.

*2nd Technical Session* was on the hot topic of "Income Tax Scrutiny Assessment and Reassessment on basis of AIR, CTR & STR information". Hon'ble Mr. Justice J. K. Ranka, Judge Rajasthan High Court, a popular figure in AIFTP functions was the Chairman of the session. Dr. K. Shivaram, Sr. Advocate, Mumbai and Past President AIFTP was the Co-Chairman. Mr. Salil Aggarwal, Advocate Delhi was the key speaker, who deliberated on the subject in detail, citing case laws and giving examples. The queries raised by the delegates during the course of deliberation was replied promptly. Young advocate, Mr. Kapil Sharma from Delhi was the master of ceremony of the session.

A sumptuous lunch was arranged and it was followed by Hasya Kavita by famous poet Mr. Deepak Gupta of India fame. This Hasya Vyang was also conducted during Tea breaks, so as to entertain the delegates and to make them gather soon for the next Technical Session.

*3rd Technical Session* after lunch was on Income Tax and topic was Tax Planning – Formation & Assessment of HUFs & Private Trusts. Hon'ble Mr. Justice Vibhu Bakhru, Judge, Delhi High Court was the Chairman of the session and Shri N. M. Ranka, Sr. Advocate, Jaipur and Past President AIFTP was the Co-Chairman. The topic was introduced by young CA Puneet Singh from Varanasi. But the main attraction and crowd puller in the session was the Keynote speaker Dr. Girish Ahuja, FCA, Delhi. Dr. Ahuja who in his impeccable style of speech kept the audience actively involved during deliberations and replied to the intriguing queries in apt manner. As usual all the delegates present in the Hall got mesmerised and demanded Dr. Ahuja to speak on the burning issue of 'Demonetisation' too. The voice of the delegates was accepted and with permission of the Hon'ble Judge sitting in the first row and waiting for chairing the next technical session, the 3rd Technical Session was extended with Dr. Girish Ahuja addressing on the issue of Demonetisation. A standing ovation was given to the Keynote speaker. The master of ceremony of this session was Mr. Ruchir Bhatia, Advocate, Delhi.

*4th Technical Session* was again on upcoming legislation Goods and Services Tax. There were two subjects "Transitional Provisions & Tax Credits and Sectoral Impacts of GST". The session was chaired by Hon'ble Mr. Justice Sanjeev Khanna, Judge, Delhi High Court. Shri M. L. Patodi, Advocate Kota and Past President AIFTP was the Co-Chairman. The two paper writers were Mr. Bimal Jain, Advocate Delhi and CA Ms. Rohini Aggarwal, Delhi. Both the speakers were thorough with the subject and explained the intricacies of the legislation in most simple and lucid manner. The moderator of the session was young lawyer Mr. Anuj Aggarwal from Delhi.

Besides learning, there was a lot to share, fun and entertainment during the Conference. A comedy family play by Sparash Natya Rang under the direction of Mr. Ajit Chowdhary by the name 'Pati Gaye Ree Kathiawar' was organised in the evening. The delegates and their families enjoyed, relished the scintillating play and shared its interesting dialogues and scenes thereafter.

The evening concluded with a GALA DINNER, with variety of food items enjoyed by all, again, in the lush green venue lawns with the music in the background.

**Day 3 5th Technical Session :** The topic was "Intricate issues relating to Works Contracts – under VAT & Service Tax". The Chairman of the session was Hon'ble Mr. Justice S. Muralidhar, Judge, Delhi High Court. Shri S. K. Poddar, Advocate, Ranchi and Past President AIFTP as Co-Chairman Young Advocate Sumit Batra, Delhi initiated the topic well. The two doyens of the subject Mr. Laxmi Kumaran, Advocate, Delhi and FCA S. Venkatramani, Bengaluru were the Keynote speakers. Oratory skills of both speakers were appreciated and applauded by all. Mind boggling questions were raised by the delegates and which were very well attended and answered by both the learned speakers. Justice Muralidhar in his address discussed important controversial issues put to rest by the judgments of the Apex Court and High Courts but claimed that Pandora box was still open viz-a-viz many critical issues on the subject under discussion. The master of ceremony was young upcoming Advocate, Mr. Puneet Rai from Delhi.

For the very first time a parallel session was conducted. This was done keeping in mind the desire of delegates who practice in different fields i.e. Indirect and Direct Taxation. Thus, the topic of "International Taxation" was conducted in a separate hall simultaneously with 5th Technical Session in the main hall. The subject was very well introduced by young CA Akhil Bansal, Delhi. Chairman of the session was Shri S. R. Wadhwa, Advocate. The Keynote speaker was Mr. Ajay Vohra, Sr. Advocate, Delhi who deliberated on the issue of International Taxation with a different style and perspective making it easier to understand. Moderator of the session was CA A.K. Srivastava, Delhi.

Both the main Technical and its parallel session were well attended and new idea nurtured right.

The chief guest of the concluding *Valedictory Session* was Hon'ble Mr. Justice Kailash Gambhir, former Judge Delhi High Court. The topic chosen was on his suggestion and choice i.e. "Collegium System, a success or failure – The voice within". He spoke extensively on the subject and placed material and examples before the audience, openly and fearlessly. The chairman of the session was Shri J. D. Nankani, Advocate, Mumbai and Past President AIFTP. The Co-Chairman was Shri Ganesh Purohit, Sr. Advocate Jabalpur, who spoke eloquently on this different topic assigned to him and was duly appreciated by the Chief Guest and the audience. Smt. Prem Lata Bansal, Sr. Advocate and Dy. President AIFTP also addressed and threw light on the innovative subject. Many awards for appreciation of working for the Federation and mementoes to the members of the Conference organising committee were given by the Chief Guest Justice Kailash Gambhir for their hard work in making the Convention successful. CA Jamuna Shukla, Varanasi presented a gist of the events of the two days National Convention. Mr. Puneet Rai, Advocate was the master of ceremony for the valedictory session, who conducted it well.

Conference Chairman Shri Raj K. Batra, Advocate, Delhi proposed wholehearted thanks to the Chief Guest, to all the delegates (513 in total) from all over the India, to the print media, to the sponsors, advertisers, all the core members of the Conference Committee and the Conference partner Sales Tax Bar Association (Regd.), Delhi.

The Convention concluded with the National Anthem and was thereafter followed by a lavish lunch. The Chief Guest, Justice Gambhir relished the lunch and the cake cutting function celebrating the Birthdays of Smt. Prem

Lata Bansal, Sr. Advocate and National President designate; Sanjay Kumar, Advocate, Allahabad and Wedding Anniversary of Sandeep & Aanchal Goyal Advocates, Chandigarh.

### **Ten Unique Points of the New Delhi Convention, making it distinct and MEGA EVENT**

1. Two Judges from the Supreme Court of India in the Inaugural Session as Chief Guest and Guest of Honour.
2. All Technical Sessions chaired by a High Court Judge and Co-chaired by a Professional Stalwart.
3. Topics of most Technical Sessions introduced by a young upcoming speaker. Topics were unconventional and relevant.
4. Chief Guest, Chairman, Co-Chairman, Master Speakers, upcoming Speakers of all sessions presented with a 24 carat gold ornamental memento.
5. All delegates participating given high quality attractive, spacious Jute kit bag with Souvenir containing Messages and Blessings from the Hierarchy in India and articles by prominent professionals – An asset for your library.
6. All delegates presented with a compact, beautiful Divinity 24 carat Gold 'Life Tree' gift box with different incense sticks and freshener.
7. A spiritual talk for improving inner consciousness.
8. A Comedy family play for amusement.
9. Hasya Vyang during Tea / lunch breaks.
10. Parallel Technical Session.



### **ACTIVITY OF CENTRAL ZONE**

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

1. We have sent representation to introduce new amenesty scheme under VAT and Entry Tax and same was introduced by Government of Rajasthan in January. We are very thankful to C.M., Principal Secretary (Finance) and CCT.
2. In Delhi 3 days convention was attended by 31 persons from Central Zone from different areas i.e. Indore, Jabalpur, Kota, Jaipur, Jodhpur, Jalore, Sanchore.
3. GST Conference on GST Migration Programme was organised in Rajasthan at Jodhpur, Jaipur, Jalore, Pali and Bikaner under the Chairmanship of Shri D.C. Mali and Conference Chairman and Member GST Committee Shri P. M. Chopra.
4. New Members:- In the month of January only 12 new members were introduced.
5. Meeting with Principal Commissioner on new scheme of Pradhan Mantri Garib Kalyan Yojana was held under the leadership of Shri D.C. Mali and Director Advisory Committee and Member P.M. Chopra with Principal Chief Commissioner S. K. Singh, IRS.
6. Paramarshdata Committee Meeting of State of Rajasthan shall be held on 28-12-2016 in which Government invited All India Federation, Central Zone and from our Zone Shri P.M. Chopra and D.C. Mali shall represent the State.
7. We are very thankful to National President Dr. M. V. K. Moorthy and President for the year 2017 Madam Premlata Bansal on account of honouring of Mr. P. M. Chopra for proposing maximum member in 3rd category from AIFTP and 1st category from Central Zone.
8. Our Central Zone participated with 31 members including spouse in the National Convention which was held on 2nd, 3rd and 4th December, 2016 at Delhi.
9. On behalf of AIFTP (CZ) we felicitate Mr. K. L. Jain, newly elevated as a Hon'ble Member Rajasthan Tax Board, Ajmer. On this occasion, President of High Court Bar Association Ranjeet Joshi, Member GST Shri P. M. Chopra, Member of Local Tax Bar and Appellate Authority and Officer of the Commercial Taxes Department were also present. In the month of January our Chairman Members Committee Central Zone Shri P. M. Chopra along with our Vice-Chairman (M.P) Vijay Navlakha visited Ujjain and Ratlam and they

felicitated our two senior member:- S.C. Goyal, Ujjain and O. P. Garg, Ujjain on completion to 50 years to their profession.

10. Budget Seminar: We are organising Budget Seminar in M.P., Rajasthan and Bhilai in March and April.
11. Pre-Budget Representation to Finance Minister (Madam Vasundhara Raje) on 25-1-2017.
12. Managing Committee Meeting: Managing Committee Meeting was held on 7-1-2017 and we have taken 4 new members in our Managing Committee. Arvind Kumar Mittal from Bilaspur, Indermal Jain from Ratlam, Ganesh Sharma from Bikaner, Rajendra Singh Jain, Advocate from Jodhpur.



## Workshop on GST, MVAT & Service Tax

Organised by

**All India Federation of Tax Practitioners (WZ)  
Jointly with STPAM, BCAS, CTC, MCTC & WIRC of ICAI**

<b>Timing</b>	2.30 P.M. to 5.30 P.M.
<b>Venue</b>	STPAM Mazgaon Library, 1st Floor, 104, Vikrikar Bhavan, Mazgaon, Mumbai- 400 010.
<b>Delegates Fees</b>	Members ₹ 2,000/- (incl. of Service tax), Non-Members ₹ 2500/- (incl. of Service tax)

Date	Subject	Speaker
18.02.2017 Saturday	Time and Place of Supply (Goods) including Transitional Provisions	Shri Vinayak Patkar, Advocate
	Time and Place of Supply (Services) including Transitional Provisions	CA. Sujata Rangnekar
04.03.2017 Saturday	Valuation of Goods and Services under GST Act + Job work Provisions (incl. Transitional Provisions)	CA. Pranav Kapadia
	Assessment, Penalty and Search & Seizure under GST Act	Smt. Nikita Badheka, Advocate
17.03.2017 Friday	Registration, Returns, Payment, Composition Levy and Refund incl. Preparedness in relation to Documentation by dealers	Shri Dhaval Talati, TP
	E-Commerce Transactions, TDS & TCS Provisions	CA. Deepak Thakkar
18.03.2017 Saturday	Taxation under Present Regime <i>vis-a-vis</i> under GST Regime on Trading, Manufacturing and Distributors sector	CA. Janak Vaghani
	Taxation under Present Regime <i>vis-a-vis</i> under GST Regime on Builders, Works Contractors and Services sector	Eminent Faculty
24.03.2017 Friday	Transitional Issues under GST - Mega Brains' Trust session	Eminent Faculty

*Note : Please draw Cheque/Draft in favour of "All India Federation of Tax Practitioners – Western Zone" payable at Mumbai.*

### 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 30-1-2017 Life Members

	Associate	Individual	Association	Corporate	Total
Central	0	885	23	3	911
Eastern	3	1309	36	3	1351
Northern	0	1040	17	0	1057
Southern	1	1122	19	8	1150
Western	4	2215	37	18	2274
<b>Total</b>	<b>8</b>	<b>6571</b>	<b>132</b>	<b>32</b>	<b>6743</b>

## NATIONAL TAX CONFERENCE

*Organised by*

**ALL INDIA FEDERATION OF TAX PRACTITIONERS – NORTH ZONE**

*In Association With*

**INCOME TAX & SALES TAX BAR ASSOCIATION, CHANDIGARH  
DISTRICT TAX BAR ASSOCIATION, MOHALI  
PANCHKULA TAX BAR ASSOCIATION**

at

CHANDIGARH JUDICIAL ACADEMY, SECTOR 43-C, CHANDIGARH

on

25TH – 26TH FEBRUARY, 2017

**THEME: TAX WITHOUT TEARS – ROLE OF TAX PROFESSIONALS**

### PROGRAMME

<b>25TH FEBRUARY, 2017</b>													
8.30 am to 10.00 am	<b>Breakfast, Registration &amp; Fellowship</b>												
10.00 am to 11.30 am	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;"><b>Inaugural Session</b></td> <td></td> </tr> <tr> <td><b>Chief Guest</b></td> <td>Hon'ble Dr. Justice D. Y. Chandrachud, Judge, Supreme Court of India</td> </tr> <tr> <td><b>Guests of Honour</b></td> <td>Hon'ble Mr. Justice S. S. Saron, Judge, Punjab &amp; Haryana High Court</td> </tr> </table>	<b>Inaugural Session</b>		<b>Chief Guest</b>	Hon'ble Dr. Justice D. Y. Chandrachud, Judge, Supreme Court of India	<b>Guests of Honour</b>	Hon'ble Mr. Justice S. S. Saron, Judge, Punjab & Haryana High Court						
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11.30 am to 11.45 am	<b>High Tea</b>												
11.45 am to 1.45 pm	<table border="1" style="width: 100%;"> <tr> <td colspan="2"><b>1st Technical Session An Analysis of Recent Income Tax Amendments</b></td> </tr> <tr> <td><b>Chief Guest</b></td> <td>Hon'ble Mr. Justice A. K. Mittal, Judge, P&amp;H High Court</td> </tr> <tr> <td><b>Chairman</b></td> <td>Shri Ashok Aggarwal, Senior Advocate &amp; Advocate General, Punjab</td> </tr> <tr> <td><b>Keynote Speaker</b></td> <td>Dr. Girish Ahuja, FCA, Delhi</td> </tr> <tr> <td><b>Moderator</b></td> <td>Shri Navin Garg, FCA, Delhi</td> </tr> <tr> <td><b>Upcoming Speaker</b></td> <td>Shri Rahul Kaushik, Advocate, Joint Secretary, SCBA, Delhi (Questions &amp; Answers by the panellists during discussion)</td> </tr> </table>	<b>1st Technical Session An Analysis of Recent Income Tax Amendments</b>		<b>Chief Guest</b>	Hon'ble Mr. Justice A. K. Mittal, Judge, P&H High Court	<b>Chairman</b>	Shri Ashok Aggarwal, Senior Advocate & Advocate General, Punjab	<b>Keynote Speaker</b>	Dr. Girish Ahuja, FCA, Delhi	<b>Moderator</b>	Shri Navin Garg, FCA, Delhi	<b>Upcoming Speaker</b>	Shri Rahul Kaushik, Advocate, Joint Secretary, SCBA, Delhi (Questions & Answers by the panellists during discussion)
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1.45 pm to 2.10 pm	<b>Lunch Break</b>												
2.10 pm to 4.40 pm	<table border="1" style="width: 100%;"> <tr> <td colspan="2"><b>2nd Technical Session (Panel Discussion) GST – Model Draft Law – An Indepth Analysis</b></td> </tr> <tr> <td><b>Chief Guest</b></td> <td>Hon'ble Mr. Justice Rajesh Bindal, Judge, Punjab &amp; Haryana High Court</td> </tr> <tr> <td><b>Panellists:</b></td> <td>                     Shri Balbir Singh, Senior Advocate, Delhi                      Shri Mukul Gupta, Advocate, Ghaziabad                      Shri Sujit Ghosh Advocate, (National Head: Advaita Legal, Delhi)                      Shri Prashant Raizada, FCA (National Head BDO India LLP, GGN)                      (Questions &amp; Answers by the panellists during discussion)                 </td> </tr> </table>	<b>2nd Technical Session (Panel Discussion) GST – Model Draft Law – An Indepth Analysis</b>		<b>Chief Guest</b>	Hon'ble Mr. Justice Rajesh Bindal, Judge, Punjab & Haryana High Court	<b>Panellists:</b>	Shri Balbir Singh, Senior Advocate, Delhi Shri Mukul Gupta, Advocate, Ghaziabad Shri Sujit Ghosh Advocate, (National Head: Advaita Legal, Delhi) Shri Prashant Raizada, FCA (National Head BDO India LLP, GGN) (Questions & Answers by the panellists during discussion)						
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4.40 pm to 5.00 pm	<b>Tea</b>												
5.30 pm to 7.00 pm	<b>National Executive Committee Meeting (At Chandigarh Judicial Academy) (For NEC Members Only)</b>												
8.00 pm onwards	<b>Dinner &amp; Cultural Programme (at different venue)</b>												

<b>26TH FEBRUARY 2017</b>		
8.30 am to 9.30 am	<b>Breakfast</b>	
9.30 am to 12.20 pm	<b>3rd Technical Session (Panel Discussion) Opportunities and Challenges for Professionals in GST Regime</b>	
	<b>Chief Guest</b>	Hon'ble Mr. Justice L. N. Mittal (Retd.), Chairman, Haryana Tax Tribunal
	<b>Panellists</b>	Shri Ganesh Purohit, Senior Advocate, Jabalpur
		Shri S. Venkataramani. FCA, Bengaluru
		Mrs. Nikita Badheka, Advocate, Bombay High Court
		Shri H. L. Madan, FCA, Delhi
Shri Alok Krishan, FCA, Chandigarh		
	Dr. Shivani Gupta, Excise & Taxation Department, Punjab (Questions & Answers by the panellists during discussion)	
12.20 pm to 12.30 pm	<b>Tea Break</b>	
12.30 pm to 1.30 pm	<b>Valedictory Session</b>	
	<b>Chief Guest :</b>	Hon'ble Mr. Justice A. N. Jindal, (Retd.), Chairman, Punjab VAT Tribunal
1.30 pm to 2.00 pm	<b>Lunch</b>	
2.00 pm to 4.00 pm	<b>4th Technical Session Open House Discussion on Current Issues under VAT Acts of Punjab &amp; Haryana</b>	
	<b>Chief Guest:</b>	<b>Consent Awaited</b>
	<b>Panellists</b>	Senior Advocates & Professionals from Punjab & Haryana (Questions & Answers by the panellists during discussion)

**Delegate Fees**

For Delegates

(Members & Non-Members) : ₹ 3,000/-

(₹ 2,500 towards Food and Other Materials and Kit &  
₹ 500 towards Conference charges)

For Accompanying Spouse : ₹ 2,000/- (For Food and other expenses)

**Conference E-mail: Chandigarh.NTC@gmail.com**

**Bank Details**

**Bank Name : Indian Bank, Sector 34, Chandigarh**

**A/c Name : AIFTP ( NZ) – Conference A/c**

**A/c Number : 837688846**

**IFSC : IDIB000C073**

*For further details, registration please contact:*

**K. L. Goyal**  
Senior Advocate  
09872233224  
klg@sgalaw.in

**Sandeep Goyal**  
Advocate  
09814208142  
sandeepgoyal@sgalaw.in

**Rishab Singla**  
Advocate  
09876096090  
Chandigarh.ntc@gmail.com

**Rohit Gupta**  
Advocate  
09646721745  
rohitgupta@sgalaw.in

## Hotel Details

Name of Hotel	Star Category	Location	Charges (Per Day)	Distance from venue
Chandigarh Judicial Academy (Limited rooms on request with advance)		Sector 43	₹ 1,000/- (Min. Booking For 2 days on first come first serve basis)	0 k.m.
Hotel Park Grand	***	Sector 43	₹ 3,500 (Approx.)	1 Km.
Hotel First	***	Sector 43	₹ 3,800	1 Km.
Hotel Amara	***	Sector 43	₹ 3,800	1 Km.
Hotel The Gaur	***	Sector 43	₹ 4,000	1 Km.
Hotel Tulip	***	Sector 43	₹ 2,800	1 Km.
Hotel KLG	***	Sector 43	₹ 3,700	1 Km.
Hotel Metro 43	***	Sector 43	₹ 3700	1 Km.
Hotel JW Marriott	*****	Sector 35	₹ 10,350	2 Km.
Hotel Taj	*****	Sector 17	₹ 9,700	4 Km.
Hotel Lalit	*****	IT Park, Chandigarh	₹ 8,700	10 Km.
Hotel Mountview	*****	Sector 10	₹ 6,500	5 Km.

Note: 1. For Room booking in Chandigarh Judicial Academy, Please send your delegate fee after including amount of ₹ 2,000/- towards room charges (Total Delegate fee of ₹ 5,000/-) favouring "AIFTP (NZ) – Conference A/c" or deposit in A/c No. 837688846, Indian Bank, Chandigarh IFSC Code : IDIB000C073 and send us the slip of deposit.

2. It is advised that the Hotel Bookings (EXCEPT JUDICIAL ACADEMY) be made directly through websites like [www.makemytrip.com](http://www.makemytrip.com) or [www.goibibo.com](http://www.goibibo.com) or [www.cleratrip.com](http://www.cleratrip.com) for better deals. However any specific request would be forwarded to the Hotel if so desired.

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Admission	500/-*	500/-*	500/-*	500/-*	
Subscription	5,000/-	7,500/-	11,500/-	15,000/-	
Total	5,500/-	8,000/-	12,000/-	15,500/-	

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\* 15% Service Tax as applicable.



## DIRECT TAXES

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

### **S.80-IC : Even after the set off of losses the gross total income was not negative then appellant is eligible to claim deduction under section 80-IC**

The AO found that assessee had shown income under the head Business and profession, that the income was set off against loss for the earlier years, that the final income shown under the head business/profession was Nil. Claimed deduction u/s.80-IC of the net taxable income offered by the assessee. The AO observed that the assessee had claimed deduction u/s. 80-IC on the interest income and not on business income. The CIT(A) confirmed the view taken by the A.O. Before the ITAT, the Appellant argued that for claiming deduction u/s. 80-IC the first requirement was that there should be profit; the second requirement was that there should be positive gross total income, assessee had positive gross total income and same did not exceed gross total income.

The ITAT held that the gross total income of the assessee is considered and, it is clear that it had positive income, even after the set off of losses. Thus, the gross total income was not NIL that could disentitle the assessee from claiming deduction.

*M/s. Bright Brothers Ltd. v. ACIT ITA No. 6907/Mum/2014 dtd. 11-1-2017 (Mum.)(Trib.)*

### **S.263 : Invocation of provisions of section 263 is not correct when CIT is aware the part of the enquiry and reply of the assessee**

Appellant is the promoter, Chairman and Director of Limited Company. The appellant and his family members held shares in Company where he was director. And as on 1-4-2010, appellant and his family members held 47.29% stake in Company. During the year, the appellant sold 40 lakh shares to his unmarried daughter through stock exchange and earned capital gains as the STT was paid, capital gains were treated as exempt u/s. 10 since shares were listed. During the original assessment proceedings notice was issued to show as to why the Long term capital gains of should not be treated as business income. In response to the said notice the assessee has filed detailed reply giving reasons why the long term capital gains should not be assessed as business income. Assessment was completed u/s .143(3) after detailed enquiry, and claim of capital gains was accepted. The CIT issued notice u/s. 263 seeking to treat the capital gains as business income. In regards to the same Notice u/s. 263, the assessee filed a reply before CIT considering the reply he held that the gains on transfer of shares was assessable as business income.

The Hon'ble ITAT held that, merely by seeing the assessment order an error and it concludes without conducting the proper enquiries is not correct. The CIT is aware of part of the enquiry and also the reply of the assessee. As the line of investigations recommended by the CIT, same constitutes thrusting of his line of conducting enquiries. His views on that of the Assessing Officer without crystallising clearly the error in the order and loss of revenue. Such views substituting the views of the AO are not sustainable in law so far as the scope of the provisions of section 263 is concerned. CIT failed to found errors in the AO's order made u/s. 143(3), therefore, conclusion of the CIT is unsustainable in law and accordingly dismissed.

*Shri Bhagirath Chandulal Arya v. CIT, ITA. No. 931/M/2016 dt. 11-1-2017 (Mum.) (Trib.)*

### **S.271(1)(c) : Penalty is justified when appellant's admission by the assessee is after detection by the Department**

The assessee had made claim for depreciation on account of purchase of machinery, that the AO had directed it to produce various details with regard to the purchase, including the copies of the invoices/purchase bills, sources of funds, bank charges etc., that the scrutiny revealed that certain expenses were capital in nature. He called for further explanation from the assessee in that regard. It was only after the inquiry made by the AO, that the assessee admitted that the claim made by it were not as per the provisions of the Act, that he admitted to pay tax on disputed items.

The Hon'ble ITA has taken a view that it is not a case that the assessee on its own made the offer and had accepted that by mistake it had not paid taxes on the disputed items. Had the case not been selected for scrutiny and had the AO not made inquiry the return filed by it would have been processed as it was filed. The assessee himself admitted that claim made by it were disallowable. The alleged admission by the assessee is after detection by the Department. It is not a case of mere making wrong claim. Both the claims were inadmissible *prima facie*. The assessee had no justification to claim disputed items as revenue expenditure. It was also not the case of the assessee that it was under a *bona fide* belief that these two amounts could be claimed as revenue expenditure. Therefore penalty levied u/s. 271(1)(c) is correct as per law.

*Elias A. Khatri v. ACIT ITA No. 6936/Mum./2013 dt. 18-1-2017*

## INDIRECT TAXES

CA. Janak Vaghani

### 1. Seizure of empty vehicles – After unloading goods – Not permissible

Goods can be subject matter of seizure and vehicles carrying goods can be detained but if the vehicle was detained on a seizure when the vehicle not laden with goods, it is not permitted.

[Source: *Zaheer Ahmed v. State of UP, Misc. Batch No. 14374 of 2016, dated 23rd June 2016, 2016 NTN (Vol. 61) 207 (All).*]

### 2. Levy of penalty not justified on account of discrepancy in Batch No. and date of manufacture

Sections 48 and 54 of the UP VAT Act provides penalty for wrong particulars in a document or transportation of goods in contravention of any provisions of the Act related to omission or wrong mention of particulars mandated to be disclosed and mentioned in the provisions of the Act or rule framed thereunder. Rule 44 does not require to mention Batch No. and date of manufacture. Therefore, levy of penalty on account of discrepancy in the batch numbers and date of manufacture is not justified.

[Source: *M/s. Hindustan Coca Cola Beverage Pvt. Ltd. v. Commissioner, Sales/Trade Tax Revision Nos. 120 to 129 and 131 of 2016, dated 12th July, 2016, 2016 NTN (Vol. 61) 211 (All).*]

### 3. Manufacture – Processing bamboo and wood – Debarking, cutting and removing of roots – Does amount to manufacture

Every type of operation of goods or finishing of goods would not amount to manufacture unless it results in emergence of a new commercial commodity. Purchase of the bamboo and wood and subjecting it to process of debarking, cutting and removing roots does not

bring new commercial commodity as after the process it remains bamboo and wood as such it does not amount to manufacture.

[Source: *M/s. Kalpataru Agro Forest Enterprises Pvt. Ltd. v. Commissioner of Commercial Tax, Trade tax Revision No. 52 of 2016, dated 4th July, 2016, 2016 NTN (Vol.61) 143(All)*].

### 4) Refund to developer of SEZ – Claimed in return relating to purchase of earlier months – Allowable

Under section 20(2) of the Karnataka VAT Act, the Developer of SEZ is entitled to refund of tax paid on purchase of goods. It is not necessary to claim refund in the return relating to date of purchase bill. Nowhere it is in the Act specifically provided to claim refund in the same period in which the bills are raised by the selling dealer. Therefore the belated claim of refund of tax in the return pertaining to bills of earlier period cannot be denied.

[Source: *State of Karnataka v. M/s. Manyata Promoters Pvt. Ltd., STRP Nos. 329/2014 & 482-487 of 2014, dated 30th September, 2015, 2016-17 21 KCTJ 42 (Kar.)*]

### 5. Turnover of sales – Collection of Entry tax – Does not form part of turnover of sales

The collection of Entry tax by a registered dealer being entitled to collect it, as such, it cannot be treated as forming part of turnover of sales for the purpose of levy of sales tax under The Karnataka Sales Tax Act.

[Source: *M/s. Asian Paints (India) Ltd. CTO v. State of Karnataka & Ors. Civil Appeal No. 5899 of 2006, dated 14th March, 2016, 2016 NTN (Vol. 61) 159 (SC)*]

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## FEW IMPORTANT CASE LAWS IN SERVICE TAX, CENTRAL EXCISE

S. S. Satyanarayana, Tax Practitioner, Hyderabad

**Service Tax:** Assessee sought condonation of delay of 117 days in filing appeal on ground of financial constraint since company was unable to deposit 10 per cent mandatory pre-deposit prior to filing appeal. Revenue argued that delay was due to negligence. HELD : Though delay is required to be sufficiently explained, but, at same time, if Court finds that there is substantial case to be considered

in appeal, Court may also examine as to whether delay could be condoned by imposing suitable costs or not. Financial inability can be a valid ground for accepting contention that assessee was prevented by sufficient reasons in not preferring appeal. Not condoning delay may result in grave injustice to assessee. Further, department would not be prejudiced by condoning delay, as it would always

get interest on belated payment of demand. Hence, delay was condoned subject to payment of costs of ₹ 10,000 with State Legal Services Authority and appeal was restored before Tribunal [*Concept Hydro Pneumatic (P) Ltd. v. CCE, Bangalore II - [2016] 73 taxmann.com 396 (Karnataka)*].

**Service Tax:** The appellants herein, M/s. Oil & Natural Gas Corporation Limited is aggrieved by the impugned order-in-appeal wherein the Commissioner (Appeals) has held that the *suo motu* adjustment of excess payment of service tax made in October, 2008, on account of revision of rent already recovered for the period from April, 2008 to September, 2008 is not proper, and upheld the order-in-original demanding service tax of ₹ 18,06,537, interest, and penalty equivalent to tax. Held : *Suo motu* adjustment of excess payment of service tax made with subsequent service liability was made without intimation to the AO is only a procedural violation. Demand of service tax of the said amount is not sustainable. [*ONGC Ltd. v. CCE, Surat-II - 2016 (10) TMI 307 - CESTAT, Ahmedabad*].

**Central Excise:** The facts of the case are that the respondents were manufacturing units availing SSI exemption benefit under various Notifications as applicable from time-to-time and had been availing the CENVAT credit facility to discharge their duty liability on their final products i.e., ERW pipes. Intelligence was gathered, the DGCEI conducted search on various factory, office, business. It was alleged that the manufacturer collectively known as National Group was being run, managed and controlled by the two real brothers by relation. However, on paper these units have been shown in the name of different members of their family for the purpose of fraudulently availing SSI exemption for each of these units by manipulating the value of clearances for each of these units well below exemption limit. The intelligence further gathered that these units were engaged in the clandestine clearance of ERW pipes without payment of duty which were managed by these two brothers under the cover of bills of M/s. National Steel (a trading firm) floated on paper by these two brothers for covering up the clandestine clearance of these manufacturing units of the respondents. The Department alleged manipulation and issued SCN clubbing clearances made by the various units. Held : When all the units are having separate machinery, separate registration number, dealing separately, there is no financial flow back and there is no mutuality of interest between the units, their clearances cannot be clubbed together for denying SSI exemption. [*CCE, Chandigarh-I versus. National Conduit Pipes and Others - 2016 (10) TMI 477 - CESTAT, Chandigarh*].

**Central Excise:** Department conducted search on the assessee and found shortage in stock-taking of inputs and demanded duty with penalty. Department also denied ineligible credit and imposed penalty. Tribunal held that : (a) since shortage was not explained, assessee had probably used goods elsewhere and, therefore, demand was upheld; but, (b) since adjudication order did not show where said inputs were used, benefit of doubt must go to assessee and hence, penalty was set aside. Tribunal held that since ineligible credit along with interest had already been paid, hence, penalty was to be reduced. Held : In case of shortage in stock-taking of inputs, if shortage is not explained by assessee, then : (a) for raising duty-demand, it may be presumed that inputs were probably used elsewhere, (b) but, if adjudication order does not show where said inputs were used, benefit of doubt must go to assessee and penalty must be set aside. Revenue's appeal dismissed. [*Saraogi Paper Mills P. Ltd. v. CCE, Patna - [2016] 74 taxmann.com 160 (SC)*]

**Central Excise:** In this case the facts regarding generation of the waste product in the factory of the respondent and removal of the same from the factory was known to the Department in 2003 and the show cause notice was issued on 7-8-2007, the same is clearly barred by limitation of time. According to the learned Advocate, the extended period of limitation contained in the proviso to section 11A of the Act cannot be invoked in absence of any substantiation regarding the involvement of the appellant in the activities, concerning suppression, misstatement, collusion, fraud etc., with intent to evade payment of Central Excise Duty. Held : Recovery of duties not levied or not paid or short levied or short paid or erroneously refunded is contained in section 11A of CEA, 1944. Since assessee has intimated the Department regarding generation of waste material and disposal of same from factory premises, allegation of suppression in SCN and duty demand confirmed in adjudication order by invoking extended period of limitation is not proper and justified. Revenue's appeal dismissed. [*CCE, Delhi III v. Bhalla Chemical Works P Ltd. - 2016-TIOL-2366-CESTAT-DEL*].

**Central Excise:** The assessee cannot be said to be at fault when he relied on the circular of the Board and earlier order of Tribunal in favour of the assessee. Hence the assessee was not at fault and the extended period of limitation cannot be invoked. Revenue's appeal dismissed. [*CCE v. Emsons Organics P. Ltd. - 2016 (9) TMI 980 - Punjab & Haryana High Court*]

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