

**All India Federation of Tax Practitioners****AIFTP TIMES**

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*We Wish all our Members and Readers a Merry Christmas***FORTHCOMING PROGRAMMES**

Date & Month	Programme	Place
21-12-2018	ITAT Bar Associations' Co-ordination Committee Meeting	Guwahati
21-12-2018	National Executive Committee Meeting	Guwahati
22, 23-12-2018	21st National Tax Convention, 2018	Guwahati
16, 17-2-2019	National Tax Conference	Aurangabad

**AIFTP's Newly Designed Website**

AIFTP's website has been completely changed and it is now interactive with facilities of Online Membership, Journal Subscription, Online payments, Corrections of data for All Members' Directory, (to be published soon) etc.

It includes new members approved in various NEC Meetings under the head of "New Members List" and also the Zonal Chairman's Report.

Please visit website [www.aiftponline.org](http://www.aiftponline.org) for regular updates and changes. We request you to send your feedback.

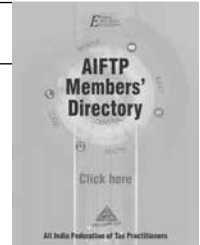
**AIFTP Online Membership**

AIFTP Membership is now **ONLINE**. You can ask your professional friends to join the AIFTP by online filling the application forms, uploading documents. The membership fees can also be paid online. Please log on to [www.aiftponline.org](http://www.aiftponline.org) & click

**AIFTP's Members' Directory**

AIFTP is shortly coming out with its Members' Directory of all members. The online facility for checking and correcting of details is available.

All members are requested to visit AIFTP's website and check and correct the data. You can also upload your photo online. Please visit [www.aiftponline.org](http://www.aiftponline.org) and click

**Announcement****SAARTHI****21st NATIONAL CONVENTION 2018***Organised by***All India Federation of Tax Practitioners (EZ)**

on 22nd &amp; 23rd December, 2018 at GMCH Auditorium, Guwahati

**Theme****Globalisation and Changes in Tax Laws – Role and Responsibilities of Tax Professionals in Nation Building**For further details, please visit website i.e. [www.aiftpghyconvention2018.com](http://www.aiftpghyconvention2018.com)**FOR ANY QUERIES MEMBERS MAY CONTACT ANY OF THE FOLLOWING OFFICE BEARERS**

Name	Mobile	Tel. (O)	Fax	E-mail
<b>National President</b> – Shri Ganesh Purohit, Sr. Adv.	9425154914	0761-2660402	4003074	purohitganesh@gmail.com
<b>Deputy President</b> – Dr. Ashok Saraf, Sr. Adv.	9864020679	0361-2529532	2460041	drashoksaraf@gmail.com
<b>Secretary General</b> – Shri Pankaj Ghiya, Adv.	9829013626	0141-2621679	2621679	pankajghiyajapur@gmail.com
<b>Treasurer</b> – Shri Vipul B. Joshi, Adv.	9820045569	022-66333736	22080951	vipulbjoshi@gmail.com

# National Tax Conference

Organised by

**ALL INDIA FEDERATION OF TAX PRACTITIONERS (WESTERN ZONE)**

Jointly with

**GOODS AND SERVICES TAX PRACTITIONERS ASSOCIATION OF MAHARASHTRA  
AURANGABAD BRANCH OF WIRC OF ICAI • TAX PRACTITIONER'S ASSOCIATION, AURANGABAD**

on

**Saturday, 16th February, 2019 and Sunday, 17th February, 2019**

at

**ICAI Bhavan, Gut No. 72, Beed Bypass Road, Near MIT College, Aurangabad – 431 005**

The Western Zone of All India Federation of Tax Practitioners is pleased to announce the **2 day National Tax Conference** at ICAI Bhavan, Gut No 72, Beed Bypass Road, Near MIT College, Aurangabad – 431 005 on **Saturday, 16th February, 2019 and Sunday, 17th February, 2019.**

The venue of "Aurangabad" was chosen after much thought and request from our members. Aurangabad is a city in Maharashtra State. The city is a tourism hub, surrounded by many historical monuments, including the Ajanta and Ellora Caves comprising ancient rock-cut Buddhist shrines which are UNESCO World Heritage Sites, as well as 17th-century marble Bibi ka Maqbara shrine, (replica of the Taj Mahal), Battlements surround the medieval Daulatabad Fort and Shivaji Maharaj Museum, dedicated to the Maratha King Shivaji, displays war weapons and a coin collection, Panchakki, Ghrihsheshwar temple (Jyotirling) and many more... The current day Aurangabad offers a wonderful opportunity to step back to past history.

The NTC is packed with a lot of learning. To enrich the participants with the knowledge, papers covering recent developments in Direct & Indirect tax laws have been selected to be discussed at the Conference. The historical monuments will make learning a pleasure, and NTC will enable good networking and create long-term intangible assets of fond memories.

## DETAILED PROGRAMME

Day 1				
Time	Event	Coverage	Chairman	Speaker
9.00 a.m. to 9.55 a.m.	Registration & Breakfast			
10.00 a.m. to 11.15 a.m.	Inaugural session	Chief Guest / Guest of Honour	Hon'ble Mr. Justice S. V. Gangapurwala, Judge, Bombay High Court (Confirmation awaited)	
11.15 a.m. to 11.35 a.m.	Tea Break			
11.35 a.m. to 01.05 p.m.	First Technical session: Income Tax	Taxation of Private Trust	Shri N. M. Ranka, Sr. Advocate, Jaipur	CA. Anup Shah Mumbai
01.05 p.m. to 02.00 p.m.	Lunch Break			
02.00 p.m. to 03.30 p.m.	Second Technical session: GST	Taxation of Intermediary Services in GST	Ms. Nikita Badheka Advocate, Mumbai	CA. Sagar Shah, Pune
03.30 p.m. to 03.50 p.m.	Tea Break			
03.50 p.m. to 05.20 p.m.	Third Technical session: Income Tax	Prosecution – Recent Developments, consequences on Independent Directors / Legal Heirs	Ms. Premlata Bansal, Sr. Advocate, Delhi	CA. Rahul Hakani, Advocate, Mumbai
Day 2				
09.00 a.m. to 09.50 a.m.	Breakfast			
10.00 a.m. to 11.30 p.m.	Fourth Technical session: GST	Recent Developments in ITC	Shri C. B. Thakar, Advocate, Mumbai	Shri Dinesh Tambde Advocate, Mumbai
11.30 a.m. to 11.45 a.m.	Tea Break			
11.45 a.m. to 01.45 p.m.	Brains' Trust Session	Direct Tax & Indirect Tax	For Indirect Tax: CA. Umesh Sharma, Aurangabad & Mr. M. L. Patodi, Advocate, Kota	For Direct Tax: CA Harish Motiwalla Mumbai, & CA M. R. Hundivala, Aurangabad
01.45 pm to 1.55 pm	Vote of Thanks			
01.55 p.m. to 03.00 p.m.	Lunch Break			

### Fees for Members of above Associations/Non-Members

	Super Early Bird Fees Registration on or before 31-12-2018	Early Bird Fees Registration between 1-1-2019 to 31-1-2019	Regular Fees Registration from 1-2-2019
Members	₹ 4,200/- + 756 ( 18% GST) = ₹ 4,956/-	₹ 4,600/- + 828 ( 18% GST) = ₹ 5,428/-	₹ 5,000/- + 900 ( 18% GST) = ₹ 5,900/-
Non-members	₹ 5,000/- + 900 ( 18% GST) = ₹ 5,900/-	₹ 5,500/- + 990 ( 18% GST) = ₹ 6,490/-	₹ 6,000/- + 1,080 ( 18% GST) = ₹ 7,080/-
Accompanying Spouse Fees – ₹ 2,500/-+ ₹ 450 (18% GST) = ₹ 2,950/-			
The fees include , course material, delegate kit, Meals : Breakfast / Lunch / High Tea & Dinner on 16-2-2019 & breakfast & lunch on 17-2-2019			

### Bank details for sending registration

NAME OF BANK ACCOUNT:	ALL INDIA FEDERATION OF TAX PRACTITIONERS (Western Zone)
CORPORATE ADDRESS:	215, Rewa Chambers, 31 New Marine Lines, Mumbai – 400 020
BANK NAME:	CANARA BANK
BANK ADDRESS:	New Marine Lines, Mumbai – 400 020
BANK BRANCH:	New Marine Lines
BANK A/C NO.	1389101053451
ACCOUNT TYPE:	Saving
NEFT / IFSC CODE.	CNRB0001389

### NOTES :

- a) **In case of online Payment please intimate on email [aurangabadntc@gmail.com](mailto:aurangabadntc@gmail.com)**
- b) We have arranged the Tour to Ellora / Daulatabad Fort & Grishneshwar Temple for those interested (on advance intimation & payment before 15-1-2019)  
Date : 15-2-2019 from 11 am to 6 pm – Cost per person : ₹ 1,200/-
- c) **NEC Meeting will be held on 16-2-2019 from 5.45 pm at ICAI Bhavan**
- STAY : Suggested Hotels with whom rates have been negotiated are listed hereunder:**  
(Payment details of Hotels would be put up shortly on website. In the meantime members can e-mail the preferred Hotel)

Name of Hotel	Star Category	Location	Charges (Per Day per Room - Including Breakfast )	Distance from venue of Conference
Welcomhotel Rama International	5	R-3 Chikalthana, Jalna Road, Town Center, MGM, Aurangabad,	Single : ₹ 5000/- plus GST 18% Double : ₹ 5750/- plus GST 18%	5 Km.
The One	3	F - 21, Town Centre, CIDCO, Jalna Road, Aurangabad, Maharashtra 431003	Single : ₹ 3,000/- plus GST 18% Double : ₹ 3,500/- plus GST 18%	4 Km.
Hotel VITS	4	Vedant Nagar, Railway Station Road Aurangabad 431005	Single : ₹ 2,800/- plus GST @ 18% Double : ₹ 3,200/- plus GST @ 18%	2.5 Km.
Amar Preet	4	Jalna Road, Amarpreet Chowk, Aurangabad, Maharashtra 431 001	Single : ₹ 3,000/- plus GST 18% Double : ₹ 3,500/- plus GST 18%	3 Km.
Hotel Keys	3	Padampura Circle, Station Road, P.O. Krant Chowk, Aurangabad 431 005	Single : ₹ 3000/- plus GST 18% Double : ₹ 3,500/- plus GST	2.5 Km.
Hotel Manor	3	Kranti Chowk, Opp Rani Lakshmi Bai Park, Aurangabad, Maharashtra 431 001	Single : ₹ 3,000/- plus GST 18% Double : ₹ 3,500/- plus GST 18%	3 Km.

### Connectivity

Aurangabad airport is directly air-linked to major cities like Mumbai, Delhi, Kolkata,, Hyderabad, Chennai & Bengaluru. The airport is conveniently located at a distance of around 10 km. east of the town.

Two trains leave daily from Mumbai for Aurangabad. Tapovan Express departs Mumbai early morning and arrives Aurangabad by late afternoon, while the Devgiri Express is an overnight train. Several luxury and State buses too run between Mumbai and Aurangabad that extends up to Ajanta/Ellora Caves.

*For any query or assistance relating to room booking please contact :*

**Mr. Deepak R. Shah Conference Chairman, 9820148536**

*For any further enquiries relating to NTC, please contact*

**Mr. Deepak R. Shah Conference Chairman, 9820148536 / Ms. Nikita Badheka, Vice President AIFTP (WZ) 9821037885**

**Mr. Pravin R. Shah, Vice Chairman, AIFTP (WZ) 9821476817 / Mr. Salil Lodha, Hon Secretary, AIFTP (WZ) 9820149302**

**Mr. Kishor Vanjara (NEC Member) 9820186480 / Mr. Chirag Parekh (NEC Member) 9821634128**

**Email: [aurangabadntc@gmail.com](mailto:aurangabadntc@gmail.com)**

## Consolidated Activity Report of AIFTP (CZ) for the month of October – November 2018

S. No.	Event	Date	Place	No. of Participants	Other Remarks
1.	Seminar	3.10.2018	Jodhpur	60	1. Interactive Session attended by All India Federation's members on 3-10-2018 organised by Confederation of Indian Industry in Association with Department of Finance and Commercial Taxes Department, Government of Rajasthan. More than 40 persons attended the programme.
		29.11.2018	Ajmer	100	2. Thane Conference has been attended by A.I.F.T.P. (Central Zone) near about 15 persons. 3. One half day tax seminar at Ajmer organised by AIFTP (CZ) jointly with Marudhara Tax Bar Association (Western Rajasthan) and Rajasthan Tax Board Bar Association. Speakers were CA Rajesh Mehta, Dr. S. L. Jain, CA M.L. Patodi.
2.	Felicitation	26.10.2018	Jaipur		1. Felicitation of Sh. Hemant Jain, Appellate Authority, Advance Ruling at Jaipur.
		29.11.2018			2. Shri P. M. Chopra has been appointed in the Executive Committee of the High Court Bar Association, Jodhpur. 3. Welcome of Hon'ble Member Nathu Ram, Rajasthan Tax Board, Ajmer during camp court at Jodhpur. On this occasion Secretary, Treasurer, Ex-chairman with Vice-President welcomed. Government Advocate Mr. D. P. Ojha was also present. 4. Welcome of Senior Accountant Member from Mumbai Shri R.C. Sharma and Shri Pawan Singh Judicial Member on touring bench. 5. We gave farewell to Shri K. L. Jain, Hon'ble Member, Rajasthan Tax Board by giving Memento and bouquet at Ajmer on his superannuation from service. On this occasion Hon'ble Chairman Shri V. Srinivasan on his transfer had also been given memento and bouquet on behalf of All India Federation (CZ). All the other members of Raj. Tax Board and prominent CAs and advocates were present.
3.	Representation	18.10.2018	Jaipur		1. Representation has been submitted to GST Council for extending date of 3B Return from 20th October for one month but it has been extended up to 25th October.
			Thane		2. We also have sent one representation to Mr. Mukul Gupta, Chairman, GST Committee to submit before GST Council on 7th October at Thane.
		25.10.2018	Jaipur		3. Representation has been submitted to Shri Alok Gupta, State GST Commissioner for technical problems in Secondary Migration as well as filing of appeals.
		1.11.2018			4. Representation to State Commissioner (GST) for extension of date of Annual 10-A Return for June 2017 Quarter from 30th October to 30th November and same has been extended.
		14.11.2018		5. Representation has been submitted for extension of date of Annual Return and GST Audit up to 28-2-2018.	
4.	New Members			5	5 New members inducted from Bharatpur, Jodhpur, Sumerpur, Bikaner etc.

S. No.	Event	Date	Place	No. of Participants	Other Remarks
5.	Future Programme	2-12-2018 16-12-2018			1. One day tax seminar at Jodhpur on "GST Audit and Annual Return & effect of GST Audit in IT Return and Taxation of Security and Capital Gain and provision of TDS" by AIFTP (CZ) jointly with Marudhara Tax Bar Association at Steel Bhawan, Shastri Nagar, Jodhpur. 2. One day tax seminar at Zila Udyog Sangh Campus, Old Industrial Area, Rani Bazar, Bikaner (Contact:- Shri Ganesh Sharma Mobile:- 94141-46876) on Annual Return and GST by AIFTP (CZ) jointly with Bikaner Tax Consultant Association at Udyog Bhawan, Rani Bazar, Bikaner. In this conference CA Janak Vaghani and CA Abhishek Singhanian were the speakers.
6.	Visit		Allahabad		North Zone of AIFTP gave opportunity to CA Rajesh Mehta, Chairman of Central Zone to attend Prayagraj Tax Conference where he delivered his speech in one of the technical sessions on "Taxation of Security and Capital Gains and Provision of TDS".
7.	Obituary	29.10.2018			Reference on account of death of Shri B.P. Jain, Hon'ble Ex-member, I.T.A.T. at Jodhpur on 29-10-2018.
8.	Others:				

**(P. M. Chopra)**  
Vice President

**(Devendra Kansara)**  
Secretary


**(Rajesh Mehta)**  
Chairman

**(Ashok Jangid)**  
Treasurer

**(Sudheer Bhansali)**  
Vice Chairman (Raj.)

**(Paras Chhajaj)**  
Vice Chairman (Chat.)

**(Ajay Chhajaj)**  
Vice Chairman (MP)



### Congratulations

National Executive Member of AIFTP, Tax Advocate **Narayan Jain**, LL.M. has been appointed by the most leading "Taxman" Magazine as **Hon. Co-ordinating Editor**.

His appointment has been highly appreciated in various circles. Mr. Jain has authored the famous book "**How to Handle Income Tax Problems.**"

### Publications for sale

Sr. No.	Name of Publication	Edition	Rate (₹)		
			Members	Non-Members	Courier Charges
1.	Handbook on FEMA – Taxation – Frequently Asked Questions	Oct., 2018	600.00	675.00	100.00
2.	"Income Tax Appellate Tribunal – A Fine Balance – Law, Practice, Procedure and Conventions – Frequently Asked Questions"	Dec., 2017	1,000.00	1,050.00	100.00
3.	AIFTP – Of Milestone and Beyond – History Book	Nov., 2016	400.00	450.00	80.00

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

## Direct Taxes

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

### Unreported Decision

#### 1. S.37 : Business Expenditure – doctors attending the medical conferences – is allowable expenditure

AO noted that assessee had incurred various expenses towards appointment of faculty doctor or assessee's consultant doctor in a medical conference. AO completed assessment and made additions to assessee's income. The CIT(A) granted partial relief to assessee.

Before the Tribunal the revenue argues that AO disallowed expenditure by observing that such expenses were incurred by staff on behalf of doctors and accordingly was a freebie which was not allowable in light of circular.

The ITAT held that expenses were incurred by assessee during the conferences and in relation to sponsorship of conferences, It was abundantly clear that they were not incurred for doctors neither do they provide any benefit to doctors. Said expenses were incurred by assessee in day to day course of its business and were not prohibited by MCI guidelines. In medical conferences, doctors were provided skill set training wherein live surgeries were performed so as to educate doctors about use of new technologically advanced products. Therefore, expenditure incurred were not in violation of provisions of any statute.

*Edwards Life Science (India) Pvt. Ltd. v. Dy. CIT ITA No.1553/Mum/2016, dt. 20-11-2018 (Mum.)(Trib.) source : www.itat.nic.in*

#### 2. S.50C : Fair Market Value of property applicable from the date of execution of Agreement to Sale

The assessee has entered into agreement to sale of its factory line and building on 14-8-2007 wherein consideration of ₹ 27.62 crores was decided and assessee received a sum of ₹ 14.39 crore by cheque at the signing of the agreement. However, agreement to sale was registered on 29-4-2009. The AO proposed to take valuation of property as on the date of registration i.e. 29-4-2009 and thereafter, as per the request of the assessee matter was referred to the DVO. The issue was whether valuation to be taken as on the date of entering into agreement or as on the date when the sale deed is actually registered. The CIT(A) held that the fair market value of the property is to be taken on date of agreement to sale i.e. 14-8-2007.

The Hon'ble Tribunal observed that at the time of entering into agreement to sale, the assessee has already received more than 50% amount of the agreement value and due to certain conditions, the sale deed could not be registered and finally, it was registered only on 29-4-2009. The Tribunal held that when agreement to sale is executed between the parties and part consideration is received, approval of the authorities of S. 50C takes place, computation u/s. 48 will start accordingly. Therefore, provisions of S. 50C is applicable as on the date of execution of the agreement to sale.

*ACIT v. M/s. Balmer Lawrie Van Leer Ltd., ITA No.4361/Mum/2016, dt.20/11/2018 (Mum.)(Trib.) source : www.itat.nic.in*

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<b>Advertisement Tariff for AIFTP Journal</b>		
	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.		

<b>Membership of AIFTP as on 30-11-2018 Life Members</b>					
	Associate	Individual	Association	Corporate	Total
Central	0	1042	25	0	1067
Eastern	6	1513	36	0	1555
Northern	0	1170	18	0	1188
Southern	1	1268	19	3	1291
Western	4	2318	37	5	2364
<b>Total</b>	<b>11</b>	<b>7311</b>	<b>135</b>	<b>8</b>	<b>7465</b>

## Indirect Taxes

Tanmay Mody, GST Practitioner

### 1. UPGST Act – Writ Petition against Seizure of Goods

A writ petition was filed by the assessee before the Hon'ble Allahabad High Court challenging seizure of goods. The goods in transit have been seized vide order dated 18-1-2018 passed under section 129(1) of the U.P. GST Act, 2017. The order of seizure has been passed on two grounds that the goods were being transported from New Delhi and not from Ghaziabad as alleged. Secondly, the value of the goods has been suppressed and according to *kaccha* bill found with the consignment, the value of the goods is much higher.

**Held:** On a conjoint reading of sections 107 and 121 of the Act it is apparent that though all orders passed under the Act by the adjudicating authority are appealable but not the ones which have been specifically excluded from the purview of appeal under section 121 of the Act such as orders pertaining to seizure. In view of the aforesaid facts and circumstances, we hold that the order of seizure of the goods in transit or storage passed under Section 129(1) of the Act is not appealable and therefore, a writ petition is maintainable against it subject to the limitations of judicial review.

*(Source: M/s. R. K. Overseas v. Union of India and Ors., Order in Writ Tax No. 111 of 2018 dated 1st February, 2018)*

### 2. GST – Inter-head adjustment of payment of tax

*The petitioner, as a consignee and transporter, purchased goods from the consignor in Chennai. While those goods were in transit, they were detained. The consignor paid the tax and penalty. Either on the ASTO's advice or on its own, it remitted the amount under the head 'SGST', instead of 'IGST'. The authorities refused to release the goods on account of payment under the wrong head.*

**Held:** It is not in dispute that the consignor paid the tax and penalty. Either on the ASTO's advice or on its own, it remitted the amount under the head 'SGST', instead of 'IGST'. When the amount of refund is completely adjusted against any outstanding demand under the Act, an order giving details of the adjustment is issued in Part A of Form GST RFD-07. Thus, the amount remitted under one head can be adjusted under another head. The respondent officials to allow the petitioner's request and get the amount transferred from the head 'SGST' to 'IGST'.

*(Source: Order in the case of Saji S., Proprietor, Adithya and Ambadi Traders v. The Commissioner, State GST, W. P. (C) No. 35868 of 2018 dated 12th November, 2018)*

### 3. GST – Andhra Pradesh AAR

*Whether the applicant is eligible to take input credit of goods and services used for constructing foundation and sheds for Plant and Machinery?*

**Held:** The argument of the applicant to treat civil structures as structural support for plant & machinery is not tenable. The civil structures under consideration squarely fall under other civil structures which are excluded as per the *Explanation* to Section 17(5) of the CGST Act, 2017.

*(Source: AP AAR Ruling No. AAR/AP/14(GST)/2018 dated 9th October, 2018 in the case of M/s. Maruti Ispat & Energy P. Ltd.)*

### 4. GST – Maharashtra AAR

*Whether the Business Support Service comprising of Back Office Support and Accounting Services, provided to overseas client amounts to export of services and therefore qualify as zero rated supply as per section 16 of the IGST Act or whether the applicant is an 'intermediary' in terms of section 2(26) of the IGST Act?*

**Held:** A sum of all activities indicate applicant as a person who arranges or facilitate supply of goods or services or both between the overseas client and customers of the overseas client, and therefore applicant is clearly covered and falls in the definition of an intermediary as defined under the IGST Act. To qualify a transaction of supply of services as export of services that transaction has to satisfy all five ingredients of the definition of "export of services" simultaneously. The services proposed to be rendered by the applicant do not qualify as 'export of services' and thus not a 'zero rated supply' as per section 16(1) of the IGST Act, 2017.

*(Source: Maharashtra AAR Order No. GST-ARA-03/2018-19/B-59 dated 7th September, 2018 in the case of M/s. Vservglobal Pvt. Ltd.)*

### 5. GST – Maharashtra AAR

*Whether DFIA license is a "duty credit scrip" as defined under the CGST Act, 2017? Whether GST is applicable on sale and / or purchase of DFIA licences?*

**Held -** Duty Credit Scrips and DFIA's are not one and the same or similar at all. They are different incentives given to exporters with different conditions and have been separately defined and explained in different Chapters

of the Foreign Trade Policy. Even though both are an incentive to exporters to promote and increase exports, both the schemes are used in different circumstances and in different manner. When the Foreign Trade Policy itself has segregated the two in different Chapters with different procedures, it would not be proper to consider the two schemes as one and the same. DFIA is distinguishable from 'Duty Credit Scrips' and cannot be considered as a Duty Credit Scrip as envisaged under the Serial No. 122A of Notification 1/2017 Central Tax (Rate) inserted vide Notification No.35/2017-Central Tax (Rate) dated 13-10-2017.

(Source: Maharashtra AAR Order No.GST-ARA-13/2018-19/B-86 dated 6th August, 2018 in the case of M/s. Spaceage Syntex P. Ltd.)

## 6. GST – National Anti-Profiteering Authority

The Respondent has resorted to profiteering by charging more price than that he could have charged by issuing

incorrect tax invoices. He has further acted in conscious disregard of the obligation which was cast upon him by the law by issuing incorrect invoices in which the base prices were deliberately enhanced exactly equal to the amount of reduced tax and benefit of Input Tax Credit and thus he had denied the benefit of ITC and reduction in the rate of tax granted vide Notification dated 14-11-2017 to his customers. Accordingly, he has committed an offence under Section 122(1)(i) of the CGST Act, 2017. The benefit is required to be passed on at the product level as the recipient would be different in each supply of the product. Every consumer is entitled to receive the above benefits and no one can be denied these benefits on the ground that they shall be passed on at the entity level, State level, locational level or the SKU level. The Respondent is directed to reduce his prices by way of commensurate reduction keeping in view the reduced rate of tax and the benefit of Input Tax Credit which has been availed by him.

(Source: Shri Ravi Charaya & Ors. v. M/s. Hardcastle Restaurants P. Ltd., Case No. 14/2018 dated 16th November, 2018)

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

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