

All India Federation of Tax Practitioners



AIFTA TIMES

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FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
17, 24, 31-1-2018; 7, 14, 21, 28-2-2018 7, 14-3-2018	Workshop on GST Law	Mumbai
20-1-2018	National Executive Committee Meeting	Kolkata
20-1-2018	One Day Seminar	Kolkata
17-3-2018	National Executive Committee Meeting	Vadodara
17, 18-3-2018	National Tax Conference	Vadodara

ELECTION OF NATIONAL EXECUTIVE COMMITTEE FOR THE TERM 2018-2019 AND NEW OFFICE BEARERS FOR THE TERM 2018

Total 103 nominations were received for the National Executive Committee for the term 2018 & 2019 and following 49 members were elected at the Ordinary General Meeting held on 1st December, 2017 at Vindhya Bhawan, Near T. V. Tower, Katanga, Jabalpur.

Sr. No.	Name	Zone	Place
1.	S. B. Kabra	Southern	Hyderabad
2.	M. Srinivasa Rao	Southern	Eluru
3.	S. Venkataramani	Southern	Bengaluru
4.	A. V. S. Krishna Mohan	Southern	Nellore
5.	S. S. Satyanarayana	Southern	Hyderabad
6.	Sreedhara Parthasarthy	Southern	Bellari
7.	Hemendra V. Shah	Southern	Hyderabad
8.	A. Retna Kumar	Southern	Trivandrum
9.	Rajendra Sodani	Central	Ujjain
10.	Ganesh N. Purohit	Central	Jabalpur
11.	Pankaj Ghiya	Central	Jaipur
12.	Ritu G. P. Das	Central	Kota
13.	Deep Chand Mali	Central	Jodhpur
14.	P. M. Chopra	Central	Jodhpur

Sr. No.	Name	Zone	Place
15.	Rajesh Joshi	Central	Indore
16.	Nikita R. Badheka	Western	Mumbai
17.	Vipul B. Joshi	Western	Mumbai
18.	Ashvin C. Shah	Western	Ahmedabad
19.	Gouri Chandnani Popat	Western	Ahmedabad
20.	Harish N. Motiwalla	Western	Mumbai
21.	Samir Jani	Western	Junagadh
22.	Bharat M. Swami	Western	Vadodara
23.	Bhaskar B. Patel	Western	Vadodara
24.	Chirag S. Parekh	Western	Mumbai
25.	Jayesh M. Shah	Western	Vadodara
26.	Vijay Kewalramani	Western	Thane
27.	Vinayak P. Patkar	Western	Mumbai
28.	Janak Vaghani	Western	Mumbai

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

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

Sr. No.	Name	Zone	Place
29.	Kishor Vanjara	Western	Mumbai
30.	Santosh J. Gupta	Western	Nagpur
31.	Mitesh Kotecha	Western	Mumbai
32.	Om Prakash Shukla	Northern	Varanasi
33.	Arvind Shukla	Northern	Varanasi
34.	Arvind Kumar Mishra	Northern	Allahabad
35.	Rahul Kaushik	Northern	New Delhi
36.	Mukul Gupta	Northern	Ghaziabad
37.	Anil Kumar Srivastava	Northern	New Delhi
38.	D. K. Gandhi	Northern	Ghaziabad

Sr. No.	Name	Zone	Place
39.	Varinder Kumar Sharma	Northern	Ludhiana
40.	Dr. Ashok Saraf	Eastern	Guwahati
41.	B. N. Mahapatra	Eastern	Bhubaneswar
42.	S. C. Garg	Eastern	Kolkata
43.	Anand Kumar Pasari	Eastern	Ranchi
44.	Nitu Hawelia	Eastern	Guwahati
45.	Basudeb Chatterjee	Eastern	Jamshedpur
46.	Achintya Bhattacharyajee	Eastern	Kolkata
47.	Narayan Prasad Jain	Eastern	Kolkata
48.	Ram Deo Kakra	Eastern	Kolkata
49.	Dilip Kumar Agarwal	Eastern	Kolkata

NEW OFFICE BEARERS FOR THE TERM 2018

At the first meeting of National Executive Committee, the following members were unanimously elected as Office Bearers for the term 2018:-

Sr. No.	Name	Place	Designation
1.	Shri Ganesh Purohit	Jabalpur	National President
2.	Dr. Ashok Saraf	Guwahati	Dy. President
3.	Shri P. M. Chopra	Jodhpur	Vice-President (Central Zone)
4.	Shri S. C. Garg	Kolkata	Vice-President (Eastern Zone)
5.	Shri V. P. Gupta	New Delhi	Vice-President (Northern Zone)
6.	Shri K. Sankaranarayanan	Kochi	Vice-President (Southern Zone)
7.	Smt. Nikita R. Badheka	Mumbai	Vice-President (Western Zone)
8.	Shri Pankaj Ghiya	Jaipur	Secretary General
9.	Shri Vipul B. Joshi	Hyderabad	Treasurer
10.	Shri Rajesh Joshi	Indore	Joint Secretary (Central Zone)
11.	Shri Dilip Kumar Agarwal	Siliguri	Joint Secretary (Eastern Zone)
12.	Shri Arvind Kumar Misra	Allahabad	Joint Secretary (Northern Zone)
13.	Shri S. Venkataramani	Bengaluru	Joint Secretary (Southern Zone)
14.	Shri Santosh Gupta	Nagpur	Joint Secretary (Western Zone)

The following members were co-opted at the First meeting of National Executive Committee held on 2nd December, 2017:-

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| 1) Mrs. Anagha Kulkarni, Adv., Pune. | 7) Shri Rabindra Nath Pal, Adv., Cuttack. |
| 2) Mrs. Anjana Singh, Adv., Allahabad | 8) Shri Sandeep Goyal, Adocate, Kolkata. |
| 3) Shri Hemant Modh, Adv., Jabalpur. | 9) Shri Sandip Choraria, Adv., Kolkata. |
| 4) CA. K. Sankaranarayanan, Kochi. | 10) CA. Satish Kumar Gupta, Jaipur |
| 5) Dr. P. Daniel, Adv., Thane | 11) Shri Suman Chetia, Adv., Guwahati. |
| 6) Shri P. V. Subba Rao, Adv., Secunderabad. | 12) Shri V. P. Gupta, Advocate, New Delhi. |

REPORT OF NATIONAL CONVENTION, 2017

By Shri Pankaj Ghiya, Secretary General (Elect) (2018)

The National Convention of All India Federation of Tax Practitioners was convened at Jabalpur on 1st December, 2017 coupled with the Seminar of two days on 2nd and 3rd December, 2017. On 1st December, 2017 the National Convention was held, elections were also held for N.E.C. Members by the Election Officer, Past President, Member Advisory Board Shri P. C. Joshi. The counting of votes continued up to 1:30 in the night and results were announced by the Election Officer on 2nd December, 2017.

The Seminar was a grand success. It was inaugurated by Hon'ble Mr. Justice Dipak Misra, Chief Justice of Supreme Court of India in presence of special guest of honour Hon'ble Justice Hemant Gupta, Chief Justice of Madhya Pradesh High Court and Hon'ble Justice Rajendra Menon, Chief Justice of Patna High Court and in presence of Full Court of 36 Hon'ble Judges of Madhya Pradesh High Court along with delegates and guests at Tarang Auditorium, Jabalpur. It was a grand function and will go into the history of All India Federation of Tax Practitioners as the Chief Justice of India has inaugurated the Convention.

The Hon'ble Chief Justice has mentioned with reference to McDonald's case that the assessee can be permitted to make lawful tax planning but tax evasion cannot be tolerated. He refrained himself from expressing any opinion in respect of GST issues.

The Chief Justice of the Madhya Pradesh High Court and Chief Justice of the Patna High Court in their respective speeches highlighted the importance of Tax Practitioners i.e. Advocates, Chartered Accountants and ITPs in making compliance with various tax provisions and helping the nation in collection of tax and contributing to the overall progress of the nation.

They congratulated the AIFTP (Central Zone), Madhya Pradesh Tax Consultants Association and Tax Bar Association for organising a Mega Conference at Jabalpur and expressed their good wishes for the same. The dignitaries also asserted that discussion on intricate issues of tax provisions go a long way in helping the Tax Practitioners as well as the assessee.

They expressed hope that the deliberations in the Conference will enlighten the participants and shall be useful for all concerned. The inaugural function concluded by the Vote of Thanks by General Secretary Shri Shishir Nema of Tax Bar Association, Jabalpur.

In the Inaugural Session the Hon'ble Chief Justice of India also inaugurated the Souvenir published at the Convention. CA. Manoj Jain presented the Souvenir for release by the Guests. A book jointly authored by a research team of lawyers, chartered accountants and an editing team consisting of Senior Advocates and Advocates who are regularly appearing before the ITAT have made their contributions in this publication containing various topics and published in Memory of late Shri Nani Palkhivala was also released by the Hon'ble Chief Justice of India. Book on GST-Law & Procedure (Fifth Edition) authored by Pankaj Ghiya, Advocate was also released by the Hon'ble Chief Justice of India.

Awards were also given by the Hon'ble Guests to the awardees. Awards sponsored by Ranka Public Charitable Trust namely Best Zone Award was given to the West Zone, Best Conference award was given to the East Zone for the Kolkata Conference and Best Seminar Award was given to the Central Zone for the Jodhpur Conference. In addition to it various other awards as sponsored was announced and given to the awardees in other technical session. The list of Awards, their sponsors and the Awardees is as under –

Sr. No.	Name of Award	Sponsored by	Awarded to
1.	Best Conference Award 2017	Ranka Public Charitable Trust	Eastern Zone – Kolkata 2nd & 3rd Sept., 2017
2.	Best Seminar 2017	Ranka Public Charitable Trust	Central Zone – 4th June, 2017 Jodhpur
3.	Best Zone Chairman	Ranka Public Charitable Trust	Shri Chirag Parekh, Chairman, Western Zone
4.	Winner of Membership Development Prize 2017	Mr. Mukul Gupta, Advocate in memory of Late Darshan Lal Ji Gupta	Shri P. M. Chopra, Jodhpur
4A.	Runner up of Membership Development Prize 2017	All India Federation of Tax Practitioners	Shri Samir Jani, Junagadh

Sr. No.	Name of Award	Sponsored by	Awarded to
4B.	Second Runner up of Membership Development Prize 2017	All India Federation of Tax Practitioners	Shri D. Amarnath, Hyderabad
4C.	Winner of Membership Development Prize 2017	All India Federation of Tax Practitioners	Southern Zone
4D.	Runner up of Membership Development Prize 2017	All India Federation of Tax Practitioners	Western Zone
4E.	Second Runner up of Membership Development Prize 2017	All India Federation of Tax Practitioners	Eastern Zone
5.	Maximum Participation in NEC (2017)	Dr. Ashok Saraf, Sr. Advocate in memory of Late Justice Dr. B. P. Saraf	Smt. Anagha Kulkarni, Pune
6.	Best Upcoming Speaker 2017	Mr. Bharat Ji Agrawal, Sr. Advocate in memory of Late Rajaram Agrawal	Mr. Ishaan Patkar, Mumbai
7.	Best Zone Vice-Chairman for Term (2017)	Dr. Ashok Saraf, Sr. Advocate in memory of Late Justice Dr. B. P. Saraf	Shri Sujit Ghosh, New Delhi
8.	AIFTP Best Zone (2017)	Mr. S. R. Wadhwa, Advocate in memory of Late Mohan Lal Wadhwa	Shri Chirag Parekh, Chairman, Western Zone
9.	Outstanding Contribution to the Development of Tax Profession (2017)	Dr. Ashok Saraf, Sr. Advocate in memory of Late Justice Dr. B. P. Saraf	Shri Pankaj Ghiya, Jaipur
10	Contribution to the growth of AIFTP Journal	Ranka Public Charitable Trust	CA. Harish Motiwalla, Joint Editor, AIFTP Journal
11.	Special Award for Best Conference 2017	Ranka Public Charitable Trust	Mangaluru Conference – 4th & 5th Nov., 2017
12.	Maximum Participants in Conference	Income Tax Bar Association, Varanasi in memory of Late Anil Kumar Singh	Mangaluru Conference – 4th & 5th Nov., 2017

Felicitation			
1.	As President (2017)	All India Federation of Tax Practitioners	Smt. Prem Lata Bansal, New Delhi
2.	As Secretary General (2017)	All India Federation of Tax Practitioners	Shri Sanjay Sharma, New Delhi
3	As Treasurer (2017)	All India Federation of Tax Practitioners	Shri Vipul Joshi, Mumbai

The Technical Sessions of the Conference including the Brains' Trust was very useful. The learned faculties contributed their best in educating and solving the problems of the delegates and the Members of the AIFTP. Their deliberations were highly appreciated by the delegates. The total registration in the Conference was 349 delegates and 8 spouses.

In the evening, a gala dinner and entertainment programme was organised that was fully enjoyed by the participants and they unanimously appreciated the efforts of all the three organisations in organizing the Conference that was termed as a very successful Conference. The hospitality of the hosts was appreciated by one and all; even at 4 p.m. in the morning the delegates were personally received by the members of Tax Bar Association is a rare example of hospitality shown by members. The food and other arrangements were also appreciated.

We express our thanks to Shri Sanjay Sharma for co-operating in co-ordinating with CJI office and timely collection of message of CJI and sending the same to us. The all out co-operation of our President Smt. Prem Lata Bansal in organising the Convention and seminar at Jabalpur is unforgettable we are extremely thankful to her.

Last but not the least we are thankful to our Past Presidents and members of the advisory board for their advice and guidance at all time for successful convention and seminar. We are indebted to our delegates' advertisers' news media civil and police administration, our own active members, without their support it was not possible to organise such a mega event.



ACTIVITY REPORT OF EAST ZONE FOR THE MONTH OF DECEMBER, 2017

By R. D. Kakra, Chairman, AIFTP (EZ)

AIFTP (East Zone) sent its Managing Committee report on 26th November, 2017, before National Convention, Jabalpur held from 1st December to 3rd December, 2017.

At Jabalpur we received the "RANKA BEST CONFERENCE AWARD 2017" on 2nd January 2017 in inaugural session from Hon'ble Chief Justice of India Mr. Deepak Mishra, CJI Supreme Court of India and on 3rd January 2017 received the second runner up award of Membership Development 2017. It's a proud moment for all of us.

Further during the month of December, 2017, the activity report of East Zone is as follows:

1. That on 19th December 2017 East Zone as per resolution passed at its Executive Meeting held on 22nd October, 2017 made a Fixed Deposit with 8% Savings (Taxable) Bonds, 2003 with HDFC Bank, Kolkata. The receipt of Bank was forwarded to the H.O and the copy of Bond will be forwarded afterwards as and when received.
2. On 23rd December, 2017 a managing committee meeting was organised at Hotel Manthan, 3, Waterloo Street, Kolkata – 700 001.
 - i. In course of meeting the newly elected National Vice President Mr. S. C. Garg and the NEC Members elected/co-opted at Jabalpur namely Mr. N. P. Jain, Mr. Basudeb Chatterjee, Mr. R. D. Kakra & Mr. Sandip Choraria were welcomed and presented a shawl, bouquet and memento.
 - ii. Further as AIFTP East Zone received Ranka Best Conference Award & Membership Award during the year with the active support of team AIFTP(EZ). Hence about 20 nos members of managing committee were felicitated with flower bouquet and beautiful appreciation award.
 - iii. Mr. R. D. Kakra & NVP Mr. S.C. Garg welcomed the zonal chairman (Elect) Mr. N. D. Shah, Advocate with a shawl and flower bouquet. In his welcome address Mr. Shah appreciated the 2 years activity of East Zone under the leadership of Mr. R. D. Kakra and assured that he would do his best to continue the tempo of progress.
 - iv. Mr. R. D. Kakra, Zonal Chairman & Treasurer Mr. Bishnu Loharuka *vide* letter dated 23rd December, 2017 handed over the charge of the zone and documents, F.D.R, Bank Cheque book & passbook and other files related to Federation AIFTP(EZ) to the Zonal Chairman and Secretary elect for the term 2018-19 which was duly acknowledged.
 - v. Mr. Bishnu Loharuka, Treasurer further handed over the cash of ₹ 36,716/- to the Secretary Mr. Kamal Kumar Jain. The total Bank balance handed over was ₹ 2,50,846.48 paise.
 - vi. Mr. N. D. Saha further informed the members about the NEC meeting and half day seminar to be held at Bengal Chamber of Commerce, Kolkata on 20th January, 2018 and requested the members to participate in the seminar in large numbers.
 - vii. Mr. Kamal Kumar Jain extended a hearty Vote of Thanks.
3. OTHER MATTERS
 - i. East Zone since introduction of one year term for National President is regularly suggesting the one year term for all zones. Necessary amendments should be made in this regard as early as possible.
 - ii. Election Rules for zone should be amended/drafted accordingly.
 - iii. Eligibility of filing Nomination for National Executive Committee & contesting the Elections should be drafted properly.
 - iv. It's a welcome step introduced during this year to announce the report of managing committee members before commencing the election process of zones by Election officer. The same procedure should be adopted for National Executive Members Election.
 - v. Each zone must contribute minimum ₹ 15,000/- every year for the betterment of AIFTP Journal.

ACTIVITY REPORT OF CENTRAL ZONE FOR THE MONTH OF DECEMBER 2017

By Deep Chand Mali, Chairman (AIFTP CZ)

National Conference was held at Jabalpur from our Central Zone. Other than Jabalpur nearabout 30 members attended the National Conference under the leadership of Shri D. C. Mali, Chairman and Shri P. M. Chopra, Conference Chairman (CZ) from Bhopal, Indore, Kota, Jaipur, Jodhpur, Jalore, Bilaspur, Raipur, Nokha, Bikaner, Sujangarh, Jalore, Sanchore, Barmer etc.

We have enrolled 20 new members in this period.

Welcome of Shri Sudhanshu Srivastava, Hon'ble Member-ITAT Bar during their court camp at Jodhpur.

Prayer Meeting was held on the death of Shri Hari Kishan Ojha (Senior member of Bar) father of Shri Suresh Ojha (Vice-Chairman-CZ) on 9th December, 2017 at Bikaner, which was attended by Shri P. M. Chopra and Shri D. C. Mali.

On the occasion of death of Shri Bilam Chand Mehta, Advocate, father of Justice Dinesh Mehta (member of our Association), funeral and condolence meeting was attended by our members of Zone including myself, Shri P. M. Chopra, Shri T. L. Jain, Shri Ashok Jangid, Shri Bhanwar Lal Bissa and Shri Prakash Vadera.

On behalf of our Zone, myself Shri P. M. Chopra attended meeting with the Principal Secretary (Finance) on 21-12-2017 and I have submitted pre-budget memorandum for extension of date of filing Annual VAT Return as well as I have submitted problems under GST and in compliance of E-way bill.

We are organising our next conference/tax seminar in the month of January.

Our member Shri P. M. Chopra has been taken in Executive Committee of Jodhpur High Court Advocates Association by Shri Ranjeet Joshi, dynamic President of Jodhpur High Court Advocates Association.

In Jabalpur Conference, Special award was given for One Day Best Tax Seminar of our Zone and Individual Highest Membership award to Shri P. M. Chopra.



REPORT ON ELECTION OF OFFICE BEARERS FOR NORTHERN ZONE MANAGING COMMITTEE FOR THE TERM 2018 & 2019

As per direction of NEC held at Jabalpur on 1st December, 2017, Dr. M. V. K. Moorthy, Imm. Past President was appointed as Election Officer for the Election of Office Bearers from Elected Managing Committee Members of Northern Zone.

Accordingly, Dr. M. V. K. Moorthy issued a Notice for Election to be held on 23rd December, 2017 at New Delhi.

After election, the following were declared elected as Office Bearers of Northern Zone Managing Committee:

Chairman:

- 1) Shri Sanjay Kumar, Allahabad for the Year 2018
- 2) Shri Sudhir Sangal, New Delhi for the Year 2019

Vice-Chairman:

- 1) Madan Mohan Bhasin, New Delhi – 2018 & 2019

Hon. Secretary:

- 1) Mrs. Jamuna Shukla, Varanasi for the Year 2018
- 2) Anuj Bansal, New Delhi for the Year 2019

Hon. Joint Secretary:

- 3) Pradeep Goyal, Barnala – 2018 & 2019
- 4) Anupam Jain, Ghaziabad – 2018 & 2019

Treasurer:

- 1) Ajay Kumar Goel, Ghaziabad – 2018 & 2019

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 28-12-2017 Life Members					
	Associate	Individual	Association	Corporate	Total
Central	0	964	24	3	991
Eastern	4	1373	36	3	1416
Northern	0	1079	17	0	1096
Southern	1	1207	19	8	1235
Western	4	2255	37	18	2314
Total	9	6878	133	32	7052

Letters to the Editor

INCOME-TAX APPELLATE TRIBUNAL – A FINE BALANCE LAW, PRACTICE, PROCEDURE AND CONVENTIONS

The above book jointly published by All India Federation of Tax Practitioners and Income Tax Appellate Tribunal Bar Association, Mumbai, is a veritable treasure of knowledge about procedure and practices of the Income Tax Appellate Tribunal in the form of over 400 questions and answers in 20 Chapters besides articles by eminent advocates in 15 Chapters. It is a comprehensive guide covering judicial decisions, rules and regulations and the administrative practices that have developed concerning the functioning of the Tribunal ever since this institution was set up in 1941. Comprehensive questions and answers have been prepared by a research team of highly knowledgeable and experienced Chartered Accountants and Advocates and have further been reviewed and edited by very eminent senior advocates like Dr. K. Shivaram, Mrs. Arati Vissanji, S/Shri N. M. Ranka, Percy Pardiwala, Firoz Andhyarujina, Subash S. Shetty, and M. Subramaniam.

As its Chief Editor, Dr. K. Shivaram has very aptly mentioned in his Editorial note that “the book will strengthen the independence of the judicial institution and promote the unpolluted justice delivery system”.

The book has been very aptly dedicated to the memory of Padamavibhushan Late Shri N. A. Palkhivala, Senior Advocate. It is available at a modest price of ₹ 1,250/-.

The book will be an indispensable reference companion particularly for Advocates, Chartered Accountants and Departmental Representatives engaged in income-tax litigation before the Tribunal and the Courts.

S. R. Wadhwa
Advocate

Former Chairman, Income-tax Settlement Commission
E-mail: wadhwasr@hotmail.com



Dear Dr. Shivaram,

Thank you for presenting me copy of the compendium brought out by the Income Tax Appellate Tribunal Bar Association, Mumbai and All India Federation of Tax Practitioners on “**Income Tax Appellate Tribunal A Fine Balance – Law, Practice, Procedure and Conventions – Frequently Asked Questions**”.

I have perused the same with interest and found that the compendium would be a useful guide for members of the legal and accountancy fraternity practising before the Tribunal. My compliments on bringing out such a useful publication!

Incidentally, the Northern Region Chapter of International Fiscal Association (“IFA”) India Branch recently held a two day programme on “Income-tax Litigation-Skill Development Programme”, which was largely conceived and designed by Mr. R. P. Tolani, former Vice-President, ITAT to educate ‘relatively’ new and young practitioners appearing before the Tribunal on the different aspects/nuances of representation before the ITAT. I propose to recommend this compendium as a useful guide for all those who had attended the said programme.

Warm regards,

Ajay Vohra
Senior Advocate
Mohan Dev, 1st Floor, 13, Tolstoy Marg
New Delhi – 110 001



Hearty Congratulations

Hearty Congratulations to the newly elected Office Bearers of Sales Tax Bar Association, New Delhi for the period 2017-18

President	:	Shri Vineet Bhatia
Vice-President	:	Shri Rakesh Kumar
Secretary	:	Shri Suresh Agrawal
Jt. Secretary	:	Shri Rasik Makkar

We wish them all the best.

“WORKSHOP ON GST LAW”

Organised Jointly by
AIFTP (WZ), BCAS, CTC, GSTPAM, MCTC & WIRC OF ICAI
For the Year 2017-18

The Goods and Services Tax (GST) law has been implemented w.e.f. 1st July, 2017. GST being the biggest indirect tax reform in India since independence and is having a major impact on taxpayers, tax administrators as well as the tax practitioners. All India Federation of Tax Practitioners (WZ) has been arranging various seminars, workshops and Study Circle meetings for spreading knowledge and educating its members on the various provisions under the GST law.

We are happy to announce “Workshop on GST Law” jointly with BCAS, CTC, GSTPAM, MCTC, and WIRC of ICAI to be held from 17th January, 2018 to 14th March, 2018. AIFTP (WZ) is organising this Joint Workshop from last 8 years and this being the 9th year, and all the above Associations are continuing in the path of spreading knowledge to the professional community.

The object of Workshop is to share the essence of professional experience and expertise of the faculties which they have gained over the years. Here, the Delegates will get an opportunity to gain knowledge and wisdom by interacting with seniors.

The topics selected for Workshop will cover in-depth and practical understanding of GST Law and Challenges to be faced in GST Era. A special Mega Brains’ Trust is arranged at the end of Seminar to seek views from seniors on issues faced by all members with regards to interpretation of law and practical difficulties. These topics are of immense importance and will be of enormous help and use to Professionals/Delegates handling Indirect Tax matters.

The Scheduled List containing the dates, topics, and names of faculties is attached herewith. (subject to confirmation and availability). Enrolment will be made on first-come-first-serve basis. The fees for workshop are ₹ 2,000/- plus 18% GST for Members of the Federation and ₹ 2,500/- plus 18% GST for non-members. Cheque at par may be drawn in favour of “All India Federation of Tax Practitioners – Western Zone.”

For any further details please contact any of the following Convenors:

Bhaven Mehta – 8097041002 | Vinod Mhaske – 9821367117 | Premal Gandhi – 9324383636

You are requested to enrol at the earliest to enable us to make proper arrangement. Kindly download Enrolment Form from AIFTP website (www.aiftponline.org). Details of the Course are as under:

Day No.	Day	Date	Session Sr. No.	Topics	Speakers	Timings (p.m.)	
1	Wednesday	17-1-2018	–	Inauguration		2.00	2.30
1	Wednesday	17-1-2018	1	Issues in Transitional Provisions	CA. Rajiv Luthia	2.30	4.00
1	Wednesday	17-1-2018	2	Documentation including Invoicing, Debit-Credit Notes & Accounting	CA. Ashit Shah	4.15	5.45
2	Wednesday	24-1-2018	3	Classification of Goods & Services	Shri Ratan Samal, Adv.	2.30	5.45
3	Wednesday	31-1-2018	4	Composition Scheme, TDS & TCS Provisions	CA. Janak Vaghani	2.30	3.30
3	Wednesday	31-1-2018	5	Ledger	CA. Mayur Parekh	3.45	5.45
4	Wednesday	7-2-2018	6	Export of Goods & Services, Supplies to SEZ, Refunds	CA. Jinit Shah	2.30	4.00
4	Wednesday	7-2-2018	7	Provisions Relating to E-Way Bills, Anti-Profiteering	CA. Jayesh Gogri	4.15	5.45
5	Wednesday	14-2-2018	8	Issues in Works Contract Transactions related to Movable & Immovable Property	CA. S. S. Gupta	2.30	5.30
6	Wednesday	21-2-2018	9	Issues related to Job Work & E-Commerce Transactions	CA. Mandar Telang	2.30	4.00
6	Wednesday	21-2-2018	10	Late Fees, Interest & Penal Provisions	CA. Sujata Rangnekar	4.15	5.45
7	Wednesday	28-2-2018	11	Issues in Valuation of Goods & Services	CA. Manish Gadia	2.30	4.00
7	Wednesday	28-2-2018	12	Issues in Time & Place of Supply of Goods	CA. Rajat Talati	4.15	5.45
8	Wednesday	7-3-2018	13	Issues in Time & Place of Supply of Services	CA. Naresh Sheth	2.30	4.00
8	Wednesday	7-3-2018	14	Provisions related to Inspection, Search, Seizure and Summons	Shri C. B. Thakar, Adv.	4.15	5.45
9	Wednesday	14-3-2018	15	Mega Brains’ Trust Session	CA. A. R. Krishnan CA. Sunil Gabbhwalla Smt. Nikita Badheka, Adv. CA. Parind Mehta	2.30	5.30

ONE DAY TAX SEMINAR AT KOLKATA

All India Federation of Tax Practitioners – Eastern Zone are extremely happy to announce the One Day Tax Seminar to be held on Saturday, 20th January, 2018. This effort aims at showcasing a seminar with unique features and topics, which are of interest to all tax practitioners, whether practicing Direct Taxes or Indirect Taxes, and gives a not-to-miss opportunity to all concerned.

The details are as under:-

Day & Date : Saturday, 20th January, 2018
Time : 9.30 A.M. to 3.30 P.M.
Venue : The Bengal Club Limited, 1/1 Russell Street, Kolkata - 700 071 (West Bengal)
Fees : ₹ 1,000/- (inclusive of Conference Materials and Lunch)

PROGRAMME SCHEDULE

Time	Subjects & Faculties
9.30 A.M. to 9.45 A.M.	Registration
9.45 A.M. to 10.15 A.M.	Inauguration Chief Guest : Hon'ble Mr. Justice Malay Marut Banerjee, Chairman, West Bengal Taxation Tribunal.
10.15 A.M. to 11.45 A.M.	GST – Current Issues Chairman : Mr. Chanchal Mal Bachhawat, Technical Member, West Bengal Taxation Tribunal. Speakers : Mr. Pankaj Ghiya, Adv., Jaipur; CA. Arun Agarwalla, Kolkata
11.45 A.M. to 1.00 P.M.	Prohibition of Benami Transaction Amendment Act, 2016 – Major Issues Chairman : Mr. Ganesh Purohit, Sr. Adv., Jabalpur Speaker : Dr. P. Daniel, Adv., Mumbai
1.00 P.M. to 1.30 P.M.	Lunch Break
1.30 P.M. to 3.00 P.M.	Insolvency & Bankruptcy Code – Major Issues Chairman : Eminent Faculty Speaker : Mr. Rajiv Shankar Dvivedi, Adv., New Delhi
3.00 P.M. to 3.30 P.M.	Break
3.30 P.M. to 5.00 P.M.	Managing Committee Meeting of Eastern Zone
5.00 P.M. to 7.00 P.M.	National Executive Committee Meeting for the term 2018
7.00 P.M. onwards	Dinner

Please send your enrollment along with a cheque/demand draft of ₹ 1000/- in favour of “All India Federation of Tax Practitioners – Eastern Zone”.

- Note:— 1) Only 70 participants will be enrolled on first come first served basis.
 2) Delegates are requested to send queries for Brains' Trust / Technical Sessions by 15th January, 2018 by e-mail at ndsaha-51@hotmail.com

For All India Federation of Tax Practitioners – Eastern Zone

Mr. N. D. Saha Mob.: 09830044321 <i>Chairman</i>	Mr. Kamal Kr. Jain Mob.: 09830708341 <i>Hon. Secretary</i>	Mr. Bhaskar Sinha Roy Mob.: 09836006096/ 09331936096 <i>Hon. Jt. Secretaries</i>	Mr. Vivek Agarwal Mob.: 09433207785
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Publications for sale

Sr. No.	Name of Publication	Edition	Rate (₹)		
			Members	Non-Members	Courier Charges
1.	“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
2.	AIFTP – Of Milestone and Beyond – History Book	Nov., 2016	400.00	450.00	80.00

- 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.

DIRECT TAXES

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

1. **S.10B : Exemption – Assessee registered under the STPI as a 100% EOU, entitled for deduction u/s.10B**

The assessee engaged in the business of rendering software development services to its Associate Enterprises (AE) located in various places outside India. The assessee filed its return of income; order u/s. 143(3) was passed determining the taxable income after disallowing the excess of the exemption claimed u/s. 10B. Thereafter, the AO noticed that the claim made by the assessee firm u/s. 10B is not correct. Assessment was reopened u/s. 147 of the Act by issuance of the notice u/s. 148. During the re-assessment proceedings, the AO observed that for claiming u/s. 10B exemption, the assessee should be an undertaking which has been approved as a 100% “export oriented undertaking” by the Board appointed on this behalf by the Central Govt. in exercise of the powers conferred by Section 14 of the Industries (Development and Regulation) Act, 1951 and the rules made thereunder. The AO also observed that the assessee is only registered as a 100% EOU by STPI. Therefore, he disallowed the claim of deduction u/s. 10B. The CIT(A) allowed the claim of the assessee.

The question before ITAT was whether for becoming eligible to the deduction under S.10B, it is enough if the assessee is registered with Software Technology Park of India as a 100% EOU or it is also necessary for the assessee to have the approval of the Board constituted by the Central Government under S.14 of the Industries (Development and Regulation) Act, 1951. The Hon'ble Tribunal held that the assessee is registered with the STPI, is entitled for exemption u/s.10B.

Dy.CIT vs. M/s. Value Lab Hyderabad ITA No. 836/Hyd/2016 dt.15/12/2017 (Hyd)(Trib.) Source : www.itat.nic.in

2. **S.69 : Investment shown under the head ‘Current Asset’ in the balance sheet cannot be treated as Unexplained**

Assessee is an individual engaged in the business of Indian made foreign liquor and trading of marble and construction business. Assessee was running his business under three proprietorship concerns and has duly filed his return of income. During the assessment proceedings, the AO noticed that the amount of investment shown by assessee in his income tax return and the difference of sum of amount which the assessee failed to explain with any documentary evidences and accordingly he treated the same as undisclosed investment u/s. 69B and added to the total income of assessee.

The Hon'ble ITAT held that addition made by AO merely on the basis of difference observed by him between the amount of investment shown by the assessee in the audited financial statement in the Income Tax returns. However, the books of account it is clear that the assessee has shown in the balance sheet under the head investment and the remaining investment was shown under the head “current asset”. Therefore, it cannot be concluded that the assessee has made unexplained investment u/s. 69B. If the assessee has disclosed investment under “current assets” in the balance sheet, then the same cannot be treated as unexplained investment for s. 69 and 69B.

DCIT vs. Shri Raja Ram Yadav, ITA No.392/Kol/2016 dt.15/12/2017 (Kol)(Trib.) Source : www.itat.nic.in

3. **S.80P : Deduction to ‘Interest Income’ earned by SBI Officers Co-op. Credit Society Ltd. on deposits placed with SBI is allowable**

The assessee is a Co-operative Credit Society providing credit facility to its members. The assessee society admits its business income and claimed deduction u/s. 80P. The claim for deduction was rejected by the assessee on ground that the assessee was established for the benefit of SBI Officers only. The AO held that interest earned on Fixed Deposits made with nationalised bank is not attributable to the activities of providing credit facilities for its members. Therefore interest earned income on FD is income from other source.

The Hon'ble ITAT held that the assessee maintained the funds constitute reserves which have deposited with State Bank of India as per norms of A.P. Co-operative Society Act, 1964 and the Society is eligible for deduction under the profits attributable to their activity u/s. 80P(1)(2)(a)(i). Further, held that the ‘interest income’ earned on the deposits placed with the SBI, a nationalised bank is allowable under section 80P.

SBI Officers Co-op. Credit Society Ltd vs. ITO ITA No.673/Hyd/2017 dt.15/12/2017 (Hyd.)(Trib.) Source : www.itat.nic.in

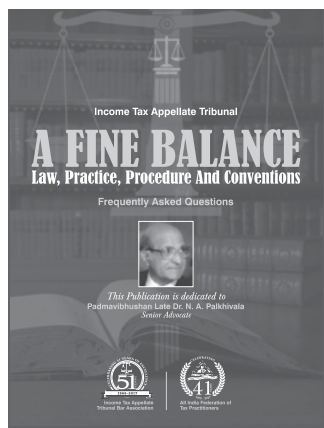
4. **S.171 : Assessment of HUF after partition – Claim of the assessee that there was a HUF in existence and the properties/income derived by the HUF has been passed onto the next generation – claim not be accepted as it had never maintained a separate bank account for HUF**

Survey u/s.133A was conducted in case of M and Brothers and certain documents, books of account were impounded. The assessee individual on behalf of HUF, filed its return of income for AYS 2005-06, 2006-07 and 2007-08. During the assessment AO found that there were no details of return of income filed by assessee HUF, no bank accounts were maintained and it was claimed that HUF existed and HUF was partitioned in year 1991. AO rejected claim of assessee for HUF status and passed assessment order on assessee on behalf of HUF. The CIT(A) held that no HUF was in existence and income of HUF was taxable in assessment of individual and not in assessment of HUF.

The ITAT held that, HUF was creature of law and it could not be created by Act of parties. If HUF had never maintained separate bank account, filed returns of income or maintained separate books of account prior to making claim for first time before revenue authorities; even partition deed was placed on record for first time before CIT(A). Such claim of assessee that there was HUF in existence and properties/income derived by HUF had been passed on to next generation could not be accepted for tax purpose. Hence the assessee is correctly taxed as individual capacity. (r.w.s. 133A)

T. Saibaba & Ors. vs. ITO & Ors. ITA No.571/H/13 & 1423/H/16, dated 15/12/2017 (Hyd.)(Trib.) Source : www.itat.nic.in

BOOK RELEASE ANNOUNCEMENT



The All India Federation of Tax Practitioners and ITAT Bar Association, Mumbai, have jointly published a Book titled “**Income Tax Appellate Tribunal – A Fine Balance – Law, Practice, Procedure and Conventions - Frequently Asked Questions**”, dedicated to Padma Vibhushan Late Dr. N. A. Palkhivala, Sr. Advocate. A research team of lawyers, chartered accountants and an editing team consisting of Senior Advocates and Advocates who are regularly appearing before the ITAT have made their contributions in this publication. Hon’ble Justice Mr. Dipak Misra, Chief Justice of India, has released the said publication on 2-12-2017 at Jabalpur.

This is a unique publication compiled in a question-answer format explaining the provisions, laws, conventions etc. answering around 406 questions by giving references to relevant case laws on the respective subject.

The publication is divided into 36 Chapters viz., Income tax Appellate Tribunal, including subjects such as:

- Representation before the Appellate Tribunal
- Checklist for filing appeal
- Specimen ground of Appeal, Stay Application and Miscellaneous Application
- Reference to Finance Acts and Circulars explaining the provisions since 1936 to 2017
- Conventions to be followed by the members of the Bar
- Minutes of the Meetings with Hon’ble Presidents and Vice-Presidents and the discussions with respect to various issues faced and the amendments in procedures following such discussions (which will not be available in any of the publications or websites),
- Suggestions made by Registrar of ITAT from time-to-time
- ‘My “Ideal” Tribunal member’ and ‘Is Court Reference is Formality’, by S. E. Dastur, Sr. Advocate
- ‘Principle of good representation before ITAT’, by Dr. K. Shivaram, Sr. Advocate (which contains about how Dr. Palkhivala, who hailed from a humble middle class working family, became one of the greatest lawyer and legends of our country, Persuasive Skill of Mr. R. J. Kolah, High Reputation of Mr. S. P. Mehta, hard work of Mr. D. M. Harish and many more practical tips to achieve success in tax litigation practice)
- Do’s and Don’ts (Do not argue loudly)

This scholarly publication will be a useful reference for the Lawyers, Chartered Accountants, Tax Practitioners, Departmental representatives, to better understand the law and procedure relating to Appellate Tribunal.

This publication would be an invaluable treasure in the library of tax professionals.

The price of publication is ₹ 1,250/-.

For members, the publication will be available at a discounted price of

₹ 1,000/- and others at ₹ 1,050 /-.

Courier charges for the publication will be ₹ 100/- extra.

Those who desire to purchase the book may contact:

Mr. Ravindra Patade, Manager,

All India Federation of Tax Practitioners

215, Rewa Chambers, 31, New Marine Lines, Mumbai – 400 020.

Tel. No. 2200 6342 / 49706343 / 2200 6343 • E-mail : aiftp@vsnl.com

INDIRECT TAX DECISIONS – VAT UPDATE

CA. Janak Vaghani

VAT – Appointment of Member of Tribunal etc.

The important gist of oral order passed by the Bombay High Court in writ petition filed by the Sales Tax Tribunal Bar Association, Mumbai:-

The appointment of Tribunal member under clauses (a) to (c) of rule 6(1) should not be made without making prior effective consultation with the High Court of Judicature Bombay. For selection of member under clauses (d) to (f), the State Government is directed to constitute proper Selection Committee preferably headed by a retired Judge of the High Court. For that the Government to ensure that he is judicially trained in a sense that they have long experience of dealing with quasi-judicial proceedings and or adjudication proceedings. The Bench of Tribunal of two or more shall always be headed by Judicial Member. The High Court

recommended to carry out amendment in rules to provide for maximum term of the member and their age limit for retirement. The Government should initiate to fill the vacancy at least six months before the vacancy in Tribunal. The necessary infrastructure should be provided by the Government. The Tribunal shall take immediate steps to ensure that all the orders passed by it are immediately uploaded on the dedicated website and to consider the establishment of E-courts. The High Court disposed the matter however for the purpose of the monitoring kept the matter on 18th January, 2018 and State Government is directed to file affidavit on or before 15th January, 2018.

[Source: Sales Tax Tribunal Bar Association v. State of Maharashtra and Ors., WP No. 2069 of 2015, dated 28th and 29th September, 2017, (Mumbai)].



Publications from AIFTP Western Zone for sale

Sr. No.	Name of Publication	Edition	Rates (₹)		
			Members	Non-Members	Courier Charges
1.	Limited Liability Partnership simplified through – Frequently Asked Questions	Nov., 2016	200.00	225.00	60.00
2.	Levy of Penalty u/s. 271(1)(c) – Some Important Issues	Nov., 2016	200.00	225.00	60.00

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