



AIFTP TIMES

Volume 9 – No. 6 • June 2018

FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
9-6-2018	Symposium on Income Tax	Kolkata
9-6-2018	Annual General Meeting of Eastern Zone	Kolkata
16-6-2018	Annual General Meeting of Central Zone	Bhopal
16-6-2018	One Day Conference	Bhopal
23-6-2018	Annual General Meeting of Southern Zone	Vellore
29-6-2018	Annual General Meeting of Western Zone	Mumbai
30-6-2018	Annual General Meeting of Northern Zone	Varanasi
11-8-2018	National Executive Committee Meeting	Amritsar
11, 12-8-2018	National Tax Conference	Amritsar
8, 9-9-2018	Justice Dr. B. P. Saraf National Moot Court Competition	Kolkata
8, 9-9-2018	Two Day Conference	Haridwar
6-10-2018	National Executive Committee Meeting	Thane
6, 7-10-2018	National Tax Conference	Thane
24, 25-11-2018	Two Day Conference	Allahabad
21-12-2018	National Executive Committee Meeting	Guwahati
22, 23-12-2018	21st National Tax Convention, 2018	Guwahati

Comments from Members

- ☞ Only this association has called even though there are so many associations in Gujarat – Amit K. Soni, Adv., Nadiad
- ☞ Nice gesture from AIFTP for this wonderful wishes. Thanks to all office bearers to take initiative to wish members – CA. Rajeev J. Mundra, Thane
- ☞ So nice for remembering our birthday – Ajay A. Kohli, Adv., Chandigarh
- ☞ Very Nice! Now AIFTP is getting more active with AIFTP Family – Arvind A. Shukla, Adv., Varanasi
- ☞ Thanks for the good wishes through AIFTP – M. Venkatagiri, Adv., Hubli
- ☞ Nice to have call from AIFTP and that for my birthday wishes. – Sajjan Kumar Bagaria, Adv., Burdwan (WB)

Announcements

I invite any of AIFTP members to take up the cause of STP being authorised for certification in GST law. Whosoever can get it done we will felicitate him in Guwahati Convention 2018 and honour him with cash reward of ₹ 1,11,000/- on my personal behalf, if it is done during my tenure i.e. before, December 2018.

Please come forward, you may constitute your own team. I assure full co-operation of our Indirect Tax Committee.

GANESH PUROHIT
National President

SAARTHI

21st NATIONAL CONVENTION 2018

Organized by

All India Federation of Tax Practitioners (EZ)

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

Theme :

Globalisation and Changes in Tax Laws – Role and Responsibilities of Tax Professionals in National Building

For further details, please visit website
i.e. www.aiftphyconvention2018.com

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	pankajghiyaipur@gmail.com
Treasurer – Shri Vipul B. Joshi, Adv.	9820045569	022-66333736	22080951	vipulbjoshi@gmail.com

Report of National Tax Conference held at ICAI Auditorium, Indore on 5th & 6th May 2018

The conference was inaugurated by Chief Guest Shri Manish Borad, ITAT Accountant Member in presence of AIFTP National President Sr. Advocate Ganesh Purohit, AIFTP Secretary General Adv. Pankaj Ghiya, AIFTP (CZ) Chairman CA. Rajesh Mehta, AIFTP Joint Secretary Adv. Rajesh Joshi, Conference Chairman CA. Abhay Sharma, CA. Subhash Deshpande President Tax Bar at Tribunal, Sr. Adv. Sumit Nema, Secretary, Tax Bar at Tribunal and TPA Indore President CA. Vikram Gupte Sharma.

First Technical Session was “Tax Management through Will, Family Arrangement and Private Trust” and chaired by Shri N. M. Ranka (Sr. Advocate, Jaipur). The Speaker for the session was Adv. Mandar Vaidya, Mumbai. He emphasized on the importance of making Will for all ages of people.

Second Technical Session was taken by CA. Sanjay Dhariwal, Bengaluru and chaired by Dr. M.V.K. Moorthy, Advocate Hyderabad on the topic “Taxability of works contract under GST on real estate developers”. CA. Sanjay Dhariwal highlighted the various issues of works contract under GST regime.

Third Technical Session on the topic “Re-Assessment of Income Tax Cases – Interesting Issues” was taken by Shri Rakesh Gupta Advocate, Delhi and chaired by Hon’ble Dr. Justice Anita Sumanth, Madras High Court.

Fourth Technical Session “Constitutional Remedies under Income Tax Laws with special reference to Prosecution & Recovery Proceedings” chaired by Shri Ganesh Purohit Sr. Advocate, Jabalpur. The speaker of the session Shri Firoz B. Andhyarujina Sr. Advocate Mumbai, spoke on the prosecution proceedings initiated by the IT Department unnecessary and increasing the burden on the courts by filing the cases against the assessee.

Fifth Technical Session on the topics “Blocked Credit in GST, GST on reimbursement, GST on discount, GST on GTA, Challenges for Professionals” was taken by CA. Ankit Somani, Ajmer and session chaired by Shri M. L. Patodi Advocate, Kota. Speaker spoke on the various technical and other issues of GST regime.

Sixth Technical Session on the topic “Recent Developments in Taxation of undisclosed income with reference to Section 115BBE” was taken by CA. Jagdish T. Punjabi, Mumbai and chaired by Shri N. P. Jain Advocate, Kolkata. The speaker highlighted the provision of Section 115BBE levying tax at 77.25% on Undisclosed Income.

Conference was concluded by a “Brains’ Trust Session” which was taken by Adv. Mukul Gupta Ghaziabad, Shri V. P. Gupta, Advocate New Delhi, and CA. Abhishek Singhania, New Delhi.

Total 407 delegates from Indore and more than 51 cities across India participated in the conference.

We express our thanks to Tax Bar at Tribunal, Indore and Tax Practitioners Association, Indore for co-operating in the conference and their efforts were unforgettable.

We are also thankful to all the past presidents and members, without their support the conference would not have been such a grand success.

CA. Rajesh Mehta
Chairman, AIFTP (CZ)

CA. Devendra Kansara
Secretary, AIFTP (CZ)

Adv. Rajesh Joshi
Conference Convenor

Report on One Day Tax Seminar at Puri, Odisha

By Ramesh Kumar Dhal, Vice Chairman, Odisha State

One day Tax Seminar of AIFTP (EZ) at Odisha was held at Hotel Pride Ananya Resort, VIP Road, Puri on 12-5-2018 supported by all the Tax Bar Associations of Odisha. The theme of the Seminar was - “Possibilities and Challenges for Tax Professionals at the present regime”.

The Seminar was inaugurated by the Chief Guest Hon’ble Dr. Justice Bidyut Ranjan Sarangi, Judge, Orissa High Court. Shri Sarat Kumar Dash, Commissioner of Income Tax, Bhubaneswar attended as the Guest of Honour. Vice Chairman, AIFTP (EZ) Shri Ramesh Kumar Dhal, Convenor of the Seminar presented the welcome address and the Chairman, AIFTP (EZ) Shri Nanda Dulal Saha presented the keynote address about the Federation. Shri Suresh Chandra Nanda, President, Puri Tax Bar Association offered Vote of Thanks at the end of the inaugural session.

Prominent Advocates Shri Natabar Mohanty (Bhubaneswar), Shri Suresh Chandra Nanda (Puri), Shri Ranjit Padhi (Brahmapur), Shri Pratik Kumar Nayak (Rourkela), Shri Bibek Mohanti (Cuttack), Shri Prabinananda Rath(Angul), Shri Satish Kumar Singh (Jamshedpur), Shri Kamal Kumar Jain (Kolkata) were felicitated by the Chief Guest.

Topic of the First Technical session was- “Implication of the GST on Works Contract *vis-à-vis* Real Estate”. This session was chaired by Shri R. D. Kakra, Advocate, Kolkata and speaker was CA Shri Arun Agarwal, Kolkata. Shri K. C. Sahoo, Secretary, Puri Tax Bar Association presented Vote of Thanks.

Second Technical Session was – “Penalty for concealment, Law before and after insertion of section-270-A from the A/Y-2017-18”. This session was chaired by Shri B. N. Mahapatra, NEC Member and speakers were Shri V. P. Gupta, Advocate, New Delhi and Dr. Kanhayalal Sharma, Advocate, Orissa High Court. Shri Satyajit Nanda, MC Member, AIFTP (EZ) presented vote of thanks.

Third Technical session’s topic was- “Important issues arising out of Benami Transaction prohibition Act”. This session was chaired by Shri K. L. Mittal, Advocate, Jamshedpur and speaker was Shri Subash Chandra Agarwal, Advocate, Kolkata. Shri Natabar Panda, MC Member, AIFTP (EZ) presented Vote of Thanks.

Topic of the Fourth Technical session was- “Input Tax Credit & Refund under GST”. This session was chaired by Shri Jagabandhu Sahoo, Sr. Advocate, Orissa High Court and speaker was CA Shri Tarun Agarwal, Bhubaneswar. Shri Pradip Kumar Pattnaik, MC Member, AIFTP (EZ) presented Vote of Thanks.

Last session was open house discussion. Shri R. D. Kakra, Shri Jagabandhu Sahoo, Shri Subash Chandra Agarwal, Shri Tarun Agarwal clarified the queries of the delegates.

In this seminar, representatives of different Tax Bar Associations of Odisha, Jharkhand and West Bengal around two hundred delegates participated. In the evening there was Managing Committee meeting of AIFTP (EZ) followed by Mahaprasad Sevan. Arrangements were made for special Darshan of outside delegates and guests of Lord Jagannath, The Lord of universe.



All India Federation of Tax Practitioners (Southern Zone) Notice to Members

Notice is hereby given that the Annual General Meeting of the Members of All India Federation of Tax Practitioners (Southern Zone) will be held on Saturday, the 23rd June, 2018 at Vellore, Tamil Nadu at 5.00 p.m. to transact the following business:-

AGENDA

1. To read and approve the minutes of the last Annual General Meeting.
2. To receive and adopt the Audited Accounts of the Southern Zone for the year ended 31st March, 2018 and Balance Sheet as on that date and to receive and adopt the Annual Report of the Managing Committee (SZ) for the year 2017- 2018.
3. To appoint an Auditor for the year ending 31st March, 2019 and fix his honorarium.
4. To transact any other business with the permission of the Chair.

Yours faithfully,
For AIFTP (SZ)

Sd/-
(C. Sanjeeva Rao)
Hon. Secretary

Place : Visakhapatnam

Date : 31-05-18

- Notes.
1. Audited Accounts for the year ended on 31-3-2018 and the report of the Managing Committee for the Southern Zone can be taken from the respective mails sent to the GC members to save the paper in light of the green revolution.
 2. If there is no quorum by 5.00 p.m., the meeting will be adjourned by half an hour and the members present at such adjourned meeting shall form the quorum.

All India Federation of Tax Practitioners (Western Zone)
Notice to Members

Notice is hereby given that the Annual General Meeting of the Members of All India Federation of Tax Practitioners (Western Zone) will be held on Friday, the 29th June, 2018 at 215, Rewa Chambers, 31, New Marine Lines, Mumbai – 400 020 at 6.00 p.m. to transact the following business:

AGENDA

1. To read and approve the minutes of the AGM held on 18th July, 2017.
2. To receive and adopt the Annual Report of the Managing Committee (WZ) for the year 2017-18.
3. To consider and adopt the audited accounts for the year ended 31st March, 2018.
4. To appoint auditors for the year 2018-19 and fix their honourarium.
5. To transact any other business with the permission of the Chair.

Yours faithfully,
For AIFTP (WZ)
Sd/-
(Salil M. Lodha)
Hon. Secretary

Place : Mumbai
Date : 23-5-2018

- Notes.
1. Accounts for the year ended on 31-3-2018 and the report of the Managing Committee for the Western Zone can be collected from the Office of the Federation from 15th June, 2018 onwards between 11.30 a.m. to 5.00 p.m. The accounts and the report can be made available to the members through e-mail on request to the office.
 2. If there is no quorum by 6.00 p.m., the meeting will be adjourned by half an hour and the members present at such adjourned meeting shall form the quorum.

All India Federation of Tax Practitioners (Central Zone)
Notice to Members

Notice is hereby given that the Annual General Meeting of the Members of All India Federation of Tax Practitioners (Central Zone) will be held on Saturday, the 16th June, 2018 at Hotel Motel Shiraj, Board Office Square, Hoshangabad Road, M.P. Nagar, Bhopal at 4.00 p.m. to transact the following business:-

AGENDA

1. To read and approve the minutes of the AGM held on 16th June 2018.
2. To receive and adopt the Annual Report of the Managing Committee (CZ) for the year 2017- 2018.
3. To consider and adopt the audited accounts for the year ended 31st March, 2018.
4. To appoint Auditors for the year 2018-19 and fix their honorarium.
5. To transact any other business with the permission of the Chair.

Yours faithfully,
For AIFTP (CZ)
Sd/-
(Devendra Kansara)
Hon. Secretary

Place : Mumbai
Date : 26-5-2018

- Notes.
1. Accounts for the year ended on 31-3-2018 and the report of the Managing Committee for the Central Zone can be collected from the Office of the Treasurer Mr. Ashok Jangid (Email Address:- ajangid399@gmail.com) (Mob: 98290-30166) from 6th June, 2018 onwards between 11.30 a.m. to 5.00 p.m. The accounts and the report can be made available to the members through e-mail on request to the office.
 2. If there is no quorum by 4.00 p.m., the meeting will be adjourned by half an hour and the members present at such adjourned meeting shall form the quorum.

All India Federation of Tax Practitioners (Eastern Zone)
Notice to Members

Notice is hereby given that the Annual General Meeting of the All India Federation of Tax Practitioners (Eastern Zone) will be held on Saturday, the 9th June, 2018 at the Rotary Sadan, 94/2, Jawharlal Nehru Road, Room Nos. 101 & 102, Ground Floor, Kolkata 700 020 at 3.00 p.m. to transact the following business.

AGENDA

1. To read and approve the minutes of the last AGM held on 15th July 2017
2. To receive and adopt the Annual Report of the Managing Committee (Eastern Zone) for the year 2017-18.
3. To consider and adopt the audited accounts of the Federation (Eastern Zone) for the year ended 31st March, 2018
4. To appoint Auditors for the year 2018-19 and to fix their honourarium.
5. To transact any other business with the permission of the Chair.

Kamal Kumar Jain
9830708431
Secretary (EZ)

Vivek Agarwal
09433207785
Joint Secretaries

Bhaskar Sinha Roy
09836006096/09331936096

Note. 1. Accounts for the year ended on 31-3-2018 and the Report of the Managing Committee for the Eastern Zone can be collected from the office of the Secretary from 4th June, 2018 onwards between 5:00 p.m. and 7:00 p.m. The Accounts and Report can also be made available to the members through e-mail on request.

- At the end of the Annual General Meeting from 3.45 pm there will be a symposium on Income Tax matters (THE BENAMI TRANSACTIONS (PROHIBITION) AMENDMENT ACT, 2016. And Section 148 of The Income-tax Act 1961). Speaker Shri Nirmal Kumar Poddar, Senior Advocate, Calcutta High Court.
- Felicitation of the members elevated as High Court Judges at Calcutta High Court.
- High Tea.

All India Federation of Tax Practitioners (Northern Zone)
Notice to Members

Notice is hereby given that the **Annual General Meeting** of the members of All India Federation of Tax Practitioners (Northern Zone) will be held on **Saturday, 30th June, 2018** at "Banaras Club", Club Road Kachahari **Varanasi**, Uttar Pradesh – 221 002 at **5.00 p.m.** to transact the following:

AGENDA

1. To read and approved the minutes of the Annual General Meeting held on 14th July, 2017.
2. To receive and adopt the Annual Report of the Managing Committee - NZ for the year 2017-18.
3. To consider and adopt the audited accounts for the year ended 31st March 2018.
4. To appoint auditors for the years 2018-19 and fix their honorarium.
5. To transact and other business with the permission of the chair.

Place : Varanasi
Date : 28-5-2018

(Jamuna Shukla)
Secretary, AIFTP (NZ)

- Notes: 1. Annual Report of 2017-18, account for the year ended 31-3-2018 and report of managing committee will be send through mail up to 15th June, 2018 to the members.
2. If there is no quorum by 5.00 p.m. the meeting will be adjourn by half an hour and the members present at such adjournment meeting shall form the quorum.

North Zone Activity Report for the month of May 2018

Sr. No.	Event	Details	Date	Place	No. of Participants	Other Remarks
1	Conference	Agra NTC; AIFTP, NZ in association with TBA Agra	26-5-2018	Deewav-e-Khas, Hotel Jaypee Palace, Agra	More than 200	The conference was a thought leadership summit for tax professionals on emerging topics of direct and indirect tax. Members also explored the beauty of Taj Mahal and other historic places in the vicinity
2	Seminar	One Day Seminar at Ludhiana; by AIFTP NZ in Association with TBA Ludhiana	19-5-2018	Maharaja Regency, Aarti Chowk, Ferozepur Road, Ludhiana	More than 150	Tax professionals benefitted by emerging issues on topics of e-assessment, penalty provisions etc.
3	Felicitation	-	-	-	-	-
4	Representation	To Honourable PM Narendra Modi. Notification for Circuit Bench of ITAT at Varanasi	21-5-2018	Varanasi	8 persons delegation of Varanasi to meet PM Modi ji at Delhi	In the delegation, 4 AIFTP members namely Asim Zafar, CA Shishir Bajpai, CA Jamuna Shukla, CA Shishir Upadhyay met Honourable PM with a request for Circuit Bench at Varanasi on 5th April 2018. And Central Govt. issued notification in this regard dated 21st May 2018. This is a remarkable effort and achievement by members of AIFTP Varanasi for Tax Professionals and assesseees.
5	VISITS	-	-	-	-	-

OTHERS

- For Agra NTC, members visited Agra several times to discuss the plan with Chairman TBA Agra. The NTC was a grand success with inaugural graced by Chief Guest PCCIT Agra; Shri Abhay Tayal, Ms Renu Jouhari PCIT; Agra, and many other Income Tax dept and GST Dept. authorities, Naional President Shri Ganesh Purohit, Secretary General Sri Pankaj Ghiya, Zone Chairman Shri Sanjay Kumar, Zone Secretary Ms. Jamuna Shukla, Conference Chairman Shri B. S. Baghel, Conference co-chairman Shri M. M. Bhasin etc. The paper writers, speakers, and arrangements were highly appreciated by all.
- A Blood Donation Camp was organised by AIFTP NZ in association with ITBA Allahabad, dated 11th May 2018, at ITBA building, Allahabad. The members participated wholeheartedly for this social cause. The programme was led by Adv. Arvind Mishra, Jt. Secretary NZ.
- One day Seminar at Ludhiana was taken and high appreciating remarks were made by tax professionals of Punjab and Haryana for conducting it in short time and with most relevant taxation issues.

Upcoming Programs

- AGM of North Zone to be held on 30th June 2018 at 5.00 pm at Varanasi.
- Two Day NTC on 11th and 12th August 2018 at Amritsar.
- Two Day Conference on 8th and 9th September at Haridwar.
- Two Day Conference on 24th and 25th November at Allahabad.

Apart from above , one day seminars in Sultanpur, Meerut/ Saharanpur have been proposed by members.

Sd/-
CA Jamuna Shukla
Secretary, AIFTP NZ

Sd/-
Sanjay Kumar
Chairman, AIFTP (NZ)

Central Zone Report for the month of May, 2018

DETAILS OF CONFERENCES/ SEMINAR IN MAY 2018

Sr. No.	Events	Details	Date	Place	No. of Participants	Other Remarks
	Conference					
1	Indore Conference	1. Justice Dr. Anita Sumanth, Madras High Court was Chairman of Technical Session on Reassessment of Income Tax Cases 2. Inaugural Session Mr. Manish Borad, Hon. Member ITAT Indore Bench Speakers: Adv. Mandar Vaidya, CA. Sanjay Dhariwal, Adv. Rakesh Gupta, Adv. Firoz B. Andhyarujina, CA. Jagdish Punjabi, CA. Ankit Somani.	5th and 6th May 2018	Indore	407	News was properly published in all the newspaper of Rajasthan, Madhya Pradesh and Chhatisgarh. Delegates from more than 51 cities of India participated. Conference was organised by AIFTP (CZ) jointly with Tax Practitioners Association, Indore and Tax Bar at Tribunal, Indore.”
2	Tax Seminar on E-Way Bill	Half day. With State GST Department. Chief Guest was Mr. V. P. Singh (D.C.) and Speakers were H. R. Lohar (Joint Commissioner), Anand Gandharia, Sameerdan Sankrot and Dr. Dharmpal (State-GST Officer)	25th May 2018	Jodhpur	200	Organised jointly with Marudhara Tax Bar Association, Rajasthan Steel Re-rollers Association, ITAT Bar, Jodhpur
	Felicitation	Congratulations to Mr. M. L. Tawri for becoming President of Tax Bar Association, Jaisalmer				
	Representation	Representation was submitted for Amnesty Scheme to Government of Rajasthan, Madhya Pradesh and Chhatisgarh. Representation submitted for ITC mismatch to Government of Rajasthan, Madhya Pradesh and Chhatisgarh				
	New Members				8	
		TAX CONFERENCE AT BHOPAL				
	Future Programme	AGM of CZ and half day tax conference will be held at Bhopal with AIFTP(CZ) jointly with Bhopal Tax Bar Association, Bhopal. From 4:00 PM onwards at Hotel Motel Shiraz Board office square Hoshangabad Road, Bhopal	16th June 2018	Bhopal		Subject of Seminar: (A) On Income Tax (i) U/s. 115 BBE:- Tax on income referred to in Section 68 or Section 69 or Section 69A or Section 69B – or Section 69C or Section 69D. (ii) Latest amendment in the charitable trust – Regarding filing & other provisions. (B) On GST (i) Technical issues in place of supply. (ii) ITC eligibility apportionment and blocked credits.

Sd/-
Devendra Kansara,
Secretary, AIFTP (CZ)

Sd/-
P. M. Chopra,
Vice President, AIFTP (CZ)

Sd/-
Rajesh Mehta,
Chairman, AIFTP (CZ)

National Tax Conference, Amritsar

AMRIT

Supported by

ALL INDIA FEDERATION OF TAX PRACTITIONERS - NORTH ZONE

In Association With

GST Practitioners Association, Amritsar District Tax Bar Association, Amritsar

at

Hotel MK, Ranjit Avenue, Amritsar

on 11th – 12th August, 2018

THEME: Better Policies for Better Taxation

Programme

Saturday, 11th August, 2018

08.30 am to 10.00 am	Breakfast, Registration & Fellowship
10.00 am to 11.30 am	Inaugural Session
	Chief Guest Hon'ble Mr. Justice A. K. Sikri, Judge, Supreme Court
	Guest of Honour Hon'ble Mr. Justice A. K. Mittal, Acting Chief Justice, Punjab and Haryana High Court
11.30 am to 12.00 Noon	High Tea
12.00 Noon to 02.00 pm	1st Technical Session
	Income Tax – Reassessment u/s. 148 / Benami Law & Section 115BBE
	Chief Guest Hon'ble Mr. Justice A. K. Mittal, Acting Chief Justice, Punjab and Haryana High Court
	Chairman Shri Ganesh Purohit, Senior Advocate, Jabalpur and National President, AIFTP
	Expert Panel Shri Firoze B. Andhyarujina, Senior Advocate, Mumbai
	Shri Puneet Rai, Advocate, Delhi
	CA. Vipin Garg, Ghaziabad
02:00 pm to 03:00 pm	Lunch Break
03:00 pm to 04:45 pm	2nd Technical Session
	GST – E-WAY Bill : Provisions and Controversies
	Chief Guest Hon'ble Mr. Justice Rajesh Bindal, Judge, Punjab & Haryana High Court
	Chairman Dr. Ashok Saraf, Senior Advocate, Guwahati and Deputy President, AIFTP
	Expert Panel CA. S. Venkatramani, Bangalore
	CA. H. L. Madan, New Delhi
	Shri Sandeep Goyal, Advocate, Chandigarh
04:45 pm to 05:30 pm	High Tea
05:30 pm to 06.30 pm	National Executive Committee Meeting (for NEC Members only)
08.00 pm onwards	Musical Evening with Cocktail & Dinner

Sunday, 12th August, 2018

08.00 am to 09.00 am	Breakfast
09.00 am to 11.00 am	3rd Technical Session
	GST – Input Tax Credit – Issues & Controversies
	Chief Guest Hon'ble Mr. Justice Avneesh Jhingan, Judge, Punjab & Haryana High Court
	Chairperson Smt. Prem Lata Bansal, Senior Advocate, New Delhi and IPP, AIFTP
	Expert Panel Shri H. C. Bhatia, Advocate, Delhi
	Shri Pankaj Ghiya, Advocate, Jaipur
	Shri Jagmohan Bansal, Advocate, Chandigarh
11:00 am to 12:30 pm	4th Technical Session
	GST
	Chairman Shri Mukul Gupta, Advocate, Ghaziabad
	Works Contract under GST – A Perspective
	Keynote Speaker: CA. Bimal Jain, New Delhi
	Opportunities & Challenges for Tax Professionals in new regime
	Panellists: Shri Sanjay Sharma, Advocate, New Delhi
	Shri Varinder Sharma, Advocate, Ludhiana
	Moderator: Shri Karan Rattan, Advocate, Chandigarh

12.30 pm to 01.30 pm **Valedictory Session**
Views and Visions – AIFTP
 Chief Guest Hon'ble Justice A. N. Jindal (Retd.), Punjab and Haryana High Court
 Distinguished Guests Shri P. C. Joshi, Advocate, Mumbai, Past President, AIFTP
 Shri Sanjay Kumar, Advocate, Allahabad, Chairman, AIFTP (NZ)
 CA. Jamuna Shukla, Varanasi, Secretary, AIFTP (NZ)
 Shri M. L. Patodi, Advocate, Kota, Past President, AIFTP
 Shri N. M. Ranka, Senior Advocate, Jaipur, Past President, AIFTP

01:30 pm to 02.30 pm Lunch

02.30 pm to 04.00 pm **Brains' Trust – Current Issues related to VAT and GST Acts**
 Chairman Shri K. L. Goyal, Senior Advocate, Chandigarh
 Vice Chairman CA. Madan Bhasin, New Delhi
 Panellist From Available Experts at the time of conference
 (Questions & Answers by the panellists during discussion)

4:00 pm Tea

For Further Details & Registration please contact

Shi Ganesh Purohit <i>National President</i>	Shri V.P. Gupta <i>Vice President (NZ)</i>	Shri Pankaj Ghiya <i>Secretary General</i>	Shri Sanjay Kumar <i>Chairman, AIFTP (NZ)</i>	Ms. Jamuna Shukla <i>Hon. Secretary, AIFTP (NZ)</i>
Dr. Naveen Rattan <i>Conference Chairman</i> 9417311987 rattanadvocates@gmail.com	Sandeep Goyal <i>Convenor</i> 9814208142 sandeepgoyal@sgalaw.in	Varinder Sharma <i>Convenor</i> 9814008080 varinder_adv@yahoo.com	Ranjit Sharma <i>Convenor</i> 9914089227 sharma.rkadv724@gmail.com	Amrik Singh Malhotra <i>Convenor</i> 9814102513 advasbs_1313@hotmail.com

Delegate Fees : For Members & Non-Members: ₹ 3,300/-

Conference e-mail : ntcamritsar2018@gmail.com
 Bank Name : Punjab National Bank
 Bank Branch: Putlighar, Amritsar
 A/c Name: National Tax Conference
 A/c Number: 0026002145036232; IFSC: PUNB0002600

Hotel Details

Name of Hotel	Star Category	Location	Charges (Per Day)	Distance from venue of Conference
M. K. Hotels	****	Ranjit Avenue (Conference Venue)	Single : ₹ 3,000 Double: ₹ 4,000 Suite: ₹ 8,000	0 KM
Best Western	****	Ranjit Avenue, Amritsar	₹ 4,000 app.	0.2 KM
Country Inn	***	Mall Road, Amritsar	₹ 2,500 app.	2 KM
Comfort Inn Alstonia	****	Ranjit Avenue, Amritsar	₹ 2,500 app.	1 KM

Note: 1. Please book your hotel immediately so as to avoid inconvenience; 2. Hotel Booking and registration charges are non-refundable.

Appeal to Members for sending details along with payment

It has come to our notice that in many cases members remit payments to AIFTP via cheques, NEFT, RTGS, Mobile Banking, etc. towards subscriptions, membership fee, etc. but without filling and sending corresponding form and / or without sending any intimation on e-mail. In the absence of any trail, it becomes impossible to know who has sent the payment and towards what purpose. This creates lots of accounting, administrative and tax issues.

Members are, therefore, requested to invariably send corresponding form and a simultaneous separate intimation through e-mail to AIFTP Office immediately on making any payment, so as to ensure proper credit in the name of the sender.

Members are also requested to quote their GSTR No. (if any) while remitting any payment and to intimate their GSTR No. to enable us to do proper accounting and to give proper credit for the same.

Your co-operation in this regard will go in a long way in curtailing such avoidable issues and ensuring due credit for the payments made by the members.

Vipul B. Joshi, *Treasurer*

DIRECT TAXES

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

Unreported Decision

1. **S.50 : Issue of an Allotment Letter from a builder to the purchaser is not sufficient for Claim s.50 Benefit**

The AO completed assessment, while completing the assessment AO had found that the assessee had sold factory building along with land which were used to acquire a new factory gala. Subsequently assessee offered sale consideration of land and factory. The AO held that the assessee had sold depreciable assets, and that it had paid amount for the asset which had not been acquired by it, also pointed out that the amount paid by the assessee for booking a gala in Mumbai would not fall within the meaning 'asset had been acquired', as mentioned in s.50(2) for the purpose of computing capital gains. And therefore, he disallowed the investment made by the assessee, in acquiring new assets, while computing the Short-Term Capital Gain.

The Honourable ITAT observed that, the assessee had acquired rights of office building by paying amount and the assessee was issued an allotment letter. At the time of making a payment the said asset in question did not exist. Further observed that the wordings of the section do not indicate in any manner that a mere allotment letter of asset would make the allottee entitled to claim STCG. Therefore, ITAT held that claim made by the assessee-that an allotment letter from developer is equal to acquisition of an asset – is not tenable. Therefore only issuance of allotment letter from a builder/developer is not sufficient for benefit claimed u/s. 50. (AY 2011-2012)

M/s. Magmo Textiles Equipment Pvt. Ltd. v. ITO, ITA No.6076/Mum/2014, dt.23/05/2018 (Mum.)(Trib.) Source : www.itatnic.in

2. **S.55 : Capital Gains – Fair Market Value – Adoption of Cost – Determination of cost of property was technical aspect and without having complete details of property such as location and its surroundings, it could not be determined**

Assessee was a non-resident individual, along with his wife were having joint and equal owners of property. Said property was sold by registered sale deed, for purpose of verification of genuineness and veracity of exemption claimed u/s. 54EC, AO had taken up matter for scrutiny and accordingly issued a notice u/s. 143(2). The AO observed that, the valuation report was based on estimate and it did not indicate genuineness of value assessed / adopted in respect of building. As there was variation in values adopted by assessee and value reflected as per SRO register. The AO held that according to provisions of s.55(2)(b), assessee was eligible to adopt fair market value of asset. CIT(A) upheld order of AO.

The Hon'ble ITAT observed that, assessee had taken support from approved Valuer's report. Approved Valuer had also determined cost of built up area by giving reasons thereof. The AO merely relied upon report of SRO and he had not even considered comparable case, which was a transaction that took place in 1980. Value adopted by Stamp Valuation Authority was questioned, it was duty of AO to refer matter to DVO but AO choose to

merely rely upon SRO's report which was not in accordance with law. Considering the said observation the ITAT held that, determination of cost of property was technical aspect and therefore without having complete details of property such as location and its surroundings, it could not be determined, valuation adopted by assessee was correct. (AY 2012-13)

Ghansham Lekhraj Rupani v. ITO, ITA No.1669/Hyd./2016 dt. 18-4-2018 (Hyd.)(Trib.) Source : www.itatnic.in

3. **S.57 : Deduction – No violation if assessee utilised Housing Loan for advancing loans to others for earning interest**

The assessee has taken one-time house loan from the bank for house construction for which the bank charged interest. The assessee further advanced the same to others and received interest. The assessee claimed the said interest as a deduction u/s. 57 against interest income which was received from various persons and parties to whom the advances were given on interest towards. The AO disallowed the interest expenditure by holding that the assessee has not claimed the deduction under the head "Income from House Property."

The Hon'ble ITAT observed that, the assessee has demonstrated that he has earned substantial interest income out of such advances. Further the interest expenditure against the interest income, the assessee has proved the amount so borrowed has been actually and directly used for the purpose of advancing loan on which interest income has been earned. One to one link was established in respect of utilisation of interest-bearing funds so borrowed. The ITAT held that merely because the loan was sanctioned for housing purpose, it cannot be said that the assessee cannot use it for advancing loans to others for earning interest, there is no violation of the provisions as if the assessee has utilised the home loan taken from the bank for advancing loans to others for earning interest.(AY 2013-14)

Smt. Anuradha Agarwal v. ITO, ITA Nos. 498/Jodh/2017 dt. 25-5-2018, (Jodhpur)(Trib.) Source : www.itatnic.in

4. **S.80P : Deduction – Co-operative society – Principle of mutuality – Nominal member cannot be treated as non-member and so transactions of nominal members cannot be treated as transactions of non-members**

Assessee was mutually aided co-operative society registered with District Registrar of Co-operatives. The AO noticed that there were two categories of Members - Ordinary Members and Nominal Members and transactions with non-Members being third parties was not entitled for deduction either u/s. 80P or under concept of mutuality.

The ITAT observed that, AO's distinction or findings that society was transacting with non-members was not correct, there was no distinction between ordinary members and nominal members and just because categorised as nominal members, they could not be treated as 'non-members'. If assessee's transactions were with non-members, who were not members of society, principles of mutuality

did not apply. There was no difference between transaction of members and nominal members and only when transactions were with non-members, principles of mutuality could be invoked or denied. Therefore ITAT held that, Nominal member could not be treated as non-member and so transactions of nominal members could not be treated as transactions of non-members. The assessee

was covered by principle of mutuality and its income would be exempt on that concept.

Sai Datta Mutual Aided Co-Operative Credit Society v. ACIT, ITA No. 888/HYD/2016, dt.18-5-2018 (Hyd.)(Trib.) Source : www.itatnic.in



INDIRECT TAXES

CA Janak Vaghani

1) VAT – Works Contract – Pest Control Services

The contract for pest control is a works contract involving deemed sale of consumables and is taxable.

[Source: *State of Gujarat v. Bharat Pest Control, Civil Appeal No. 1335 of 2018, dated 30-1-2018 (SC)*]

2) Levy of Interest In absence of Provisions of Law

In the absence of there being any specific provision authorising the revenue to assess interest under the Entry Tax Act and in the absence of Section 8 of the Entry Tax Act contemplating a provision for recovery of interest, recovery of interest is not permissible.

[Source: *Indian Oil Corporation v. State of Bihar, CWJ No. 17151 of 2014, dated 8th April, 2018) 65 GST 83 (SC)*]

3) VAT – Non-Deduction of tax by Employer

The employer cannot be asked again to pay the amount of TDS when the contractor had discharged the tax payable by him. At the best the employer may be liable to pay interest for delayed payment of tax.

[Source: *Four Seasons Wines Ltd. v. State of Maharashtra, VAT Appeal No. 5 of 2017, dated 4-7-2017 (Bom.)*]

4) CST – Purchase of Diesel against Form C – after Implementation of GST – Permissible

The CGST Act, 2017 has not by its repealing provision repealed the CST Act, 1956 which is vivid from the focused perusal of Section 174 of the CGST Act, 2017 and the provisions of the

CST Act, 1956 are still applicable for its inter-State trade even after the roll-out of the GST Act confining to “goods” defined in Section 2(d) of the CST Act, 1956. The CST Act, 1956 is still valid for the goods defined in Section 2(d) of the CST Act, 1956, including high speed diesel, and the petitioner is entitled for issuance of C-Form for inter-State purchase / sale of high speed diesel against the said C-Form.

[Source: *Shree Raipur Cement Plant v. State of Chhattisgarh Finance Department and Ors., by dated 18th May, 2018, (Chhg.)*]

5) Classification of Goods – Entry “steel structurals” – Covers v. Rigid Frame Columns

The six items appearing in the bracketed portion of section 14(iv) (v) of the CST Act and Schedule Entry C-55(v) of the MVAT Act are clearly not exhaustive, but descriptive of the words “steel structurals”. The utility of a bracket is only as an illustration, explanation or extra information. It is thus clarificatory. It is not always exhaustive of the terms outside the bracket. It cannot curtail or limit the scope of the terms employed outside the bracket. Everything would depend upon the context and purpose with which in an individual statute the words in the bracket are inserted by the Competent Legislature. The words in brackets “(angles, joists, channels, tees, sheet piling sections, Z sections or any other rolled sections)” used in entry cannot control or whittle down the width and amplitude of the term “steel structurals” appearing outside it. Rigid Frame Columns would be squarely covered by Schedule Entry C-55(v) of the MVAT Act and Section 14(iv)(v) of the CST Act.

[Source: *Zamil Steel Buildings India Pvt. Ltd. v. State of Maharashtra, MVXA Tax Appeal No.1 of 2016, dated 23rd December 2016, (2017) 98 VST 172 (Bom.)*]



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 30-5-2018 Life Members

	Associate	Individual	Association	Corporate	Total
Central	0	1005	24	4	1033
Eastern	4	1415	36	4	1459
Northern	0	1129	17	0	1146
Southern	1	1225	19	7	1252
Western	4	2280	37	4	2325
Total	9	7054	133	19	7215

SERVICE TAX CASES

S. S. Satyanarayana, Tax Practitioner

Reverse Charge Mechanism : The assessee was a project office in India of a company located in Canada, namely, 'LIL', Canada. The Indian Company entered into various agreements with clients based in India for providing consulting engineer services and technical assistance in various road related projects. The Adjudicating Authority demanded service tax under RCM on the expenditure incurred/shown in the accounts of assessee against consultancy fees and technical fees received from their clients in India which was already suffered tax. In other words, he held that the assessee received consultancy service from 'LIL', Canada in execution of various service contracts in India. He further held that for the staff and officers deputed by 'LIL', Canada to render the service in India to the Indian clients, the assessee was liable to pay service tax on reverse charge basis under the category of 'manpower recruitment or supply agency service. **Held :** Firstly, the full income on consultancy service has suffered service tax. The expenditure to provide such service cannot be put to service tax even under reverse charge basis. Regarding the second issue of service tax liability under 'manpower supply', one notes that the same dispute came before the Allahabad High Court for decision in *CCE v. Computer Science Corpn. India (P.) Ltd.* [2014] 52 taxmann.com 256/[2015] 49 GST 177. The High Court held that in such arrangement, the deputation of employee for executing work cannot be considered as a 'manpower supply'. It was held that the employer

cannot be considered as a 'manpower supply agency'. Neither the assessee nor 'LIL', Canada can be considered as a 'manpower supply agency'. In such situation, the tax liability to said category cannot be sustained. [*Lea International Ltd. v. CST, Delhi* - [2018] 91 taxmann.com 355 (New Delhi - CESTAT)]

Goods Transport Agency Service : The assessee, a transporter, engaged various vehicles whenever there was shortage of its own vehicles and engaged them for transportation of the goods of its clients. It claimed the entire amount payable to such transporters from the clients, who paid it to the transporters. On these payments, the assessee's clients discharged the service tax liability under reverse charge mechanism as a recipient of 'goods transport agency services'. The Adjudicating Authority held that the assessee was required to discharge service tax liability under the category of 'goods transport agency services' as per rule 2(1)(d) of the Service Tax Rules, 1994. **Held :** Where assessee, a transporter, engaged various vehicles whenever there was shortage of its own vehicles and engaged them for transportation of goods of its clients and claimed entire amount payable to transporters from clients and paid it to vehicle owners, assessee was not required to discharge service tax under the category of 'goods transport agency services'. [*Srivalli Shipping & Transport P Ltd. v. CCE, Visakhapatnam* - [2018] 92 taxmann.com 238 (Hyderabad - CESTAT)]



DISCLAIMER

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

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

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

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

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

To

Posted at Mumbai Patrika Channel Sorting Office
Mumbai - 400 001.

Date of Publishing : 1st of every month.

Date of Posting : 3rd & 4th of every month.

If undelivered, please return to :



ALL INDIA FEDERATION OF TAX PRACTITIONERS

215, Rewa Chambers, 31, New Marine Lines, Mumbai 400 020. • Tel.: 22006342/49706343
Telefax: 22006343 • E-mail: aiftp@vsnl.com • Website: www.aiftponline.org