

All India Federation of Tax Practitioners



AIFTPT TIMES

Volume 10 – No. 12 • December 2019

FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
13, 14 & 15-12-2019	OGM, Election & 22nd National Convention	Mumbai

Report on “Dev Deepawali” Varanasi Tax Conference, Varanasi

The unique Dev Deepawali Tax Conference was spectacular, rich in content and enchanting in experience. It was well attended by delegates from 26 states who went home rich in knowledge and with great memories.

On the eve of the conference 10-11-2019 a programme on Swachhha Bharat Mission was organized at the Shastri Ghat at the banks of Varuna River with National President Dr. Ashok Saraf as chief Guest. Enchanting Varuna Aarti followed by Ganga Avartaran Nritya Natika were the highlights of the event. The event was organized with the untiring efforts of CA. Mrs Jamuna Shukla, CA. Anil Kumar Srivastava and Sri Yogesh Srivastava, Advocate.

The conference was organized at Kanhaiya Vilas, Mavaiya, Sarnath and was well attended by a galaxy of Legal luminaries. Hon'ble Mr. Justice Vineet Saranji, Judge, Supreme Court of India, Respected Guest of Honour Hon'ble Mr. Justice Krishna Murariji, Judge, Supreme Court of India, Respected Guest of Honour Hon'ble Mr. Justice Bhushan R. Gavaiji, Judge, Supreme Court of India, Respected Guest of Honour Hon'ble Mr. Justice Piyush Agrawalji, Judge, Allahabad High Court, Respected Guest of Honour Hon'ble Mr. Justice Ashwini Kumar Mishraji, Judge, Allahabad High Court and Respected Guest of Honour Hon'ble Mr. Justice P. P. Bhattji, President. ITAT graced the dais. Welcome Address was given by Conference Chairman Sri Arvind Shukla and Thanks by Secretary General Sri Anand Kumar Pasari. National President Dr. Ashok Saraf and IT Bar Association President Sri O. P. Shukla also addressed the gathering.

The first technical session was on Practical Issues for Compliances, Preparation of Annual Return and Reconciliation under GST was addressed by learned Key Note Speaker CA. A. K. Batra

The second Technical session on **Crack Down On Black Money** a was very conceived and organized session with Subject Introduction by Mrs. Shilpi Satyapriya Satyam, and masterly deliberations by CA. Anil Kumar Srivastava and Sri Rajendra, Rtd. Member, ITAT

Panel discussion **Man Ki Baat** was an extremely popular session with Asstt Comm. GST P. K. Upadhya, Sri R. Venkatramani, Sri Mukul Gupta, Sri R. K. Chaudhary, Industrialist, Dr. R. K. Ojha, renowned Eye Surgeon, Sri Deepak Bajaj, educationist giving their opinions on present set up of Direct and Indirect Tax Structure.

That marked the end of the first day technical part followed by NEC meeting and cultural evening with spectacular dance performance by renowned classical dancer Sri Vishal Krishna.

Day two had the forth technical session with 'Analysis of Intricate legal Issues under GST' by learned Sri Sujit Ghosh, Advocate.

The last session was the valedictory session with Honble Mr. Justice Piyush Agrawal as Chief Guest.

The most important and enjoyable programme followed thereafter. Rudrabhisheh at Ganga Ghat and Dev Deepawali Cruise along the Ganges were the highlights of this event. The enchanting spectacular sight of the glittering Ghats gave an unforgettable experience to the onlookers.

Arvind Shukla
(Conference Chairman)

O. P. Shukla
(Conference Co- Chairman)

Prakash Gupta
(Conference Secretary)

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

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22nd National Convention

at Mumbai

(Dedicated to Past Presidents of AIFTP, Late Dr. N. M. Ranka, Sr. Advocate & Late Shri S. K. Poddar, Advocate)

Organised by

All India Federation of Tax Practitioners (WZ)

in association with

The Goods and Services Tax Practitioners' Association of Maharashtra

The Chamber of Tax Consultants

Bombay Chartered Accountants' Society

on



13th December, 2019 NEC, OGM, Elections 2 p.m. Onwards Khadayata Bhavan Vile Parle (E), Mumbai	14th & 15th December, 2019 National Convention Sahara Star , Opp. Domestic Airport, Vile Parle (E), Mumbai – 400 099
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Anand Pasari
Secretary-General, AIFTP

(Dr.) Ashok Saraf
National President, AIFTP

Topics and Speakers are as under :—

Session	Time	Subject	Speaker/Panelist	Chairman/ Moderator
Day 1 — Saturday, 14th December 2019				
	8.00 a.m. to 9.30 a.m.	Breakfast, Registration & Fellowship		
	9.30 a.m. to 12.00 noon	Inauguration by Hon'ble Mr. Justice Ujjal Bhuyan, Judge, Bombay High Court, and Hon'ble Mr. Justice P. P. Bhat, President ITAT		
1st Technical Session	12.00 noon to 1.30 p.m.	"E-Assessments - Paving for Pioneering Tax Reforms"	Shri Mukesh Patel, Advocate, Ahmedabad	Dr. K. Shivaram Sr. Advocate, Mumbai
	1.30 p.m. to 2.30 p.m.	Lunch Break		
2nd Technical Session	2.30 p.m. to 4.00 p.m.	Power of Arrest and Prosecution under Tax laws	Shri Rahul Agarwal, Advocate, Allahabad	Shri Vikram Nankani, Sr. Advocate, Mumbai
3rd Technical Session	4:00 p.m. to 6.00 p.m.	Panel Discussions – Shifting of Burden of Proof – Direct & Indirect Tax	Panellists: Shri V. Sridharan, Sr. Advocate, Mumbai and Shri Saurabh Soparkar, Sr. Advocate, Ahmedabad	Moderator: CA. Pradip Kapasi, Mumbai

Day 2 — Sunday, 15th December 2019				
	8.00 a.m. to 9.30 a.m.	Breakfast and Fellowship		
4th Technical Session	9.30 a.m. to 11.00 a.m.	Intricacies of recent amendments under GST (including return)	CA. Umang Talati, Mumbai	Shri M. L. Patodi Advocate, Kota
	11.00 a.m. to 11.15 a.m.	Tea Break		
5th Technical Session / Panel Discussion	11.15 a.m. to 12.45 p.m.	Direct Taxes: Dilution of Fundamental Taxation Principles (or deeming provisions)	Shri Hiro Rai, Advocate, Mumbai	Smt. Prem Lata Bansal, Sr. Adv., New Delhi
6th Technical Session / Panel Discussion	12.45 p.m. to 2.15 p.m.	Valuation under GST law with reference to treatment of discounts, price variations, incentives and its implications on Input Tax Credit	CA. Sujata Rangnekar, Mumbai	Shri P. C. Joshi, Advocate, Mumbai
	2.15 p.m. onward	Lunch		

NOTE : Topics Subject to Change

REGISTRATION FEES

Fees After 15th October 2019

Members	(₹ 5,200+936) = ₹ 6,136/-*
Outstation Delegate's Spouse	(₹ 3,000+540) = ₹ 3,540/-*
Non-Members	(₹ 6,000+1,080) = ₹ 7,080/-*

*Including 18% GST

(Registration form can be Downloaded, filled up online & Submitted @ aiftpwz@gmail.com along with details of payment)

RTGS / NEFT Payment Details

Account Name : "AIFTP MUMBAI CONVENTION 2019"	Bank Account No. : 919010038002874
Bank Type : Saving Bank A/c	Bank Name : Axis Bank Ltd.
Branch : New Marine Lines, Mumbai 400 020	RTGS / NEFT Code : UTIB0000233

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Direct Taxes

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

High Court

- S.12AA : Pension to the retired employees of the Greater Cochin Development Authority (GCDA), in discharge of the statutory obligation under Part III of the Kerala Service Rules, is not a charity or bounty. Hence, not eligible for Registration u/s. 12AA.**

The Greater Cochin Development Authority (GCDA) has filed a review petition before the High Court to seek review of the judgment dt. 8-10-2014 in ITA No. 131 of 2014. The issue involved in the said order was that, the assessee trust was formed by the Greater Cochin Development Authority (GCDA), which is an authority constituted under the provisions of the Madras Town Planning Act, 1920 and the Travancore Town Planning Act, 1108. The said trust was formed by the GCDA, vide registered trust deed dated 9-2-2006, to establish a separate fund in order to operate as a recognized Provident Fund for the benefit of the managerial, supervisory and other staff of the GCDA. The words 'Provident Fund' appearing in trust deed was substituted by the words 'Pension Fund', vide rectification deed dated 30.01.2008. The assessee trust submitted an application before the Commissioner of Income Tax, Kochi for registration u/s. 12AA, which ended as dismissal on the ground that, the restriction imposed in Clause H of a trust deed, any amendment of the object clause is not possible.

The Honorable High Court while deciding the issue observed that, "Payment of pension to the retired employees of the GCDA, in discharge of the statutory obligation under Part III of the Kerala Service Rules, is not a charity or bounty nor is it a conditional payment solely dependent on the sweet will of the GCDA". Therefore, the Honorable High Court held that registration u/s. 12AA is not applicable to the Greater Cochin Development Authority (GCDA).

Held :

In this present review petition, the Honorable High Court observed that, "the GCDA, has no relevance while considering an application for registration u/s. 12AA, subject to the conditions in s. 12A, read with clause (15) of s. 2 of the said Act. Even if the entire contribution towards Pension Fund is paid by the GCDA, the object of the trust to establish a separate fund in order to operate as a recognized Pension Fund for the benefit of the managerial, supervisory and other staff of the GCDA would not fall within the definition of 'charitable purpose' as defined in clause (15) of s. 2 of the Act".

Therefore, the Honorable High Court held that Payment of pension to the retired employees, in discharge of statutory

obligation under Part III of the Kerala Service Rules, is not a charity or bounty. Hence, the Court has rightly rejected the Registration u/s. 12AA of the Income Tax Act.

M/s. GCDA Employees Pension Fund Trust vs. CIT. Review Petition No. 241 of 2015 arising out of ITA 131 of 2014, dt. 5-11-2019 (Kerala)(HC) Source : www.highcourtofkerala.nic.in

Tribunal

- S.269SS: Transaction between the relatives of family members to support or help does not amount to loan or deposit, hence provision of S. 269SS is not applicable.**

During the assessment proceedings, the AO noticed that the assessee had accepted cash in contravention of the provisions of s. 269SS of the Act. Before the AO the assessee had submitted that, neither any of the transactions were doubtful nor any transaction was made to evade tax, the receipts of cash were neither loan nor deposits, further he explained that, under which circumstances he received cash from different persons. However, the AO did not accept the explanation of the assessee and levied penalty on the Assessee u/s. 271D as contravention of provisions of s. 269SS of the Act. CIT(A) confirmed the view of the AO.

Held :

Tribunal while deciding the issue observed that, the object of introducing s. 269SS was "to ensure that a taxpayer was not allowed to give a false explanation for his unaccounted money or if the taxpayer made some false entries, he would not escape by giving a false explanation for the same". Further observed that, s. 273B was introduced to provide exceptions to the genuine and bonafide transaction, despite that, the transaction not being through an account payee cheque or demand draft transaction. Tribunal held that, simple transaction of transfer of money from one family member to other family members to support him during the medical emergency period cannot be treated as loan or advance and transaction falling under the ambit of s. 269SS of the Act. Further, Tribunal observed that in case of acting as a trustee of money, till it is deposited in bank account in the name of the trust, the transactions cannot be termed as loan or advance in cash which attracts penalty u/s. 271D of the Act. Hence, transaction between relative of family members does not fall u/s.269SS. (AY 2013 – 2014)

Gourang Chandra Nayak, ITA No. 369/CTK/2018 dt. 23-9-2019 (Cuttak)(Trib.) source : www.itat.nic.in



ERRATA

Kindly read Agenda No. 2 of Notice of Ordinary General Meeting published in AIFTP Times for the month of November, 2019 at page No. 4 as "To confirm the proceedings of previous OGM held on 6th October, 2018 at Thane" instead of "To confirm the proceedings of previous OGM held on 1st December, 2017 at Jabalpur"

Publications for sale

Sr. No.	Name of Publication	Edition	Rate (₹)		
			Members	Non-Members	Courier Charges
1.	311 – Frequently Asked Questions on Survey – Direct Taxes	Dec., 2018	600.00	675.00	100.00
2.	Handbook on FEMA – Taxation – Frequently Asked Questions	Oct., 2018	600.00	675.00	100.00
3.	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

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2. Local/Outstation members not collecting from office are requested to add courier charges, as mentioned above.
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5.	Fourth cover page	₹ 10,000/-
There shall be Discounts on bulk advertisements.		

Membership of AIFTP as on 30th November, 2019 Life Members

	Associate	Individual	Association	Corporate	Total
Central	0	1069	25	0	1094
Eastern	6	1634	36	0	1676
Northern	0	1227	18	1	1246
Southern	1	1339	19	4	1363
Western	5	2423	37	6	2471
Total	12	7692	135	11	7850

DISCLAIMER

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