

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

ESTD. 11th NOVEMBER 1976

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FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
13-7-2019	Notice of Annual General Meeting & Election (EZ)	Kolkata
20-7-2019	Notice of Annual General Meeting of AIFTP (NZ)	New Delhi
3-8-2019	One Day Seminar	Patna
10-8-2019	Notice of Annual General Meeting & Election AIFTP (SZ)	Vijayawada
18-8-2019	Notice of Annual General Meeting of AIFTP (CZ)	Jaipur
26-8-2019 to 4-9-2019	International Study Tour, 2019	Europe
12-10-2019	National Executive Committee Meeting	Kota
12, 13-10-2019	National Tax Conference	Kota
11, 12-11-2019	Dev-Deepawali – National Tax Conference	Varanasi
13, 14 & 15-12-2019	OGM, Election & 22nd National Convention	Mumbai

Attention

We have Changed our Email ID. Please address all future correspondence to
aiftpho@gmail.com

**DEV-DEEPAWALI – NATIONAL TAX CONFERENCE
AT VARANASI**

on Monday & Tuesday, 11th & 12th November, 2019

11th November is the Foundation Day of AIFTP which is proposed to be a full day conference with high quality deliberations on various contemporary topics of Direct and Indirect taxes. The evening will be the Foundation Day Celebration with cultural classical music and gala dinner.

12th November, 2019 from 9.30 a.m. to 1.30 p.m. would be technical sessions followed by lunch. From 3.00 p.m., we would move to especially arranged Big Boats to enjoy enchanting Dev-Deepawali at the Ganges which would be a lifetime experience

Registration fees:

Conference only	₹ 3000/- upto 31/07/2019	₹ 3500/- after 31/07/2019	Conference 11th & 12th upto Lunch
For Spouses:	₹ 2500/- upto 31/07/2019	₹ 3000/- after 31/07/2019	
Dev Deepawali	₹ 4500/- upto 31/07/2019	₹ 5500/- after 31/07/2019	Boat cruise with snacks followed by dinner

For Accommodation and further details please visit our website i.e. www.aiftponline.org

Contact Persons -

1. Adv. Arvind Shukla, - 9415201059, ashukla_advocate@rediffmail.com	2. Adv. O. P. Shukla, - 9415204837, is5900@rediffmail.com
3. Adv. Prakash Gupta, - 9161492109, prakashadv@gmail.com	4. CA. Jamuna Shukla - 9450361366, js5900@rediffmail.com
5. Adv. Asim Zafar - 9415203535, asimzafaradvocate@gmail.com	6. Adv. Sanjay Verma- 9839612290, verma_kumar_sanjay@yahoo.co.in
7. Adv. Brij Gopal Das - 9839096264, brijyotsana_vns@gmail.com	8. Conference Mail Id:- ntcvns2019@gmail.com

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

Name	Mobile	Tel. (O)	Fax	E-mail
National President – Dr. Ashok Saraf, Sr. Adv.	9864020679	0361-2529532	2460041	drashoksaraf@gmail.com
Deputy President – Smt. Nikita Badheka, Adv.	9821037885	022-22030011	—	nikita.badheka@gmail.com
Secretary General – Shri Anand Kumar Pasari, Adv.	9431125350	0651-2209612	—	anandpasari17@gmail.com
Treasurer – Shri Chirag S. Parekh, Adv.	9821634128	022-26705006	26705006	chiragnp7@gmail.com

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)

on



13th December, 2019 NEC, OGM, Elections 2 p.m. Onwards Khadayata Bhavan Vile Parle (E)	14th & 15th December, 2019 NTC Sahara Star, Opp. Domestic Airport, Vile Parle (E), Mumbai – 400099
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along with Ordinary General Meeting & Elections for the National Executive Committee for the years 2020 & 2021 on 13th December 2019, 2.00 PM onwards.

Anand Pasari

Secretary-General, AIFTP

(Dr.) Ashok Saraf

National President, AIFTP

The Convention will be addressed by eminent speakers and discussions will be held on current issues and critical aspects of Direct & Indirect Taxes. Further details will be emailed shortly

Registration Fees

Early Bird Fees up to 21st August 2019	Fees After 21st August 2019
Members (₹ 4,200+756) = ₹ 4,956/-*	(₹ 5,200+936) = ₹ 6,136/-*
Spouse (₹ 2,500+450) = ₹ 2,950/-*	(₹ 3,000+540) = ₹ 3,540/-*
Non-Members (₹ 5,200+936) = ₹ 6,136/-*	(₹ 6,000+1,316) = ₹ 7,316/-*

*Including 18% GST

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

RTGS / NEFT Payment

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

For further enquiries contact :

Mrs. Nikita R. Badheka, Conference Chairperson and Dy. President, AIFTP – **9821037885**

Mr. Deepak Shah, Conference Co-Chairman & Chairman (WZ) – **9820148536** Mr. Chirag Parekh, Treasurer (WZ) – **9821634128**

Mr. Bhaskar B. Patel, Vice President (WZ) – **9979733033**

Mr. Santosh Gupta, Joint Secretary (WZ) – **9890033480**

Mr. Pravin Shah, Vice Chairman (WZ) – **9821476817**

Mr. Vipul Joshi, NEC Member – **9820045569**

or E-mail to aiftpwz@gmail.com

RENEWAL SUBSCRIPTION TO AIFTP JOURNAL

Dear Members,

We have posted bill for renewal subscription of AIFTP Journal in last week of March, 2019. Members are requested to send the DD or Cheque at par in favour of "All India Federation of Tax Practitioners" payable at Mumbai as early as possible.

Members can also fill the online subscription form through our website i.e. www.aiftponline.org and make online payment for subscription.

Thanking you,

For All India Federation of Tax Practitioners

Chirag S. Parekh

Treasurer

Note:- 1. **Members who have not paid the subscription for AIFTP Journal for the year 2019-20 will not receive the AIFTP Journal from July, 2019 onwards.**

2. Members who required the AIFTP Journal to be couriered separately at their communication address, should add ₹ 300/- per year as courier charges.

NOTICE OF ANNUAL GENERAL MEETING OF AIFTP (NZ)

Notice is hereby given that an Annual General Meeting of the AIFTP (North Zone) will be held on 20th July, 2019 at 11.30 a.m. at Conference Hall, Ground Floor, YMCA Building (near NDMC Building), Jai Singh Marg, Hanuman Road Area, Connaught Place, New Delhi-110001 to transact the following business:

AGENDA

1. Welcome Address by Chairman NZ.
2. Grant of Leave of Absence.
3. To read and approve the minutes of the last AGM held on 30th June, 2018.
4. To read and approve the minutes of the EGM held on 23rd Feb., 2019.
5. To receive and adopt the Annual Report of the Managing Committee (NZ) for the year 2018-19.
6. To consider and adopt the audited accounts for the year ended 31st March, 2019.
7. To appoint Auditors for the year 2019-20 and fix their honourarium.
8. To elect the required number of members of the Managing Committee for the term of two years i.e. 2020 & 2021.
9. To announce the names of the members elected to the Managing Committee of the North Zone for the term 1-1-2020 to 31-12-2021.
10. To transact any other business with the permission of the chair.
11. Vote of Thanks

Yours Faithfully,

For ALL INDIA FEDERATION OF TAX PRACTITIONERS (NZ)

Sd/-

(Anuj Bansal)

Hon. Secretary

Place : New Delhi

Date : 4th June, 2019

INVITATION FOR NOMINATION

1. The AGM of North Zone has been convened to take place on Saturday, 20th July, 2019 at 11.30 AM at **Conference Hall, Ground Floor, YMCA Building (near NDMC Building), Jai Singh Marg, Hanuman Road Area, Connaught Place, New Delhi-110001. The Elections for Zone Managing Committee for 2020 & 2021 will also be held in the said AGM and I have been appointed as Election Officer for North Zone.**
2. Eligible Members (as per Rule 4 and Rule 8 of Guidelines for functioning of Zone and other Rules of AIFTP) are requested to send the nomination forms duly proposed and seconded so that such Nomination reaches the office of Election Officer at **N. P. Jain & Co., Ground Floor, 3 Ho Chi Minh Sarani, Kolkata – 700071, West Bengal. Mob No: 09830951252/ 7980521720; Email Id: npjainadv@gmail.com) on or before 5th July, 2019 before 6.00 p.m.** The last date for withdrawal of nomination by the candidate himself by submitting withdrawal letter, which should reach office of Election Officer by 15th July, 2019 at 6.00 p.m.
3. Only members of 2 years standing of the Zone are eligible to file the nomination.
4. As per the Resolution passed at the AGM of the Federation held on 1st October, 2005 at Mumbai, the notice published in the AIFTP Times may be treated as notice and hence, no separate notice will be issued to members.
5. Election will be held, if necessary, from 11.30 a.m. to 1.30 p.m. on Saturday, 20th July, 2019 at **YMCA Building, New Delhi.** The venue of the Election Meeting will be:
**Conference Hall, Ground Floor,
YMCA Building (near NDMC Building)
Jai Singh Marg, Hanuman Road Area,
Connaught Place, New Delhi 110001**
6. The nomination form has been hosted on our website i.e., www.aiftponline.org. Members are requested to download the same or collect hard copy from Federation's Head Office in Mumbai.
7. Other important points :
 - a) Only the members existing on the date of issue of the Notice for AGM shall be eligible to vote in Zone Elections at the AGM.
 - b) As per guidelines, the number of Zonal Members to be elected as per Rule 4(1)(b) of the Guideline is total number of members on the date of issue of notice divided by 50.
8. For further details please contact the office bearers or the office of the Federation at Rewa Chambers, 31, New Marine Lines, Mumbai 400 020. Email aiftpho@gmail.com.

Sd/-

NARAYAN PRASAD JAIN

Place: Kolkata, Election Officer (NZ)

Dated: 4th June, 2019

Complaints regarding non-receipt of AIFTP Journal/Times

Now you can make an online complaint by clicking "Non-Receipt of Times / Journal", if you have not received the copy of Times or Journal and we will send you soft copy of the Times/Journal by email.

NOTICE OF ANNUAL GENERAL MEETING & ELECTION AIFTP (SZ)

Notice is hereby given that the Annual General Meeting of All India Federation of Tax Practitioners (Southern Zone) will be held on Saturday, 10th August, 2019 at Hotel Minerva Grand, M.G. Road, Vijayawada - 520001 at 5.00 p.m. to transact the following business:-

AGENDA

1. Opening remark by the Chairman.
2. To Grant of Leave of absence.
3. To read and approve the minutes of the AGM held on 23rd June, 2018.
4. To receive and adopt the Annual Report of the Managing Committee (SZ) for the year 2018-19.
5. To consider and adopt the audited accounts for the year ended 31st March, 2019.
6. To appoint Auditors for the year 2019-20 and fix their honourarium.
7. To elect the required number of members of the Managing Committee for the term of TWO years viz: For the Calendar Year 2020 & 2021.
8. To announce the names of the members elected to the Managing Committee of the Southern Zone for the term 1-1-2020 to 31-12-2021.
9. To transact any other business with the permission of the Chair.
10. To propose vote of thanks.

Yours Faithfully,
For ALL INDIA FEDERATION OF TAX PRACTITIONERS (SZ)

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

Date : 27-06-2019
Place : Visakhapatnam

Notes.

1. Accounts for the year ended on 31-3-2019 and the report of the Managing Committee for the Southern Zone 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.
3. Nomination Form & Invitation for Nomination has been hosted on our website i.e. www.aiftponline.org. Members are requested to download the same.

INVITATION FOR NOMINATION

1. Members are requested to send the prescribed nomination form duly filled in, proposed and seconded appropriately, on or before Saturday, the 3rd August, 2019 before 5.00 p.m. at the office of secretary of South Zone of [All India Federation of Tax Practitioners, C. Sanjeev Rao Advocate 48-8-19/16, Flat Number 306, Sampath Enclave, 3rd Floor, Besides 'V' Hotel Dwarakanar, Visakhapatnam - 530016. Cell - 9848193852.
2. The last date for withdrawal of nomination is on or before Thursday, the 8th August, 2019.
3. Only members of two years standing of the zone are eligible to file the nomination.
4. As per the resolution passed at the AGM held on 1st October, 2005 at Mumbai the notice published in the AIFTP Times may be treated as a proper notice. However, bearing in mind the due date of AIFTP Times, this special notice is being sent by e-mail.
5. Election will be held, if necessary, from 5.00 p.m. (or from the adjourned time) to 7.00 p.m. on Saturday, 10th August, 2019 at Hotel Minerva Grand, M.G. Road, Vijayawada.
6. The nomination form has been hosted on the website i.e. www.aiftponline.org. Members are requested to download the same or collect a hard copy from the Federation's Office.
7. For further details, please contact the Office Bearers or the Office of the Secretary of (SZ) on above mentioned address.

Date : 28th June, 2019
Place : Ghaziabad

Sd/-
D. K. Gandhi
Election Officer (SZ)

CORRIGENDUM FOR NORTH ZONE ELECTIONS

- * In Invitation for Nomination for North Zone in para 1, PLEASE note that The Elections for Zone Managing Committee will be held for 2020 & 2021.
- * The mistake was inadvertent and regretted. The nominations received will be treated as modified accordingly.

Narayan Prasad Jain, Kolkata
Election Officer, North Zone

NOTICE OF ANNUAL GENERAL MEETING OF AIFTP (CZ)

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 Sunday, the 18th Aug, 2019 at Kar Salahkar Bhawan, Bapu Bazar, Mangal Marg, Jaipur (Raj) at 12.30 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 2018-19.
3. To consider and adopt the audited accounts for the year ended 31st March, 2019.
4. To appoint Auditors for the year 2019-20 and fix their honourarium.
5. To elect the required number of members of the Managing Committee of Central Zone for the term of two years i.e. 1-1-2020 to 31-12-2021.
6. To announce the names of the members elected to the Managing Committee of the Central Zone for the term for 1-1-2020 to 31-12-2021.
7. To transact any other business with the permission of the Chair.

Yours Faithfully,
For ALL INDIA FEDERATION OF TAX PRACTITIONERS (CZ)

Sd/-
(Devendra Kansara)
Hon. Secretary

Place : New Delhi
Date : 28-06-2019

Notes.

1. Accounts for the year ended on 31-3-2019 and the report of the Managing Committee for the Central Zone can be collected from the Office of the Treasurer Mr. Ashok Jangid (E-mail Address:- ajangid399@gmail.com) (Mob: 9829030166) from 18th July, 2019 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 12.30 p.m. the meeting will be adjourned by half an hour and the members present at such adjourned meeting shall form the quorum.

ELECTION NOTICE FOR MANAGING COMMITTEE OF CENTRAL ZONE OF ALL INDIA FEDERATION OF TAX PRACTITIONERS

The Election for Twenty-two (22) members of the Managing Committee of the **Central Zone** of All India Federation of Tax Practitioners for the Term of Two years i.e. 2020 and 2021 will be held from 12:30 pm onwards on Sunday, 18th August, 2019 at **Kar Salahkar Bhawan, Mangal Marg, Bapu Nagar, Jaipur**.

The Nomination Forms for the Elections are available on the Website of the All India Federation of Tax Practitioners, Mumbai (www.aiftponline.org). The interested Candidates may download the Form from the website or get the Form typed and fill in the requisite details.

The nomination forms properly filled in neat handwriting or typed should be submitted either personally to the undersigned or through Registered Post / Speed Post / Courier Service at the address given below so as to reach latest by 5.00 p.m Friday, 8th August 2019.

Address to which the Nomination Forms have to be sent:-

V. N. Kewalramani and Associates
10,8 Paradise Tower,
Gokhale Road, Naupada,
Thane – 400 602 Maharashtra
Tel : 022-25372532

The withdrawal of Nomination can be made by written communication so as to reach the undersigned by 10.00 p.m., Wednesday, 14th August 2019 at the postal address as above or by e-mail on info@kewalramani.in or on **WhatsApp at +919820073165**.

The list of Eligible candidates as per the Constitution of the Federation and Elections Rules framed shall be displayed on Sunday, 18th August 2019 at the Election venue one hour prior to the Election time.

The Voting, if necessary, shall take place by Secret Ballot from 12:30 pm to 2:30 pm on Sunday, 18th August, 2019 to elect the Twenty-two (22) members of the Managing Committee.

Notes :

1. Only members of two years standing of the zone and who have completed five years in practise are eligible to file the nomination.
2. As per the resolution passed at the AGM held on 1st October, 2005 at Mumbai the notice published in the AIFTP Times may be treated as a proper notice. However, bearing in mind the due date of AIFTP Times, this special notice is being sent by e-mail.

Sd/-
CA Vijay Kewalramani
Election Officer (CZ)

Direct Taxes

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

High Court

1. S. 271(1)(c) : Penalty cannot be levied for rejection of *bona fide* Claim of the Assessee

The assessee is a Co-operative Bank, and for the relevant Assessment Year, the assessee had incurred expenditure for acquisition of three co-operative banks. Claiming directives of RBI contained in its circular, the bank amortized such expenditure over a span of five years. While completing the assessment proceedings, the Assessing Officer observed that the expenditure was capital in nature and that the claim of expenditure would be governed by the Income-tax Act and not by the directives of RBI and therefore, the expenditure incurred by the assessee was disallowed and on the same instituted penalty proceedings and eventually imposed the penalty. The Honourable Tribunal considering claim of expenditure deleted the penalty.

The Honourable High Court took a view that no error in the view of the Tribunal as the Tribunal recorded that in relation to the assessee's claim of expenditure two views were possible. Merely raising a *bona fide* claim even if ultimately found to be not sustainable is not a ground for imposition of penalty. Therefore, Penalty cannot be levied for rejection of *bona fide* Claim of the Assessee. (AY 2007-2008)

Pr. CIT vs. Shamrao Vithal Co-op Bank, ITA No. 659 of 2017 dt. 06/06/2019. Source : www.bombayhighcourt.nic

2. S. 4 : Subsidy received under Technical Upgradation Fund (TUF) Scheme is Capital Receipt

During the assessment proceedings, the Assessing Officer has held that the amount received under the Technical Upgradation Fund (TUF) scheme is revenue receipt. Whereas assessee treated the same amount as capital receipt.

The Honourable Tribunal observed that, where a portion of the cost of an asset acquired by the assessee has been met directly or indirectly by the Central Government or State Government in the form of subsidy then that much cost as is relatable to such subsidy shall not be included in the actual cost of the asset.

The Tribunal held that when such subsidy cannot be directly relatable to the asset acquired, then such subsidy shall not be included in the actual cost of the asset. That is, to reduce from the cost of the asset, the subsidy should be directly or indirectly used for acquiring an asset. In this case no asset was being acquired by using TUF subsidy; therefore, it should not be reduced from fixed assets. Therefore, the subsidy received under TUF scheme is the capital receipt.

M/s. Deepak Spinners Ltd. vs. DCIT, ITA NO. No. 2055/Kol/2018 dt. 12-06-2016 (KOI)(Trib.) source : www.itat.nic.in



Indirect Taxes

Tanmay Mody, *GST Practitioner*

1) GST – Appealability of Order by AAAR

Appealability of the order passed by Appellate Authority of Advance Ruling – Jurisdiction of Appellate Authority of Advance Ruling.

Held: We do not propose to examine the impugned orders Appellate Authority on their substantive merits or de-merits, merely because CGST/MGST Act, 2017 have not provided for any further appeal against the decision of the Appellate Authority. Any such attempt, would virtually amount to converting these proceedings under Article 226/227 of the Constitution of India, which are essentially proceedings seeking judicial review, into appellate proceedings. The circumstance that the CGST/MGST Act, 2017 have provided for no further appeal against the decision of the Appellate Authority, will have to be respected and the validity or otherwise of the impugned orders will have to be examined by applying the principles of judicial review and not the principles which apply in case of an appeal. Merely because no appeal is provided for, against the order of Appellate Authority directing compulsory acquisition by the Government, the supervisory power of the High Court does not get enlarged nor can the High Court exercise an appellate power. Therefore, the Court decline the plea of the petitioner to go into the merits of the impugned orders merely because the

Statutes in question have not provided any further appeals in such matters.

(Source: Order in WP No. 5 of 2019 by the Bombay High Court in the case of M/s. JSW Energy Ltd. vs. Union of India, dated 7th June, 2019)

2) Service Tax – Refund of SBC

Whether the appellant is entitled for the refund of Swachh Bharat Cess (SBC) paid on the input services used for providing export services?

Held: A tax recovered by the Government goes into the Consolidated Fund of India whereas a cess or fee does not become part of the Consolidated fund and are earmarked for the purpose of services for which it is levied. A Cess can never become part of the Consolidated Fund. It should be earmarked and set apart for the purpose for which it is levied. As per Section 119(4) of the Finance Act, 2015 the proceeds of Swachh Bharat Cess shall first be credited to the Consolidated Fund of India. Swachh Bharat Cess may be considered as separate levies from the service tax but the same legal framework as applied for service tax are to be applied for levy and collection of Swachh Bharat Cess since the provisions of Chapter V of the Finance Act, 1994 and the rules made

thereunder are applicable to Swachh Bharat Cess. Therefore, Swachh Bharat Cess paid on input services has to be available as CENVAT Credit and the same can be discharged by utilising CENVAT Credit and the appellant is therefore entitled for the refund of it.

(Source: Order in Appeal No. ST/88272/2018 by CESTAT, Mumbai in the case of M/s. State Street Syntel Services P. Ltd. vs. Comm. of CGST & C. Ex., dated 9th May, 2019)

3) KVAT – Disallowance of ITC for non-payment

Denial of input tax credit to purchasing dealer-petitioner on the ground that selling dealers have not deposited the collected tax amount or have been subsequently deregistered. Whether remitting of tax by registered selling dealer is a condition precedent in claiming input tax credit by the purchasing dealer against a valid invoice with the tax component paid?

Held: The petitioner-assessee has fully discharged the burden of proof to claim the deduction of input tax as per the tax invoices but the selling dealer has failed to remit the said collected taxes. The purchaser dealer having paid the amount of VAT to the registered selling dealer, his entitlement to claim input tax credit need not be tagged with the registered selling dealer depositing the said collected tax amount in full or a part thereof. The petitioner has purchased the goods from a registered dealer not from an unregistered dealer. If there is any default on the part of such registered dealers in not remitting the tax, the proceedings are required to be initiated against such registered selling dealers in accordance with the provisions of the Act. In view of admission of the genuine transaction as well as *bona fide* claim and in the absence of any other allegations made against the purchasing dealer in the assessment orders, merely for the reason that selling dealers have not deposited the collected tax amount or some of the selling dealers have been subsequently deregistered cannot be a ground to deny the input tax credit.

(Source: Order in WP Nos. 17989 & 23971/2018 by Karnataka High Court in the case of M/s. Onyx Designs vs. Ass. Comm. of Com. Taxes (Audit) dated 17th June, 2019)

4) GST – West Bengal AAR

Whether services provided by the applicant are exempt service and whether TDS Notifications are applicable to the applicant?

Held: The consideration paid to the applicant measures the work only in terms of the quantity of the garbage lifted and removed. Based on the facts, it may, therefore, be concluded that the Applicant's supply to Howrah Municipal Corporation is a pure service. The Applicant's supply to HMC is a function mentioned under Sl. No. 6 of the Twelfth Schedule of the Constitution and, therefore, is exempt under Sl. No. 3 of the Exemption Notification. The TDS Notifications bring into force section 51 of the GST Act, specify the persons under section 51(1)(d) of the Act and have mandated and laid down the mechanism for deduction of TDS. These notifications, therefore, are applicable only if TDS is deductible on the applicant's supply under section 51 of the GST Act. Section 51(1) of the Act provides that the Government may mandate local authority to deduct TDS while making payment to a supplier of taxable goods or services or both. As the Applicant is making an exempt supply to HMC the provisions of section 51 and the TDS Notifications do not apply to his supply.

(Source: West Bengal AAR Order No. 07/WBAAR/2019-20 in the case of M/s. Maruti Enterprise, dated 10th June, 2019)

5) GST – Maharashtra AAR

The applicant is proposing to setup an Investment Vehicle-AIF Fund. Whether GST is applicable on the Advisory & Management Fees received in Indian Currency from Domestic Contributors located in India for the Services rendered by the applicant? Whether GST is applicable on the Advisory & Management Fees received in Foreign Currency from Overseas Contributors located outside India for the Services rendered by the applicant?

Held: The applicant and the AIF are in taxable territory and the services rendered by the applicant to the AIF are taxable and therefore GST is payable, by application of the provisions of Section 12(12) of the IGST Act, 2017. the Advisory and management Services are provided to the AIF, which is a separate legal entity which makes investment decisions on the advice of the applicant and therefore Section 12(12) of IGST Act, 2017 will apply as both supplier and the recipient of service are located in India. We do not agree with the applicant's contention that the transaction with foreign investors should be determined in terms of Section 13 of the IGST Act, 2017 because the recipient of service i.e. AIF is not located outside India and the applicant is not providing any services to the Overseas Contributors. The transaction also does not qualify to be an export of service as the condition specified in sub-clause (ii) of Sub-section (6) of Section 2 of IGST Act, 2017 that recipient of service should be outside India, is not satisfied, and therefore it is not a zero rated supply

(Source: Maharashtra AAR Order No. GST-ARA-81/2018-19/B-25 in the case of M/s. Multiple Alternate Asset Mgmt. P. Ltd., dated 6th March, 2019)

6) National Anti-Profitteering Authority – M/s. Bharti Telemedia P. Ltd.

The Applicant had claimed in his application that the rate of tax had decreased from 35% (20% Entertainment Tax and 15% Service Tax) in the pre-GST era to 18% in the post GST era. However, it is apparent from the perusal of the record that in fact the rate of GST was increased from 15% to 18% w.e.f. 01-07-2017 and since there had been no reduction in the rate of tax, the provisions of Section 171 of CGST Act, 2017 have not been violated by the Respondent. The Applicant was not a subscriber of the Respondent and he had filed the present complaint on the basis of the plan chosen by another subscriber. Therefore, the allegations made by the Applicant have not been established. Further, the Entertainment Tax was neither allowed as ITC in pre GST era nor has been allowed in the GST era, and that the cost of the entertainment tax was borne by the Respondent himself as is clear from the invoices produced by him. Accordingly, there is no ground to believe the contention of the applicant as no benefit of ITC has accrued to the Respondent which was required to be passed on. Due to non-availability of cogent and reliable evidence, the provisions of Section 171 of the CGST Act, 2017 are not attracted and hence there is no merit in the application filed by the Applicant.

(Source: Order in Case No. 37/2019 by the National Anti-profitteering Authority in the case of Shri Navneet Gupta vs. M/s. Bharti Telemedia P. Ltd. dated 12th June, 2019)

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

- 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.

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	Associate	Individual	Association	Corporate	Total
Central	0	1059	25	0	1084
Eastern	6	1620	36	0	1662
Northern	0	1218	18	1	1237
Southern	1	1312	19	4	1336
Western	5	2393	37	6	2441
Total	12	7602	135	11	7760

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

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