

**All India Federation of Tax Practitioners**

# AIFTP TIMES

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**FORTHCOMING PROGRAMMES**

Date & Month	Programme	Place
9th January, 2020	National Executive Committee for the term 2021	Virtual Zoom Platform
16th January, 2020	Lecture Meeting on Centenary Celebration of Padmavibhusan Late Dr. N. A. Palkhivala, Sr. Advocate - A Tribute - Remembering the Legend	Virtual Zoom Platform

## President's Communique

**Constitution of National Tribunal Commission**

Recently I came across a news about the Apex Court directing the Central Government to constitute a National Tribunal Commission for the appointment of members in various Tribunals. The Supreme Court has also directed formation of a separate wing in the Ministry of Finance to cater to the need of the Tribunal till the Commission is fully operational. The Supreme Court further directed the Centre to amend the rule to make Advocates with ten-years practice eligible for appointment as judicial member in the Tribunal. The petition was filed by Madras Bar Association in which the Hon'ble Supreme Court has given several directions to amend the Tribunal rule to ensure independence and efficiency of the Tribunal. The Commission is directed to act as an independent body to supervise the appointment and function of the Tribunal as well as to conduct necessary proceeding against member of Tribunal. The Commission will also take care of administrative and infrastructural need of the Tribunal. The Supreme Court has also given drastic suggestions to change the constitution of search-cum-selection Committee.

An important judgment worth reading. It has also taken care of the infrastructural need of the Tribunal members. A very detailed and welcome judgment - I only hope the directions given by the Hon'ble Supreme Court would be followed in letter and spirit within the time frame given by the Apex Court.

Senior Advocate Shri Arvind Datar made elaborate argument for the Madras Bar Association. We look forward to having few of our young members appointed as Judicial Member of Tribunal.

It is important for elite and experienced advocates to opt to become the judicial member of various Tribunals. This will help in clearing the huge backlog. Compliance of the guidelines and directions by the Hon'ble Supreme Court would ensure transparent and timely disposal of the cases of the litigants.

**Suggestion for Four benches of the Supreme Court by Attorney General**

While we are all concerned with rising number of litigations pending at various levels, Attorney General Shri K. K. Venugopal has suggested to create four benches of Court of Appeals with 15 judges each sitting across the country. I recall our past President Senior Advocate Dr. K. Shivaram had made similar suggestion long back. The formation of such benches are required to take care of more than 400 different categories of cases pending in the Apex Court. The Attorney General suggested that the Supreme

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

Name	Mobile	Tel. (O)	Fax	E-mail
<b>National President</b> – Smt. Nikita Badheka, Adv.	9821037885	022-22030011	—	aiftppresident.badheka@gmail.com
<b>Deputy President</b> – Shri M. Srinivasa Rao, TP	9885796999	08812-238898	—	sai9malladi@yahoo.com
<b>Secretary General</b> – Shri Samir S. Jani, Adv.	9825037365	0285-2623325	2653666	samirjani@yahoo.co.in
<b>Treasurer</b> – Shri Chirag S. Parekh, Adv.	9821634128	022-26705006	26705006	chiragnp7@gmail.com

Court as the Apex Court of the Country should be burdened with only Constitutional cases. These four benches are suggested as intermediate Court of Appeal who will finally hear the appeal and there should be no further appeal to the SC. In my personal opinion, the Government must act immediately on this suggestion and ensure that such benches are formed as soon as possible. The list of pending cases is becoming longer but the pace of hearing has reduced on account of pandemic. Therefore, the Government must accept such out of box suggestion for the benefit of public at large.

An important suggestion about continuing the virtual court hearing was also made by the Attorney General. With our experience we have observed that virtual hearing are welcome but the matters involving lengthy arguments need to be singled out for physical hearing. Presently Hon'ble Bombay High Court has adopted the dual system of physical and virtual hearing which according to many advocates is creating confusion. There should be more clarify on allocation of cases, etc.

### **Appointment of our members as Standing Counsel in various States**

I am happy to inform that four of our Life Member and active member of the Federation are appointed as Senior Standing Counsel. Three more members are appointed as Junior Standing Counsel in various States. Their names are as follows:

#### **Senior Standing Counsels**

1. B. V. S. Chalapati Rao (Andhra Pradesh)
2. M. V. J. Kumar (Andhra Pradesh)
3. Sandeep Choraria (West Bengal)
4. Siddharth Ranka (Rajasthan)

#### **Junior Standing Counsel**

5. Anjana Singh (Uttar Pradesh)
6. D. K. Agarwal (Sikkim)
7. Uday Bhagavat (Telangana)

I congratulate each one of them. They have earned this post on account of their hard work and dedication. I wish all of them a successful tenure and I am sure they are going to achieve greater heights in time to come.

### **Winners of the Awards for the year 2020**

Chairman Sr. Advocate Shri Ganesh Purohit along with convenor Mr. Santosh Gupta and their team had the difficult task of choosing the awardees for different awards. The entire Award Committee spared their valuable time in scrutinizing the applications and selecting the best ones. List of awards and the persons who are awarded are being produced in this AIFTP Times at Page No. 9. I request the members to look into the same and thrive for having one of the awards next year. I congratulate each person and zones who are declared winners.

### **Year 2020 – the Historic year of experience and learning**

On 14th December 2019 I was elected as the President of this prestigious Association at a National Convention held at Hotel Sahara Star Mumbai. Little did we know that after two months we would be compelled to observe a complete lockdown on account of Covid-19 pandemic. Unfortunately, rest of the physical programs planned after 15th March 2020, including international study tour had to be shelved for obvious reasons.

It is said that every adversity carries within itself the seeds of opportunity. The team AIFTP 2020 learned too soon at the onset of April 2020 that the end of pandemic is nowhere in sight. With the graph of casualty and infected persons increasing day by day, the Zones started organizing virtual programs. As the professional members could not attend to their office, department or courts, great enthusiasm was shown by large number of our members as also public at large to participate in such webinars. The response was encouraging as we could reach out to our brother members stationed at remote places. This was one of the most positive impact of the pandemic. The bond of fraternity became stronger and the Federation could organize more than 109 webinars from April 2020 to October 2020. The pace has slowed down thereafter as everyone is busy in completing the pending work and legal compliances.

The webinars arranged by each of the zones had best of the faculties. Each of the webinar was well designed, planned and was successful on account of the quality and the substance delivered. In addition to the webinars, for the first time in the history of AIFTP, there were three virtual National Conference of two-days each followed by the First Virtual Convention by the south zone. I congratulate and thank each and every member of the NEC and Zonal team 2020 involved in virtual programs.

This year will have golden mark on account of inauguration of the two day National tax Conference of Central Zone by of the Union Finance Minister, Hon'ble Smt. Nirmala Seetharamanji. In her inaugural speech, Hon'ble Finance Minister applauded the pivotal role played by the Tax consultants as inevitable link between tax payers and tax administrators.

Her Excellency Dr. (Smt) TAMILISAI Soundararajan, Hon'ble Governor of Telangana inaugurated the first Virtual Convention by South Zone at Hyderabad and addressed the Nation

Hon'ble Dr. Kakakalya Nagappa Ashwathnarayana, the Dy. Chief Minister of Karnataka blessed the virtual convention by remaining present in the valedictory session of virtual convention

Hon'ble Shri P. C. Mody, Chairman CBDT spared his valuable time to inaugurate and address the first Virtual National tax Conference by western Zone and introduced our members with the faceless assessment under Income tax act. Thereafter - Dr. Pushpinder Puniha - Principal Chief Commissioner, Income Tax, National E-Assessment Centre; and Shri Kamlesh Varshney, Joint Secretary, Tax & Planning, Central Board of Directorate of Trade spared about 150 minutes to answer to the queries raised by our panelist.

In addition to the above dignitaries we were blessed by the presence of the Hon'ble judges from the Supreme Court and various high courts. I thank each of the Hon'ble Judges for remaining present. For the first time ever, seven sitting judges of different High Courts, who were our life members remained present on the virtual platform.

All these were possible only because each of the program was on Virtual platform.

An added feather in cap for NEC 2020 is the three invaluable publications. First e-publication an exhaustive commentary on Vivad Se Vishwas scheme by Adv. Vipul Joshi was released on 22nd April virtually at the hands of Hon Justice Shri P. P. Bhatt, President ITAT. This book was prepared and published in complete lockdown. Second equally important publication is 151 landmark decisions of Supreme Court prepared by team headed by Sr. Adv. Dr. K. Shivaram, released at the hands of six sitting judges of various high Courts who had been active member of Federation. The third publication is an exhaustive book on Reassessment prepared by Adv. Ajay Singh, released at the hands of Her excellency, Governor of Tamilnadu. We are thankful to Dr. Saraf, Sr. Adv. and Past President for sponsoring the later two publications in the memory of his late father Dr. Justice B.P. Saraf.

Along with the virtual programs we continued to remain active in the representation front, both under Direct and Indirect Taxes. The Central and the State authorities responded well to our representation. I am happy to say that in response to our pre-budget suggestions sent by Shri H. L. Madan, Chairman-Indirect Tax Representation Committee, the Finance Ministry has responded and requested us to furnish our suggestions in 1000 words so that the same can be tabled before the concerned officials. Shri S.R. Wadhwa, the Senior Member and Chairman of Direct Tax Representation Committee continued to make the representation on various legal aspects of the Direct Tax. The procedural aspects of Direct and Indirect Tax were taken care of by the individual zone. Thus, this year we have made record number of fruitful representation wherein many of our suggestions were accepted by the concerned authorities.

I thank from the bottom of my heart each and every member of the National Executive Committee, all the past presidents and my office bearers for shouldering the responsibility to achieve the object of the Federation. I would be failing in my duty if I do not thank each and every faculty, the speakers and the chairmen of each and every virtual programme for enabling us to hold record number of webinars.

The year comes to an end with a hope of vaccination in next 3 to 6 months' time. I along with my team of office bearers have tried our best to keep in touch with each and every member virtually. Except the conference at Indore, Junagadh and Muzaffarpur there were no physical conferences, yet frequent meeting on virtual mode have brought us closer than it ever did in the past.

But for the Covid-19 pandemic, many physical programs were possible but we will have to be contended with the flow of virtual programs for few more months to come. I am glad that members have picked up new normal life and protocol.

I congratulate the new team for 2021 headed by Shri Srinivas Rao, National President 2021. I wish them thumping success in the year 2021. The details of the new team has been published in this AIFTP Times at Page No. 4. I would be failing in my duty if I do not put on record the help, support and assistance provided by the Secretary General, Adv. Shri Sameer Jani as also two past Presidents from west zone, Advocate Shri P. C. Joshi and Senior Advocate Dr. K. Shivaram. Indeed all the past presidents namely Advocate Shri M. L. Patodi, Senior Advocate Smt. Prem Lata Bansal, Advocate Shri M.V.K. Murthy, Senior Advocate Ganesh Purohit, and Senior Advocate Shri Ashok Saraf have guided me and supported from time to time. My sincere gratitude to all them. At the end my sincere thanks to each and every NEC members, Chairman of each Zone and chairman and members of various Committees. Its Team 2020 which was successful.

## Good Bye

On 31st December 2020, I shall put down my pen as the President of this August Federation. I will keep in touch with you all through the journal and other educational Programs. I would always be available for the service to the Association and its members. Thank you for keeping in touch through this medium of communication.

**Nikita R. Badheka**  
National President



In the National Executive Committee Meeting held on Friday, 4th December, 2020, the following Members were elected as Office Bearers for the year 2021:-

President	:	Mr. M. Srinivasa Rao, TP, Eluru
Dy. President	:	Mr. D. K. Gandhi, Adv., Ghaziabad
Vice Presidents	:	CA. S. B. Kabra, Hyderabad (Southern Zone) Mr. O. P. Shukla, Adv., Varanasi (Northern Zone) CA. Rajesh Mehta, Indore (Central Zone) Mr. Anand Kumar Pasari, Adv., Ranchi (Eastern Zone) CA. Janak K. Vaghani, Mumbai (Western Zone)
Secretary General	:	Mr. S. S. Satyanarayana, TP, Hyderabad
Treasurer	:	CA. Vijay Kewalramani, Thane
Joint Secretaries	:	CA. Siddheswar Yelamali, Bengaluru (Southern Zone) Mr. Arvind Mishra, Adv., Prayagraj (Northern Zone) Mr. Deep Chand Mali, Adv., Jodhpur (Central Zone) Mr. Amit Goyal, Adv., Guwahati (Eastern Zone) Mr. Anagha Kulkarni, Adv., Pune (Western Zone)

Following members were co-opted to National Executive Committee for the year 2021:-

1	Mr. A. V. S. Krishna Mohan, Adv., Nellore
2	Mr. Bhola Prasad Sinha, Adv., Ranchi
3	Mr. H. L. Patel, Adv., Ranchi
4	CA. H. Ramakrishnan, Trivandrum
5	CA. Jamuna Shukla, Varanasi
6	Mr. Kishor Lulla, Adv., Sangli
7	Mr. Nagesh Rangi, Adv., Hyderabad
8	Mr. Nigam Shah, TP, Ahmedabad
9	Mr. Rajendra Sodani, Adv., Ujjain
10	Mr. Rakesh Agrwal, Adv., Ghaziabad
11	CA. S. Venkataramani, Bengaluru
12	Mr. Sanjay Kumar, Adv., Prayagraj
13	Mr. Siddharth Ranka, Adv., Jaipur
14	Mr. Vivek Agarwal, Adv., Kolkata

Further, the following Members were taken as Special Invitees to National Executive Committee for the year 2021:-

1	CA. A. Retnakumar, Trivandrum
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2	Mr. Ajit Tiwari, Adv., Vadodara
3	Mr. Alok Jain, Adv., Chandigarh
4	Mr. B. Phani Raja Kumar, Narasaraopet (AP)
5	CA. Bharat Sachdev, Thane
6	Mr. Bhaskar B. Patel, Adv., Vadodara
7	Mr. C. Satyanarayana Gupta, TP, Nellore
8	CA. Girish Rathi, Thane
9	CA. H. L. Madan, New Delhi
10	CA. Hitesh R. Shah, Mumbai
11	Mr. K. A. S. V. Prasad, Adv., Ongole
12	Mr. K. Bhima Shankar, Adv., Vizag
13	Mr. K. C. Kaushik, Adv., New Delhi
14	Mr. K. Gopal, Adv., Mumbai
15	Mr. Kamlesh Rathod, Adv., Jamnagar
16	Mr. Manoj Moryani, Adv., Nagpur
17	Mr. Mukul Gupta, Adv., Ghaziabad
18	Mr. N. D. Saha, Adv., Kolkata
19	Mr. Narayan P. Jain, Adv., Kolkata
20	Dr. P. Daniel, Adv., Thane
21	Mr. P. Lakshminarayana, TP, Pallakol
22	Mr. P. V. Subba Rao, Adv., Hyderabad
23	Mr. Ritu G. P. Das, Adv., Kota
24	Mr. S. Nanjunda Prasad, TP, Bengaluru
25	Mr. S. R. Wadhwa, Adv., New Delhi
26	Mr. Saurabh Soparkar, Sr. Adv., Ahmedabad
27	Mr. Y. N. Sharma, TP, Bengaluru

Further, the following sub-committees were formed and their Chairmen / Co-Chairmen were appointed for the year 2021:-

#### 1. AIFTP Journal (Editorial Board)

Chairperson	:	Smt. Prem Lata Bansal, Sr. Adv., New Delhi
Co-Chairman	:	CA. Ashok Chandak, Nagpur
Editor	:	Mr. K. Gopal, Adv., Mumbai
Joint Editors	:	Mr. Ajay R. Singh, Adv., Mumbai Mrs. Anjana Singh, Adv., Prayagraj
Associate Editors	:	Mr. C. B. Thakar, Adv., Mumbai Mr. Nishith Gandhi, Adv., Mumbai
Members	:	CA. Janak Vaghani, Mumbai Mr. Kishor Vanjara, TP, Mumbai CA. Pradip Kapasi, Mumbai

## 2. AIFTP Journal Committee

Chairman	: CA. Mitesh Kotecha, Mumbai
Convenor	: Ms. Neelam Jadhav, Adv., Mumbai
Members	: Mr. Kuntal Parekh, Adv., Ahmedabad Mr. Sandeep Goyal, Adv., Chandigarh Mr. V. P. Gupta, Adv., New Delhi Mr. Vinayak Patkar, Adv., Mumbai
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General) CA. Vijay Kewalramani, Thane (Treasurer)

## 3. AIFTP Times Committee

Chairman / Editor	: Mr. Kishor Vanjara, TP, Mumbai
Associate Editor	: CA. Janak K. Vaghani, Mumbai
Advisor	: Dr. K. Shivaram, Sr. Adv., Mumbai
Member	: Mr. K. Gopal, Adv., Mumbai
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General)

## 4. Awards Committee

Chairperson	: Smt. Prem Lata Bansal, Sr. Adv., New Delhi
Members	: Mr. Achintya Bhattacharyaji, Adv., Kolkata CA. Jamuna Shukla, Varanasi Mr. K. Bhima Sankar, Adv., Vizag Mr. Pankaj Ghiya, Adv., Jaipur Mr. Sanjay Kumar, Adv., Prayagraj Mr. Santosh Gupta, Adv., Nagpur
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General) CA. Vijay Kewalramani, Thane (Treasurer)

## 5. Constitution Committee

Chairman	: Dr. Ashok Saraf, Sr. Adv., Guwahati
Members	: Mr. J. D. Nankani, Adv., Mumbai Mr. Kishor Vanjara, TP, Mumbai Dr. M. V. K. Moorthy, Adv., Hyderabad Smt. Prem Lata Bansal, Sr. Adv., New Delhi Mr. Sanjay Kumar, Adv., Prayagraj
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General)

## 6. Direct Tax Representation Committee

Chairman	: Mr. S. R. Wadhwa, Adv., New Delhi
Co-Chairman	: Mr. V. P. Gupta, Adv., New Delhi
Convenor	: Mr. Rahul Kaushik, Adv., New Delhi
Mentor	: Dr. K. Shivaram, Sr. Adv., Mumbai
Co-ordinator	: Smt. Prem Lata Bansal, Sr. Adv., New Delhi
Members	: CA. A. K. Srivastava, New Delhi CA. A. Retnakumar, Trivandrum Mr. Anand Kumar Pasari, Adv., Ranchi Mr. Arvind Shukla, Adv., Varanasi CA. Bharat Sachdev, Thane Mr. C. Satyanarayana Gupta, TP, Nellore Mrs. Gouri Chandnani Popat, Adv., Ahmedabad CA. Jamuna Shukla, Varanasi Mr. Jitendra Kumar Mishra, Adv., Rewa Mr. M. Kirubananthan, TP, Vellore Mr. P. Lakshminarayana, TP, Palakol Mr. Rajendra Sodani, Adv., Ujjain Mr. Rajesh Joshi, Adv., Indore CA. Sivadas Chettoor, Palakkad Mr. Vijay Kumar Navlakha, Adv., Ujjain
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General) CA. Vijay Kewalramani, Thane (Treasurer)

#### 7. Directory Committee

Chairman	: Mr. K. Bhima Shankar, Adv., Vizag
Member	: Mr. K. Narasing Rao, Adv., Hyderabad
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General) CA. Vijay Kewalramani, Thane (Treasurer)

#### 8. Disciplinary Committee

Chairman	: Dr. Ashok Saraf, Sr. Adv., Guwahati
Members	: Dr. K. Shivaram, Sr. Adv., Mumbai Dr. M. V. K. Moorthy, Adv., Hyderabad Smt. Prem Lata Bansal, Sr. Adv., New Delhi

#### 9. Finance Committee

Chairman	: Dr. M. V. K. Moorthy, Adv., Hyderabad
Co-Chairman	: Mr. J. D. Nankani, Adv., Mumbai
Convenor	: Dr. Ashok Saraf, Sr. Adv., Guwahati
Members	: Mr. Anagha Kulkarni, Adv., Pune Mr. Bhaskar B. Patel, Adv., Vadodara Mr. G. Bhaskar, Adv., Chennai CA. Neeraj Agarwal, Jabalpur
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General) CA. Vijay Kewalramani, Thane (Treasurer)

#### 10. GST Co-ordination Committee

Chairman	: Mr. P. V. Subba Rao, Adv., Hyderabad
Co-ordinator	: Mrs. Anjana Singh, Adv., Prayagraj
Members	: Mr. G. Murli Mohan, TP, Warangal Mr. M. V. L. Narasimha Rao, Adv., Hyderabad Mr. Suman Chetia, Adv., Guwahati Mr. T. Srinivasul Reddy, TP, Tirupati
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General)

#### 11. GST Liability Committee

Chairman	: Mr. Mukul Gupta, Adv., Ghaziabad
Co-Chairman	: Mr. Vinayak Patkar, Adv., Mumbai
Convenor	: CA. S. Venkataramani, Bengaluru
Co-Convenor	: Mr. Sanjay Sharma, Adv., New Delhi
Advisor	: Mr. P. V. Subba Rao, Adv., Hyderabad
Members	: Mr. B. Phani Raja Kumar, Narasaraopet (AP) Mr. Kishor Lulla, Adv., Sangli Mr. Pankaj Ghiya, Adv., Jaipur
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General)

#### 12. Income Tax Department Co-ordination Committee

Chairman	: Mr. Narayan P. Jain, Adv., Kolkata
Co-ordinator	: Mr. R. D. Kakra, Adv., Kolkata
Members	: CA. A. V. Chalam, Vizag Mr. Arvind Mishra, Adv., Prayagraj CA. Josyulla Radhakrishna, Eluru Mr. Mallikarjuna Dev, Adv., Karimnagar Mr. Manoj Moryani, Adv., Nagpur Mr. Ribhav Ghiya, Adv., Jaipur CA. S. B. Kabra, Hyderabad
Ex-Officio	: Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General)

#### 13. Indirect Tax (GST) Representation Committee

Chairman	: CA. H. L. Madan, New Delhi
Co-Chairmen	: CA. Janak K. Vaghani, Mumbai Mr. V. Nagendra Prasad, Adv., Hyderabad
Convenor	: CA. S. Venkataramani, Bengaluru
Co-ordinator	: Mr. Bhaskar B. Patel, Adv., Vadodara
Past Presidents	: Mr. P. C. Joshi, Adv., Mumbai Mr. M. L. Patodi, Adv., Kota Dr. M. V. K. Moorthy, Adv., Hyderabad Dr. Ashok Saraf, Sr. Adv., Guwahati
Members	: Mr. A. Rama Krishna, Adv., Puttur Mr. A. V. S. Krishna Mohan, Adv., Nellore Mr. Alok Jain, Adv., Chandigarh Mr. C. Sanjeeva Rao, Adv., Vizag

	<p>Mr. Deepak Bapat, Adv., Mumbai CA. Girish Rathi, Thane Mr. J. V. Rao, Adv., Hyderabad Mr. Jyoti Poddar, Adv., Ranchi Mr. Manoj Agarwal, Adv., Rourkela Mr. P. John Jacob Singh, TP, Kanyakumari Mr. P. V. Ravi Kumar, Adv., Chennai Mr. Pritam Baruah, Adv., Guwahati Mr. Rakesh Agrwal, Adv., Ghaziabad Mr. Ramaraju Srinivasa Rao, TP, Guntur Mr. S. Chakra Ramana, TP, Vijayawada CA. Siddeshwar Yelamali, Bengaluru Mr. T. Chandramouli, TP, Tripathi Mr. Vijay Kant Mishra, Adv., Rewa</p>
Ex-Officio	<p>Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General)</p>

#### 14. Indirect Tax Journal & International Affairs Committee

Chairman	Mr. Pankaj Ghiya, Adv., Jaipur
Members	<p>CA. Bharat Sachdev, Thane Mr. Ishaan Patkar, Adv., Mumbai CA. Manoj Nahata, Guwahati Mr. G. S. P. N. Mohan Rao, TP, Anakapalle Mrs. Raginee Goyal, Guwahati</p>
Ex-Officio	<p>Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General)</p>

#### 15. International Study Tour Committee

Chairman	Mr. Pankaj Ghiya, Adv., Jaipur
Co-Chairman	Mr. Santosh Gupta, Adv., Nagpur
Mentor & Advisor	CA. P. V. S. S. Prasad, Hyderabad
Members	<p>Mr. Bharat Swami, Adv., Vadodara Mr. Nitin Gautam, Adv., Nagpur Mr. Pardeep Goyal, Adv., Barnala Mr. Pradosh Pattnaik, Adv., Bhubaneswar CS. (Dr.) V. Ahalada Rao, Hyderabad Mr. Vivek Agarwal, Adv., Kolkata</p>

Ex-Officio	<p>Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. S. S. Satyanarayana, TP, Hyderabad (Secretary General) CA. Vijay Kewalramani, Thane (Treasurer)</p>
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#### 16. ITAT Bar Associations' Co-ordination Committee

Chairman	Mr. Saurabh Soparkar, Sr. Adv., Ahmedabad
Co-Chairman	Mr. Ajay Vohra, Sr. Adv., New Delhi
Vice Chairperson	Mr. Arati Vissanji, Adv., Mumbai
Vice Chairmen	<p>Mr. Ajay Wadhwa, Adv., New Delhi Mr. Ved Kumar P. Jain, Adv., New Delhi</p>
Ex-Officio	<p>Mr. M. Srinivasa Rao, TP, Eluru (National President) Mr. D. K. Gandhi, Adv., Ghaziabad (Dy. President)</p>
Convenors	<p>Mr. Paras Savla, Adv., Mumbai Mr. V. P. Gupta, Adv., New Delhi</p>
Advisors	<p>CA. Ashvin C. Shah, Ahmedabad Mr. Ganesh Purohit, Sr. Adv., Jabalpur Mr. K. Sampath, Adv., New Delhi Dr. K. Shivaram, Sr. Adv., Mumbai Mrs. Prem Lata Bansal, Sr. Adv., New Delhi</p>
NEC Members	<p>CA. A. K. Srivastava, New Delhi Mr. Arvind Shukla, Adv., Varanasi Mr. G. Bhaskar, Adv., Chennai Ms. Gouri Chandnani Popat, Adv., Ahmedabad Mr. Rahul Kaushik, Adv., New Delhi CA. Rajesh Mehta, Indore CA. S. B. Kabra, Hyderabad Mr. Samir Jani, Adv., Junagadh Mr. Vipul Joshi, Mumbai</p>
Members	<p>Mr. Ajay Singh, Adv., Mumbai CA. Anil Nair, Cochin Mr. B. N. Mahapatra, Adv., Bhubaneswar Mr. Basudev Panda, Sr. Adv., Cuttack Mr. H. Padamchand Khincha, Bengaluru Mr. Hiro Rai, Adv., Mumbai CA. K. C. Devdas, Hyderabad Mr. K. Gopal, Adv., Mumbai Mr. Kapil Goel, Adv., New Delhi</p>

	Mr. Kishore P. Dewani, Adv., Nagpur Mr. Manish Shah, Adv., Ahmedabad Mr. Manoj Moryani, Adv., Nagpur Dr. P. Daniel, Adv., Thane Mr. P. M. Chopra, Adv., Jodhpur Mr. Prakash Jotwani, Adv., Mumbai Mr. Pramod Vaidya, Adv., Belgaum Mr. Punit Kumar Singh, Adv., Varanasi Mr. Rahul Agarwal, Adv., Prayagraj CA. Rajan Vora, Mumbai Mr. S. D. Sanjay, Sr. Adv., Patna Mr. Samir Divatia, Adv., Ahmedabad Mr. Shashank Dundu, Adv., Hyderabad Mr. Siddharth Ranka, Adv., Jaipur Mr. Subhash S. Shetty, Adv., Mumbai Mr. Sunil M. Lala, Adv., Mumbai CA. Sunil H. Talati, Ahmedabad Mr. V. S. Jayakumar, Adv., Chennai
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In the Inaugural Session of 23rd National Convention held on 5th December, 2020 at Virtual Platform following awards were announced by Smt. Nikita Badheka, National President

01	AIFTP Best Conference Award (Sponsored by Ranka Public Charitable Trust)	-	Virtual National Tax Conference – Western Zone
02	AIFTP Best Seminar Award (Sponsored by Ranka Public Charitable Trust)	-	Joint Winners Muzzaffarpur Seminar – Eastern Zone Junagadh Seminar – Western Zone
03	AIFTP Best Zone Chairman Award (Sponsored by Ranka Public Charitable Trust)	-	Mr. Asim Zafar - Northern Zone
04	AIFTP Maximum Participation Award (Sponsored by Dr. Ashok Saraf, Sr. Advocate in memory of his father Late Dr. Justice B. P. Saraf)	-	Mr. Nitin Gautam - Western Zone
05	AIFTP Best Zone Vice-Chairman Award (Sponsored by Dr. Ashok Saraf, Sr. Advocate in memory of his father Late Dr. Justice B. P. Saraf)	-	Mr. Anil Mathur – Central Zone
06	AIFTP outstanding contribution to the development of Tax Profession Award (Sponsored by Dr. Ashok Saraf, Sr. Advocate in memory of his father Late Dr. Justice B. P. Saraf)	-	Mr. Vipul B. Joshi - Western Zone
07	AIFTP Best Upcoming Speaker Award (Sponsored by Shri Bharatji Agarwal, Sr. Advocate in memory of Late Raja Ram Agarwal)	-	Mr. Uchit Sheth - Western Zone
08	AIFTP Best Zone Award (Sponsored by Shri S. R. Wadhwa, Advocate in memory of Late Mohan Lal Wadhwa)	-	Central Zone
09	AIFTP Membership Development Award (Sponsored by Shri Mukul Gupta, Advocate in memory of Late Darshan Lalji Gupta)	-	Mr. M. Ganesan – Kerala

10	AIFTP maximum participation in the Conference Award (Sponsored by Income Tax Bar Association, Varanasi in memory of Shri Anil Kumar Singh)	- Virtual National Tax Conference - Central Zone
11	AIFTP Best Souvenir Award (Sponsored by Shri Ganesh Purohit, Sr. Advocate in memory of his father Shri Shri Krishna Purohit)	- Virtual National Tax Conference - Mr. A. K. Srivastava – Northern Zone
12	AIFTP Best Article In AIFTP Journal Award (Sponsored by Smt. Prem Lata Bansal, Sr. Advocate in memory of her mother-in-law Smt. Kamladevi Bansal)	- Mr. Piyush Baid – Eastern Zone
13	AIFTP Best Article in Souvenir Award (Sponsored by Smt. Nikita R. Badheka, Advocate in memory of her father Shri B. C. Joshi)	- Mr. S. R. Wadhwa – Northern Zone
14	AIFTP Man of the Year Award (Sponsored by Shri F. R. Singhvi, Bengaluru)	- Mr. Pankaj Ghiya – Central Zone
15	AIFTP Award to Chartered Accountant having more than 50 years of Practice (Sponsored by Shri K. Rajendra Varaprasada Rao, Eluru)	- Mr. Ashvin C. Shah – Western Zone
16	AIFTP Award to the Tax Practitioner having more than 50 years practice (Sponsored by Shri K. Rajendra Varaprasada Rao, Eluru)	- Mr. Krishna Kumar Batra – Northern Zone
17	AIFTP Award to an Advocate having more than 50 years of practice (Sponsored by Shri K. Rajendra Varaprasada Rao, Eluru)	- Mr. M. L. Patodi – Eastern Zone

## Report on the Foundation Day Observation through Zoom Digital Platform held on 11th November 2020

To,

The Chairman, AIFTP (EZ)

**Sub: Report on the Foundation Day Observation through Zoom Digital Platform held on 11th November 2020**

Respected Sir,

As the Vice Chairman of AIFTP EZ for Odisha, I take the privilege of reporting about our 3rd Programme/Project i.e. Observation of Foundation Day of AIFTP on 11.11.2020 organised by Members of AIFTP from Odisha.

The ZOOM Digital Platform enabled the observation of the Foundation Day from the decent comfort zones of our 57 respective Odisha AIFTP members. Most importantly Our Chairman Sri Sandeep Gadodia, Senior Advocate and Secretary Vivek Agarwal, Advocate attended the programme and inspired the attendees with their marvellous words.

Sri Kalyan Kamal Panda, Executive Body Member (Zone) and Sri Bibikananda Mohanty, Member, NEC Spoke about the Formation and Activities of AIFTP.

Sri Puma Chandra Hotta, Advocate and State Coordinator highlighted the Membership Growth of Odisha in AIFTP.

Many Former officer bearers of Odisha in AIFTP were recognised for their outstanding Contribution to AIFTP and they also encouraged the Members by saying few words.

Cake cutting was done at Berhampur, Rourkella and Cuttack and the Meeting was ended with Vote of thanks by Senior Advocate and Member of NEC Sri Bibekananda Mohanty.

By the grace of the Almighty, our programme was a Grand Success.

Berhampur,

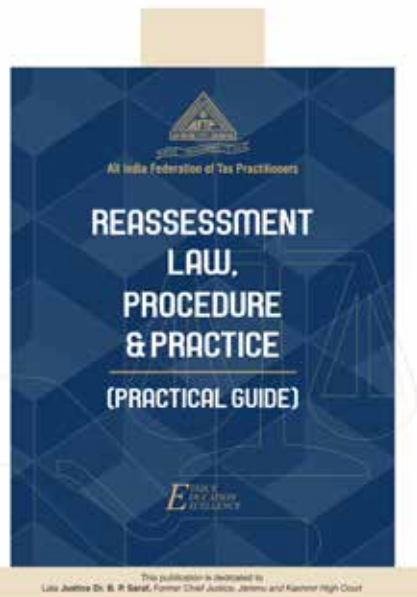
15.11.2020

Dr. Ranjit Padhi, Advocate (Taxes)

Vice-Chairman, AIFTP EZ (For Odisha)



## BOOK RELEASE ANNOUNCEMENTS



We are pleased to announce the release of the E-publication by the All India Federation of Tax Practitioners titled “**Reassessment – Law, Procedure & Practice (Practical Guide)**” by Hon'ble Mr. Justice Vineet Saran, Judge, Supreme Court of India at 23rd Virtual National Convention held on 5th December, 2020.

This is a unique publication which is dedicated to the fond memory of Honourable Justice Late Dr. B. P. Saraf, Former Chief Justice, Jammu and Kashmir High Court.

This publication is edited by Dr. K. Shivaram, Sr. Advocate, Mumbai, who has shared his experience and knowledge. This publication is authored by Shri Ajay R. Singh, Advocate, Mumbai, who appears regularly before the ITATs and the Hon'ble High Courts across India.

This publication was designed taking feedback from the readers of the detailed article on “A Comprehensive Guide to the law of Reopening of assessments” published in the years 2012 and 2018 on AIFTP journal/ [www.itatonline.org](http://www.itatonline.org). It had received a great response that a updated article was again published in July 2020 in [www.itatonline.org](http://www.itatonline.org). Considering overwhelming response the publication committee of the AIFTP proposed a comprehensive publication for the benefit of tax professionals. This publication has 26 chapters.

This Print edition has taken shape after an extensive research on the subject undertaken by Ajay R. Singh, Advocate under guidance of Dr. K. Shivaram Senior Advocate.

It is a unique publication in simple language simplifying and explaining step wise various issues relating to reassessment, right from issuance of notice by the Assessing officer. The author has explained step wise procedure to be followed on receipt of such notice, remedies available and care to be taken while drafting reply to the notices. This publication covers the widest possible expanse of the subject in all its finer aspects.

The list of legal principle culled out from various decisions and independent chapter on each issue are immense value addition to this publication. The exhaustive contents of the book are aimed at providing research based comprehensive and issue wise write up on the subject of reassessment. The subject wise and section wise index will aid in swift search of case laws on the issue.

All important concepts and propositions affirmed by various Courts and Tribunals has been analysed and discussed threadbare. All important Case laws on each issue are selected having precedent values which are very much relevant to the tax practitioners and tax payers across the country.

The subject wise and section wise index will aid in swift search of case laws on the issue. This publication will serve as a useful reference to tax professionals, tax payers and also tax administration.

This publication will serve as a useful reference to the tax professionals in their day-to-day practice.

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

**The publication is free to all.**

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We are also pleased to announce that the author has agreed to answer issues relating Reassessment upto 31-1-2021. Questions may be e-mailed to [aiftpho@gmail.com](mailto:aiftpho@gmail.com)

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We are pleased to announce the release of the E-publication by the All India Federation of Tax Practitioners titled **“151 Landmark Judgements of the Honourable Supreme Court of India (Direct Taxes, Indirect Taxes and Allied Laws) – 151 years of Mahatma Gandhi”**.

The E-publication was released by Hon'ble Mr. Justice Rajesh Bindal, Judge, Jammu and Kashmir High Court alongwith Hon'ble Mr. Justice, Ujjal Bhuyan, Judge, Bombay High Court, Hon'ble Dr. Justice Anita Sumanth, Judge, Madras High Court, Hon'ble Mr. Justice Kalyan Rai Surana, Judge, Guahati High Court, Hon'ble Mr. Justice Piyush Agrawal, Judge, Allahabad High Court and Hon'ble Mr. Justice Soumitra Saikia, Judge, Guahati High Court at Virtual Two Day National Tax Conference on 2nd October, 2020 organised by AIFTP (NZ).

This is a unique publication which is dedicated to the fond memory of Honourable Justice Late Dr. B. P. Saraf, Former Chief Justice, Jammu and Kashmir High Court.

The Editorial Team for the publication consists of various seniors in the profession, who has shared their experience and knowledge. This publication is authored by various professionals across the country, who appears regularly before the ITATs and the Hon'ble High Courts across India.

This publication is divided in to two parts. First part of the publication deals with 101 landmark judgements of the Hon'ble Supreme Court of India on direct taxes which are digested section

wise. Some of the judgments which are dealing with Indian Income-tax, 1922, still holds good while interpreting the Income-tax Act, 1961. For ready reference corresponding reference of, Income-tax, 1961 are referred on the second part 50 land mark judgements of the Honourable Supreme Court are digested on Indirect taxes and Allied laws. The digested cases on indirect taxes will be relevant for the interpretation of Goods and Services taxes.

In this publication Land mark of Judgements from 38 Acts are digested. Speech of Honourable Prime Minster of India Shri Narendra Modi, to mark 150 Birth Anniversary of Mahatma Gandhi at UN. on 25-9-2019, Messages from Honourable Judges and 151 Quotations of Gandhiji Bapuji which are cited in this publication will serve as an inspiration to the readers.

Editorial note by the editorial team on each case are immense value addition to this publication.

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*UOI v. U.A.E. Exchange Center - U.A.E. Exchange Center; UOI v.\**

*Kale Khan Mohammad Hanif v. CIT - Kale Khan Mohammad Hanif v. CIT*

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## Direct Taxes

Ms. Neelam Jadhav, Advocate, KSA Legal Chambers

### High Court

#### 1. **S. 14A: Expenditure must have a proximate relationship with the exempted income - surmise or conjecture is not correct for disallowance.**

The Assessee is a mines and exports mineral ores, received dividend income. The Assessing Officer invoked Rule 8D and computed disallowance. CIT (A) confirmed the same. Tribunal reversed the decision of the CIT (A).

The Honorable High Court Held that, onus is on the Revenue to establish that there is a proximate relationship between the expenditure and the exempt income. The application of S.14A and rule 8D is not automatic in each and every case, where there is income not forming part of the total income. The expenditure u/s. 14A includes both direct and indirect expenditure, but that expenditure must have a proximate relationship with the exempted income. Surmise or conjecture is no answer for disallowance. The revenue must be clear on how other expenditure claimed was out of non-exempt income related to exempt income.

*CIT v. Sociedade De Fomento Industrial Pvt. Ltd. Tax Appeal No. 34 Of 2014 dt.06/11/2020 (Bom)(HC)(Goa), www.hcbombayatgoa.nic.in*

#### 2. **S.244A: Interest on refunds - If the refund does not include interest due payable on the amount refunded, the revenue would be liable to pay interest on the short fall.**

Assessments completed, Assessee filed appeal against order and while giving effect to appellate order, interest was granted on excess tax paid. Assessee filed an application u/s. 154 and sought interest, which according to assessee became due on account of giving effect to orders passed by appellate authority. The Assessing Officer and CIT(A) rejected the appeal stating that no appeal lies u/s. 246A against non-payment of interest. Tribunal directed Assessing Officer to consider claim of assessee for determination of amount refundable including interest while giving effect to orders passed by appellate authority. Revenue filed further appeal before High Court.

The Honorable Court held that, the Direct Tax Laws (Amendment) Act, 1987, S. 244A was inserted with effect from 01.04.1989 and was made applicable for AY 1989-90 onwards. The interest component will partake the character of amount due under S.244A, when an order of refund is issued, the same should include interest payable on the amount, which is refunded. If the refund does not include interest due payable

on the amount refunded, the revenue would be liable to pay interest on the short fall.

*CIT v. Syndicate Bank, ITA No. 582 of 2013, dt.7/10/2020, (Kar) (HC), www.karnatakajudiciary.kar.nic.in*

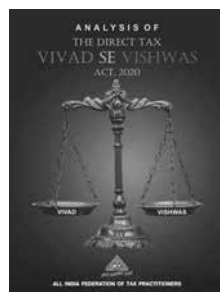
### Tribunals

#### 3. **S.28 : Income from Business & Profession - interest earned on fixed deposit was attributable and incidental to the business carried on by the Assessee - assessable as Business Income**

During the assessment proceedings, the AO found that the assessee had shown interest on fixed deposits under the head income from business. AO held that as per the Audit Report the nature of o the Assessee. the business of the assessee consisted of distribution of films, production of films, film finance and media campaign, that the interest received from the deposits made with the bank was not a part and parcel of the business activities carried by it, that the surplus funds deposited had to be taxed separately, that the assessee itself had shown interest income on film loan separately in the P&L account, that the interest income on account of film related activities was to be assessed as income from other sources. And accordingly, he rejected the claim of the assessee. The CIT(A) accepted the contention of the Assessee and held that interest income earned by the Assessee is purely a Business Income. Aggrieved by the decision of the CIT (A), revenue filed further appeal before Tribunal.

While deciding the issue Tribunal observed that, the assessee was in the business of production of films, that the completion of films would take time, that during the intervening period the advances were deposited with bank resulting in accrual of interest income. Further the Government of India was 100% shareholder of the assessee and the deposit of advances with the banks was directly and inextricably linked with the business of the assessee, so the interest earned by it had to be treated as income earned from business and cannot not be treated as income from other sources. In other words, it can safely be held that the interest earned by the assessee was obviously attributable and incidental to the business carried on by it, that it would not be correct to say that this interest was totally de hors the business carried on by it. Considering the facts and submission of the Assessee, Tribunal held that interest earned by the assessee cannot be assessed as income from other sources.

*ACIT v. M/s. National Film Development Corporation Ltd., ITA No. 444/Mum/2019 dt.18/11/2020 (Mum)(Trib.) www.itat.nic.in*



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## Indirect Taxes

Tanmay Mody, GST Practitioner

### 1) GST – Taxability of lottery tickets

1. Whether the inclusion of actionable claim in the definition of goods as given in Section 2(52) of CGST Act, 2017 is contrary to the legal meaning of goods in Sale of Goods Act, 1930 and unconstitutional?
2. Whether the Constitution Bench judgment in Sunrise Associates has laid down as the proposition of law that lottery is an actionable claim or the observations made in the judgment were only an obiter dicta and not declaration of law?
3. Whether there is any rational reason for taking out only three actionable claims, i.e., lottery, betting and gambling while leaving other actionable claims from tax net? Whether this action is hostile discrimination and violative of Article 14 of the Constitution of India?

#### Held:

1. Definition of goods as occurring in Article 366(12) is inclusive definition and does not specifically exclude actionable claim from its definition. Whenever inclusive definition is given of an expression it always intended to enlarge the meaning of words or phrases, used in the definition. The Constitution framers were well aware of the definition of goods as occurring in the Sale of Goods Act, 1930 when the Constitution was enforced. By providing an inclusive definition of goods in Article 366(12), the Constitution framers never intended to give any restrictive meaning of goods. CGST Act, 2017 is an Act of Parliament in exercise of power of Parliament as conferred under Article 246A of the Constitution. When the Parliament has been conferred power to make law with respect to goods and services, the legislative power of the Parliament is plenary. There is no force in the submission of the petitioner that Parliament could not have defined the goods in CGST Act, 2017, expanding the definition of goods as existing in Sale of Goods Act, 1930. Definition of goods under Section 2(52) of the CGST Act, 2017 does not violate any constitutional provision nor it is in conflict with the definition of goods given under Article 366(12). The submission of the petitioner that actionable claims have been artificially included in the definition of goods cannot be accepted.
2. It cannot be said that the question as to whether lottery is a goods or actionable claim had not arisen in the decision in Sunrise Associates. When an item was covered by excluded category, the said conclusion could have been arisen only after consideration of the definition and the exclusionary clause. We, thus, are not in agreement with the

submission of the learned counsel for the petitioner that the observations of the Constitution Bench holding lottery as actionable claim is only obiter dicta and not binding.

3. When CGST Act, 2017 defines the goods to include actionable claims and included only three categories of actionable claims, i.e., lottery, betting and gambling for purposes of levy of GST, it cannot be said that there was no rationale for including these three actionable claims for tax purposes. Regulation including taxation in one or other form on the activities namely lottery, betting and gambling has been in existence since last several decades. When the parliament has included above three for purpose of imposing GST and not taxed other actionable claims, it cannot be said that there is no rationale or reason for taxing above three and leaving others.

(Further technical discussions are not covered due to paucity of space)

(Source: Order by the Supreme Court in WP(Civil) No. 961 of 2018 dt. 3rd December, 2020 in the case of M/s. Skill Lotto Solutions P. Ltd. v. Union of India & Ors.)

### 2) GST – Treatment of by-products as consideration

Challenge to assessment order levying GST on the estimated by-products value, treating such by-products as part of the consideration for milling - whether by-products can assume the character of 'consideration'?

**Held:** Petitioner activity is "job work" as per Section 2(68) of the CGST Act. Only the custom milling charges of paddy is liable to GST @ 5% on the processing charges and not on the entire value of rice. Treating the by-products as part of consideration and payment of tax on sale of by-products are two different aspects. The submission of the petitioner that the by-products are given to the petitioner towards compensation is logically correct. In the present case, the by-products form part of compensation but not consideration. The respondents erroneously concluded that the miller was allowed to retain the by-products towards consideration, though such import is impermissible from the terms of the agreement. The impugned order to the extent of including the value of by-products to the milling charges and assessing tax is legally unsustainable.

(Source: Order in WP No. 45971 of 2018 dt. 20th November, 2020 by the Andhra Pradesh High Court in M/s. Shiridi Sainadh Industries v. Dy. Commissioner of State Tax)





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Zone Name	Associate	Individual	Association	Corporate	Total
Central	0	1161	25	0	1186
Eastern	6	1876	37	0	1919
Northern	0	1348	18	1	1367
Southern	1	1567	21	5	1594
Western	5	2687	37	6	2735
<b>Total</b>	<b>12</b>	<b>8639</b>	<b>138</b>	<b>12</b>	<b>8801</b>

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