

All India Federation of Tax Practitioners



AIFTP TIMES

Volume 12 – No. 10 • October 2021

FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
9th October, 2021	Annual General Meeting & Election (SZ)	Chennai
9th October, 2021	Annual General Meeting & Election (CZ)	Jaipur
16th October, 2021	Annual General Meeting & Election (WZ)	Mumbai
23rd October, 2021	Annual General Meeting & Election (NZ)	Lucknow
27th October, 2021	Annual General Meeting & Election (EZ)	Patna
11th & 12th November, 2021	Foundation Day Celebration, National Executive Committee Meeting & National Tax Conference (WZ)	Pune
17th to 21st November, 2021	Padma Vibhushan Late Dr. N. A. Palkhivala, Sr. Advocate Memorial National Tax Moot Court and Research Paper Competition (WZ)	Virtual Platform

APPEAL

Dear Members,

The Federation has formulated a Financial Support Scheme for its members who have been affected by this pandemic Covid-19 and need financial assistance.

Since the implementation of Scheme from 17th of May 2021, almost 250 members have contributed to this Fund for helping the fellow Professionals and keeping the names confidential in more than 10 cases we have disbursed the requisite amount within 48 hours of the receipt of Application.

- 1) We request you to come forward and contribute generously extending a helping hand to our fellow members, you may transfer your contributions directly to our HO Bank Account. The Bank Details are as under:

ALL INDIA FEDERATION OF TAX PRACTITIONERS

BANK NAME: ICICI BANK LTD

MUMBAI FORT BRANCH

ACCOUNT NO. : 623501161215

SAVING ACCOUNT

RTGS/NEFT CODE: ICIC0006235

Please share the details of your contributions with Mr. Ravindra Patade, CEO, and AIFTP through Whatsapp on 9869722522 or through mail to aiftpho@gmail.com for our records.

- 2) We further request each and every member requiring any Financial assistance may please write to aiftpho@gmail.com or communicate with the Zone Chairman / Secretary/ National Vice President providing the details as required under the scheme which **has been published in this issue of AIFTP Times at page No. 2**. We assure you that keeping the name confidential we shall process the application within 48 hours.

Thanking you,

With regards,

Dr. Ashok Saraf,
Chairman of Committee

M. Srinivasa Rao
National President

S. S. Satyanarayana
Secretary General

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

Name	Mobile	Tel. (O)	E-mail
National President – Shri M. Srinivasa Rao, TP	9885796999	08812-238898	sai9malladi@yahoo.com
Deputy President – Shri D. K. Gandhi, Adv.	9810216801	0120-2718620	advocatedkgandhi@gmail.com
Secretary General – Shri S. S. Satyanarayana, TP	9989924646	040-40077737	sreepadass@gmail.com
Treasurer – CA. S. B. Kabra	9849024732	040-23228854	ca.sbkabra@gmail.com

ALL INDIA FEDERATION OF TAX PRACTITIONERS FINANCIAL SUPPORT TO MEMBERS (COVID-19) SCHEME, 2021

In view of the current pandemic Covid-19, many of the members of the Federation have been hospitalized for treatment. Many of the Members have also lost their lives. Due to the present Covid-19 pandemic situation, such members and/or their families are facing financial exigencies. With a view to give financial support to such members and/or their families, the Federation has framed a scheme to provide financial support to the needy members and/or their families.

- 1) This scheme is called as AIFTP Financial Support to Members (COVID-19) Scheme, 2021.
- 2) The scheme has come into force with effect from 01-03-2021. The object of the scheme is to provide financial support to the members who are facing financial exigencies because of the hospitalization due to Covid-19 and to the family of the member who lost his/her life due to the Covid-19.
- 3) A Committee is constituted who will provide financial assistance to the needy members and their families. The composition of the Committee is as under-
 - i. Chairman: Dr. Ashok Saraf, Past President, Guwahati
 - ii. Member: Shri. Sanjay Kumar, Allahabad
 - iii. Member: Shri. S. Venkataramani, Bengaluru
 - iv. Member: Shri. Vivek Agarwal, Kolkata
 - v. Ex-Officio Member: Shri. M Srinivasa Rao, National President
 - vi. Ex-Officio Member: Shri. S. S. Satyanarayana, Secretary General
 - vii. Ex-Officio Member: Shri. Vijay Kewalramani, Treasurer
- 4) The decision of the Committee in providing financial support shall be final and shall not be questioned by anyone at any level.
- 5) The quantum of financial support shall be as under:-

Sl. No.		Amount
1.	Hospitalization of members upto 7 days due to Covid-19	₹ 20,000
2.	Hospitalization of the member due to Covid-19 for a period of more than 7 days	₹ 35,000
3.	Death of a member due to Covid-19	₹ 50,000
4.	That in cases of Home Quarantine & Treatment at Home if the member is having financial exigencies and there is recommendation of the Chairman or Secretary or the National Vice President of the respective Zone, in such cases the committee may sanction Financial support of amounts as it finds reasonable but which shall remain within the above limits.	

Note: That where the member is hospitalised and has a Medical Insurance Policy from an Insurance Company then the financial support shall be given of amounts as the committee finds reasonable.

- 6) The member or their family who needs financial support shall send such a request to the Committee duly recommended by the Chairman and/or Secretary in consultation with National Vice President of the Zone to which the member belongs.
- 7) The concerned member must be a member of the Federation as on 31.12.2020.
- 8) The member seeking financial support of the Scheme of 2021 shall not have an average Net Income above ₹ 7,50,000 during the years 2017-18, 2018-19 and 2019-20 from any of the sources.
- 9) The member concerned and/or family member of the member shall provide necessary Bank details for the transfer of the financial support amount. The name of the member of the Federation and/or family to whom the financial support is given shall be confidential and shall not be disclosed to anyone under any circumstances.
- 10) A self declaration to that effect shall be given by the member or the family member of the said member to the aforesaid effect. After the Covid period is over, the member and/or the family member shall give necessary documentary proof in support of the aforesaid to the head Office of the Federation. If the declaration given by the member or the family member as the case may be, is found to be incorrect, the membership of the said member shall be terminated immediately and the said member and/or the family of the said member shall be liable to refund the amount of the financial support to the Federation forthwith.

National Tax Conference - Dnyan Sangam 2021

Amonora - The Fern Club (Pune)

Organised by

All India Federation of Tax Practitioners (WZ) • Maharashtra Tax Practitioners' Association
Goods and Services Tax Practitioners' Association • North Maharashtra Tax Practitioners' Association

Date : 11th & 12th November, 2021

PROGRAM SCHEDULE

Time	Subject
Day 1 – Thursday, 11th November, 2021	
1st Technical Session 09:00 a.m. to 10:30 a.m.	Constitutional Aspects from Tax Prospective Faculty : Adv. Laxmikumaran, Mumbai
2nd Technical Session 10:30 a.m. to 12:00 p.m.	Faceless Assessment Under Income Tax Faculty : S. K. Dash, (IRS) Chairman : CA Suhas Bora, Pune
3rd Technical Session 12.10 p.m. to 01.30 p.m.	Mental Stress in Professional Life Faculty : Shri Krishna Prakash (IPS), Commissioner of Police, PCMC
Welcome Programme 02.15 p.m. to 03.15 p.m.	Maharashtra Ki Lokdhara (Cultural Programme)
Inauguration & 45th Foundation Day Celebration 03.30 p.m. to 06.30 p.m.	Smt. Nirmala Sitharaman ji * (Minister of Finance of India) Guest of Honour Shri Ajitdada Pawar * (Dy. Chief Minister, Maharashtra) Dr. Bhagawan Karad * (Minister of State Finance of India)
Day 2 – Friday, 12th November, 2021	
4th Technical Session 09:00 a.m. to 11:00 a.m.	Appeal Mechanism under GST Faculty : Adv. Milind Bhonde, Pune Chairman : Adv. Vinayak Patkar, Mumbai
5th Technical Session 11:15 a.m. to 01:15 p.m.	Fake Invoicing : Modus of Operendi, Criminal Aspect & How to handle such cases Faculty : Dr. Adv. Avinash Poddar, Surat Chairman : Dr. Ashok Saraf, Guwahati
6th Technical Session 02.15 p.m. to 05.15 p.m.	Tax ki Dangal Real Controversies in Real Estate Industry in Taxation Key Note Addressee Shri Satish Magar, National President, CREDAI Session Co-ordinator Shri Prakash Patwardhan, Past President, MTPA Adv. Kishor Lulla, Past President, GSTPAM Panelist Adv. Nikita Badheka, Imm. Past President, AIFTP CA Naresh Sheth, GST Expert Shri Santosh Sharma, Past President, MTPA Adv. Dharan Gandhi, Income-Tax Expert CA Swapnil Munot, Chief Co-ordinator, AIRC

* Confirmation awaited

Fees for Members of above Associations/Non-Members

	Super Early Bird Fees Registration on or before 15/10/2021	Early Bird Fees Registration between 16/10/2021 to 31/10/2021	Registration Fees from 01/11/2021 onwards
Members	Rs. 3,500/- +18% GST	Rs. 4,500/- +18% GST	Rs. 5,500/- +18% GST
Accompanying Spouse	Rs. 3,000/- +18% GST	Rs. 3,000/- +18% GST	Rs. 3,000/- +18% GST

The fee includes course material, delegate kit, Meals (Breakfast/ Lunch/ High Tea & Happy Hours on 11th November)
(Breakfast/ Lunch/ High Tea on 12th November)

Bank Details for sending registration

Name of the Bank Account:	The Western Maharashtra Tax Practitioners' Association
Corporate Address:	602 Shukrawar Peth, Shivaji Road, Pune-411002 (Tel: 020-24470237)
Bank Name:	Bank of Baroda
Branch Address:	Subhash Nagar Branch, Sanas Plaza, Shukrawar Peth, Subhash Nagar, Pune 411002
Bank Branch:	Subhash Nagar
Bank Account Number:	07910100005036
Account Type:	Saving
NEFT / IFSC:	BARB0SUBHAS (5TH WORD ZERO)

Name of the Hotel	Location	Charges (Per Day Per Room including Breakfast)	Distance from Venue of Conference
The Fern Club, Amanora Park Town	Hadapsar Kharadi Bypass, Pune 411028 (Maharashtra) Ph. 9168686923	Double : Rs. 4,500+ GST Triple : Rs. 5,500 + GST	0 km
Cocoon Hotel Magarpatta City	Destination Center, Magarpatta, Hadapsar, Pune 411013 (Maharashtra) Ph.: 8806855955 / 9890591794	Singal : Rs. 3,250+13.68% Tax Double : Rs. 4,000+13.68% Tax Tripal : Rs. 4,750+13.68% Tax	1.5 km
Hotel Bhagyeshree Executive	Tupe Nagar Behind Suzlon Co., Near Amanora Township, Hadapsar Pune 411028 Ph. : 7499865610 / 9890591794	Double : Rs. 1,500 + GST	1 km

Refund Policy

- 100% Refund of Delegate Fees in case of cancellation of NTC due to Covid-19.
- Room can be cancel 72 hours without any extra charge or any Penalty.

Mr. M. Srinivasa Rao National President, AIFTP	Shri Narendra Sonawane Chairman, Pune NTC	Shri Sharad Suryavanshi Cheif Co-Ordinator, Pune NTC	Adv. Anagha Kulkarni Convenor, Pune NTC
Shri Pravin R. Shah Chairman, AIFTP (WZ)	Shri Manoj Chitalikar President, MTPA	CA Aalok Mehta President, GSTPAM	Shri Anil Chawan President, NMTPA

For more details kindly visit website www.aiftponline.org

An Appeal to Contribute Generously for the Padma Vibhushan Dr. N. A. Palkhivala Memorial National (Virtual) Tax Moot Court and Research Paper Competition (November 17-21, 2021)

Dear Member,

As we all know that Shri Palkhivala is considered as the savior of our Constitution. Former Prime Minister, Shri Atal Bihari Vajpayee on 16th January, 2004 on the occasion of release of commemorative postage stamp at Mumbai, stated that, *"In those dark days, the battle for democracy was fought by many people in many different ways. Many of us in politics under the leadership of Shri Jayaprakash Narayan fought it in prison. But I have no doubt that one of the finest battles was fought in the court rooms and that fighter was Shri Nani Palkhivala."* Shri Palkhivala had immensely contributed for the development of tax laws. As a remembrance to him the All India Federation of Tax Practitioners, in association with ITAT Bar Association and Govt Law college have organized National Tax Moot court competition for a decade i.e., 2003 to 2014. Students from different parts of the country participated in the competition. It is heartening to note that the Judiciary, Members of ITAT, Eminent Professionals guided the law students to study the tax laws and development of tax practice.

One of the unique advantages of this Moot Court Competition is that the law students had the privilege to argue before the sitting members of ITAT. The performance of the students was judged by the Hon'ble High Court Judges and the Hon'ble members of the ITAT. All participants have been presented the certificates and winning team with a trophy.

The All India Federation of Tax Practitioners - Western Zone (**AIFTP-WZ**) in association with Goods & Service Tax Practitioners' Association of Maharashtra (**GTSPAM**) has decided to once again to hold Moot Court competition in a virtual mode in association with Maharashtra National University – Mumbai (**MNLU-Mumbai**). The proposed dates are November 17-21, 2021

We make an appeal to members to contribute voluntarily an amount of ₹ 500/- or more for this noble cause. We appeal all members to contribute an amount of at least ₹ 500/- as your contribution. The contribution shall help for the development of tax bar and professional fraternity.

For All India Federation of Tax Practitioners

M. Srinivasa Rao
National President

S. S. Satyanarayana
Secretary General

S. B. Kabra
Treasurer

Pravin R. Shah
Chairman, AIFTP(WZ)

Report of Residential Refresher Course 2021 held at Amritsar on 3rd and 4th September, 2021

The AIFTP (NZ) had organized Residential Refresher Course under the chairmanship of your goodself on 3rd and 4th September, 2021 at M.K. Hotel, Amritsar. In this RRC, the eminent speakers from all over the country were invited. In inauguration session, National President Sh. M Srinivasa Rao was the Chief Guest and Adv. D. K. Gandhi, Deputy President, AIFTP was Guest of Honor. Besides this Sh. S. S. Satyanarayana, Secretary General AIFTP, Sh. O P Shukla, National Vice President, AIFTP, Adv. (Dr.) Navin Rattan, Chairman AIFTP (NZ), Adv. Arvind Kumar Mishra, Joint Secretary, AIFTP, Adv. Anand Pasari, Vice President, AIFTP (EZ), Adv. Simmi Rattan, Chief Advisor RRC, Adv. Ranjit Sharma, Convenor RRC and Adv. Varinder Sharma, Co-Convenor RRC has graced the dais as special guests.

After that First Technical Session was organized on the topic 'Coercive steps under GST'. In this Adv. D. K. Gandhi, Deputy President, AIFTP was the Session Chairman and Adv. H C Bhatia was the Guest of Honor of the Session. Senior Advocate Sh. Jagmohan Bansal was the eminent speaker of the Session.

After the tea break, Second Technical Session on the topic 'Issues relating to Assessment, Re-assessment, Search & Survey under Income Tax Act was held. Senior Advocate Smt. Prem Lata Bansal, Past President, AIFTP was the Chairperson of the Session, Adv. Sh. Arvind Shukla was the Guest of Honor and CA Sh. Rajesh Mehta was the speaker of the Session.

Besides above stalwarts of the profession, many other illumines from every corner of the country had attended the RRC. CA Vijay Kewalramani, Adv. Pardosh Pattnaik, Adv. Ranjit Padhi, Adv. Vikram Chawla, Adv. Vikas Vats, Adv. Vineet Bhatia, Adv. Vivek Aggarwal, Adv. Achintya Bhattacharjee, Adv. Parkash Gupta, CA Madam Jamuna Shukla, Adv. Sanjay Sharma, Adv. Sanjay Arora, Adv. Devesh Poddar, Madam Swati Ghatalia to name a few. In all total 85 delegates were registered for RRC, Amritsar, 2021.

Thereafter, valedictory session was held which was followed by Musical Evening with Cocktail and Dinner.

On the second day, i.e. 4th September, 2021 after the breakfast, the delegates were taken for local sight seeing in luxurious AC bus. The delegates were first taken to Shri Durgiana Temple where all delegates were felicitated by the Pujaries of Temple. Thereafter the delegates had visited Golden Temple and after darshan, the delegates had enjoyed 'Guru ka Langar' over there. Thereafter, the delegates had visited newly renovated and re-opened Jallianwala Bagh, where they paid tribute to the martyrs. Thereafter delegates visited the War Museum wherein they were acquitted with the details of all battles fought and contribution of Punjab and Sikhs in the history of nation. Thereafter, the delegates had enjoyed a lot at 'Sadda Pind', a place depicting the art and culture of Punjab including folk dance, traditional dresses, folk songs, traditional food like makki ki roti and sarson ka saag, various rides, magic show and much much more. Thereafter, the delegates enjoyed the proper Punjabi food in dinner over there.

All the delegates were properly hospitalized by the managing team of RRC and pick n drop facility was also provided to all the delegates.

Thanks and regards.

Yours faithfully,

(Adv. Ranjit Sharma)
Convenor-RRC

Direct Taxes

Ms. Neelam Jadhav, Advocate, KSA Legal Chambers

Tribunal

1. S.37 : Business Expenditure – License fees paid for the use of goodwill and to practice in its name is allowable expenditure u/s.37

The Assessee is a law firm, during the year claimed expenditure being the license fee paid to "R" for the use of goodwill of RSCPL and to practice in its name. The Assessing Officer disallowed the expenses claimed by the assessee and made addition thereof to the total income on the ground that assessee has failed to justify the payment of license fee that is wholly and exclusively for business and on the ground that since payment of license fee for use of goodwill is increasing year after year "R", owner of goodwill, is doing nothing for promotion and enhancing the goodwill.

The Tribunal held that, the agreement which "R" has granted license for use of goodwill to assessee on payment of license fee @25% of amount of bills raised. When agreement is still in operation, there is no reason to interfere into, Since Revenue has failed to bring on record any distinguishing facts qua year under assessment vis-à-vis preceding and succeeding years to controvert findings. The amount of deduction claimed by assessee on account of license fee paid to R is allowable expenditure u/s.37. (AY 2014-2015)

ACIT v. Remfry & Sagar ITA No.4955/Del./2018, dt.22/09/2021 (Delhi)(Trib.) Source : itat.nic.in

2. S. 54F: Building with more than one residential unit within, eligible for capital gain exemption.

During the Assessment, the Assessing officer noticed that the house property constructed by the assessee consisted of ground floor and 4 floors above it as well as ground floor had parking facility. The Assessing officer has taken a view that, the assessee has constructed more than one residential house and hence he would be entitled for deduction u/s. 54F for construction of only one residential house. Hence he allowed deduction u/s 54F for one residential unit only by adopting proportionate cost of construction of one residential house and proportionate cost of land. The CIT(A) also confirmed the same view of the Assessing officer.

While deciding the issue, the Tribunal observed that, an independent building can have a number of residential units and it will not lose the character of "one residential house". The fact that the residential house consists of several independent units cannot be permitted to act as an impediment to the allowance of the deduction u/s.54/54F. It is neither expressly nor by necessary implication prohibited. The Tribunal held that, the house property held by the assessee is "one residential house" only within the meaning of sec.54F of the Act and is eligible capital gain exemption. (AY 2015-2016)

Sri Ramaiah Harish v. ITO, ITA No.789/Bang/2019, dt.24/09/2021 (Bang)(Trib.) Source : itat.nic.in

3. S.271D & 271E: Penalty proceedings u/s.271D or 271E are independent proceedings and having nothing to do with assessment proceedings or its outcome.

The Assessing Officer noticed that the Assessee had taken cash loans in violation of the provisions of S.269SS and hence penalty proceedings u/s.271D were initiated in the Assessment orders for AY 2009-10 dated 03.11.2014 and for AY 2010-11 & 2011-12 by orders of assessments both dated 3.11.2014. By order dated 7.11.2014 for AY 2009-10 and orders dated 31.3.2015 for AY 2010-11 & 2011-12, orders imposing penalty were passed on the Assessee for AY 2009-10 to 2011-12. The AO also noticed that the Assessee had repaid cash loans in violation of the provisions of S.269T and hence penalty proceedings u/s.271E was initiated in the Assessment orders.

Tribunal held that, imposition of penalty u/s.271D or 271E are independent proceedings and having nothing to do with assessment proceedings or its outcome. Since, the CIT (A) has not adjudicated the matter on merits, the proper course remit to the question of imposition of penalty to the CIT (A) for fresh consideration.

Dy. CIT v. C. Gangadhara Murthy, ITA Nos. 2631, 2633 to 2637/ Bang/2018 dt.20/09/2021 (Bang)(Trib.) Source : itat.nic.in



Indirect Taxes

Tanmay Mody, Advocate

1) GST – Refund of ITC on input services for inverted duty

Whether the restriction imposed by Rule 89(5) by defining “Net ITC” as ITC only of input goods is ultra vires the provisions of Section 54 of the CGST Act? Whether the proviso to Section 54(1) is restrictive or conditional in nature?

Held: The Court while interpreting the provisions of Section 54(3) must give effect to its plain terms. The Court cannot redraw legislative boundaries on the basis of an ideal which the law was intended to pursue. When the first proviso to Section 54(3) has provided for a restriction on the entitlement to refund it would be impermissible for the Court to redraw the boundaries or to expand the provision for refund beyond what the legislature has provided. If the legislature has intended that the equivalence between goods and services should be progressively realized and that for the purpose of determining whether refund should be provided, a restriction of the kind which has been imposed in clause (ii) of the proviso should be enacted, it lies within the realm of policy. Given these intrinsic complexities, the legislature has to draw the balance when it decides upon granting a refund of accumulated ITC which has remained unutilized. Parliament while enacting sub-Section (3) of Section 54 has stipulated that no refund of unutilized ITC shall be allowed other than in the two specific situations envisaged in clauses (i) and (ii) of the first proviso. While clause (i) has dealt with zero rated supplies made without the payment of tax, clause (ii), which governs domestic supplies, has envisaged a more restricted ambit where the credit has accumulated on account of the rate of tax on inputs being higher than the rate of tax on output supplies. The formula prescribed in Rule 89(5) seeks to identify the quantum of ITC availed on input goods. In Rule 89(5) a formula is used for the purpose of attribution in a post assimilated scenario. The use of such formulae is a familiar terrain in fiscal legislation including delegated legislation under parent norms and is neither untoward nor ultra vires. The purpose of the formula in Rule 89(5) is to give effect to Section 54(3)(ii) which makes a distinction between input goods and input services for grant of refund. Once the principle behind Section 54(3)(ii) of the CGST Act is upheld, the formula cannot be struck down merely for giving effect to the same. The formula prescribed in Rule 89(5) however, seeks to deduct the total output tax from only one component of the ITC, namely ITC on input goods. This in our view is at odds with reality, where the ITC on both input goods and input services is accumulated in the electronic ledger and is then utilised for the payment of output tax. In making such an assumption, the formula tilts the balance in favour of the Revenue by reducing the refund granted. We are equally cognizant of the fact that the proposed solution, that is prescribing an order of utilisation of the ITC accumulated on input services and input goods, may tilt the balance entirely in favour of the assessee as that would make a contrary assumption that the output tax is discharged by the ITC accumulated on account of input services entirely. Another possible solution could be that the Rule itself provides for a statutory assumption or a deeming fiction of utilisation of a certain percentage of ITC on input services towards

the payment of output tax for the purpose of calculation of refund. While we are alive to the anomalies of the formula, an anomaly per se cannot result in the invalidation of a fiscal rule which has been framed in exercise of the power of delegated legislation. It is merely the case that the practical effect of the formula might result in certain inequities. The reading down of the formula as proposed by assesseees by prescribing an order of utilisation would take this Court down the path of recrafting the formula and walk into the shoes of the executive or the legislature, which is impermissible. Accordingly, we shall refrain from replacing the wisdom of the legislature or its delegate with our own in such a case. However, given the anomalies pointed out by the assesseees, we strongly urge the GST Council to reconsider the formula and take a policy decision regarding the same

(Source: Order by the Honourable Supreme Court dated 13th September, 2021 in multiple clubbed Civil Appeals in the case of Union of India & Ors. v. M/s. VKC Footsteps India P Ltd and Ors.)

2) GST AAR – Restriction under Rule 36(4)

Whether the applicant has to reverse the ITC already availed by him where service provider has actually paid the tax, though belatedly and fulfilled the responsibility cast upon them by Section 16(2)(c) of CGST Act, 2017 and all other conditions as mentioned in Section 16(2)(a), 16(2)(b), and 16(2)(d) are fulfilled by the applicant?

Held: Section 16 of the CGST Act specifies conditions and restrictions towards entitlement of input tax credit. The said section contains four sub-sections which are to be read in a conjoint manner and the same must be read together with the rules prescribed in this regard as sub-section (1) of section 16 entitles a registered person to take credit of input tax subject to fulfillment of such conditions and restrictions as may be prescribed. The applicant has availed of input tax credit against supplies received from supplier and the details of the invoices in respect of such supplies have not been uploaded by the supplier during the said tax periods. The applicant has, therefore, availed of input tax credit in violation of the restrictions as prescribed in sub-rule (4) of rule 36. While the Authority agree with the submission made by the applicant that the auto-drafted FORM GSTR-2B generated for the period prior to the enactment of the amended rule 60, does not have any statutory force towards entitlement of input tax credit for the tax period January-20, February-20 and March-20 but the applicant cannot deny that the provisions of sub-rule (4) of rule 36 was already in force during the period when the applicant has availed of input tax credit in the instant case. The applicant is not entitled for input tax credit claimed by him on the invoices raised by supplier pertaining to the period Jan-2020, Feb-2020 and March-2020 for which the supplier has furnished FORM GSTR-1 and FORM GSTR-3B in the month of November’20 and the applicant is, therefore, required to reverse the said input tax credit.

(Source: Order No. 07/WBAAR/2021-22 dated 9th August, 2021 by the WB AAR in the case of M/s. Eastern Coalfields Ltd.)



Publications for sale

Sr. No.	Name of Publication	Edition	Rate (₹)		
			Members	Non-Members	Courier Charges per copy
1.	Reassessment – Law, Procedure & Practice (Practical Guide)	Dec., 2020	Free	Available on website	100.00
2.	151 Landmark Judgments of the Honourable Supreme Court	Oct., 2020	Available on website	Available on website	–
3.	GAAR General Anti-Avoidance Rules	Dec., 2019	640.00	720.00	100.00
4.	311 – Frequently Asked Questions on Survey – Direct Taxes	Dec., 2018	600.00	675.00	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.
* Including GST

Advertisement Tariff for AIFTP Journal		
	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 30th September, 2021					
Life Members					
Zone Name	Associate	Individual	Association	Corporate	Total
Central	0	1385	25	0	1410
Eastern	6	1988	37	0	2031
Northern	0	1585	21	1	1607
Southern	1	2150	23	2	2176
Western	5	2880	38	3	2926
Total	12	9988	144	6	10150

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.

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Associate Editor of AIFTP Times : CA. Janak K. Vaghani

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