

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

Volume 12 – No. 9 • September 2021

FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
1st, 2nd, 3rd October, 2021	National Executive Committee Meeting & National Tax Conference (NZ)	Katra (Jammu)
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 & 13th November, 2021	Foundation Day Celebration, National Executive Committee Meeting & National Tax Conference (WZ)	Pune
November, 2021	Padma Vibhushan Late Dr. N. A. Palkhivala, Sr. Advocate Memorial National Tax Moot Court and Research Paper Competition (WZ)	Virtual Platform

Report of Two Days Residential Refresher Course at Alwar

AIFTP Central Zone organised a two days one night RRC at Alwar Bagh Aamod Resort, Alwar (Rajasthan). Members from Delhi, Jaipur, Alwar, Noida, Ghaziabad, Prayagraj, Rewa, Indore etc. participated in this RRC.

Technical sessions on GST and Income Tax were also organised and about 100 participants including family members participated. Participants visited Sariska National Park and also visited Silisedh lake, and enjoyed stay at Resort and all the participants enjoyed the good food, fellowship and expressed the desire to organise such RRC in future also for the knowledge sharing and improving the fellowship amongst the members.

AIFTP President M. Srinivasa Rao, Secretary General S. S. Satyanarayan, Deputy President D. K. Gandhi, Joint Secretary NZ Arvind Mishra, Vikas Vats J R Jain and office bearers and Central Zone office bearers and executive members and AIFTP team members participated in this conference. Physical cum Virtual NEC was also organized there.

Central zone Chief Advisor Pankaj Ghiya, Chairman Vinay Jolly, Secretary Sandeep Agrawal, Vice President Rajesh Mehta, Anil Mathur, Satish Gupta expressed thanks to all participants. Mr. Khandelwal, Mr. Gupta, Mr. Agrawal, Mr. Garg from Alwar did a lot for the best arrangements of the RRC.

Regards,
Rajesh Mehta
VP CZ

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. Vijay Narayan Kewalramani	9820073165	022-25372532	info@kewalramani.in

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

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.

NOTICE OF ANNUAL GENERAL MEETING OF AIFTP (SZ)

Notice is hereby given that an Annual General Meeting of the AIFTP (Southern Zone) will be held on 09th October 2021, Saturday 03:00 p.m. at Cosmopolitan Club, No.63, Anna Salai (Mount Road), Chennai 600002 to transact the following business.

AGENDA

1. Welcome Address by Chairman SZ.
2. Grant Leave of Absence.
3. To read and confirm the minutes of Last AGM.
4. To receive and adopt the Annual Report of the Managing Committee (SZ) for the year 2021.
5. To consider and adopt the audited accounts for the year ended 31st March, 2021.
6. To appoint Auditors for the year 2021-2022 and fix their honorarium.
7. To elect the required number of members of the managing Committee for the term of two years. i.e. 2022 & 2023.
8. To announce the names of the members elected to the Managing Committee of the Southern Zone for the term 01-01-2022 to 31-12-2023.
9. To transact any other business with the permission of the chair.
10. Vote of thanks.

Yours faithfully,
For ALL INDIA FEDERATION OF TAX PRACTITIONERS (SZ)
Sd/-
(M. Fasaludeen)
Secretary

Place: Kollam
Date : 23-08-2021

Note : 1) If there is no quorum by 3.00 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 SOUTHERN ZONE OF ALL INDIA FEDERATION OF TAX PRACTITIONERS

Dated 21st August, 2021

1. The Election for Forty (40) members of the Managing Committee of the **Southern Zone** of All India Federation of Tax Practitioners for the Term of Two years i.e. 2022 and 2023 will be held from 3 pm onwards on Saturday, 9th October, 2021 at Cosmopolitan club, No. 63, Anna Salai (Mount Road), Chennai 600 002.
2. 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.
3. **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 p.m Tuesday, 28th September, 2021.**

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

V N Kewalramani and Associates
108, Paradise Tower,
Gokhale Road, Naupada,
Thane – 400 602, Maharashtra
Tel : +91 22 25372532

4. The withdrawal of Nomination can be made by written communication so as to reach the undersigned by 10.00 p.m, Wednesday, 4th October, 2021 at the postal address as above or by **email on info@kewalramani.in or on WhatsApp at +919820073165**
5. The list of Eligible candidates as per the Constitution of the Federation and Elections Rules framed shall be displayed on Saturday, 9th October, 2021 at the Election venue one hour prior to the Election time.
6. The Voting, if necessary, shall take place by Secret Ballot from 4 pm to 6 pm on Saturday, 9th October, 2021 to elect the Forty (40) members of the Managing Committee.
7. The detailed election schedule is as under:

Schedule	Proposed Date
Date of Notice	21/08/2021
Availability of Nomination Form	07/09/2021
Last Date of Filing Nominations	28/09/2021
Scrutiny of Nomination Forms	29/09/2021
Withdrawal of Nominations	04/10/2021
Declaration of Final List of Candidates	04/10/2021
Date of Elections	09/10/2021

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 email.**
3. Existing members of the Managing Committee who have not attended 50% of the meetings held or at least two meetings of the Managing Committee whichever is less in a calender year shall not be eligible for filing the nomination for the elections.
4. One seat shall stand reserved in the election to a woman member.
5. All nominations have to be accompanied by a payment of Rs. 2,500/- payable to the Southern Zone Account via NEFT to an account to be notified or a Cheque drawn of said amount, which shall not be refundable except in case of withdrawal of candidature within the time prescribed, wherein an amount of Rs. 1,000/- shall be refunded.
6. Attention is invited to clause 4 (2) of the Guidelines for functioning of Zonal Offices which states as under:
"At least two members from each State forming part of the Zone shall be elected by the members of the Zone concerned"

Sd/-

CA Vijay Narayan Kewalramani
Election Officer



NOTICE OF ANNUAL GENERAL MEETING OF AIFTP (CZ)

Notice is hereby given that an Annual General Meeting of the AIFTP (Central Zone) will be held on 09th October 2021, Saturday 02:30 p.m. at Kar Salahkar Bhawan, (RTCA / TCA Office), Kalyan Path, Mangal Marg, Bapu Nagar, Jaipur- 302015 to transact the following business.

AGENDA

1. Welcome Address by Chairman CZ.
2. Grant Leave of Absence.
3. To read and confirm the minutes of Last AGM.
4. To receive and adopt the Annual Report of the Managing Committee (CZ) for the year 2021.
5. To consider and adopt the audited accounts for the year ended 31st March, 2021.
6. To appoint Auditors for the year 2021-2022 and fix their honorarium.
7. To elect the required number of members of the managing Committee for the term of two years. i.e. 2022 & 2023.
8. To announce the names of the members elected to the Managing Committee of the Central Zone for the term 01-01-2022 to 31-12-2023.
9. To transact any other business with the permission of the chair.
10. Vote of thanks.

Yours faithfully,
For ALL INDIA FEDERATION OF TAX PRACTITIONERS (CZ)
Sd/-
(Sandeep Agrawal)
Secretary

Place: Jaipur

Date : 23-08-2021

Note : 1) If there is no quorum by 2.30 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 THE MANAGING COMMITTEE OF CENTRAL ZONE OF ALL INDIA FEDERATION OF TAX PRACTITIONERS

Dated 26th August 2021

1. The Election for Twenty Eight (28) members of the Managing Committee of the **CENTRAL ZONE** of All India Federation of Tax Practitioners for a term of Two Years i.e., 2022 and 2023 will be held from 2.30 pm. onwards on Saturday, 9th October, 2021 at Kar Salahkar Bhawan, (RTCA / TCA Office), Kalyan Path, Mangal Marg, Bapu Nagar, Jaipur- 302015
2. The Nomination Forms for the Elections are available on the Website of the All-India Federation of Tax Practitioners, Mumbai (www.aiftponline.org) Interested Candidates may download the Form from the website or get the Form typed and fill in the requisite details.
3. **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 p.m Tuesday, 28th September, 2021.**

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

Sanjay Kumar, Advocate
 S & S Law Offices
 81/40-G, Sardar Patel Marg
 Vasant Vihar Colony
 Prayagraj 211001, Uttar Pradesh
 Contact No +91 9415216798

Apart from sending the hard copy of the Nomination Form to the above address, the candidate/s may scan and email the said Nomination Form to **snslawoffices@yahoo.com**.

4. The withdrawal of Nomination can be made by written communication so as to reach the undersigned by 10.00 p.m, Wednesday, 6th October, 2021 at the postal address as above or by email on snslawoffices@yahoo.com.
5. The list of Eligible candidates as per the Constitution of the Federation and Elections Rules framed shall be displayed on Saturday, 9th October, 2021 at the Election venue one hour prior to the Election time.
6. The Voting, if necessary, shall take place by Secret Ballot from 4.00 pm to 6.00 pm on Saturday, 9th October, 2021 to elect the Twenty Eight (28) members of the Managing Committee.
7. **The detailed election schedule is as under:-**

Schedule	Proposed Date
Date of Notice	26/08/2021
Availability of Nomination Form	07/09/2021
Last Date of Filing Nominations	28/09/2021
Withdrawal of Nominations	06/10/2021
List of Eligible Candidates	07/10/2021
Date of Elections & Results	09/10/2021

Notes:

1. Only life members or representative nominated in terms of Rule 5(C)((ii) and of **two years** standing at the Zone and who have completed five years in practise are eligible to file the nomination.
2. Any member who has opted to be on the Zonal Managing Committee seeking election or co-option for the ensuing term shall not be eligible to file his / her nomination to the election of the NEC. A suitable declaration shall be attached with the Nomination Form.
3. Any life member/s or representative nominated in terms of Rule 5(C)((ii), who seeks election to the Zonal Managing Committee shall be ineligible to contest the election, if any disciplinary proceedings have been initiated (admitted) by the Committee against him / her and the decision in respect of the said proceedings are pending.
4. One seat shall stand reserved in the election to a woman member.
5. Every contesting candidate must be present at the time of election, subject to the election rules.
6. Every contesting candidate shall familiarise himself / herself with the rules for election to the Zonal Committee. The election code of conduct laid down shall be applicable to these elections.
7. 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 email.
8. Existing members of the Managing Committee who have not attended 50% of the meetings held or at least two meetings of the Managing Committee whichever is less in a calendar year shall not be eligible for filing the nomination for the elections.
9. All nominations have to be accompanied by a payment of **Rs. 2,500/-** payable to the Central Zone Account via RTGS / NEFT to or a Cheque (subject to realisation on the date of announcement of his / her candidature to the election) drawn for the said amount, which shall not be refundable except in case of withdrawal of candidature within the time prescribed, wherein an amount of Rs. 1,000/- shall be refunded.
The details of Bank Account to make the Transfer shall be notified or may be obtained from present Chairman/ Secretary/Treasurer of the Central Zone.
10. Attention is invited to clause 4 (2) of the Guidelines for functioning of Zonal Offices which states as under:
 "At least two members from each State forming part of the Zone shall be elected by the members of the Zone concerned"

Sd/-

Sanjay Kumar
 Election Officer

NOTICE OF ANNUAL GENERAL MEETING OF AIFTP (WZ)

Notice is hereby given that an Annual General Meeting of the AIFTP (Western Zone) will be held on 16th October 2021, Saturday 03:00 p.m. at Kadhyata Bhavan Hall, Near Parle Tilak vidyalaya, Hanuman Road, Vile Parle East, Mumbai 400057 to transact the following business:-

AGENDA

1. Welcome Address by Chairman WZ.
2. Grant Leave of Absence.
3. To read and confirm the minutes of Last AGM held on 16th October, 2020
4. To receive and adopt the Annual Report of the Managing Committee (WZ) for the year 2021.
5. To consider and adopt the audited accounts for the year ended 31st March, 2021.
6. To appoint Auditors for the year 2021-2022 and fix their honorarium.
7. To elect the required number of members of the managing Committee for the term of two years. i.e. 2022 & 2023.
8. To announce the names of the members elected to the Managing Committee of the Western Zone for the term 01-01-2022 to 31-12-2023.
9. To transact any other business with the permission of the chair.
10. Vote of thanks.

Yours faithfully,
For ALL INDIA FEDERATION OF TAX PRACTITIONERS (WZ)
Sd/-
(Sachin Gandhi)
Secretary

Place: Mumbai
Date : 31-08-2021

- Note :
- 1) The Accounts and Annual Report of the Western Zone shall be available on Website from 15th September, 2021.
 - 2) If there is no quorum by 3.00 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 WESTERN ZONE OF ALL INDIA FEDERATION OF TAX PRACTITIONERS

Dated 25th August, 2021

1. The Election for **Forty (40)** members of the Managing Committee of the **Western Zone** of All India Federation of Tax Practitioners for the Term of Two years i.e. 2022 and 2023 will be held from **3 PM onwards** on **Saturday, 16th October, 2021** at **Khadayata Bhavan Hall, 32, Hanuman Road, Near Parle Tilak Vidhyalay, Vile Parle, East, Mumbai 400057.**
2. 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.
3. **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 PM. Tuesday, 05th October, 2021.**

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

Pankaj Ghiya, Advocate
10, Ganesh Colony, Bhairav Path,
JLN Marg, Jaipur 302004
Rajasthan
Ph. 0141-2621679

4. The withdrawal of Nomination can be made by written communication so as to reach the undersigned by 10.00 PM, **Monday, 11th October, 2021** at the postal address as above or by email on **ghiyalegal@outlook.com** or on **WhatsApp at +919829013626**
5. The list of Eligible candidates as per the Constitution of the Federation and Elections Rules framed shall be displayed at Venue also on **Saturday 16th October, 2021** at the Election venue one hour prior to the Election time also.
6. The Voting, if necessary, shall take place by Secret Ballot from **4 PM to 6 PM** on **Saturday, 16th October, 2021** to elect the Forty (40) members of the Managing Committee.
7. The detailed Election Schedule is as under:

Schedule	Proposed Date
Date of Notice	25/08/2021
Availability of Nomination Form	14/09/2021
Last Date of Filing Nominations	05/10/2021
Scrutiny of Nomination Forms	06/10/2021
Withdrawal of Nominations	11/10/2021
Declaration of Final List of Candidates	11/10/2021
Date of Elections	16/10/2021

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 email.**
3. Existing members of the Managing Committee who have not attended 50% of the meetings held or at least two meetings of the Managing Committee whichever is less in a calender year shall not be eligible for filing the nomination for the elections.
4. One seat shall stand reserved in the election to a woman member.
5. All nominations have to be accompanied by a payment of Rs. 2,500/- payable to the Western Zone Account via NEFT (All India Federation of Tax Practitioners - **Western Zone BANK NAME CANARA BANK, BRANCH: NEW MARINE LINES, MUMBAI 20 A/C NO.: 1389101053451 IFSC CODE: CNRB0001389**) or a Cheque drawn of said amount, which shall not be refundable except in case of withdrawal of candidature within the time prescribed, wherein an amount of Rs. 1,000/- shall be refunded.
6. Attention is invited to clause 4 (2) of the Guidelines for functioning of Zonal Offices which states as under:
"At least two members from each State forming part of the Zone shall be elected by the members of the Zone concerned"

Sd/-

Pankaj Ghiya, Advocate
Election Officer

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NOTICE OF ANNUAL GENERAL MEETING OF AIFTP (NZ)

Notice is hereby given that an Annual General Meeting of the AIFTP (Northern Zone) will be held on 23rd October 2021, Saturday 02:00 p.m. at Hotel Clarke, Lucknow to transact the following business:-

AGENDA

1. Welcome Address by Chairman NZ.
2. Grant Leave of Absence.
3. To read and confirm the minutes of Last AGM.
4. To receive and adopt the Annual Report of the Managing Committee (NZ) for the year 2021.
5. To consider and adopt the audited accounts for the year ended 31st March, 2021.
6. To appoint Auditors for the year 2021-2022 and fix their honorarium.
7. To elect the required number of members of the managing Committee for the term of two years. i.e. 2022 & 2023.
8. To announce the names of the members elected to the Managing Committee of the Northern Zone for the term 01-01-2022 to 31-12-2023.
9. To transact any other business with the permission of the chair.
10. Vote of thanks.

Yours faithfully,
For ALL INDIA FEDERATION OF TAX PRACTITIONERS (NZ)
Sd/-
(Puneet Kumar Singh)
Secretary

Place: Varanasi
Date : 23-08-2021

Note : 1) If there is no quorum by 2.00 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 THE MANAGING COMMITTEE OF NORTHERN ZONE OF ALL INDIA FEDERATION OF TAX PRACTITIONERS

Dated 28th August 2021

1. The Election for thirty-two (32) members of the Managing Committee of the **Northern Zone** of All India Federation of Tax Practitioners for a term of Two Years i.e., 2022 and 2023 will be held from 2.00 PM onwards on Saturday the 23rd October, 2021 at Hotel Clarke, Lucknow.
2. The Nomination Forms for the Elections are available on the Website of the All-India Federation of Tax Practitioners, Mumbai (www.aiftponline.org) Interested Candidates may download the Form from the website or get the Form typed and fill in the requisite details.
3. The Nomination Form properly filled, in neat handwriting or typewritten, should be submitted either personally to the undersigned or through Registered Post / Speed Post / Courier at the address given below so as to reach latest by 5 PM Tuesday, 28th September, 2021. Address to which the Nomination Forms have to be sent:-

Venkataramani S
Chartered Accountant
16/12, Ground Floor, "Nriya Apartments"
Between 6th and 8th Main, Malleswaram 18th Cross
Bangalore 560 055
Contact No +91 9845563292

Apart from sending the hard copy of the Nomination Form to the above address, the candidate/s may scan and email the said Nomination Form to venkat@venkataramani.in

4. The withdrawal of Nomination can be made by written communication so as to reach the undersigned by 10 PM on or before Thursday, 7th October, 2021 at the postal address cited in para 3 above or by email communication to venkat@venkataramani.in
5. The list of Eligible candidates as per the Constitution of the Federation and Elections Rules framed thereunder shall be displayed on Saturday, 23rd October 2021 at the Election venue one hour prior to the Election time.
6. The Voting, if necessary, shall take place by Secret Ballot or by way of e-voting (subject to the Election Rules, framed under the Constitution) from 3 PM to 5 PM on Saturday, 23rd October, 2021 to elect the thirty-two (32) members of the Managing Committee.
7. **The detailed election schedule is as under:-**

Schedule	Proposed Date
Date of Notice	28/08/2021
Availability of Nomination Form	07/09/2021
Last Date of Filing Nominations	28/09/2021
Withdrawal of Nominations	07/10/2021
List of Eligible Candidates	09/10/2021
Date of Elections & Results	23/10/2021

Notes:

1. Only life members or representative nominated in terms of Rule 5(C)(ii) and of **two years** standing at the Zone and who have completed five years in practise are eligible to file the nomination.
2. Any member who has opted to be on the Zonal Managing Committee seeking election or co-option for the ensuing term shall not be eligible to file his / her nomination to the election of the NEC. A suitable declaration shall be attached with the Nomination Form.
3. Any life member/s or representative nominated in terms of Rule 5(C)(ii), who seeks election to the Zonal Managing Committee shall be ineligible to contest the election, if any disciplinary proceedings have been initiated (admitted) by the Committee against him / her and the decision in respect of the said proceedings are pending.
4. One seat shall stand reserved in the election to a woman member.
5. Every contesting candidate must be present at the time of election, subject to the election rules.
6. Every contesting candidate shall familiarise himself / herself with the rules for election to the Zonal Committee. The election code of conduct laid down shall be applicable to these elections.
7. 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 email.
8. Existing members of the Managing Committee who have not attended 50% of the meetings held or at least two meetings of the Managing Committee whichever is less in a calendar year shall not be eligible for filing the nomination for the elections.
9. All nominations have to be accompanied by a payment of Rs. 2,500/- payable to the Northern Zone Account via RTGS / NEFT to an account to be notified or a Cheque (subject to realisation on the date of announcement of his / her candidature to the election) drawn for the said amount, which shall not be refundable except in case of withdrawal of candidature within the time prescribed, wherein an amount of Rs. 1,000/- shall be refunded.
10. Attention is invited to clause 4 (2) of the Guidelines for functioning of Zonal Offices which states as under:
 "At least two members from each State forming part of the Zone shall be elected by the members of the Zone concerned"

Sd/-

Venkataramani S
Election Officer

NOTICE OF ANNUAL GENERAL MEETING OF AIFTP (EZ)

Notice is hereby given that an Annual General Meeting of the AIFTP (Eastern Zone) will be held on Wednesday, 27th October 2021, at 9.00 am at Kishan Palace, Bailey Road, Near RPS More, Patna 801503, Bihar to transact the following business:-

AGENDA

1. Welcome Address by Chairman EZ
2. Grant Leave of Absence.
3. To read and confirm the minutes of Last AGM.
4. To receive and adopt the Annual Report of the Managing Committee (EZ) for the year 2021.
5. To consider and adopt the audited accounts for the year ended 31st March, 2021.
6. To appoint Auditors for the year 2021-2022 and fix their honorarium.
7. To elect the required number of members of the managing Committee for the term of two years. i.e. 2022 & 2023.
8. To announce the names of the members elected to the Managing Committee of the Eastern Zone for the term 01-01-2022 to 31-12-2023.
9. To transact any other business with the permission of the chair.
10. Vote of thanks.

Yours faithfully,
For ALL INDIA FEDERATION OF TAX PRACTITIONERS (EZ)
Sd/-
Dr Ranjit Padhi
Secretary

Place: Berhampur

Date : 31.8.2021.

Note : 1) If there is no quorum by 9.00 a.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 EASTERN ZONE OF ALL INDIA FEDERATION OF TAX PRACTITIONERS

Date 24th August, 2021

1. The Election for forty (40) members of the Managing Committee of the Eastern Zone of All India Federation of Tax Practitioners for the Term of Two years i.e. 2022 and 2023 will be held on **Wednesday 27th day of Oct., 2021 at 11.00 A.M. onwards**
2. 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.
3. 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. Saturday, 25th September, 2021.**

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

Adv. Om Prakash Shukla
 S-8/109-G, Amrit Vila,
 Besides Income Tax office,
 Maqbool Alam Road
 Varanasi-221002
 Tel : 0542-2506509
 Mob. 9415204837, 9580841718, 9369228738
 Email ID- **opslaw_1962@rediffmail.com**

4. The withdrawal of Nomination can be made by written communication so as to reach the undersigned by **05.00 P.M., Wednesday, 06th Oct., 2021** at the postal address as above or by email on opslaw_1962@rediffmail.com or on WhatsApp at +91-9415204837
5. The list of eligible candidates as per the Constitution of the Federation and Elections Rules framed shall be displayed on **Saturday, 23rd day of October, 2021** at the Election venue one hour prior to the Election time.
6. The Voting, if necessary, shall take place by Secret Ballot from **1.00 P.M. to 2.30 P.M. on Wednesday, 27th day of Oct., 2021** to elect the members of the Managing Committee.
7. **The election schedule are as under:-**

Schedules	proposed date	
1.	Date of notice	24.08.2021
2.	Availabilities of nomination form	07.09.2021
3.	Last date for filling nomination	25.09.2021
4.	Scrutiny of nomination form	26.09.2021
5.	Declaration of valid nomination	26.09.2021
6.	Withdrawal of nomination	06.10.2021
7.	Declaration of final list of candidate	10.10.2021
8.	Date of election	27.10.2021 (Revised date due to festival of Vijaydashami and Karwachauth)
9.	Declare Result of election	27.10.2021

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 email.
3. Existing members of the Managing Committee who have not attended 50% of the meetings held or at least two meetings of the Managing Committee whichever is less in a calendar year shall not be eligible for filing the nomination for the elections.
4. One seat shall stand reserved in the election to a woman member.
5. All nominations have to be accompanied by a payment of Rs. 2,500/- payable to the Eastern Zone Account via NEFT or any banking channel to an account to be notified or a Cheque drawn of said amount, which shall not be refundable except in case of withdrawal of candidature within the time prescribed, wherein an amount of Rs. 1,000/- shall be refunded.
6. Attention is invited to clause 4 (2) of the Guidelines for functioning of Zonal Offices which states as under:
 "At least two members from each State forming part of the Zone shall be elected by the members of the Zone concerned"

Adv. Om Prakash Shukla
 Election Officer

AIFTP JOURNAL SUBSCRIPTION 2021-2022

Date: February 12, 2021

The AIFTP Journal is the mouthpiece of the All India Federation of Tax Practitioners and is also a source of information for updating our subscribers with the latest developments on Direct and Indirect Taxes.

The unique feature of our Journal is that every quarter, we publish the gist of important case laws reported in more than 30 tax magazines. We publish opinions of eminent professionals, thought provoking speeches of Hon'ble Judges of Apex Court and High Courts, important articles on Direct and Indirect Taxes, articles on Wealth Management and answers by eminent professionals on various controversial issues. We are sure that in the era of information technology, our journal would definitely help you to update your knowledge on latest case laws and development of law.

Please note that AIFTP Journal subscription for the year 1st April, 2021 to 31st March, 2022 falls due for payment on 1st April, 2021.

Life Member

Members are requested to remit the amount of ₹ 1,000/- for one year or ₹ 2,600/- for three years by NEFT/Cheque/Demand Draft at the earliest. You are also requested to fill in all the details in the Renewal Notice.

Non-Member

Non-members are requested to remit the amount of ₹ 1,400/- for one year or ₹ 3,750/- for three years by NEFT/Cheque/Demand Draft at the earliest. You are also requested to fill in all the details in the Renewal Notice.

Thanking you,

Yours sincerely,

For **ALL INDIA FEDERATION OF TAX PRACTITIONERS**

Sd/-

Sd/-

Vijay N. Kewalramani
Treasurer

Mitesh Kotecha
Chairman, Journal Committee

Note :

1. **You can make online payment through our website i.e., www.aiftponline.org**
2. Alternatively payment can be made by NEFT/Account Payee Cheque/Demand Draft in favour of "ALL INDIA FEDERATION OF TAX PRACTITIONERS".
3. **Members doing NEFT are requested to intimate AIFTP Office through email i.e. aiftpho@gmail.com along with proof of payment.**
4. OUTSTATION MEMBERS are requested to send payments only by either At Par Cheque or Demand Draft payable at Mumbai drawn in favour of "ALL INDIA FEDERATION OF TAX PRACTITIONERS".
5. An early payment of the subscription would be highly appreciated.
6. **Members who require the AIFTP Journal to be couriered separately at their communication address, should add ₹ 300/- per year as courier charges.**
7. Please send the perforated portion furnished below duly filled in all respects along with the payment.
8. Please write your name on the reverse of Cheque/D.D.

MODE OF PAYMENT

You may transfer your payment through NEFT to our below mentioned a/c & send us the transfer / deposit receipt for checking with our bank statement. Our bank details are as under:-

Name : All India Federation of Tax Practitioners (No short form is allowed)
Bank Name : ICICI Bank Ltd.,
Bank Details : Ground Floor, Navsari Building, Dr. D. N. Road, Fort, Mumbai - 400 001
Account Name : All India Federation of Tax Practitioners
Account Number : 623501161215
Account Type : Saving Bank Account
RTGS / NEFT Code : ICIC0006235

NATIONAL TAX CONFERENCE

THEME: Impact of Emerging Technology on Taxation

Organized by

All India Federation of Tax Practitioners – Northern Zone

In Association With

The Income Tax Bar Association, Prayagraj & Tax Bar Association, Jammu

on

Saturday 2nd & Sunday 3rd October 2021

At Auditorium of Spiritual Growth Centre,
Shree Mata Vaishno Devi Shrine Board, Katra, Jammu

PROGRAMME

Saturday, 2nd October 2021	
Registration : 09:00 A.M. Onwards	
Inaugural Session 10:30 A.M.- 12:00 Noon	
1st Technical Session : 12:15 P.M. - 1:45 P.M.	Interactive Session on INCOME TAX COMPLIANCES VIS-À-VIS NEW PORTAL (INCLUDING FILING OF RETURNS, 12A AND 80G APPLICATION) Chairman : Mr. Ganesh Purohit, Sr. Advocate, Jabalpur Speaker on the Subject : Mr. Rajesh Mehta, FCA Chairman, Indore Panelist : Mr. V. P. Gupta, Advocate, Delhi Panelist : Mrs. Jamuna Shukla, FCA, Varanasi
Lunch Break : 01:45 P.M. - 2:45 P.M.	
2nd Technical Session : 02.45 PM to 04.00 PM	Interactive Session on INSPECTION, SEARCH, SEIZURE & ARREST UNDER GST Chairman : Mr. Pankaj Ghiya, Advocate, Jaipur Speaker on the Subject : Mr. Bharat Sachdev, FCA Thane Panelist : Mr. D. K. Gandhi, Advocate, Ghaziabad Panelist : Mr. Siddeshwar Yelamali, FCA, Bengaluru
Tea Break : 4:00 P.M. - 4:15 P.M.	
3rd Technical Session : 4:15 P.M.- 5:45 P.M.	Interactive Session on TAXATION OF TRANSACTION IN FINANCIAL INSTRUMENTS, SHARES & SECURITIES Chairperson : Mrs. Prem Lata Bansal, Sr. Advocate, Delhi Speaker on the Subject : Mrs. Rano Jain, Advocate, Delhi Panelist : Mr. Arvind Shukla, Advocate, Varanasi Panelist : Mr. A. K. Srivastava, FCA, Delhi
Sunday, 3rd October 2021	
4th Technical Session : 10:00 AM. - 11:30 AM.	Interactive Session on BLOCKED CREDIT & REFUNDS UNDER INVERTED DUTY STRUCTURE Chairperson : Mrs. Nikita Badheka Advocate, Mumbai Speaker on the Subject : Mr. Rohit Vaswani, FCA, Delhi Panelist : Dr. Naveen Rattan, Advocate, Amritsar Panelist : Mr. S. Venkataramani, FCA, Bengaluru
Valedictory Session : 11:30 A.M. - 12:30 P.M.	
Lunch Break : 01:45 P.M. - 2:45 P.M.	

DELEGATE REGISTRATION :

	Fees before 15/09/2021	Fees after 15/09/2021
Delegate	2500/-	3000/-
Spouse	2500/-	3000/-
Family Members	2000/-	2500/-
Children below 10 years of age are the Special Guests of the Organizing Committee but Registration is Compulsory.		

Bank Details

NAME & BANK BRANCH	Indian Overseas Bank, Civil Lines, Prayagraj
NAME OF ACCOUNT	Maa Vaishno Devi National Tax Conference
SB A/C NO.	035001000064070
IFS Code	IOBA0000350

Please contact the following people:-

Mr. Arvind Mishra Prayagraj 9839503498	Mr. Ankush Sawhney Jammu 9469094758	Mr. Varindar Sharma Ludhiana 9814008080	Mr. Tayyab M Khan Lucknow 9415207899	Mr. Jain Roop Jain Ghaziabad 9717900853
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CONFERENCE COMMITTEE

Mr. Sanjay Kumar Conference Chairman Prayagraj 9415216798	Mr. Arvind Mishra Conference Secretary Prayagraj 9839503498	Dr. Naveen Rattan Zone Chairman AIFTP(NZ), Mohali 9417311987	Mr. M.S. Rao National President AIFTP, Elluru 9885796999
Mrs. Simmi Rattan Co Chairperson Mohali 9816266733	Mr. Uday Raj Tiwari Treasurer Prayagraj 9451825093	Mr. Puneet K Singh Zone Secretary AIFTP(NZ), Varanasi 9935535185	Mr. D.K. Gandhi Deputy President AIFTP, Ghaziabad 9810216801
Mr. Sunil Sharma Vice Chairman Jammu 9419105350	Mr. Sachin Sharma President TBA, Jammu 9697001000	Mr. S.K. Yogeshwar President ITBA, Prayagraj 9415216511	Mr. O.P. Shukla Vice President AIFTP(NZ), Varanasi 9415204837
Mr. Asim Zafar Joint Secretary Varanasi 9415203535	Mr. Ankush Sawhney Secretary TBA, Jammu 9469094758	Mr. A K Srivastava NEC Member AIFTP, New Delhi 9910128812	Mr. S. S. Satyanarayana Secretary General AIFTP, Hyderabad 9989924646
Mr. Anil Kumar Gupta Coordinator Jammu 9419180101	Mr. Ranjit Sharma Coordinator Amritsar 9914089227	Mr. Suraj Wazir Coordinator Jammu 9796421451	Mr. Vikas Chopra Coordinator Jammu 9419128160

Important :- No refunds of delegate fees in case of cancellation of program due to Covid -19.

Jai Mata Di

For more detail please visit website : www.aiftponline.org



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NATIONAL PRESIDENT HAS SET THE TARGET FOR 2000 NEW MEMBERS UPTO 31ST DECEMBER 2021

APPRECIATION AWARDS

Highest New Member Contribution
1st, 2nd & 3rd for Individual
1st, 2nd & 3rd for Office Bearer / Zonal Chairman
1st, 2nd & 3rd for Zone

CATEGORIES (APPLICABLE FOR NEW MEMBERS ADDED BETWEEN 1-1-2021 TO 31-12-2021)

Zone : 400 or more | Office Bearer / Zonal Chairman : 20 Members or more | Individual Member : 1 Member or more

MEMBERS ARE REQUESTED TO PUT THEIR MAXIMUM EFFORT TO ACHIEVE THE TARGETS

For further information, contact

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Mr. Samir S. Jani, Junagadh
9825037365

CO-CHAIRMAN

Mr. C. Radhakrishnan, Vellore
9443217802

CONVENOR

Mr. Sreedhara Parthasarthy, Bellary
9449569084

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Mr. Ajit Tiwari, Vadodara, Mr. Bharat Swami, Vadodara, Mr. Brij Gopal Das, Varanasi, Mr. D. K. Agarwal, Siliguri, Mr. Nitin Gautam, Nagpur, Mr. P. V. Ravi Kumar, Chennai, Mr. Tayyab M. Khan, Azamgarh, Mr. Vinod Kumar Singhania, Kolkata

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Mr. Vinay Kumar Jolly, Jaipur (CZ)
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Mr. Pravin R. Shah, Mumbai (WZ)

Note: For physical Form kindly click the link <https://aiftponline.org/wp-content/uploads/2021/pdf/Membership-Form-2021.pdf?v=1>

For applying online kindly click the link <https://aiftponline.org/subscription-form/?type=membership>

All India Federation of Tax Practitioners

215, Rewa Chambers, 31, New Marine Lines, Mumbai 400 020.

Tel.: 22006342/43/49706343 • E-mail: aiftpho@gmail.com • Website: www.aiftponline.org

Direct Taxes

Ms. Neelam Jadhav, Advocate, KSA Legal Chambers

High Court:

1. S. 32: Unabsorbed depreciation loss pertaining to assessment year 1997-98 could be set off against income of assessment year 2006-07 that is beyond 8 years.

The Revenue has filed the appeal for the assessment year 2006-07 on the issues of unabsorbed depreciation loss pertaining to the assessment year 1997 - 98 could be set off against income of the assessment year 2006 - 07 and is not the finding of the Tribunal directing the Assessing Officer to set off the unabsorbed depreciation pertaining to the assessment year 1997 - 98 based, especially when the intention of the legislature was not to carry forward the unabsorbed depreciation beyond eight years from the year of computation.

The High Court observed that, as per the provisions of section 32(2) of the Act r.w.s. 70, 71, and 72 of the Act, it very clear that the total depreciation comprising of the depreciation of the relevant assessment year along with the unabsorbed depreciation of the earlier years becomes the total current year's depreciation which is allowed to be set off against income under any head of income including Long Term Capital Gain. Considering the same the High Court held that, the current year's depreciation is allowed to be set off against the income from the business as well as against the other heads of income and unabsorbed depreciation in carrying forward and become part of the depreciation of the subsequent year and the total depreciation becomes current year's depreciation as per section 32(1) of the Act, which is allowed to be set off against the income under any head of income.

CIT v. M/s. Venkateshwara Leather Private Limited, T.C.A.No.804 of 2016, dtd.18/08/2021, (Mad)(HC Source: www.hcmadras.tn.nic.in

2. S.148: Notice to Amalgamated Company which ceased to exist is without Jurisdiction

The assessee company, i.e., Niraj Realtors, had merged with the petitioner and when the merger takes place, all assets and liabilities are taken care of by the new company and any liability including income tax liability arising out of any previous year is undoubtedly the liability to be taken care of by the new company. The Niraj Realtors had merged into petitioner and for the Assessment Year 2011-2012.

A notice issued under Section 148 of the Act, department informed Niraj Realtors and Shares Pvt. Ltd. (Niraj Realtors) that he has reasons to believe that Niraj Realtors' income chargeable to tax for the AY 2012-2013

has escaped assessment within the meaning of S.147 of the Act. Niraj Realtors was called upon to deliver a return in the prescribed form for the said Assessment Year. The reasons were provided to Niraj Realtors almost six weeks later by a communication. The reasons open with the admission of the fact that Niraj Realtors had merged in and was known as Alok Knit Exports Pvt. Ltd. and had e-filed its return of income tax for the Assessment Year 2012-2013 on 30th September 2012.

While deciding the issue held that the basis on which jurisdiction is invoked is u/s.148 of the Act and when such jurisdiction was invoked on the basis of something which was fundamentally at odds with the legal principle that the amalgamating entity ceases to exist upon the approved scheme of amalgamation.

Alok Knit Exports Limited v. Dy. CIT Writ Petition No.2742 of 2019 dt.10/08/2021 (Bom.)(HC) source : www.bombayhighcourt.in

Tribunal:

3. S.32: Depreciation - A lessee is not eligible for depreciation in respect of the vehicles taken on a financial lease.

The assessee has taken certain vehicles on finance lease and lease rental paid by the assessee company comprised to interest portion and principal portion out of which principal portion of lease rental amount. The Assessing Officer, while considering the income tax return filed for the relevant year, disallowed the deduction claimed by the assessee rather than allowed depreciation @ 15% on the principal portion of the lease rental during the year under consideration.

While deciding the appeal the tribunal observed that, order passed by the AO shows that the AO proceeded on the basis of surmise that the vehicles are owned by the assessee company which is factually incorrect as is evident from the registration certificate. Merely mentioning the name of the assessee company as the lessee does not construe ownership in favor of the assessee. Tribunal held that, "lease agreement entered into between the Assessee Company and lessor of the vehicles itself provides that ownership of the vehicles will not be transferred to the lessee during the subsistence of the lease as is evident from Lease Agreement. Hence, A lease is not eligible for depreciation in respect of finance lease.

DCIT v. M/s. HCL Comnet Systems & Services Ltd., ITA No.100/Del/2018 dt.25/08/2021 (Delhi)(Trib.) source : www.itat.nic.in



Indirect Taxes

Tanmay Mody, GST Practitioner

1) GST AAR – Composite Supply of construction services and other services

Whether the ‘Other Charges’ received by the applicant will be treated as consideration for ‘construction services’ and classified under SAC 9954 along with the principal supply of residential construction services or whether the same will be treated as consideration for independent services under the respective head. The applicant contends that services underlying the ‘Other Charges’ are to be treated as naturally bundled with supply of main construction services and 1/3rd of the value of land is available as rebate even on these other charges.

Held: The applicant has paid stamp duty on the value of sale of flat excluding the value of other services supplied for which the said “other charges” are collected. When the question of payment of stamp duty arises, the applicant treats these ‘Other charges’ not as a part of supply of main construction service, but when question of payment of GST arises, the applicant contends that the value of other charges collected is part and parcel of value of that main construction service. It is a legal principle that a party cannot be permitted to approbate and reprobate on the same facts and take inconsistent shifting stands. Reading of the clauses the agreement reveal that there are more than two supplies in the subject transaction, which are independent supplies and so taxable separately. The applicant has collected the basic flat sale price separately for the supply of residential unit and the charges are collected separately for supply of different services which are called as ‘other charges’. Merely because the agreement is common will not make it a supply of bundled services. Therefore, the ‘other services’ provided cannot be said to be naturally bundled and supplied in conjunction with each other in the ordinary course of business with main supply of residential flat. The amenities provided by the applicant to its customers for the limited period because, for these facilities the customers have not been given perpetual rights as per the said agreement. The ‘other charges’ are taxable under respective SAC at 18% GST as they are covered under services, other than construction services. 1/3rd rebate from total value as claimed by the applicant is not eligible for deduction from the “Other Charges”.

(Source: Order in AAR No. GST-ARA-68/2019-20/B-52 by the Maharashtra AAR dated 27th August, 2021 in the case of M/s. Puranik Builders Ltd.)

2) GST AAR – Scope of the term “Business”

Whether the value of assets which are outside the purview of GST is required to be included in the value of assets for the purpose of apportionment towards transfer of input tax credit in case of de-merger in terms of Section 18(3) of CGST Act read with Rule 41(1) of CGST Rules?

Held: Regarding the meaning of “value of assets”, the explanation to the sub-rule (1) of Rule 41 of the CGST Rules states that the “value of assets” means the value of the entire assets of the business, whether or not input tax credit has been availed or not. The CBIC Circular No. 133/03/2020-GST dated 23.03.2020 clarify the value of assets for the purpose of proviso to Rule 41(1) of the CGST Rules wherein the words used is “entire assets” and hence all the assets that are apportioned

between the two entities that come out of the demerger are to be taken for the calculation of the amount of Input Tax Credit apportioned between the two demerged entities. The applicant argument that the value of assets which are outside the purview of GST are not required to be considered for the purpose of computing the assets ratio for apportionment of ITC cannot be accepted in view of the use of the words “the entire assets” in the definition. The use of “whether or not input tax credit has been availed thereon” is only used to make it immaterial whether input tax credit is availed or not and does not however limit the scope of the meaning of the words “entire assets” by limiting it to the assets where input tax credit is there. The assets which are outside the GST also form the “assets” and is included in the scope of “entire assets” and hence the value of assets which are outside the purview of GST is required to be included in the value of assets for apportionment towards transfer of input tax credit in case of demerger in terms of Section 18(3) of CGST Act read with Rule 41(1) of CGST Rules.

Regarding the question whether the assets which are created to comply with the requirements of accounting standards are also forming the part of the “entire assets” and hence are includible in the scope of “entire assets”, since there is no specific exclusion contemplated in the provisions of Act or rules made thereunder, these assets are also includible in the “entire assets”.

(Source: Order in AR No. KAR/ADRG/47/2021 dated 30th July, 2021 by the Karnataka AAR in the case of M/s. IBM India P. Ltd.)

3) GST – Cancellation of Registration on grounds of POB

Validity of cancellation of registration of petitioner on the ground that the business place is situated in a building which is partially completed only and no building number is affixed by the local authority.

Held: Sub section (2) of Section 29 does not envisage the contingency of situation of place of business in a partially completed building having no building number affixed on it by the local authority. Such is not the reason as contemplated by sub section (2) of Section 29 authorising the proper person to cancel the registration of a person. Further, the State Tax Officer is the proper officer for assessment and he is a competent officer to invoke provisions of Rule 25. The State Tax Officer has issued a notice to cancel the registration based on the report of the intelligence officer. The State Tax Officer himself did not conduct any enquiry as contemplated in Rule 25 and proceeded to cancel registration, despite the fact that the petitioner was aggrieved by the report of the intelligence officer. The proper officer, as such, ought not to have proceeded ahead with cancellation of the registration on the basis of report of the intelligence officer and ought to have independently assessed the situation, particularly, when the petitioner had produced the receipt of the building tax from the local authority to prove the authenticity of his stand. This seems to have been not done by the proper officer.

(Source: Order dated 5th August, 2021 by the High Court of Kerala in WP No. 28917 of 2020 in the case of M/s. F R Trade Links vs. The State Tax Officer, Pala)

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

D. K. Gandhi
Dy. President

S. S. Satyanarayana
Secretary General

Vijay Narayan Kewalramani
Treasurer

Pravin Shah
Chairman AIFTP(WZ)

Subscription to Padma Vibhushan Dr. N. A. Palkhivala Memorial National (Virtual) Tax Moot Court and Research Paper Competition

Name : _____

Profession : Sr. Advocate/Advocate/Chartered Accountant/Tax Practitioners (✓ whichever is applicable)

Address : _____

Tel. No.: (Chamber) _____ (Residence) _____

Fax : _____ E-mail: _____ Mobile No _____

Enclosed herewith Cheque/DD No. _____ drawn on _____ for
₹ _____

Date: ____/____/2021

Signature _____

The members may deposit the amount to _____ and send the intimation by email to _____
or send the Cheque or Demand Draft in favour of "All India Federation of Tax Practitioners - (Western Zone)".

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

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