

All India Federation of Tax Practitioners



AIFTP TIMES

Volume 13 – No. 5 • May 2022

FORTHCOMING PROGRAMMES

Date & Month	Programme	Place
14th May, 2022	One Day Tax Conference (Northern Zone)	Kanpur
28th May, 2022	One Day Tax Conference (Eastern Zone)	Jamshedpur
11th June, 2022	National Executive Committee Meeting	Srinagar
11th & 12th June, 2022	National Tax Conference 2022 (Northern Zone)	Srinagar
9th July, 2022	One Day Tax Conference at Deoghar (Baidyanath Dham) (Eastern Zone)	Jharkhand
13th August, 2022	One Day Tax Conference (Eastern Zone)	Patna

National Tax Conference 2022, Srinagar

Organised by

All India Federation of Tax Practitioners (Northern Zone)

Date: 11th June to 12th June, 2022 | Venue: Sher-I-Kashmir International Convention Center (SKICC)

Chief Guest : Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Supreme Court of India.

Guest of Honour : Hon'ble Mr. Justice Pankaj Mithal, Chief Justice, Jammu & Kashmir and Ladakh High Court.

Registration Details:

- Delegate Registration Fee Rs. 5,500/- per person | • Spouse Registration Fee Rs. 4,000/- per Person

Bank Detail for Delegate Registration Fee.

Account Name: ALL INDIA FEDERATION OF TAX PRACTITIONERS (NZ)

Address: M A Road, Varanasi | Bank Name: State Bank of India

Account Number: 00000030619705916 | IFSC Code: SBIN0007233 MICR Code: 221002020

Bank Detail for Extra Charges for Other Facility i.e. (Pick and Drop, Gala Dinner, Kashmiri Cultural Program and Sight seeing + Shikara Ride)

Account Name: Travel Huge

Address: Sector-09, Faridabad (121006)

Bank Name: Axis Bank | Account Number: 919020032811686 | IFSC Code: UTIB0003268

For Queries, Please contact:

Ranjit Sharma (Advocate) Secretary AIFTP-NZ : 9914089227, 7973417831 | Sachin Sharma (Advocate) : 7006654646

Simmi Rattan (Advocate)

Conference Chairperson

CA H. L. Madan
Chairman (AIFTP-NZ)For more details please visit website : www.aiftponline.org

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

Name	Mobile	Tel. (O)	E-mail
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Treasurer – CA. Vijay Kewalramani	9820073165	022-41235960	info@kewalramani.in

One Day Tax Conference

Organised by

All India Federation of Tax Practitioners (Northern Zone) & Merchants Chamber of U. P.

In association with

Kanpur Income Tax Bar Association • Kanpur Chartered Accountants' Society

Saturday 14th May 2022 | Sir Padampat Singhania Auditorium, 14/76, Civil Lines, Kanpur

Chief Guest: Hon'ble Mr. Justice Piyush Agarwal, Allahabad High Court

Guest of Honor: Shri. D. K. Gandhi, National President, A.I.F.T.P.

SCHEDULE

- 10:00 am : **Registration & Breakfast**
11:00 am : **Inaugural Session**
11:45 am : **Technical session** : New Provisions of Re-assessment in Income Tax
: Introduction of Subject: CA Puneet Singh, Varanasi
: Keynote Speaker: Prem Lata Bansal, Sr. Advocate, Delhi
: Chairman Session: CA Sudhindra Jain, Kanpur
1:15 pm : Lunch
2:00 pm : **2nd Technical Session : Summons & Arrest under GST Laws**
: Introduction of Subject: Ambarish Tandon, Advocate, Kanpur
: Keynote Speaker: Shubham Aggarwal, Advocate, Prayagraj
: Chairman Session: Yogesh Bhasin, Advocate, Kanpur
3:30 pm : **3rd Technical Session : Intellectual Property Rights – The New Challenge**
: Introduction of Subject: Navdeep Sridhar, Advocate, Kanpur
: Keynote Speaker: Dileep Yashvardhan, Advocate, Lucknow
: Chairman Session: Amit Singh, Assistant Controller, office of Intellectual Property Rights, New Delhi
4:30 pm : Vote of Thanks High Tea
Registration Charges: Rs. 750/-per delegate

ORGANISING COMMITTEE

A.I.F.T.P. North Zone		
H.L. Madan, Chairman	Sanjay Verma, Vice Chairman	Ranjit Sharma, Secretary

Click to register online : <https://docs.google.com/forms/d/e/1FAIpQLSe6uGnCRQyR-Oma0xAPVrMS2p4fZcOusmx0Gs8AOtN-ozSmotA/viewform>

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

Subscribe to AIFTP Indirect Tax Journal - January 2022 onwards

The AIFTP Indirect Tax and Corporate Laws Journal will be available on subscription basis from January, 2022. The subscription amount for one year is as under:-

Subscription for 2022 - ₹ 1100/- (For AIFTP Members)

Subscription for 2002 - ₹ 1400/- (For Non AIFTP Members)

Donor / Patron Members for 2022 - ₹ 11000/-

We request all to subscribe the AIFTP Indirect Tax Journal and also circulate amongst other Professionals friends, WhatsApp groups and ask them to subscribe this Journal. We Request all members to become Donor Members for the initial year to support the Journal. Journey of this Journal started with the idea conceptualized by Dr. Ashok Saraf the then President of AIFTP and immediately we started working on it and released the journal within a month of conceptualization. It has continued free of cost since then and now it has been felt that a nominal amount be fixed for the subscription of it. The Journal has been applauded by the Professionals and it has received wide acceptance and the Articles contained in the Journal are on the recent issues and controversies and amendments. The eminent Professionals had been contributing Articles in the Journal regularly and we are also covering RERA, FEMA and Companies Act apart from GST.

The payment can be made online and by scanning the QR Code. Kindly click the below link and get the details of the Journal and Form, which has to be filled and e-mailed to us on aiftjournal@gmail.com :-

<https://aift.in/journal>

Pankaj Ghiya

Chief Editor and Dy. President (2022)



AIFTP JOURNAL SUBSCRIPTION 2022-2023

Date: February 22, 2022

Dear Members,

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, 2022 to 31st March, 2023 falls due for payment on 1st April, 2022.

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 by **15th April, 2022**. 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 by **15th April, 2022**. 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/-

Vijay N. Kewalramani
Treasurer

Sd/-

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 Number : 623501161215 | **Account Type** : Saving Bank Account | **RTGS / NEFT Code** : ICIC0006235

ANNOUNCEMENT

Dear Members,

We are pleased to inform you that the AIFTP has published a Book titled "**Handbook on Taxation of Partnership Firms & Limited Liability Partnerships: Frequently Asked Questions**" in association with the Taxmann.

The publication was released by Mr. S. P. Singh Baghel, Hon'ble Minister of State in the Ministry of Law and Justice, and Justice Rajesh Bindal, Hon'ble Chief Justice of Allahabad High Court on December 25, 2021 at the 24th National Convention of AIFTP at Lucknow.

The price of the publication is ₹ 945/-. AIFTP Members can avail the book at ₹ 725/- (Including Courier charges).

For further information please contact

Mr. Ravindra Patade, Chief Executive Officer | T. No.: 022-49706343 | Email: aiftpho@gmail.com



Direct Taxes

Ms. Neelam Jadhav, Advocate, KSA Legal Chambers

High Court

1. S.13 (1)(b) : Scholarship amount paid to the students of a particular religious community is not a violation of section 13(1)(b).

The Assessing Officer had found that the Respondent-assessee had given merit-cum- scholarship/financial assistance to candidates predominantly belonging to a particular religious community which is violate of Section 13(1)(b). He further states that the advertisement for educational scholarship was published by the assessee in Urdu language and, that too, in one newspaper only. According to him, this clearly indicates that the assessee wanted to restrict the circulation of the scholarship advertisement as its intent was to provide benefit to a particular religious community only.

The Honorable High Court observed that, the benefit of scholarship to the poor and needy students was not confined to students of a particular community and a perusal of the list submitted by the assessee showed that the benefit had been granted to students from all communities without any discrimination. Just because advertisement was published in Urdu language and that too in one newspaper, it cannot be presumed that it was targeted at the students belonging to a particular community only. Held that, there is no violation of the provisions of 13(1)(b) for payment of scholarship amount paid to the students of a particular religious community.

CIT v. Hamdard National Foundation (India) & Ors., ITA 117/2021, 156/2021, 157/2021, 16/2022, dt.06/04/2022 (Delhi)(HC)

2. S.37 (1): Commission expenditure - failed to produce any evidence of providing services to the Assessee - Disallowance of expenditures is sustained.

The Honorable High Court observed that, whether any agent has rendered any service or not to the assessee is a question of fact. In this case the lower authorities have given a concurrent finding that the Assessee had failed to produce any evidence to prove that service had been rendered by the parties to the assessee. Further simply reproducing some emails exchanged between the parties and the assessee is not sufficient to prove that party had provided any kind of service to the Assessee. The Profit and Loss Account of the party for the previous assessment year shows that out of gross receipt he had incurred expense towards labour, loading & unloading charges. Further agreement between party and the assessee does not mention any specific scope of service.

Held that, merely producing some emails exchanged between party and the assessee is not sufficient to prove that party had provided any kind of services, there has to be some cogent evidence of rendering services to the assessee and against them commission expenditure was incurred by the assessee.

Vossloh Beekay Castings Limited v. ACIT, ITA No. 85 of 2022, dtd. 13/04/2022 (Delhi)(HC)

3. S.147: Reassessment - reopening of assessment – query raised during original assessment – filed reply by the assessee on the said query – subject matter of the Assessing officer at the time of compilation of assessment - change of opinion does not constitute justification for reassessment.

The Assessment under section 143(3) was completed on 28.12.2016 assessing total income of Rs. Nil. Thereafter, Assessee received notice dated 31.03.2021 asserting that there have reasons to believe that assessee's income chargeable to tax for A.Y 2014-15 has escaped assessment within the meaning of section 147 of the Act. Assessee after filing fresh return of income requested to provide copy of reasons recorded for reopening, which was provided by a letter dated 26.10.2021. From the reasons, it is a clear cut case of change of opinion and there is not even an allegation that there is failure on the part of Assessee to disclose truly and fully all material facts.

The Honorable High Court observed that, during the course of assessment proceedings there was a query raised regarding details of exchange loss which have also been provided by Assessee with letters dated 16.12.2016 and 19.12.2016. Considering the same, held that, once a query is raised during the assessment proceedings and the assessee has replied to it, it follows that the query raised was a subject of consideration of the Assessing Officer while completing the assessment. There can be no doubt, that the very issue of foreign exchange loss was a subject matter of consideration of the Assessing Officer. Reopening of assessment by the notice dated 31.03.2021 is merely on the basis of change of opinion of the Assessing Officer from that held earlier during the course of assessment proceedings. This change of opinion does not constitute justification and/or reasons to believe that income chargeable to tax has escaped assessment. Reopening is not justified.

Meer Gems v. ACIT, WP No. 1021 of 2022 dtd. 05/04/2022 (Bom)(HC)



Hearty Congratulations

Hearty Congratulations to newly elected Office-Bearers of Income Tax Bar Association, Varanasi for the year 2022-23.

President : Shri Asim Zafar	Joint Secretary : Shri Rajendra Kumar Chaurasia
Vice President : Shri Anand Kumar Pandey	Joint Secretary : Shri Ashutosh Bhardwaj
Secretary : Shri Ajay Kumar Singh 'Bunty'	Treasurer : Shri Sharad Kumar

We wish them all the success

Hearty Congratulations to newly elected Office-Bearers of GST Bar Association, Varanasi for the year 2022-23.

President : Adv. Om Prakash Shukla	Joint Secretary : CA Dwijendra Kumar Singh
Vice President : Adv. Sanjay Kumar Verma	Library Secretary : Adv. Shashi Kant Shukla
General Secretary : Adv. Brij Gopal Das	Treasurer : Adv. Rakesh Kumar Srivastava

We wish them all the success

Publications for sale

Sr. No.	Name of Publication	Edition	Rate (₹)		
			Members	Non-Members	Courier Charges per copy
1.	Handbook on Taxation of Partnership Firms & Limited Liability Partnerships: Frequently Asked Questions	Dec., 2021	725.00	945.00	-
2.	Reassessment Law, Procedure & Practice (Practical Guide)	Dec., 2020	Free	Available on website	100.00
3.	151 Landmark Judgment of the Honorable Supreme Court	Oct., 2020	Available on website	Available on website	-
4.	GAAR General Anti-Avoidance Rules	Dec., 2019	640.00	720.00	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.

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 29th April, 2022					
Life Members					
Zone Name	Associate	Individual	Association	Corporate	Total
Central	0	1397	25	0	1422
Eastern	6	2004	37	0	2047
Northern	0	1600	21	1	1622
Southern	1	2163	23	2	2189
Western	5	2888	38	3	2934
Total	12	10052	144	6	10214

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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