



# THE CTC NEWS

A Monthly Newsletter of  
The Chamber of Tax Consultants  
(Private circulation for members only)

## languages link the world

如果一个人不断珍惜他的旧知识，  
以便不断 获得新知识，他可能会成 为他人的老师  
... which means – if a man keeps cherishing his old  
knowledge, so as continually to be acquiring new, he  
may be a teacher of others! Only if we review our old  
knowledge and continue to learn new things, are we  
able to teach others.

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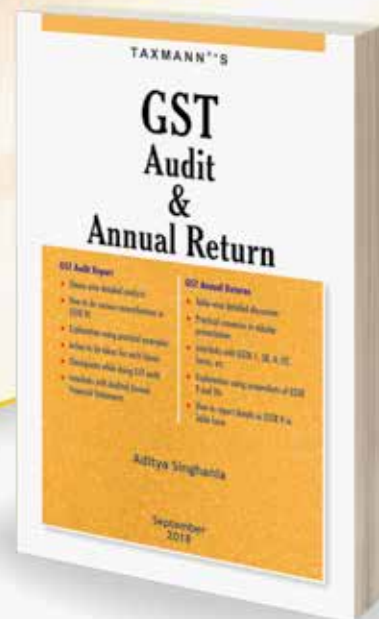
# TAXMANN®'S GST Audit & Annual Return

## GST Audit Report

- ❖ Clause-wise detailed analysis
- ❖ How to do various reconciliations in GSTR 9C
- ❖ Explanation using practical examples
- ❖ Action to be taken for each clause
- ❖ Checkpoints while doing GST audit
- ❖ Interlinks with Audited Annual Financial Statements

## GST Annual Returns

- ❖ Table-wise detailed discussion
- ❖ Practical scenarios in tabular presentation
- ❖ Interlinks with GSTR 1, 3B, 4, ITC forms, etc.
- ❖ Explanation using screenshots of GSTR 9 and 9A
- ❖ How to report details in GSTR 9 in Table form



Aditya Singhania

Price : ₹ 650

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## FORTHCOMING EVENTS

Sr. No.	Date	Committee	Programme Description	Venue	Pg. No.
1	01-10-2018	International Taxation	Intensive Study Group on International Taxation	CTC Conference Room, Gr. Floor, 3, Rewa Chambers, 31, New Marine Lines	9
2	04-10-2018	Direct Taxes	Direct Tax Update Series Lecture Meeting on Alleged Suspicious Transactions in Shares	Walchand Hirachand Hall, 4th Floor, IMC	8
3	05, 06, 12 & 13-10-2018	International Taxation	Certificate Course on Multilateral Instruments	Hotel West End, Next to Bombay Hospital, New Marine Lines	5
4	05-10-2018	Residential Refresher Course & Skill Development	Capital Market Study Circle Meeting	Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate	11
5	05-10-2018	Indirect Taxes	Indirect Tax Study Circle Meeting	Jai Hind College, A. V. Room, 4th Floor, A Road, Churchgate,	11
6	05-10-2018	IT Connect	IT Connect Study Circle Meeting	CTC Conference Room, Gr. Floor, 3, Rewa Chambers, 31, New Marine Lines	12
7	06-10-2018	Indirect Taxes	Workshop on GST Annual Return & GST Audit Report	Walchand Hirachand Hall, 4th Floor, IMC	8
8	08-10-2018	Direct Taxes	Intensive Study Group on (ISG) – Direct Taxes	CTC Conference Room, Gr. Floor, 3, Rewa Chambers, 31, New Marine Lines	13
9	09-10-2018	Study Circle & Study Group	Study Circle Meeting	Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate	11
10	23-10-2018	Corporate Connect	Lecture Meeting on Companies (Significant Beneficial Owners) Rules, 2018 (SBO Rules)	Walchand Hirachand Hall, 4th Floor, IMC	13
11	25-10-2018	International Taxation	FEMA Study Circle Meeting	CTC Conference Room, Gr. Floor, 3, Rewa Chambers, 31, New Marine Lines	9
12	26-10-2018	Commercial and Allied Laws	Allied Laws Study Circle Meeting	SNDT Women's University, SNDT College, Churchgate	12
13	02-11-2018	Study Circle & Study Group	Study Group Meeting	Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate	11
14	23-11-2018	IT Connect	IT Connect Study Circle Meeting	CTC Conference Room, Gr. Floor, 3, Rewa Chambers, 31, New Marine Lines	10
15	07-12-2018	IT Connect	Seminar on Records Retention: Legal Provisions and Document Management Solutions	Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate	12
16	14, 21 & 22-12-2018	International Taxation	Intensive Study Course On FEMA	Hotel West End, Next to Bombay Hospital, New Marine Lines	10
17	24-01-2019 to 27-01-2019	Indirect Taxes	7th Residential Refresher Course on GST	Hotel Novotel, Hitec City, Hyderabad	6-7
18	28-02-2019 to 03-03-2019	Residential Refresher Course & Skill Development	42nd Residential Refresher Course	Hotel Ramada, Lucknow	4
19	May, 2019	International Taxation & Residential Refresher Course & Skill Development	The 5th International Study Tour	East Europe	9
20	—	Law & Representation	Representations	—	7
21	—	—	Unreported Decisions - Tribunal	—	14
22	—	—	Unreported Decisions - Service Tax	—	14-15
23	—	—	CTC Publications	—	13&16

## RESIDENTIAL REFRESHER COURSE & SKILL DEVELOPMENT COMMITTEE

**Chairman:** Bhavesh Joshi | **Co-Chairman:** Vijay Bhatt | **Vice-Chairmen:** Mehul Sheth & Bhavik Shah  
**Convenors:** Ankit Sanghavi & Ryan Fernandes | **Advisor:** Kishor Vanjara

### 42ND RESIDENTIAL REFRESHER COURSE AT HOTEL RAMADA, LUCKNOW

Block Your Dates

**Day and Date:** 28th February, 2019 (Thursday) to 3rd March, 2019 (Sunday)

**Venue :** Lucknow-Kanpur Road, Junab Ganj, Lucknow, Uttar Pradesh-226401

In its endeavour to explore new venues for the delegates, The Residential Refresher Course and Skill Development Committee is pleased to announce the Chamber's 42nd Residential Refresher Course (RRC) at Hotel Ramada, Lucknow, Uttar Pradesh. ([www.ramadalucknow.com](http://www.ramadalucknow.com)).

Lucknow, the capital of Uttar Pradesh, carries a mix flavour of traditional North Indian & Mughal cultures. Popularly known as City of Nawabs, Lucknow is famous for its Architectural Monuments, huge & well planned gardens across the city and above all beautifully flowing Gomti river, which is now having a riverfront promenade on its side.

Lucknow has many places of interest like **Gomti River front, Bada Imambara, Hazratganj, Dr. Ambedkar Memorial Park, Janeshwar Mishra Park (the largest park in Asia)** and many more. Built in 1731, **Bada Imambara** has mesmerising “**Bhul-bhulaiya (the Labyrinth)**”, having 489 identical doorways, where you are not allowed to enter without a guide and “**Shahi Bauli**”, which is a “well”, accessible with steps going down below the ground level.



The RRC & SD Committee has ensured reasonable time for the RRC delegates to explore the above places of interest as well as for quick shopping of Lucknowi Chikan, which displays artistic embroidery work of chikankari, zari- zardozi etc. and also enjoy Lucknowi delicacies, chaat & sweets, which are presented with Lucknowi “Tehzib”.

Situated a little away from City crowds, Hotel Ramada is well equipped with the modern amenities. The Hotel has a beautiful surrounding of lush green gardens spread over 10 acres. The Hotel also boasts of a Convention Centre, the biggest in the UP State.

Lucknow is well connected with major cities by Air, Train & Road. The Hotel is about 20 kms. (30 minutes drive) from Lucknow Airport and about 30 kms. from the Railway Station. **The Conference will start at 3.30 p.m. on 28th February, 2019. The delegates are requested to book the flights accordingly.**

**Flight timings : 28-02-2019 From Mumbai to Lucknow : (Suggested flights for RRC)**

Airline	Departure from Mumbai	Arrival at Lucknow
Go Air	10.30 a.m.	12.45 p.m.
Jet Airways	11.50 a.m.	14.05. p.m.

**03-03-2019 From Lucknow to Mumbai : (Suggested flights for RRC)**

Airline	Departure from Lucknow	Arrival at Mumbai
Jet Airways	14.35 p.m.	17.00 p.m.
Go Air	17.45 p.m.	20.15 p.m.

Ramada Hotel is 60 kms. (1 hour) from Kanpur, so delegates can also opt to travel via Kanpur. Spicejet is starting its operations to Kanpur from Mumbai from 8th October, 2018. Flight timings are:

**28-02-2019 From Mumbai to Kanpur :**

Airline	Departure from Mumbai	Arrival at Kanpur
Spice Jet	10.50 a.m.	13.15 p.m.

**03-03-2019 From Kanpur to Mumbai :**

Airline	Departure from Lucknow	Arrival at Mumbai
Spice Jet	14.00 p.m.	16.15 p.m.

**Above Flight timings are indicative. Kindly check with Airline before booking the tickets.**



## INTERNATIONAL TAXATION COMMITTEE

**Chairman:** Rajesh P. Shah | **Co-Chairman:** Rajesh L. Shah | **Vice Chairman:** Kartik Badiani

**Convenors:** Rakesh Upadhyaya, Shreyas Shah, Harshal Bhuta

**Co-ordinators:** Ronak Doshi, Shreyas Shah, Monika Wadhani

### CERTIFICATE COURSE ON MULTILATERAL INSTRUMENTS

**Day and Date:** 5th, 6th, 12th, 13th October, 2018 | **Time:** 9.00 a.m. to 5.30 p.m.

**Venue:** Hotel West End, Next to Bombay Hospital, New Marine Lines, Mumbai-400 020

The field of International Taxation has witnessed rapid developments globally in recent past. Various BEPS action plans have been released by the OCED and the Multilateral Instruments (MU) have been signed by several countries. Coupled with these global developments are the domestic tax changes to the Indian Income-tax Act which are also a result of these BEPS measures initiated by the OECD. With over 100 countries now part of the BEPS inclusive framework and 80+ countries signing on the MU dotted line, need for learning through intensive study and analysis has become very necessary.

Considering the same, the Committee has decided to come out with a four day Study Course on various provisions of the Multilateral Instruments. The Study Course is designed to deal with understanding the BEPS Action Plans released by OECD, Articles of MU signed by India and various countries and will also be covering the recent amendments to the Income-tax Act which originate from OCED's BEPS programme.

Topics	Speakers
1. Introduction to BEPS / MLI and Introduction to BEPS Action 1	CA Rashmin Sanghvi
2. Analysis of MLI and its operation	CA Radhakishan Rawal
3. Transparent entities and elimination of double tax – Articles 3 and 5 of MLI (BEPS Action 2 Report)	CA Vispi T. Patel
4. Prevention of Treaty Abuse - Article 7 (SLOB) (BEPS Action 6 report)	CA Jiger Saiya
5. MLI Implementation in India and Global Trends- Key Issues and What Next?	Mr. Vinay Kumar Singh, IRS
6. Exchange of Information and Tax Transparency	Mr. Rahul Navin, IRS
7. Prevention of Treaty Abuse – Articles 6 and 7 (PPT) (BEPS Action 6 report)	CA Geeta Jani
8. Prevention of treaty abuse – Understanding India impact through Select Case Studies	CA Vishal Gada
9. Commissionaire and Agency PE, Amendment in Explanation 2 to Section 9(1) (I) – Analysis – Articles 12 and 15 of MLI (BEPS Action 7 Report)	Mr. Sanjay Sanghvi, Advocate
10. Preparatory and Auxiliary activity Exemption, Anti-fragmentation Rules and Splitting of contracts - Articles 13, 14 and 15 (BEPS Action 7 Report)	CA Yogesh Thar
11. Limitation on Interest expenditure - BEPS Action 4 and Section 94B of ITA	CA Bhaumik Goda
12. Transparency by Preferential tax regimes (BEPS Action 5 Report) and Transparency-Transfer Pricing documentation and Country-by-Country Reporting, Indian Rules (BEPS Action 13 Report)	CA Karishma Phatarphekar
13. Other anti-avoidance measures – Dividend and Capital Gains on immovable property – Articles 8 and 9 of MLI (BEPS Action 6 report)	CA Daksha Bakshi
14. Other anti-avoidance measures – Dual resident Entities, PE in Third Jurisdictions and Jurisdiction's right to tax its own residents – Articles 4, 10 and 11 of MLI (BEPS Action 6 Report)	CA Shabbir Motorwala
15. Panel Discussion	<b>Chairman</b> CA H. Padamchand Khincha <b>Panellists</b> CA Anish Thacker CA Vishal Shah

Fees	
<b>Members</b>	₹ 8,000/- + ₹ 1,440/- (18% GST) = ₹ 9,440/-
<b>Non-Members</b>	₹ 9,000/- + ₹ 1,620/- (18% GST) = ₹ 10,620/-

## INDIRECT TAXES COMMITTEE

**Chairman:** Naresh Sheth | **Vice Chairman:** Atul Mehta  
**Convenors:** Sumit Jhunjhunwala, Kush Vora, Hemang Shah | **Advisor:** A. R. Krishnan

### 7<sup>TH</sup> RESIDENTIAL REFRESHER COURSE ON GST AT NOVOTEL HYDERABAD CONVENTION CENTRE

**Date:** Thursday, 24th January 2019 to Sunday 27th January 2019  
**Venue :** Novotel & HICC Complex (Adjacent to HITEC City), P. O. Bag 1101,  
 Cyberabad Post Office, 500081 Hyderabad, India

Indirect tax Committee of the Chamber of Tax Consultants is pleased to announce much awaited 7th Residential Refresher Course (RRC) on GST, at NOVOTEL HYDERABAD CONVENTION CENTRE, Next to HITECH City, IT Hub of Hyderabad from 24th January, 2019 to 27th January, 2019.

#### About The Novotel Hyderabad Convention Centre:



Novotel Hyderabad Convention Centre is a tranquil oasis next to HITEC City, the IT hub of Hyderabad. With 15 acres of sprawling landscaped gardens around a 287-room property, participants can enjoy a revitalising break surrounded by lush greenery in a serene setting with luxurious stay.

As the name suggests, Novotel is a stylish 5-star hotel which sits adjacent to India's most trusted MICE venue, the Hyderabad International Convention Centre, making it a natural choice for organising premium conferences.

The venue is a highly suited base for exploring Hyderabad – the City of Pearls. It is a great destination for seeking a relaxing stay in a resort-like ambience, replete with the sights and sounds of exotic birds, peaceful surroundings and a private driveway for a memorable arrival experience.

Participants may visit the hotel website: <http://www.novotelhyderabad.com> for further details.

#### About Hyderabad City:

Hyderabad historically was known as a pearl and diamond trading centre, and it continues to be known as the "City of Pearls".

Occupying 650 square kilometres (250 sq miles) along the banks of the Musi River, much of Hyderabad is situated on hilly terrain around artificial lakes, including Hussain Sagar—predating the city's founding—north of the city centre.

Established in 1591 by Muhammad Quli Qutb Shah, Hyderabad remained under the rule of

the Qutb Shahi dynasty for nearly a century before the Mughals captured the region. In 1724, Mughal viceroy Asif Jah I declared his sovereignty and created his own dynasty, known as the Nizams of Hyderabad.

Relics of Qutb Shahi and Nizam rule remain visible today; the Charminar commissioned by Muhammad Quli Qutb Shah has come to symbolise Hyderabad. Golconda Fort is another major landmark. The influence of Mughlai culture is also evident in the region's distinctive cuisine, which includes Hyderabadi biryani and Hyderabadi haleem. The Telugu film industry based in the city is the country's second-largest producer of motion pictures. Ramoji film city is world's largest integrated film city and India's only thematic holiday destination with magic of cinema.

#### Distinguished features of this RRC

- With advent of GST, RRC is now scheduled for 3 nights/4 days instead of 2 nights/3 days, to provide more learning with relaxed schedule and enough time for participants to enjoy the venue and places around. The relaxed schedule also helps in networking with professional brothers coming from various parts of the country.
- There will be 3 case study papers and 1 technical presentation paper covering the substantive and conceptual aspects of GST.
 

There will be longer duration for intensive group discussion. Faculties will be given more time to cover the case studies in greater depth.
- There will be one non-technical panel discussion, wherein eminent professionals will share their views on the Future and Challenges in GST Practice. This will surely be an icing on the cake.



**RRC Subjects and faculties:**

Papers for Discussion		Faculties
PAPER I	Case studies on interplay of GST, Income Tax, Customs and Foreign Trade Policy perspective in domestic and cross border transactions.	Mr. K. Vaitheeswaran, Advocate, Chennai
PAPER II	Case studies on Levy & Scope of Supply and Place of Supply	CA Pratik Jain, Partner and National Leader, (Indirect Tax)-PWC India, New Delhi
PAPER III	Assorted Case Studies on Input Tax Credit, Valuation, Exemptions and Reverse Charge	Mr. Nishant Shah, Advocate, Partner-Economic Law Practice, Mumbai
Paper for Presentation		
PAPER IV	GST Implications and Issues on SEZ and Exports	CA Jayraj Sheth, Partner-TLC Legal, Mumbai
Panel Discussion		
PAPER V	Practice in GST only – Future & Challenges	Eminent Professionals

**Enrollment fees:**

	Super Early Bird registration on or before 15-10-2018	Early Bird registration from 16-10-2018 but on or before 15-12-2018	Registration on or after 16-12-2018 subject to availability
Members	₹ 16,000 + ₹ 2,880 (18% GST) = ₹ 18,880	₹ 17,000 + ₹ 3,060 (18% GST) = ₹ 20,060	₹ 18,000 + ₹ 3,240 (18% GST) = ₹ 21,240
Non Members	₹ 17,000 + ₹ 3,060 (18% GST) = ₹ 20,060	₹ 18,000 + ₹ 3,240 (18% GST) = ₹ 21,240	₹ 19,000 + ₹ 3,420 (18% GST) = ₹ 22,420

**Accommodation:** Twin Sharing basis**Other relevant information:**

- RRC will commence with Lunch at 12.00 Noon on Thursday, 24th January, 2019 and end by 2 pm (after lunch) on Sunday, 27th January, 2019.
- Check-in time at The Novotel, Hyderabad is at 12 noon on 24th January, 2019. The sessions will start at 3.30 PM on 24th January, 2019. Participants are requested to book tickets accordingly.
- Participants have to make arrangements for reaching the hotel. Hotel Novotel, Hitech City is 35 to 40 minutes drive from Hyderabad Airport and about 60 minutes drive from Hyderabad Railway Station or Secunderabad Railway Station. The participants can avail metered cabs, OLA, Uber, etc., from the airport as well as the railway station.
- RRC fees includes course materials, stay on twin sharing basis and all meals starting with lunch on 24th January, 2019 and end with lunch on 27th January, 2019.
- Participation is restricted to 175 delegates on first come first serve basis. Participants above number 175 will be wait-listed and confirmed on availability of rooms at Hotel.
- Request for refund will not be entertained except where cancellation is for genuine unavoidable circumstances and is subject to the discretion and approval of Managing Council of Chamber.
- Interested Members may enroll from the Chamber's Website [www.ctconline.org](http://www.ctconline.org) to make online payment. Members can also download the Form from The Chamber's website [www.ctconline.org](http://www.ctconline.org) or may collect it from The Chamber's office and send it along with the cheque/DD/Pay Order in favour of "The Chamber of Tax Consultants."
- Outstation members are requested to make the payment by at par Cheque / Demand Draft only or can make online payment through Chamber's website [www.ctconline.org](http://www.ctconline.org).
- For enrollment and any other conference related inquiries, please contact Mr. Hitesh Shah – Manager of Chamber's Office.

**LAW & REPRESENTATION COMMITTEE**

**Chairman:** Mahendra Sanghvi | **Co-Chairman:** Apurva Shah | **Vice-Chairman:** Krish Desai  
**Convenors:** Rahul Thakar, Deepak Jain | **Advisor:** Vipul Joshi

**REPRESENTATIONS**

The L & R committee made following representations.

- Frequent Changes in return filing Schema for AY 2018-19.
- Levy of fee u/s. 234F-CIT(A) for Limited Liability Partnership.
- Draft Notification on Form No. 13.
- Request for extension of due date for filing Tax Audit Report and Return of Income under section 139 of IT Act, 1961.
- Extension of time for filing Form DIR 3 KYC of person's holding DIN Nos. issued before 31st March 2018.

## DIRECT TAXES COMMITTEE

**Chairman:** Devendra Jain | **Vice-Chairman:** Dinesh Poddar, Abhitan Mehta  
**Convenors:** Viraj Mehta, Dharan Gandhi, Nimesh Chothani | **Advisor:** K. Gopal

### DIRECT TAX UPDATE SERIES LECTURE MEETING

**Rule Of Evidence In Assessment, Penalty And Prosecution Proceedings**  
(With Special Reference To Alleged Suspicious Transactions In Shares)

**Date:** 4th October, 2018 | **Time:** 6.00 p.m. to 8.00 p.m.

**Venue:** Walchand Hirachand Hall, 4th Floor, IMC, Churchgate, Mumbai-400 020

**Speaker:** Dr. K. Shivaram, Senior Advocate

During the last decade, the interaction between various Government departments and also exchange of information across the globe has taken a paradigm shift. Earlier source of evidence was restricted to survey or search by the Income Tax Department. Now evidence is available from various sources like – SEBI crackdown on penny stocks, ROC striking of shell companies, FATCA, leak of confidential documents like Panama Papers, Paradise Papers etc.

The new avenues of information have resulted in targeted scrutiny by the Tax Department and have also led to reopening

of assessment. For tax practitioners, it is important to understand which of the information is legally admissible as evidence and would have a bearing on the assessment, penalty and prosecution proceedings.

With a view to have broad guidance on the above developments, the Direct Tax Committee has organised a Direct Tax Update Series Lecture Meeting. The meeting aims to understand Rule of evidence in assessment, penalty and penalty proceedings (with special reference to alleged suspicious transactions in shares).

All members are cordially invited.

## INDIRECT TAXES COMMITTEE

**Chairman:** Naresh Sheth | **Vice Chairman:** Atul Mehta  
**Convenors:** Sumit Jhunjunwala, Kush Vora, Hemang Shah | **Advisor:** A. R. Krishnan

### WORKSHOP ON GST ANNUAL RETURN & GST AUDIT REPORT

**Day and Date:** Saturday, 6th October, 2018 | **Time:** 8.45 a.m. to 1.30 p.m.

**Venue:** 4th Floor, Walchand Hirachand Hall, IMC, Churchgate, Mumbai-400020

The Goods and Services Tax (GST) law is a landmark piece of legislation introduced in Indian history having wide ramifications on business, industry, commerce, Governments, tax professionals and the common man at large.

We all are aware that filing of annual return along with audit report is mandatory and this compliance is to be done on or before 31st December 2018.

The industry and professionals were eagerly awaiting prescribed form of annual return and GST Audit report. The CBIC has finally notified the GST Annual Return in Form GSTR 9 and GST Audit Report in Form GSTR 9C. The last date of filing these documents is 31st December 2018.

The taxpayers and professionals are anxious about varied implications, challenges, complexities involved in compiling annual return and audit report under GST.

The Chamber of Tax Consultants (Chamber) is committed to familiarise and train its members to perform the professional duties in efficient and committed manner. In pursuit of this objective, The Chamber is organising half day workshop wherein the experts will do clause by clause analysis of GST Annual Return and GST Audit Report. They will express their views on subject matter and also deal with reconciliation of annual return and annual audited accounts.

Session	Topics	Speakers
9 a.m. to 11 a.m.	<b>Analysis of Annual return in Forms GSTR-9 &amp; GSTR-9A</b>	<b>CA Ashit Shah</b>
11.30 a.m. to 1.30 p.m.	<b>Analysis of GST Audit report in Form GSTR-9C, duties and responsibilities of Auditors</b>	<b>CA Parind Mehta</b>
Fees		
<b>For members</b>	₹ 944/- (₹ 800/- Fees + ₹ 144/- GST)	
<b>For non-members</b>	₹ 1,180/- (₹ 1,000/- Fees + ₹ 180/- GST)	

Fees can be paid either by cheque/DD in favour of "The Chamber of Tax Consultants" or online through the Chamber's website 'www.ctconline.org'.

The Form can be downloaded from website 'www.ctconline.org' and registration can be done online. Alternatively, forms can be collected from the Chamber's office and sent along with the cheque/DD/Pay Order in favour of "The Chamber of Tax Consultants."



## INTERNATIONAL TAXATION COMMITTEE

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### INTENSIVE STUDY GROUP ON INTERNATIONAL TAXATION

**Day & Date:** Monday, 1st October, 2018 **Time:** 6.00 p.m. to 8.00 p.m.

**Venue:** CTC Conference Room

**Speaker:** Dr. Amar Mehta

**Topic:** Taxation trends in Digital & E-commerce arena.

The presentation would focus on latest international tax developments concerning digital economy and e-commerce, including peculiar business models/scenarios, hot issues, and policy measures/responses of about half-dozen jurisdictions.

**About Speaker:** Dr. Amar Mehta is a chartered accountant (India). He specialises in Indian and multi-jurisdictional international tax

systems including tax treaties. In 2010, he established a niche tax advisory practice (Indi-Genius Consulting Inc.). He is currently based in Canada, and advises India-bound clients, mainly from North America and Europe. He is also a former tax partner of Ernst & Young India, and a former researcher at The International Bureau of Fiscal Documentation (IBFD).

### FEMA STUDY CIRCLE MEETING

**Day & Date:** Thursday, 25th October, 2018 | **Time:** 6.00 pm to 8.00 pm

**Venue :** CTC Conference Room

**Subject:** Issues in Single Master Form Reporting

**Chairman:** CA Paresh P. Shah

**Group Leader:** CA Hardik Mehta

Recently, the reporting requirements for Foreign Direct Investment have undergone a change with the introduction of the Single Master Form. Phase 1 of the new reporting requirements was implemented in July in the form of Entity Master Form. Phase 2 of these requirements has now been rolled out for filings to be done

from 1st September 2018, with all filings to be migrated from the earlier e-Biz portal to the FIRMS portal.

This Study Circle Meeting shall deal with the reporting requirements and issues under Single Master Form.

**Block Your  
Dates**

### THE 5TH INTERNATIONAL STUDY TOUR TO EAST EUROPE

We are pleased to inform you that the International Taxation Committee jointly with RRC & SD Committee plans to hold 5th International Study Tour to East Europe in last week of May, 2019 for Ten Days.

The other details will be announced in the Next Newsletter.



## INTERNATIONAL TAXATION COMMITTEE

**Chairman:** Rajesh P. Shah | **Co-Chairman:** Rajesh L. Shah | **Vice Chairman:** Kartik Badiani  
**Convenors:** Rakesh Upadhyaya, Shreyas Shah, Harshal Bhuta

### INTENSIVE STUDY COURSE ON FEMA

**Date:** 14th | 21st | 22nd December, 2018 | **Time:** 9.00 a.m. to 5.30 p.m.

**Venue:** Hotel West End, Next to Bombay Hospital, New Marine Lines, Mumbai-400 020

CTC is pleased to announce the Intensive Study Course on FEMA to understand the subject in detail and handle various day-to-day transactions in practice.

Course is also targeted for the professionals who wish to consider the subject as an aid to the Global Transaction practice as well as for those who want to consider the subject as a New Practice area.

The course is carefully designed to achieve the objectives and is spread over three days – 14th, 21st, and 22nd December 2018, to be addressed by eminent Professionals in the field including Brains' Trust Session where most of the questions will be replied by the eminent Brains' Trustees.

#### Topics

- Inauguration and Keynote address
- Overview of FEMA, Important definitions, Structure of the Act, Rules & Regulations, Capital & Current Account/ Bank

accounts & Deposits of Non-Residents in India & Bank accounts overseas by residents in India

- Liaison office / Branch office / Project office
- FDI – Schedule 1 & FDI Policy
- FDI – Schedules 2 to 10 & Investment in Partnership & Proprietary Concern
- Immovable Properties in India and Outside India
- Borrowings and Lending in Foreign Currency and Indian Rupees
- Outbound Investments
- Exports of Goods and Services and Imports
- Compounding of Offences
- PMLA
- Brains' Trust Session/Panel Discussion

Fees	Members	Non-Members
<b>Early Bird for Enrolment up to 31st October, 2018</b>	₹ 5,500/- + ₹ 990/- (18% GST) = ₹ 6,490/-	₹ 5,900/- + ₹ 1,062/- (18% GST) = ₹ 6,962/-
<b>Enrolment after 31st October, 2018</b>	₹ 6,000/- + ₹ 1,080/- (18% GST) = ₹ 7,080/-	₹ 6,500/- + ₹ 1,170/- (18% GST) = ₹ 7,670/-

**Restricted to 75 participants only**

## IT CONNECT COMMITTEE

**Chairman:** Dinesh Tejwani | **Vice-Chairperson:** Maitri Savla  
**Convenors:** Uday Shah, Amit Salla

### IT CONNECT STUDY CIRCLE

**Day & Date:** Friday, 23rd November, 2018 | **Time:** 6.00 p.m. to 8.00 p.m.

**Venue:** CTC Conference Room

**Speaker:** Mr. Malvik Majithia | **Subject:** How Artificial Intelligence is Changing Accounting and Auditing

Although artificial intelligence techniques such as machine learning are not new, and the pace of change is fast, widespread adoption in business and accounting is still in early stages. To build a positive vision of the future, we need to develop a deep understanding of how artificial intelligence can solve accounting and business problems, the practical challenges and the skills

accountants need to work alongside intelligent systems.

Drawing on the experience across many aspects of business, finance and accounting, the session will focus on building understanding of the practical use of artificial intelligence across business and accounting activities today and in the near future.

## RESIDENTIAL REFRESHER COURSE & SKILL DEVELOPMENT COMMITTEE

**Chairman:** Bhavesh Joshi | **Co-Chairman:** Vijay Bhatt | **Vice-Chairmen:** Mehul Sheth & Bhavik Shah  
**Convenors:** Ankit Sanghavi & Ryan Fernandes | **Advisor:** Kishor Vanjara  
**Programme Co-ordinator:** Charu Ved

### CAPITAL MARKET STUDY CIRCLE MEETING

**Day & Date:** Friday, 5th October, 2018 | **Time:** 6.00 pm to 8.00 pm  
**Venue:** Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate, Mumbai-400 020.  
**Subject:** Emerging Trends in Equity Market in these Turbulent Times and way forward  
**Speaker:** Mr. Dilip Bhat, Jt. MD, Prabhudas Lilladher Pvt. Ltd.  
**Speaker:** Mr. Ajay Bodke, CEO & Chief Portfolio Manager (PMS) Prabhudas Lilladher Pvt. Ltd.

There has been a huge turmoil in Indian Equity markets due to Global as well as domestic reasons. Regulatory changes also play a vital role in equity markets.

To understand the current Market scenario and what one should expect further and what one must do in this situation, the RRC &

SD Committee has organized a Study Circle Meeting on Capital Market.

Here is a great opportunity for all to listen to the experts in the equity market on Investing, Trading strategies, Technical analysis and Fundamental analysis.

**All CTC Members are cordially invited to take benefit of this meeting**

## STUDY CIRCLE & STUDY GROUP COMMITTEE

**Chairman:** Ashok Sharma | **Vice-Chairman :** Dilip Sanghvi, Sanjay Chokshi  
**Convenors:** Dinesh Shah, Ujwal Thakkar, Tanmay Phadke | **Advisor:** Mahendra Sanghvi

### STUDY GROUP MEETING

**Day & Date:** Friday, 2nd November, 2018 | **Time:** 6.15 p.m. to 8.00 p.m.  
**Venue:** Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate, Mumbai-400 020.  
**Subject:** Recent Judgments under Direct Taxes  
**Group Leader:** Mr. Nitesh Joshi, Advocate

**Note:** During the Course of the meeting 5 to 10 minutes will be devoted for discussion on latest circulars & Notifications. The speaker for the same will be announced later.

### STUDY CIRCLE MEETING

**Day & Date:** Tuesday, 9th October, 2018 | **Time:** 6.15 p.m. to 8.00 p.m.  
**Venue:** Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate, Mumbai-400 020.  
**Subject:** Taxation of Share & Securities Part (II)  
**Group Leader:** CA Bhadrash K. Doshi

This meeting is in continuation of earlier meeting held on 19th June 2018.

## INDIRECT TAXES COMMITTEE

**Chairman:** Naresh Sheth | **Vice Chairman:** Atul Mehta  
**Convenors:** Sumit Jhunjhunwala, Kush Vora, Hemang Shah | **Advisor:** A. R. Krishnan

### INDIRECT TAX STUDY CIRCLE MEETING

**Day & Date:** Friday, 5th October, 2018  
**Time:** 5.15 p.m. to 8.45 p.m. (Discussion) 7.00 p.m. to 7.15 p.m. (Snacks)  
**Venue:** Jai Hind College, A. V. Room, 4th Floor, A Road, Churchgate, Mumbai-400 020  
**Subject:** GST Implication for Charitable Trust, Co-operative Society and NGO  
**Chairman:** Mr. Shailesh Sheth, Advocate | **Speaker:** Mr. Rahul Thakkar, Advocate

## IT CONNECT COMMITTEE

**Chairman:** Dinesh Tejwani | **Vice-Chairperson:** Maitri Savla  
**Convenors:** Uday Shah, Amit Salla

### IT CONNECT STUDY CIRCLE MEETING

**Date:** 5th October 2018 | **Time:** 6:00 p.m. to 8.00 p.m.

**Venue:** CTC Conference Room

**Speaker:** CA Dinesh Tejwani [Director, Tech Ideas]

#### How Technology is Changing Gig Economy (Freelance work)

Gig Economy is basically an environment in which temporary positions are common and organisations contract with independent workers for short-term engagements.

In this digital age, the workforce is increasingly mobile and work can increasingly be done from anywhere, so that job and location are decoupled. That means freelancers can select among

temporary jobs and projects around the world, while employers can select the best individuals for specific projects from a larger pool than that available in any given area.

This session will cover ways in which Technology will change the Gig Economy in 2018.

### SEMINAR ON RECORDS RETENTION: LEGAL PROVISIONS AND DOCUMENT MANAGEMENT SOLUTIONS

**Day & Date:** Friday 7th December, 2018 | **Time:** 5:30 p.m. to 8:30 p.m.

**Venue:** Babubhai Chinai Committee Room, 2nd Floor IMC, Churchgate, Mumbai

Accounting and compliance documents have to be retained as per the relevant laws. With growing business and increasing compliance requirements, storing, managing and retrieving these documents becomes a challenge for businesses. The seminar presents a complete solution covering legal as well as technology aspects.

#### Session 1

##### Record Retention under Various Laws.

The session will cover type of documents to be retained and retention period under Income-tax, GST and corporate laws. It will also cover the document retention requirements during peer review.

**Speaker:** CA Amlsh Gupta

#### Session 2

##### Document Management Solution

The session will cover various software tools available for storing and retrieving documents.

**Speaker:** CA Maitri Chheda

#### Session 3

##### Document Tagging in Accounting

Today several accounting packages permit tagging and storing vouchers with the accounting entry itself. This session will describe this feature with practical demo of such tools in Tally and Zoho.

**Speaker:** CA Anand Paurana

Fees	Member	Non-Member	Student
	₹ 400/- + ₹ 72/- 18% GST = ₹ 472/-	₹ 500/- + ₹ 90/- 18% GST = ₹ 590/-	₹ 250/- + ₹ 45/- 18% GST = ₹ 295/-

## COMMERCIAL AND ALLIED LAWS COMMITTEE

**Chairman:** Rahul Hakani | **Vice Chairman:** Ranit Basu  
**Convenors:** Nihar Mankad, Loshika Bulchandani, Shilpa Thakar | **Advisor:** Pravin Veera

### ALLIED LAWS STUDY CIRCLE MEETING

**Day & Date:** Friday, 26th October 2018 | **Time:** 5:45 p.m. to 7.30 p.m.

**Venue:** SNTD Womens University, SNTD College, Churchgate, Mumbai-400 020.

**Speaker:** Mr. Yogesh R. Israni, Advocate

**Topic:** Recent developments under the Negotiable Instruments Act and Remedies against arrest under GST Laws.

<b>Fees</b>	Free for Allied Laws Study Circle Members	₹ 300/- + GST ₹ 54/- = ₹ 354/- for Others
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## CORPORATE CONNECT COMMITTEE

**Chairman:** Paras Savla | **Vice-Chairman:** Jiger Saiya  
**Convenors:** Vitang Shah, Saumil Shaparia | **Advisor:** Sujal Shah

### LECTURE MEETING ON COMPANIES (SIGNIFICANT BENEFICIAL OWNERS) RULES, 2018 (SBO RULES)

**Day & Date:** Tuesday, 23rd October, 2018

**Time:** 5.45 p.m. to 8.00 p.m. (Fellowship over Tea : 5.45 p.m. to 6.15 p.m.)

**Speaker:** Eminent Faculty

**Venue:** Walchand Hirachand Hall, IMC, Churchgate

The Ministry of Corporate Affairs on June 13, 2018 had notified section 22 of the Companies (Amendment) Act, 2017 i.e., amended section 90 of the Companies Act, 2013 and also issued Companies (Significant Beneficial Owners) Rules, 2018. Keeping this in mind, the Corporate Connect Committee of the Chamber of Tax Consultants has organised a Lecture Meeting on 'Companies (Significant Beneficial Owners) Rules, 2018' which will broadly cover the significant definitions for SBO (under the SBO Rules and various other laws), the Rules for determination of SBO,

the declarations and disclosures to be made by the Company regarding SBO, the powers of Company to seek information regarding SBO, the practical issues / challenges in filing the declarations in Form BEN-1 and BEN-2 and other related topics.

This Lecture Meeting will be of immense value not only to the company secretaries, legal practitioners and chartered accountants but to all professionals, corporate advisors and public at large. This is a free lecture meeting open to all, even non-professionals and members of the general public.

**All are cordially invited to take benefit of this lecture meeting**

## DIRECT TAXES COMMITTEE

**Chairman:** Devendra Jain | **Vice-Chairman:** Dinesh Poddar, Abhitan Mehta  
**Convenors:** Viraj Mehta, Dharan Gandhi, Nimesh Chothani | **Advisor:** K. Gopal

### INTENSIVE STUDY GROUP (ISG) ON - DIRECT TAXES

**Day & Date:** Monday, 8th October, 2018 **Time:** 6.00 p.m. to 8.00 p.m.

**Venue:** CTC Conference Room

**Speaker:** Mr. Fenil Bhatt, Advocate

**Topic:** Recent Important Decisions under Direct Taxes

## CTC PUBLICATION

### CHAMBER'S 'INTERNATIONAL TAX JOURNAL'

The Chamber of Tax Consultants has launched the International Tax Journal to be published quarterly and the first of its kind in India. Its main focus is to equip professionals with complete International Tax updates on domestic as well as Global developments. It is the intention of the Editorial Team that the Journal may provide a one stop solution for the professionals to understand the nuances and issues in this field on a day-to-day basis.

The highlights of the International Tax Journal are as under:

Editorial Board consisting of Mr. K. Gopal, Mr. Padamchand Khincha, Dr. Amar Mehta, Mr. Paresh P. Shah & Mr. Anish Thacker

- Articles are written by thought leaders practising in the field of international tax with wide representation from the Indian revenue department as well as from international jurisdictions
- Articles are covered on the concept, historical developments and the present day status relevant to the International tax practice
- A 'one stop' solution for all the international tax practitioners as well as for the beginners who want to start practice in the field of international tax



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## UNREPORTED DECISIONS OF TRIBUNAL

By Ajay R. Singh, Advocate

1. **S. 153C: Assessment - Search or requisition - No addition can be made in respect of an unabated assessment which has become final if no incriminating material is found during the search. Provisions cannot be invoked**

The assessee was subjected to proceedings u/s. 153C pursuant to search & seizure operations u/s. 132 on 09/01/2013 in the group cases belonging to M/s. Enpar. The quantum assessment order at para-3 record a finding that the trial balances belonging to assessee for the period April 2010 to March 2011, April 12 to 9-1-2013 & April 2011 to March 2012 were seized. In response to notice u/s. 153C, the assessee offered the same return of income as filed u/s. 139(1) at ₹ 41,400/-. From perusal of financial statements, it was found that the assessee raised a sum of ₹ 12.70 crore by way of issue of share capital from five parties, the details of which have already been extracted at para 7 of the quantum assessment order. The Ld. AO, not satisfied with creditworthiness of the share allottees, added the aforesaid amount to the income of the assessee as cash credit u/s. 68.

Held that though the documents relied upon by the AO for initiating the proceedings u/c. 153C for AY 2007-08 to AY 2012-13 pertain to period AY 2010-11, 2011-12 and 2013-14, no additions have been made in those assessment years. The only assessment year in which additions have been made is the AY 2008-09. Even in that assessment year, the additions made were not based on the documents as relied upon by the AO. This clearly shows that no incriminating documents relating to the appellant was seized for AY 2008-09. Further the assessment for AY 2008-09 was completed u/s. 143(3) r.w.s. 147 of the Act, before the date of initiation of the search. Therefore, respectfully following the decision of the Hon'ble jurisdictional Bombay High Court in case of *CIT-11, Thane vs. Continental Warehousing Corporation (Nhava Sheva) Ltd.*, [(2015) 374 ITR 645] it was held that the AO was not justified in making the addition. Accordingly, the addition of ₹ 12,70,00,000/- was deleted.

**DCIT vs. Silver Sand Beach Inn Private Ltd., ITA No. 4907/Mum/2016, DOH: 08/08/2018 (Mum.)(Trib.)**

2. **S. 154 : Rectification of mistake – claimed rebate u/s. 88E of the Act on account of STT paid - rebate admissible on the income arising from taxable securities transaction,**

**considering the average rate – Debatable issue–Not a matter for rectification. [S. 88E]**

The assessee company is engaged in the business of share trading and also investment. During the course of assessment proceedings, the assessee claimed rebate u/s. 88E of the Act on account of STT paid at ₹ 30,93,497/- and which was eventually allowed by the AO while completing the assessment u/s. 143(3) of the Act.

The AO issued notice u/s. 154 of the Act and according to AO, the assessment framed suffers from mistake apparent from record as the rebate u/s. 88E of the Act has been allowed excessive.

The assessee relied on Tribunal's order in the case of *DCIT vs. M/s. Malhar Traders Pvt. Ltd. in ITA No. 707/Mum/2011* for AY 2007-08, wherein Tribunal has categorically held that to invoke sub-section 88E of the Act, which clearly provides that the deduction of security transaction paid would be in total if the total income of the assessee includes income chargeable under the head profits and gains of business or profession.

Tribunal found that 88E of the Act provides where the total income of the assessee in previous year includes any income chargeable under the head "Profits and gains of business or profession" arising from transaction chargeable to securities transaction tax, he shall be allowed deduction of an amount equal to the securities transaction tax paid by him in respect of transactions chargeable to securities transactions tax entered into in the course of business during that previous year. From the amount of income-tax on such income arising from such transaction. According to the above provisions, we are of the view that an assessee is eligible for deduction from the amount of income-tax on such income arising from such transactions computed in the manner provided in section 88E of the Act i.e., an equal amount to the securities transaction paid by him in respect of taxable securities transaction entered into in the course of business during the previous year. It means that the issue has two plausible views and once, it is doubtful issue, the AO cannot resort to section 154 of the Act i.e., rectification of mistake apparent from record. Accordingly, allow the appeal of the assessee.

**Prakash Securities Pvt. Ltd. vs. ACIT, ITA No. 2624/Mum/2017, DOH: 29/08/2018 (Mum.)(Trib.)**

Note : THE WHOLE DECISIONS CAN BE DOWNLOADED FROM THE WEBSITE [WWW.CTCONLINE.ORG](http://WWW.CTCONLINE.ORG) UNDER KNOWLEDGE CENTRE

## UNREPORTED DECISIONS (Service Tax)

By Vinay Jain & Sachin Mishra, Advocates

1. **Whether services by way of supervision and approvals for 'construction of railways siding' from the Railway authorities to the assessee amounts to 'Business Support Services' thereby rendering the assessee liable to pay service tax under reverse charge mechanism?**

**Facts and Pleadings:** M/s. Nabha Power Limited (hereinafter referred to as the 'Appellants'), a wholly owned subsidiary of Larsen and Toubro, has a Thermal

Power Plant in Rajpura. The coal required to generate power in the plant is being transported to the power plant through network of railways. However, the last railway station was at a considerable distance from the power plant. Therefore, the Appellants required to construct railways siding for transportation of coal from the last station to the power plant. The construction of the siding involved various alterations and modification to the existing station which

required mandatory approvals, permits and supervisions of the Railways. Therefore, the Appellants constructed the siding under the mandatory supervision and approval of the Railways and made payment to the Railways in relation to the same.

It is the case of the department that the Appellants have in fact availed '**Business Support services**' under section 65(105)(zzzq) from the Railways by way of supervision and approvals, and are required to pay service tax under reverse charge mechanism. According to the department, the construction or supervision of '**private railway sidings**' at hand is not a statutory function. It was also contended that the consideration paid to the Railways for the services at hand does not stem from a statute but is based on the letters issued by the Railways board thereby denying that Railways are rendering statutory functions. The department also relied on the judgment of the Hon'ble High Court of Delhi in the case of **Union of India vs. Competition Commission of India** to say that the activity undertaken by the Indian Railways amount to 'Business Support Services'.

The Appellants relied on the Circular dated 10-6-2012 to say that in the present case the supervision services have been provided by Railways (Government) in terms of their sovereign rights to business entities and which are not substitutable in any manner by any private entity. Further, the services at hand cannot be performed by the Appellants themselves. Therefore, these services cannot be termed as Business Support Services. The Appellants also added that the consideration has been paid into the Consolidated Fund of India and has not been retained by the Railways. Additionally, the Appellants contended that services received in relation to construction of siding are exempt from levy of service tax under entry no.14A of the Notification No. 25/2012-ST dated 20-6-2012.

**Judgment:** The Hon'ble CESTAT held that no service tax is payable by the Appellants considering several grounds. Firstly, 'siding' falls within the definition of 'Railways' as per the Railways Act. Secondly, the Hon'ble CESTAT noted that the Appellants are making **mandatory** deposits to the Railways for various approvals and supervisions for construction of siding as per Circular No.1/2012.

The Hon'ble CESTAT also considered the Circular dated 20-6-2012 and held that the supervision services and approvals availed from the Railways cannot be done by the Appellants themselves or any other agency and hence, do not constitute support services. Further, the Hon'ble CESTAT noted that the services by Government or local authority in relation to the transport of goods or passengers are exempt from service tax under the negative list u/s. 66D of Finance Act, 1994 which in turn exempts the services at hand.

The Hon'ble CESTAT also noted that the amount paid by the Appellants to the Railways has gone to the Consolidated Fund of India which shows that the activity undertaken by the Railways are statutory in nature. Therefore, the Appellants are not liable to pay service tax. Lastly, the Hon'ble CESTAT considered the Notification No. 25/2012-ST dated 20-6-2012, Serial No. 14A which exempts the services in relation to 'construction, erection, commissioning

or installation of original works pertaining to railways' from payment of service tax. It was thus held that since railways include siding and yard, the Appellants are not liable to pay service tax on services (supervision) in relation to construction of railway siding as per the aforementioned Notification.

**M/s. Nabha Power Limited vs. Commissioner of Central Excise & ST, Chandigarh decided on 16-8-2018 in Appeal No. ST/52893/2015-DB**

**2. Whether the 'Dormant Account Charges' charged by banks for operating an account of a customer which remained inoperative or dormant is leviable to service tax under Finance Act, 1994?**

**Facts and Pleadings:** M/s. Karur Vysya Bank Ltd. (hereinafter referred to as the 'Appellants') is a banking company which is engaged in providing Banking and other Financial Services. The Appellants were charging 'Dormant Account Charges' from its customer for operating their accounts that remained inoperative or dormant for more than 12 months.

It is the case of the department that the Appellants have in fact received the said amount for rendition of 'Banking and other Financial Services' as the financial services of 'operation of bank accounts' is liable to service tax w.e.f. 19-9-2004. The department further alleged that the 'Dormant Account Charges' is directly linked to the services provided by the Appellants to its customers by way of maintaining their inoperative bank accounts and by way of keeping such account in a dormant status in their operating scheme.

The Appellants contended that in a 'Dormant Account', there is no 'operation of bank account' as such accounts remain inoperative for more than 12 months. Further, the 'Dormant Account Charge' is a penalty for a customer who is not operating the bank account on regular basis and the purpose of the implementation of this charge is for regulating the dormant bank account into an operative one (or) to eliminate those accounts from the system for the effective utilisation of the other operative customers.

**Judgment:** The Hon'ble CESTAT held that there was no service being provided by the Appellants to its customer in the course of levying 'Dormant Account Charge'. The Hon'ble CESTAT observed that in any case, the customer was not operating his account for quite some time, only for which reason the account was declared dormant or inoperative by the bank. By levying "dormant account charges" such account holders were not getting any additional services or benefits that they were not getting earlier. Therefore, the Hon'ble CESTAT concluded that levy of such charges are nothing but a penalty imposed on such account holders for keeping their account inoperative. Banks need a constant rolling of money and deposits, and inoperative or dormant account will not help this purpose. The dormant account charges are therefore nothing but a charge in the nature of penalty.

**M/s. Karur Vysya Bank Limited vs. Commissioner of Central Excise, Tiruchirappalli, CESTAT Chennai decided on 10-8-2018 in Appeal No. ST/480/2010**

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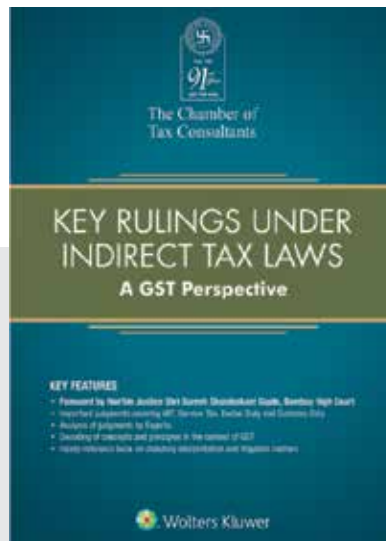
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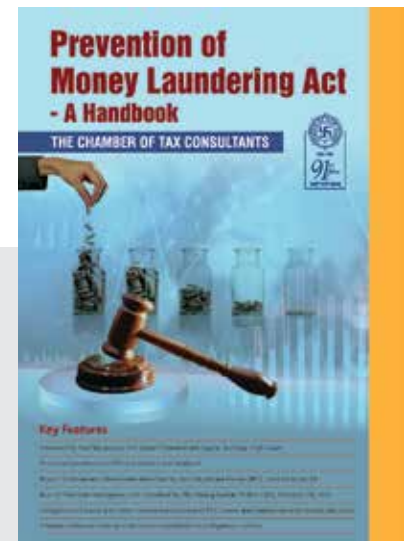
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