

THE CTC NEWS

Monthly Newsletter of The Chamber of Tax Consultants

(For Private Circulation - Members Only)

MAY 2025

नियतं कुरु कर्म त्वं कर्म ज्यायो ह्यकर्मणः।
शरीरयात्रापि च ते न प्रसिद्ध्येदकर्मणः॥ ३-८

*Therefore, do you perform your allotted duty; for
action is superior to inaction. Desisting from
action, you cannot even maintain your body.
- Bhagavad Gita 3:8.*

BHAGAVAD
GITA

CONTENTS

Sr No.	Date	Committee	Programme Description	Pg. No.
1			RENEWAL NOTICE – 2025-26	4
2	7-5-2025	International Taxation Committee	International Taxation Study Circle Meeting on Recent Developments in International Tax Case Law [Virtual Mode]	5
3	9-5-2025	Direct Taxes Committee	Intensive Study Group (ISG) – Direct Taxes Meeting on Recent Important Decisions Under Direct Tax (Virtual Mode)	5
4	17-5-2025	International Taxation Committee	Full Day Seminar on “Global Transfer Pricing Summit” (Physical Mode)	6
5	26-5-2025 30-5-2025 2, 4, 6, 9, 18, 20, 21, 23-6-2025	International Taxation Committee & Student Committee	2nd International Taxation Course for Beginners [Virtual Mode]	7-8
6	16-5-2025	Study Circle / Study Group	Study Circle Meeting on Section 45(5A) & its related issues (Hybrid Mode)	9
7	19-5-2025	Study Circle / Study Group	Study Circle Meeting on Analysis of Sections 68 to 69D of Income Tax Act (Hybrid Mode)	9
8	23-5-2025	International Taxation	International Taxation Study Circle Meeting on Capital Gains for Non-residents [Virtual Mode]	10
9	15-5-2025	Direct Taxes Committee	Lecture Meeting on Stay & Recovery Proceedings under IT Act, 1961 (Virtual Mode)	10
9			Important Decisions under GST and Service Tax Laws	11
10			Unreported Tribunal Decisions	13

If members have any query, kindly contact the following staff members.

Hitesh G. Shah : *Chief Manager* - 9821889249 | Pradeep Nambiar - *Manager - Events & Journal* - 8080254129
Manisha Kasbe: *Manager-Accounts* - 8104816841

Helpdesk: (1) Events: Mr. Pradeep Nambiar / Mr. Anand Kadam / Mr. Rajesh Patil Email: events@ctconline.org
(2) Accounts: Ms. Manisha Kasbe / Ms. Vanita Subramanian Email: accounts@ctconline.org
(3) Journal: Mr. Pradeep Nambiar Email: jou@ctconline.org
(4) Membership: Ms. Neha Kadakia / Ms. Vanita Subramanian Email: member@ctconline.org

to a

New Office in the same premises

**We are happy to announce that
we have recently moved from office No. 3 to office No. 1
Come and visit our new premises**

1, Rewa Chambers, Ground Floor, 31, New Marine Lines, Mumbai 400 020.
+91-22-2200 1787 / +91-22-2209 0423 / +91-22-2200 2455, +91 90049 45579

We request you to mark the change in your records for all future correspondence

RENEWAL NOTICE – 2025-26

Dear Members,

SUB: RENEWAL OF ANNUAL MEMBERSHIP FEES FOR F.Y. 2025-2026

March 7, 2025

It is our privilege to have been of service to you over the years. We truly appreciate and value your association. It is time to renew annual membership, subscription of The Chamber's Journal, Study Groups and Study Circles for the financial year 2025-26. We thank you for your subscription. Your involvement is important and very much appreciated. We hope you will always continue to support The Chamber in its activities and growth as done in the past.

Thanking You,

For The Chamber of Tax Consultants

CA Vitang N. Shah

Hon. Treasurer

Sr. No.	Particulars	Fees	GST @18%	Total
I	MEMBERSHIP RENEWAL FOR EXISTING MEMBERS			
1	ORDINARY MEMBERSHIP FEES - (APRIL TO MARCH) – WITH HARD COPY OF JOURNAL	2800	504	3304
2	ORDINARY MEMBERSHIP FEES - (APRIL TO MARCH) – WITH SOFT COPY OF JOURNAL (E-JOURNAL)	1700	306	2006
3	ASSOCIATE MEMBERSHIP - (APRIL TO MARCH)	9000	1620	10620
4	STUDENT MEMBERSHIP - INCLUDING E JOURNAL (APRIL TO MARCH)	500	90	590
II	CHAMBER'S JOURNAL SUBSCRIPTION – (APRIL TO MARCH) (HARD COPY)			
1	JOURNAL SUBSCRIPTION - LIFE MEMBERS	1500	0	1500
2	JOURNAL SUBSCRIPTION - NON MEMBERS	2800	0	2800
3	JOURNAL SUBSCRIPTION - STUDENT MEMBERS	1000	0	1000
III	COURIER CHARGES FOR CHAMBER'S JOURNAL (OPTIONAL)	550	100	650
IV	CHAMBER'S E – JOURNAL SUBSCRIPTION (SOFT COPY)			
1	E JOURNAL SUBSCRIPTION – FOR LIFE MEMBERS (APRIL TO MARCH)	1000	180	1180
2	E JOURNAL SUBSCRIPTION – FOR NON MEMBERS (APRIL TO MARCH)	1300	234	1534
V	ITJ SUBSCRIPTION			
1	INTERNATIONAL TAX JOURNAL SUBSCRIPTION (QUARTERLY – APRIL TO MARCH)	1600	0	1600
VI	STUDY CIRCLES & STUDY GROUPS			
1	STUDY GROUP (DIRECT TAXES)	2000	360	2360
2	STUDY CIRCLE (DIRECT TAXES)	2000	360	2360
3	STUDY CIRCLE (INTERNATIONAL TAXATION)	2000	360	2360
4	STUDY CIRCLE (INDIRECT TAXES)	2000	360	2360
5	CORPORATE AND IBC STUDY CIRCLE (VIRTUAL MEETINGS ONLY)	750	135	885
6	INTENSIVE STUDY GROUP ON DIRECT TAX	2000	360	2360
7	FEMA STUDY CIRCLE	1800	324	2124
8	PUNE STUDY GROUP	2000	360	2360
9	BENGALURU STUDY GROUP	2000	360	2360
10	HYDERABAD STUDY GROUP	2000	360	2360
11	SPECIAL DISCOUNT (FOR OUT STATION MEMBERS – VIRTUAL MODE ONLY) ALL STUDY CIRCLES / STUDY GROUPS MEETINGS HELD AT MUMBAI (APPLICABLE FOR SR. NO. 1 TO 7 ABOVE)	3500	630	4130
12	SPECIAL DISCOUNT (FOR MUMBAI, THANE, NAVI MUMBAI MEMBERS ONLY) ALL STUDY CIRCLES / STUDY GROUPS MEETINGS (APPLICABLE FOR SR. NO. 1 TO 7 ABOVE)	5500	990	6490
VII	FEES FOR INCOMING NEW MEMBERS			
1	LIFE MEMBERSHIP (UPTO 31ST MARCH, 2025)	15000	2700	17700
	LIFE MEMBERSHIP (W.E.F. FROM 1ST APRIL, 2025)	18000	3240	21240
2	ADMISSION FEES – (ORDINARY MEMBERSHIP)	1000	180	1180
	ORDINARY MEMBERSHIP FEES - (APRIL TO MARCH) – WITH HARD COPY OF JOURNAL	2800	504	3304
	ORDINARY MEMBERSHIP FEES - (APRIL TO MARCH) – WITH SOFT COPY OF JOURNAL (E-JOURNAL)	1700	306	2006
3	ADMISSION FEES – (ASSOCIATE MEMBERSHIP)	1200	216	1416
	ASSOCIATE MEMBERSHIP FEES - (APRIL TO MARCH)	9000	1620	10620

Notes:

- Members are requested to visit our website www.ctconline.org for online payment.
- Payments should be made by Account Payee Cheque/Demand Draft in favour of "THE CHAMBER OF TAX CONSULTANTS". Outstation members are requested to send payments only by "Demand Draft or At Par Cheque". Members who are paying by NEFT are requested to share the UTR NO for the payment done.
- A consolidated Cheque/Draft may be sent for all payments.
- Please also update your Mobile number & e-mail address to ensure receipt of regular updates on activities of The Chamber.
- Please write your full name and Mobile No on the reverse of Cheque/DD.
- Kindly pay your membership fees by 30th April, 2025 for uninterrupted service of the Chamber's Journal.
- Members are requested to download the Renewal Form from Chamber's website www.ctconline.org
- Renewal Notices are also sent separately and members are requested to fill up the same and send it to The Chamber's office along with the cheque/DD.
- Renewal Notice contains entire information of Members as per CTC database. In case of any change in information of Member as shown in Form, kindly provide updated information along with the form.

International Taxation Committee

Chairperson: Karishma Phatarphekar
Co-Chairman: Shabbir Motorwala
Vice-Chairman/Vice-Chairperson:
 Namrata Dedhia, Niraj Chheda
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Convenors: Chaitanya Maheshwari,
 Monica Wadhani, Tanvi Vora, Vishal D. Shah

**International Taxation Study Circle Meeting on
 Recent Developments in International Tax Case
 Law [Virtual Mode]**
Wednesday, May 7, 2025

6:00 p.m. - 8:00 p.m.

Speakers : CA Hiren Shah & CA Geeta Bhatia

The International Taxation Committee of The Chamber of Tax Consultants has organised a Study Circle Meeting on “Recent Developments in International Tax Case Law” scheduled on 7th May, 2025.

Participation Fees

For International Taxation Study Circle Members	NIL
CTC Members	₹ 200/- + ₹ 36/- (GST) = ₹ 236/-
Non-Members	₹ 300/- + ₹ 54/- (GST) = ₹ 354/-

Participation Fees to be paid online:
 Zoom link will be shared nearing to the event.

Direct Taxes Committee

Chairman : Viraj Mehta
Vice-Chairman : Chirag Wadhwa
Ex-Officio : Vijay Bhatt, Jayant Gokhale
Convenors : Ketki Mittal, Prasanna K.,
 Viral Shah
Advisor: Mahendra Sanghvi

**Intensive Study Group (ISG) – Direct Taxes
 Meeting on Recent Important Decisions
 Under Direct Tax (Virtual Mode)**
Friday, May 9, 2025

6:00 pm - 8:00 pm

Speaker : Adv. Gautam Thacker

The Meeting of Intensive Study Group (ISG) – Direct Taxes on Recent Important decision under Direct Taxes will be held on 9th May 2025. The details of the meeting which will be held via Zoom are as follows:

Participation Fees

Intensive Study Group (ISG) – Direct Taxes Members	NIL
CTC Members	₹ 200/- + ₹ 36/- (GST) = ₹ 236/-
Non-Members	₹ 400/- + ₹ 72/- (GST) = ₹ 472/-

Participation Fees to be paid online on the website:
 Zoom link will be shared nearing to the event.

International Taxation Committee

Chairperson: Karishma Phatarphekar
Co-Chairman: Shabbir Motorwala
Vice-Chairman/Vice-Chairperson:
 Namrata Dedhia, Niraj Chheda
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Convenors: Chaitanya Maheshwari,
 Monica Wadhani, Tanvi Vora, Vishal D. Shah

Full Day Seminar on “Global Transfer Pricing Summit” (Physical Mode)

Saturday, 17th May, 2025

8.45 am to 5.30 pm

Venue: Walchand Hirachand Hall, IMC Building, IMC Marg,
 Near Churchgate, Mumbai, 400020

We are pleased to announce the **Global Transfer Pricing Summit**, curated by the **International Taxation Committee of the Chamber of Tax Consultants (CTC)**. This full-day workshop promises an in-depth exploration of advanced and globally relevant transfer pricing matters. We will be focusing on key topics such as recent developments in transfer pricing, practical experiences and issues faced in transfer pricing assessment including global perspective, interplay with regulatory requirements and more. The workshop will feature eminent speakers and a panel discussion with experts including discussion on case studies on industry issues.

Don't miss this opportunity to gain valuable insights into the transfer pricing practical issues and its intricacies based on extensive experience of TP experts. While the upcoming International Tax RRC also includes a few sessions on Transfer Pricing focused around issues relevant to international tax professionals, the Global TP Summit is intended to stimulate a specific focus on finer recent practical nuances in the TP world, making it a must attend for Transfer Pricing professionals!

Sr. No.	Timing	Topic	Speaker
1	8.45 am to 9.30 am	Registration & Breakfast	
2	9.30 am to 9.45 am	Welcome Address	CA Karishma Phatarphekar, Chairperson - International Taxation Committee
3	9.45 am to 10.45 am	Overview and evolution of Indian TP landscape (including Q&A)	CA Sanjay Tolia
	10.45 am to 11.00 am	Tea- Break	
4	11.00 am to 12.00 noon	Fire side chat – Practical experience on TP Assessments	Moderator: CA Waman Kale Panelist : 1. CA Maulik Doshi 2. CA Pradeep Mitra
5	12.00 noon to 1.00 pm	Recent Global TP decisions and its implications on Indian TP landscape	Mr. Akshay Kenkre
	1.00 pm to 2.00 pm	Lunch	
6	2.00 pm to 3.15 pm	Arm's length requirements as per SEBI LODR / Companies Act	Mr. Bhupendra Kothari
	3.15 pm to 3.30 pm	Tea- Break	
7	3.30 pm to 5.00 pm	Case studies on Industry specific issues (including economic adjustments)	Moderator: CA Karishma Phatarphekar Panelist: CA Vijay Iyer + Eminent Faculties
8	5.00 pm to 5.15 pm	Q&A session	
9	5.15 pm to 5.30 pm	Conclusion	CA Namrata Dedhia

Participation Fees

Early Bird Fees till 5th May, 2025

for CTC Members - ₹ 2,500/- + 18% GST

for Non-members - ₹ 2,800/- +18% GST

Post early Bird Fees

for CTC Members - ₹ 3,000/- + 18% GST

for Non-members - ₹ 3,300/- + 18% GST

Participation Fees to be paid online on the website: [CLICK HERE](#) to make payment.

Payment can also done through UPI – thech90049983@barodampay.

Please share the screenshot and email to events@ctconline.org.

International Taxation Committee

Chairperson: Karishma Phatarphekar
Co-Chairman: Shabbir Motorwala
Vice-Chairman/Vice-Chairperson: Namrata Dedhia, Niraj Chheda
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Convenors: Chaitanya Maheshwari, Monica Wadhani, Tanvi Vora, Vishal D. Shah

Student Committee

Chairperson: Niyati Mankad
Vice-Chairperson: Charmi A. Shah, Charmi G. Shah
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Convenors: Kimi Nagda, Shreyas Sanghavi
Advisor: Ajay Singh

2nd International Taxation Course for Beginners [Virtual Mode]

To give an overview of international taxation provisions enshrined in the Income Tax Act 1961 and how one can use the Double Tax Avoidance Agreement to prevent double taxation on the cross border payments, the International Taxation Committee and the Student Committee of the Chamber of Tax Consultants has organized this Seminar for the benefit of the professionals in practice and the professionals in the industry.

Who can attend?

All professionals and/ or students who want to have basic idea of International Taxation and/ or also want to deal into this area of Taxation.

Participation Fees (For all sessions)		
Early Bird Fee till 15th May 2025		Fee from 16th May 2025
Members	₹ 2,000/- + ₹ 360/- (GST) = ₹ 2,360/-	₹ 2,500/- + ₹ 450/- (GST) = ₹ 2,950/-
Non-members	₹ 2,500/- + ₹ 450/- (GST) = ₹ 2,950/-	₹ 3,000/- + ₹ 540/- (GST) = ₹ 3,540/-
Student Member	₹ 700 + ₹ 126/- (GST) = ₹ 826/-	
Non Student Member *	₹ 1,200 + ₹ 216/- (GST) = ₹ 1,416/-	

* For Non Student Members : – ₹ 1,200/- + ₹ 126/- (GST) = ₹ 1,416/- (including 500/- towards Membership fees)

Mandatory Note:– Please fill student membership form :- [Click Here](#) and payment through NEFT ([Click Here](#))
 (Eligibility to Register as Student : Age limit of the students shall be minimum 16 years and maximum upto 25 years and have enrolled as students of law., CA., CS., C.F.A., B.M.S., M.Com.)

Participation Fees to be paid online on the website: [CLICK HERE](#) to make payment

Sr. No.	Day, Date & Time	Topic	Speakers
1	Monday, 26.05.2025 5.00 PM – 7.00 PM	Overview of International Taxation and How to read and interpret DTAA	CA Anish Thacker
2	Friday, 30.05.2025 5.00 PM – 7.00 PM	Residential Status and Taxation of Salaries	CA Kartik Badiani & CA Parag Doshi

Sr. No.	Day, Date & Time	Topic	Speakers
3	Monday, 02.06.2025 5.00 PM – 7.00 PM	Taxation of Royalty & Fees for technical services	CA Bhaumik Goda
4	Wednesday, 04.06.2025 5.00 PM – 7.00 PM	Business Connection and Concept of PE, SEP and Equalization Levy	CA Monika Wadhani
5	Friday, 06.06.2025 5.00 PM – 7.00 PM	Taxation of Students, Artists, Sportspersons, foreign Shipping & Aircraft Companies	CA Samir Kanabar
6	Monday, 09.06.2025 5.00 PM – 7.00 PM	Taxation of Interest, Dividends, Capital Gains and Other Income	CA Namrata Dedhia
7	Wednesday, 18.06.2025 5.00 PM – 7.00 PM	Technical and Procedural Aspect of Form 15CA-15CB, Lower Deduction Certificate	CA Naman Shrima
8	Friday, 20.06.2025 5.00 PM – 7.00 PM	Basics of Transfer Pricing I – Overview & legal framework and compliance	CA Hetav Vasani
9	Saturday, 21.06.2025 10.00 AM – 12.00 PM	Basics of Transfer Pricing II – How to conduct Benchmarking study and different methods of Benchmarking	CA Abhay Saboo
10	Wednesday, 23.06.2025 5.00 PM – 7.00 PM	Brains Trust session / Panel Discussion	Moderator: CA. Shabbir Motorwala Panelists: CA. Vispi Patel, CA. Vishal Gada and Adv. Sanjay Sanghvi

Criteria for E-Certificate of Participation:

- The E-Certificate shall be issued in the name which is provided at the time of registration. Certificates are non-transferable and can only be issued to the participant who attended the event.
- Participants logs in for all the session using only the email id which was provided at the time of registration.
- **ALL** the sessions will have to be attended entirely **from start to end**.
- A Google Attendance form will be shared during each session which have to be mandatorily filled by the participants
- Zoom Link for the session will be shared prior to the session.
- Kindly enroll at the earliest to avoid disappointment.

For any queries, please contact CTC office at +91-22-2200 1787 / +91-22-2209 0423 / **Mobile** – 90049 45579.

Study Circle / Study Group

Chairman: Dipesh Vora
Vice-Chairman: Dinesh R. Shah
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Advisor: Ashok Sharma
Convenors: Parth Sanghvi, Ritu Punjabi

Study Circle Meeting on Section 45(5A) & its related issues (Hybrid Mode)**Friday, May 16, 2025****6:00 p.m. - 8:00 p.m.**

Chairman: Mr. Dharan Gandhi, Advocate
Group Leader: CA Parth Chokshi

The Study Circle and Study Group committee of The Chamber of Tax Consultants has organised a Study Circle Meeting on **"Section 45(5A) & its related issues" (Hybrid Mode)** scheduled on 16th May, 2025. The details are as follows.

Participation Fees

For Study Circle Members	NIL
CTC Members	₹ 300/- + ₹ 54/- (GST) = ₹ 354/-
Non-Members	₹ 500/- + ₹ 90/- (GST) = ₹ 590/-

Participation Fees to be paid online on the website: [CLICK HERE](#) to make payment

Venue for Physical : Kilachand Hall, 2nd Floor, IMC Building, Churchgate, Mumbai – 400 020

For Virtual – Zoom link will be shared nearing to the event.

Looking forward for your active participation.

Study Circle / Study Group

Chairman: Dipesh Vora
Vice-Chairman: Dinesh R. Shah
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Advisor: Ashok Sharma
Convenors: Parth Sanghvi, Ritu Punjabi

Study Circle Meeting on Analysis of Sections 68 to 69D of Income Tax Act (Hybrid Mode)**Monday, 19th May, 2025****6.00 pm to 8.00 pm**

Chairman: CA Jagdish Punjabi

The Study Circle and Study Group committee of The Chamber of Tax Consultants has organised a Study Circle Meeting on **"Analysis of Sections 68 to 69D of Income Tax Act" (Hybrid Mode)** scheduled on 19th May, 2025.

Participation Fees

For Study Circle Members	NIL
CTC Members	₹ 300/- + ₹ 54/- (GST) = ₹ 354/-
Non-Members	₹ 500/- + ₹ 90/- (GST) = ₹ 590/-

Participation Fees to be paid online on the website: [CLICK HERE](#) to make payment

Venue for Physical : Kilachand Hall, 2nd Floor, IMC Building, Churchgate, Mumbai - 400 020

For Virtual - Zoom link will be shared nearing to the event.

Looking forward for your active participation.

International Taxation

Chairperson: Karishma Phatarphekar
Co-Chairman: Shabbir Motorwala
Vice-Chairman/Vice-Chairperson:
 Namrata Dedhia, Niraj Chheda
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Convenors: Chaitanya Maheshwari, Monika Wadhani, Tanvi Vora, Vishal D. Shah

International Taxation Study Circle Meeting on Capital Gains for Non-residents [Virtual Mode]

Friday, May 23, 2025

6:00 p.m. - 8:00 p.m.

Speaker: CA Mahesh Nayak

The International Taxation Committee of The Chamber of Tax Consultants has organised a Study Circle Meeting on “**Capital Gains for Non-residents**” scheduled on 23rd May, 2025.

Participation Fees

For International Taxation Study Circle Members	NIL
CTC Members	₹ 200/- + ₹ 36/- (GST) = ₹ 236/-
Non-Members	₹ 300/- + ₹ 54/- (GST) = ₹ 354/-

Participation Fees to be paid online:
 Zoom link will be shared nearing to the event.

Looking forward to your active participation.

Direct Taxes Committee

Chairman: Viraj Mehta
Vice-Chairman: Chirag Wadhwa
Ex-Officio: Vijay Bhatt, Jayant Gokhale
Convenors: Ketki Mittal, Prasanna K., Viral Shah
Advisor: Mahendra Sanghvi

Lecture Meeting on Stay & Recovery Proceedings under IT Act, 1961 (Virtual Mode)

Thursday, 15th May, 2025

6.00 pm – 7.30 pm

Speakers : Advocate Ananya Kapoor

The Direct Taxes committee of The Chamber of Tax Consultants has organised a Lecture Meeting on “**Stay & Recovery Proceedings under IT Act, 1961**” (Virtual Mode) which is scheduled on 15th May, 2025.

Registration : [CLICK HERE](#)

After registering, you will receive a confirmation email containing information about joining the meeting.

**All are
 cordially
 invited
 . Open to all.**

Important Decisions under GST and Service Tax Laws

By Vinay Kumar Jain and Jay Chheda, *Advocates*

Whether GST is applicable on supply made by association of members to its own members?

Facts and Pleadings

The Kerala State Branch of the Indian Medical Association (IMA) was issued summons by the DGGI. IMA apprehended coercive actions from the DGGI for recovery of GST on various services rendered by IMA to its own members.

IMA runs various mutual Schemes for the benefit of its member-doctors. All the Schemes are to support fellow doctors, while one or two Schemes support their immediate family members.

The member-doctors contribute an admission/annual fee, and in cases of certain Schemes.

The IMA was of the belief that it was not liable to pay GST on services rendered by it to its members under the aforesaid Schemes in line with the principle of mutuality. It was contended that the scope of the legislative power granted by the Constitution to levy GST is that such a tax can be levied only where there is supply of goods/service by one person to another. Vide Finance Act, 2021, Parliament introduced Section 7(1)(aa) retrospectively w.e.f. the date of commencement of the GST regime thereby inserting a legal fiction and artificially deeming a club/association and its members to be two separate persons.

Further, the taxable event was also artificially enlarged to include "activities or transactions" between a club/association and its members. The scope of "supply" by amending Section 7 of CGST Act without amending the Constitution. It was contended that where the retrospective law is confiscatory, it would be unreasonable and thereby unconstitutional.

Therefore, IMA filed Writ petition before Hon'ble Kerala High Court on the ground that GST should not be recovered on services to its own members on the following counts:

- Section 2(17)(e) and Section 7(1)(aa) and the Explanation thereto of CGST Act, 2017 to be declared as unconstitutional
- Amendment to the aforesaid sections retrospectively ought to be considered unconstitutional

The Ld. Single Judge held that there was no merit in the contentions of the Petitioner. But it was held that the retrospective application of the same was incorrect.

The Revenue preferred an appeal against the Ld. Single Judge decision before Division Bench of the Kerala High Court.

Order of the Division Bench of Hon'ble Kerala High Court

The Hon'ble High Court observed that the words "goods", "supply" and "services" are understood in a particular sense under the Constitution. When the words used in the Constitutional text have acquired a meaning through judicial interpretation over the years, one must assume that that is the same sense in which the word is used when inserted into the Constitution through a later amendment.

It was further observed that the scheme of GST under the Constitution also contemplates the existence of at least two persons - a provider and a recipient before one can infer either a "supply" or a "service" for the purposes of the levy. The concepts of self-supply or self-service are not envisioned under the Constitution for the purposes of the levy.

The amendment vide section 7(1)(aa) is merely to amend the definition of "supply" to include "activities or transactions, by a person, other than an individual, to its members or constituents or vice versa, for cash, deferred payment or other valuable consideration". However, such supply has not been deemed to be a "service", and the concept of "service" itself has not undergone a change, to include within its fold such activities or transactions.

The Constitution has not been amended to deem a supply of service by a club or association to its members as a taxable service for the purposes of GST. Further, the High Court held that concepts of "supply" and "service" having been judicially interpreted as requiring at least two persons - a provider and a recipient, for inferring their existence.

The Supreme Court held in *Calcutta Club* [2019 (10) TMI 160 - SUPREME COURT] that the principle of mutuality has survived the 46th amendment to the Constitution. So long as the said judgment holds sway as a binding precedent and/or the Constitution is not amended suitably to remove the concept of mutuality from the concepts of supply and service thereunder, the impugned amendment to vide Section 7(1)(aa) fails the test of constitutionality.

Accordingly, the Writ Petition of IMA was allowed, and it was held by the High Court that:

- The provisions of Section 2 (17) (e) and Section 7 (1) (aa) are unconstitutional and void being ultra vires the provisions of Article 246A read with Article 366 (12A) and Article 265 of the Constitution of India.
- There is no valid justification for retrospective application of these amendments.

Indian Medical Association, Kerala v. Union of India 2025: KER:30517 dated 11.4.2025 (Kerala High Court)

Whether the sale of fully or partially constructed immovable property, without providing any construction service subsequently, is subject to GST?

Facts and Pleadings

Rohan Corporation India Pvt Ltd (assessee) is a private limited company engaged in the business and development of real estate projects. The assessee acquired land along with partially constructed shopping mall from an entity under liquidation process under Insolvency and Bankruptcy Code, 2016.

The Official Liquidator demanded payments along with GST towards the said acquisitions. The assessee made the payment of GST under protest in interest of time and subsequently filed a refund claim for the same.

The Department rejected the refund claim based on the ground that the said transaction of acquisition of land along with partly constructed building is subject to GST under Entry 5 (b) of Schedule II of the CGST/KGST Act, 2017, which states that construction of a complex, building, civil structure or a part thereof is a supply of service where entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. Further it was alleged that the exemption under Entry 5 of Schedule III which grants/provides exemption from levy/payment of GST was not applicable to the subject transaction.

The assessee challenged the rejection of the refund before the Hon'ble Karnataka High Court by way of a Writ Petition.

Order of the High Court

The Hon'ble High Court extensively relied upon various judicial precedents, Model GST law and even the position in the erstwhile Service tax law to examine the history of indirect taxation on building contracts. Reliance was

placed on the Apex Court decision in VKC Footsteps and the minutes of the 7th GST Council Meeting and it was held that the transactions such as acquisition and transfer of immovable property were not sought to be subsumed under the GST regime.

The Hon'ble High Court held that when a fully constructed or partially constructed mall is sold, as such, without providing any construction service subsequently, the same would not attract levy of tax as per paragraph 5 (b) of Schedule II and Section 7 of the Act. It was held that there is no supply of goods or services or both in the said transaction and consequently, the question of whether the building has received completion certification or not would be irrelevant in such cases. The Court held that the sale of an under-construction property may not always be subject to GST if the transaction doesn't involve a service provider undertaking construction activity for the service recipient.

Further, the Hon'ble High Court observed that Paragraph 5(b) of Schedule II and Section 7, contemplates only construction service provided by a builder/promoter to a service recipient is further evident from the description of service entries provided under "construction services" in the Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017 prescribed the rate of GST.

It was held that the sale of land is treated under the CGST Act as neither supply of goods nor a supply of service. As far as sale of building is concerned, if the same is not coming within the ambit of Paragraph 5 (b) of Schedule II, then the same would be treated neither as supply of goods nor a supply of service.

It was also held that no construction can be said to have been undertaken if the agreement for construction is entered after the construction and no construction activity is undertaken by the builder/service provider/supplier after the execution of the agreement. Thus, the transaction contemplated under Paragraph 5 (b) of Schedule II read with Section 7 of the Act, would be applicable only to the extent of supply of construction service provided to a service recipient.

Accordingly, the Hon'ble high Court allowed the Petition of the Assessee and quashed the order rejecting the refund claim of the assessee.

Rohan Corporation India Pvt Ltd v. UOI 2024:KHC:37691 dated 10.9.2024 (Karnataka high Court)

Note : THE FULL DECISIONS CAN BE DOWNLOADED FROM THE WEBSITE WWW.CTCONLINE.ORG UNDER SEMINAR PRESENTATIONS - UNREPORTED DECISIONS

Unreported Tribunal Decisions

By Ajay R. Singh Advocate, CA Rohit Rajeev Shah

1. **S. 2(22)(e) -Deemed Dividend - Advance received from closely held company by its shareholder holding more than 10% - transaction was commercial in nature :**

Facts:

AO noted that assessee's firm received advance from a closely held company in which assessee was holding substantial share. Accordingly, AO treated the advance as deemed dividend on the ground that assessee's proprietorship firm was related to the company. Assessee submitted that it was commercial transaction and not for his individual benefit.

Held:

Assessee was holding 35% shares in the company, which had two subsidiary companies. A foreign entity wanted to purchase stake in the company but was not interested to take any stake in the subsidiary companies. Therefore, shareholders of the company decided to give advance to assessee's firm to purchase share of said subsidiary companies to facilitate the completion of transaction with foreign entity. Thereafter, 70% stake in the company was sold to foreign entity and assessee returned the amount of advance from sale consideration received to him. Thus, the transaction was commercial in nature and the advance was made for the advantage of the company. Hence, such transaction would not fall within the ambit of the provisions of section 2(22)(e).

Subhash Chander Oberoi vs. ACIT

[ITA No. 1667/Mum/2024 dated 06/01/2025] [AY 2014-15]

2. **S. 69 - 69 - Unexplained investment - source of this investment - Assessee claimed investment to be sourced from mother**

Facts:

Assessee acquired residential flat jointly with his mother and brother. He was asked to explain source of this investment. Assessee claimed that he obtained loan from his mother and brother. AO doubted creditworthiness of assessee's mother and thus, concluded that investment remained unexplained to the extent of loan taken from assessee's mother. Assessee contended that his mother's case was also reopened to examine the same investment and her returned income was accepted without doubting her creditworthiness.

Held:

Assessee's mother was also co-owner of flat. Revenue was required to assess the unexplained investment made directly or indirectly in the flat in the hands of respective co-owners, if their creditworthiness was doubtful. Since, during the reopened assessment proceedings, Asstt. CIT had already held that the assessee's mother had creditworthiness for making investment and advances in the relevant year, her creditworthiness did not remain questionable.

Ankur Goyal vs. Income Tax Officer

[ITA No. 2524/Del/2023 dated 24/01/2025]
[AY 2012-13]

3. **S 37(1) - Ad-hoc disallowance - AO neither rejected books of account nor pointed out any bogus or non-genuine expenses - Remand report did not point out any specific defects:**

Facts:

AO disallowed 25% of expenses claimed by assessee-company on the ground that assessee failed to substantiate its claim with supporting documents. Assessee filed additional evidence before CIT(A) justifying the expenses with ledgers, invoices, and supporting documents. CIT(A) forwarded additional evidence to AO for verification and called for remand report. AO remand report accepted certain expenses such as bank charges, interest, labor expenses, etc. However, he raised concerns about expenses paid in cash, and certain expenses related to rent, salary, insurance, etc. CIT(A) observed that AO neither rejected books of account, nor pointed out any bogus or non-genuine expenses. He also observed that assessee's accounts were audited and no adverse remarks were given in tax audit report. Accordingly, he deleted the entire disallowance.

Held:

AO did not reject assessee's books of account under section 145(3). Further, tax audit report did not highlight any discrepancies in assessee's expense claims. Further, remand report did not identify specific defects in the expenses. No bogus or non-genuine expenditure was identified by AO. Moreover, the same nature of expenses was allowed in previous and subsequent years, indicating consistency. It is well settled by various judicial precedents that an ad-hoc disallowance without identifying specific defects is legally unsustainable. Since AO's own remand report did not justify the ad-hoc disallowance, the CIT(A) rightly deleted the same.

ACIT vs. H. V. Infratex Ltd.

[ITA No. 1034/Ahd/2023 dated 06/02/2025]
[AY 2016-17]

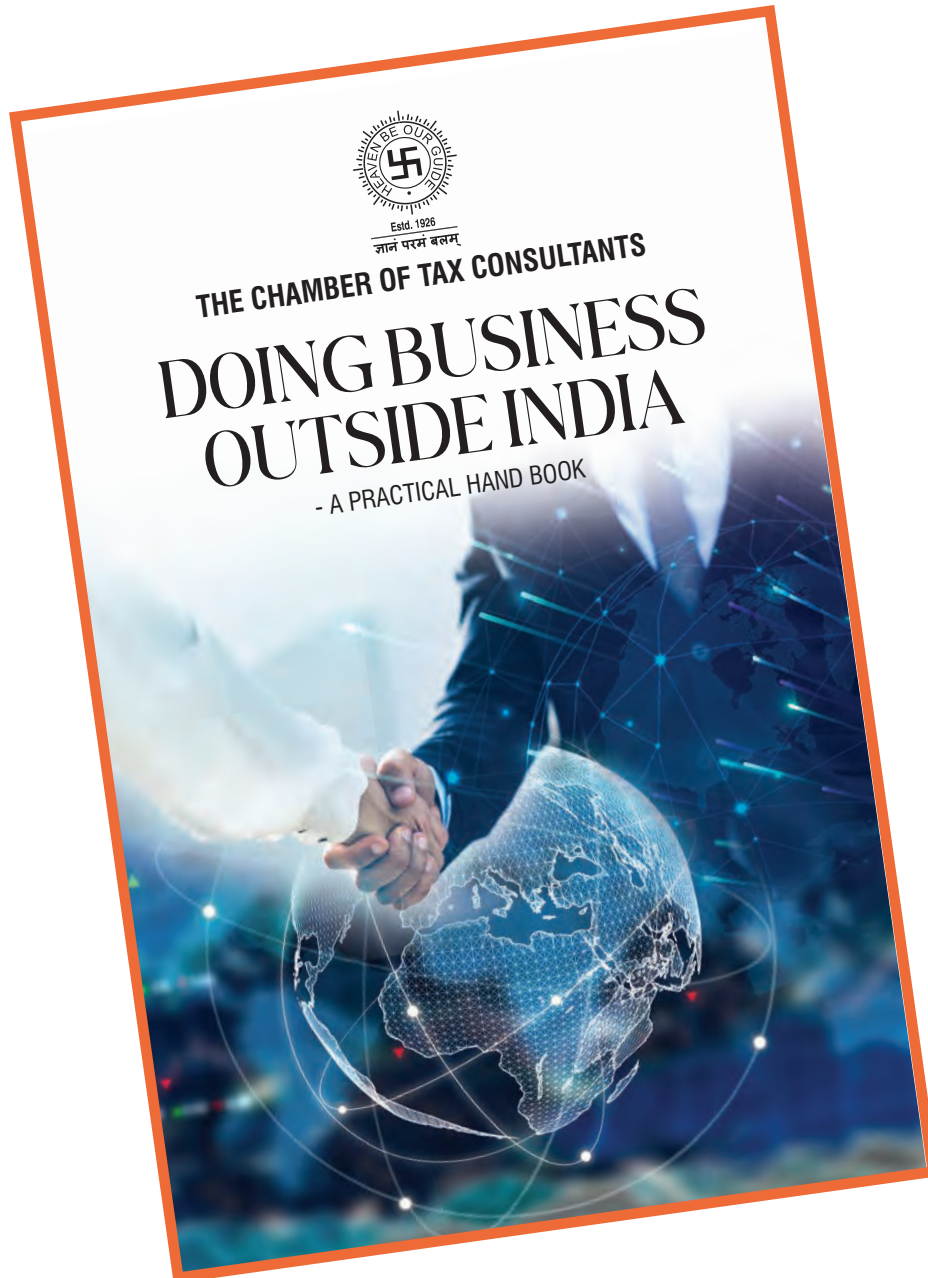
Note : THE FULL DECISIONS CAN BE DOWNLOADED FROM THE WEBSITE WWW.CTCONLINE.ORG UNDER SEMINAR PRESENTATIONS - UNREPORTED DECISIONS



Publications By The Chamber

BUY PUBLICATION

Sr. No	Publication	Price
1	Doing Business Outside India – A Practical Hand Book	₹ 500/- + ₹ 50/- (Courier Charges)



Registered with Registrar of Newspapers for India under R. NO. MAHENG/2015/67505

Posted at Mumbai Patrika Channel
Sorting Office, Mumbai-400 001.
Date of Posting : 1st or 2nd of every month

Postal Registration No. MCS/210/2019-21
Date of Publishing : 1st of Every Month

TAXMANN®
— THE LAWS OF INDIA —

taxmann.com
Learning

Introducing

Taxmann.com | Learning

Empowering Professionals Beyond Boundaries.

Boost your professional skillset with **Taxmann.com | Learning**—your partner for comprehensive knowledge in **Income Tax, GST, FEMA, Accounting and more**. Learn the way that fits your goals, with sessions designed for efficiency and empowerment.

The Three Ways to Upgrade

Webinars

Compact **45 to 60-minutes** sessions, live or recorded, letting you fit learning into any schedule

Workshops

3 to 5-hours focused learning sessions, live or recorded, providing access to materials, practical training, and **certificates of participation**

Masterclasses

Intensive **15 to 18-hours** courses, live or recorded, designed to enhance your productivity through immersive learning, speaker interactions, and materials

High-quality Learning—Anytime, Anywhere.
Taxmann.com | Learning transforms professional education by delivering actionable, impactful, and accessible knowledge.



Start Your 7 Days
Free Trial Now



Browse
All Content

Your All-Inclusive Learning Plan

Taxmann.com | Learning
Subscription at
₹ 9999*/year ₹14500-

Enterprise plan
tailored to your specific
requirements.

No-Cost EMIs—
Flexible payments with no extra cost.

*Enjoy our Introductory Offer at just ₹9,999 for your first year, valid until 31st May 2025. From the second year onward, the Standard Price will be ₹14,500 per year.

MUMBAI : 35 Bodke Building, Ground Floor, M.G. Road, Mulund (West), Opp. Mulund Railway Station, Mumbai - 400080, Maharashtra, India
Tel.: +91-9322247686 | Email: sales.mumbai@taxmann.com

Non-receipt of the CTC News must be notified within one month from the date of publication, which is 1st of Every Month.

Printed by Shri Kishor Dwarkadas Vanjara and published by him on behalf of **The Chamber of Tax Consultants (owners)**, 3, Rewa Chambers, Ground Floor, 31, New Marine Lines, Mumbai-400 020 and Printed at **The Great Art Printers**, 25, S. A. Brelvi Road, Unique House Opp, Apurva Restaurant, Next to Poddar Chambers, Ground Floor, Fort, Mumbai-400 001. and published at **The Chamber of Tax Consultants (owners)**, 3, Rewa Chambers, 31, New Marine Lines, Mumbai 400 020.

Editor : Shri Kishor Dwarkadas Vanjara

Posted at Mumbai Patrika Channel Sorting
Office-Mumbai 400 001.

Date of Publishing 1st of Every Month
Date of Posting : 1st or 2nd May, 2025

If undelivered, please return to :



THE CHAMBER OF TAX CONSULTANTS

3, Rewa Chambers, Ground Floor,
31 New Marine Lines, Mumbai 400 020
Tel.: 2200 1787 / 2209 0423 / 2200 2455

E-mail: office@ctconline.org | Visit us at: www.ctconline.org

WhatsApp No.: 9004945579

FB Page: https://www.facebook.com/ctcconnect

Follow us on:

To