



THE CHAMBER OF
TAX CONSULTANTS
ESTD. 1926

THE CTC NEWS

Monthly Newsletter of The Chamber of Tax Consultants

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JULY 2025

100 YEARS OF EXCELLENCE
 THE CHAMBER OF
TAX CONSULTANTS
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*A gateway to the Chamber's
Centenary Year Celebration*

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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 31st July, 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.

BRIEF REPORT OF 98TH ANNUAL GENERAL MEETING

At the 98th Annual General Meeting held on Friday, 4th July, 2025, the following business was transacted:

- The minutes of the 97th Annual General Meeting held on July 9, 2024 were read and adopted.
- The Annual Report for the year 2024-25 was approved & adopted.
- The Accounts for the year ended 31st March, 2025 were adopted.
- CA J. L. Thakkar was appointed as Auditor for the year 2025-26 to hold office up to the next AGM.
- Results of the elections for the year 2025-26 were declared by the Election Officer, Shri Bhavesh Vora are as follows:
 - Mr. Jayant Gokhale was elected as President.
 - The following fourteen members were elected to the Managing Council.

1	Ameya Kunte	8	Mehul Sheth
2	Ankit Sanghavi	9	Namrata Dedhia
3	Bhavik R. Shah	10	Neha Gada
4	Darshak Shah	11	Sushrut Chitale
5	Dipesh Vora	12	Yiraj Mehta
6	Karishma Phatarphekar	13	Vishal Shah
7	Keval Shah	14	Vitang Shah

THE DASTUR ESSAY COMPETITION

Hon'ble Shri Justice Abhay Ahuja, Bombay High Court, was the judge of the Essay Competition.

The Top 3 Winners of the Essay Competition are:

Rank	Participant Name	Topic	Associates/College
1	Mr. Dhruv Parekh	Intellectual Property Rights: Balancing Creativity and Accessibility	GBCA & Associates LLP Chartered Accountants
1	Ms. Moray Sahitya	Government strategies to combat corruption and white-collar crime	Master Minds
2	Ms. Bhavya Prajapati	Intellectual Property Rights: Balancing Creativity and Accessibility	K. C. Mehta & Co LLP, Vadodara
3	Mr. Akash Sahu	Intellectual Property Rights: Balancing Creativity and Accessibility	National Law Institute University Bhopal
3	Mr. Sudhanwa Joshi	Data Privacy Regulations in the Digital Age	Government Law College, Mumbai

The above top 3 winners of The Dastur Essay Competition, 2025 viz tie for the first position –i.e Mr. Dhruv Parekh (1st Winner) was felicitated by offering Memento, Certificate and Cheque, & Ms. Moray Sahitya (1st Winner- in abstentia), Ms. Bhavya Prajapati (2nd Winner) was also felicitated by offering Memento, Certificate and Cheque, tie for the third position also–i.e Mr. Akash Sahu & Mr. Sudhanwa Joshi (3rd Winner – in abstentia). Ms. Ashvi Jain & Mr. Ved Haravara (4th Winner), Mr. Shaikh Haris Iqar & Mr. Moksh Gada (5th Winner), Ms. Mahek Talreja (6th Winner), were also felicitated by offering Appreciation Certificate and gift at the 98th Annual General Meeting.

THE NEW TEAM FOR 2025-2026

- In the first Managing Council Meeting held on Tuesday, 4th July, 2025, the following members were appointed as Office Bearers:

Sr. No.	Name	Designation
1	Neha Gada	Vice President
2	Mehul Sheth	Hon. Jt. Secretary
3	Ankit Sanghavi	Hon. Jt. Secretary
4	Vitang Shah	Hon. Treasurer

- The following nine members were Co-opted to the Managing Council for the year 2025-26:

1.	Apruva Shah	4.	Ketan Vajani	7.	Mahendra Sanghvi
2.	Ashok Mehta	5.	Hinesh Doshi	8.	Vipul Choksi
3.	K Gopal	6.	Kishor Vanjara	9.	Yatin Desai

- Mr. Vijay Bhatt, being Imm. Past President, is also part of the Managing Council for the year 2025-2026.

iv) EDITOR & EDITORIAL BOARD OF THE CHAMBER'S JOURNAL

Mr. Anish Thacker was appointed as the Editor of "The Chamber's Journal".

The following were appointed as Editorial Board Members:

1.	Kishor Vanjara	4.	Mahendra Sanghvi
2.	Pradip Kapasi	5.	Manoj Shah
3.	Vipul Choksi	6.	Yatin Desai

The following were appointed as Asst. Editors:

1.	Chirag Wadhwa	6.	Rakesh Upadhyay
2.	Dharan Gandhi	7.	Sachin Sastakar
3.	Fenil Bhatt	8.	Siddharth Parekh
4.	Hareesh Chheda	9.	Vikram Mehta
5.	Nikhil Tiwari	10.	Yatin Vyavaharkar

v) COMMITTEES

The following Committees were formed and their Chairpersons were appointed:

Committees		Chairman/Chairperson
1.	Accounting & Auditing	Sushrut Chitale
2.	Centenary Year	Vipul Choksi
3.	Commercial & Allied Laws	Apurva Shah
4.	Direct Taxes	Viraj Mehta
5.	Indirect Taxes	Keval Shah
6.	International Taxation	Karishma Phatarphekar
7.	Chapters Network Committee	Hinesh Doshi
8.	I.T. Connect & Social Media	Bhavik R. Shah
9.	Law & Representation	Ketan Vajani
10.	Journal	Ameya Kunte
11.	Members' Development & Outreach Committee	Vishal Shah
12.	Research & Publication	Ashok Mehta
13.	Residential Refresher Course	Darshak Shah
14.	Student	Namrata Dedhia
15.	Study Circle & Study Group	Dipesh Vora

The Chamber of Tax Consultants Celebrates Grand Inaugural of Centenary Year

The Chamber of Tax Consultants (CTC), one of India's oldest professional bodies in the field of taxation and allied laws, marked the beginning of its **Centenary Year** with a grand inaugural function at **Hotel Sahara Star, Mumbai, on Friday, July 4, 2025**.

The evening was graced by the presence of **Hon'ble Dr. Justice D. Y. Chandrachud**, Chief Justice of India, inaugurated the Centenary year by lighting of lamp and delivers keynote address on **"Income Tax reforms and future of judiciary"**; which was followed by Fireside chat by CA Ashutosh Pednekar as Moderator with **Mr. Keki Mistry**, former Vice Chairman and MD of HDFC. *He highlighted India's financial evolution.*

To commemorate this historic milestone, **Hon'ble Dr. Justice D. Y. Chandrachud**, Chief Justice of India, also unveiled:

- Launched Chambers film showcasing the various milestones making key phases of **Chamber's Journey**
- A **revamped logo** symbolizing continuity with transformation
- Its **brand-new website**, designed to serve as a dynamic knowledge and networking hub for professionals

The Publication on **"Succession through Private Trust- Legal, Tax and Regulatory Aspects"** was released by the hands of **Mr. Keki Mistry**.

The Centenary Year celebrations will continue with a series of thought leadership events, knowledge sessions, and initiatives aimed at capacity building, member engagement, and policy dialogue.

Important Decisions under GST and Service Tax Laws

By Vinay Kumar Jain and Jay Chheda, *Advocates*

Whether refund of unutilized Input Tax Credit (ITC) under Section 49(6) of CGST Act, 2017 is available upon discontinuation of business, irrespective of the specific scenarios outlined in Section 54(3) of CGST Act, 2017?

Facts and Pleadings

SICPA India Private Limited ("assessee"), discontinued its operations in the State of Sikkim in January 2019. Upon sale of its assets from April 2019 to March 2020, the assessee duly reversed proportionate ITC and subsequently filed a refund application claiming 4,37,61,402/- as unutilized ITC under Section 49(6) of the CGST Act, 2017.

The Refund Sanctioning Authority rejected the refund claim on the ground that refund of ITC can only be claimed under the scenarios listed in Section 54(3) of CGST Act, 2017 and closure of business is not one of the scenarios covered therein. On appeal, the Appellate Authority also upheld the Order rejecting the refund claim.

The assessee challenged the Orders of the Appellate Authority rejecting the refund claim before the Hon'ble Sikkim High Court.

The assessee contended that Section 49(6) of the CGST Act, 2017 independently allows refund of the balance lying in in Electronic Cash Ledger and Electronic Credit Ledger after payment of tax in accordance with the provisions of Section 54 of the CGST Act, which lays down the procedure for refund. It was further argued that denying refund merely due to non-inclusion of closure of business under Section 54(3), the said exemption cannot take away the vested right of ITC.

The Revenue contended that Section 49(6) is not a standalone enabling provision and must be read with Section 54. It was also contended that Section 29(5) requires reversal of ITC on cancellation of registration and the law contemplates reversal of credit in situations like closure of business. Refund of ITC is not contemplated in such scenarios. Further, it was contended that the assessee failed to avail the alternative statutory remedy under Section 112 of CGST Act.

Order of the Hon'ble High Court

The Hon'ble Sikkim High Court observed that the availability of an alternative statutory remedy does not preclude writ jurisdiction where pure questions of law are involved.

It was observed that Section 49(6) allows refund of Electronic Credit Ledger balance "in accordance with Section 54". Although Section 54(3) provides specific

cases for refund of unutilized ITC (zero-rated supplies and inverted duty structure), the statute does not explicitly prohibit refund in other situations like closure of business.

Relying on the Karnataka High Court decision in Slovak India Trading Company Pvt. Ltd., where refund of CENVAT credit was allowed upon business closure despite no explicit provision, the Court held that no express prohibition exists under Section 49(6) read with Section 54 for granting refund in such cases.

Thus, the Hon'ble High Court allowed the Petition and held that the tax retention by the Government without statutory authority is impermissible. Hence, refund of unutilized ITC on closure of business is permissible even if not expressly covered under Section 54(3).

SICPA INDIA PRIVATE LIMITED AND ANOTHER V. UNION OF INDIA & ORS. W.P(C) NO. 54 OF 2023 DATED 10.06.2025 (HON'BLE SIKKIM HIGH COURT)

Whether services provided by Computer Reservation System (CRS) Companies to Airline Companies are taxable under the category of Online Information and Database Access or Retrieval (OIDAR) services under reverse charge mechanism as per section 65(105)(zh) of Finance Act, 1994?

Facts and Pleadings

Air India Ltd. ("assessee") was engaged in providing domestic and international air transportation services. To enhance ticket booking outreach, the assessee entered into agreements with foreign-based Computer Reservation System Companies. These CRS Companies facilitated real-time access to the assessee's flight schedules, seat availability, and fare data to travel agents through a common platform.

The Revenue initiated proceedings alleging that CRS Companies were providing online database access to Air India which constituted Online Information and Database Access or Retrieval services under Section 65(75) read with Section 65(105)(zh) of the Finance Act, 1994.

The assessee contended that no new data or information was "provided" to them by CRS Companies. The data belonged to the assessee itself. The objective of the arrangement was not to receive data but to use the CRS infrastructure for efficient ticket booking by travel agents. Further, the Consideration to CRS Companies was based on actual ticket bookings, not data supply.

If data/information belongs to the service recipient itself, the service provider cannot render OIDAR services in relation to such data/information. The expression 'providing' data/information in respect of OIDAR services would mean to supply such data/information which was previously not

available with the service recipient, and in our case the data/information belongs to the service recipient

There were two contrary sets of decisions of the Tribunals on the said issue.

In *United Telecom Limited vs. Commissioner of Service Tax, Bangalore [2008 (8) TMI 191- CESTAT-Bangalore - 2008-VIL-394-CESTAT-BLR-ST]*, it was held that the ownership of data was relevant and since the data was generated by Andhra Pradesh Government and the same was used by different wings of the Government, United Telecom had not provided any data and so the demand of service tax was not justified.

However, in *British Airways vs. Commissioner of Central Excise (Adjudication), Delhi [2013 (36) STR 598 (Tri.-Del.) - 2014-VIL-108-CESTAT-DEL-ST]*, where the issue was whether OIDAR service was received by British Airways from foreign based CRS Companies and British Airways was liable to pay service tax under reverse charge mechanism, the Division Bench held that the services were covered by the definition of OIDAR

Accordingly, the Principal Bench of CESTAT, New Delhi, referred the matter to a Larger Bench in view of the aforesaid conflicting precedents.

Order of the Hon'ble CESTAT (Larger Bench)

The Larger Bench held that the arrangement in the present case was to enable travel agents across the globe to book tickets for the assessee using CRS infrastructure. The system relied entirely on data provided by the assessee (Air India), such as flight schedules and fares.

For a service to qualify as OIDAR, the service provider must provide new or additional data or information. In this case, the data was pre-existing with the assessee. CRS Companies did not own or originate any data; they only acted as conduits.

Under Section 65(75) of the Finance Act, OIDAR is defined as "providing data or information, retrievable or otherwise, to any person in electronic form through a computer network." The word "providing" was interpreted to mean giving something that the recipient did not already possess. Since the information accessed belonged to Air India, it could not be said that CRS Companies were "providing" it.

The Consideration to CRS Companies was linked to successful ticket bookings, not mere data access. Data of other airlines was not shared with the assessee, further weakening the claim of OIDAR applicability. Even if it were to be assumed that some data was provided, it was only incidental to the main purpose was ticket facilitation and could not be treated as taxable OIDAR service.

In view of above, the Larger Bench held that the services provided by CRS Companies to the assessee did not constitute OIDAR services under the Finance Act, 1994 and therefore were not taxable under reverse charge mechanism. The view as per the decision of United Telecom Limited was upheld.

AIR INDIA LTD. V. COMMISSIONER (ADJUDICATION), SERVICE TAX, NEW DELHI – LARGER BENCH ORDER DATED 23.06.2025 (CESTAT - PRINCIPAL BENCH, NEW DELHI)

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. 68- Addition under section 68 - Capital introduced by partner in firm**

Facts:

Assessee-firm was constituted with two partner entities namely 'G' and 'R'. During the year, assessee introduced capital amounting contributed by both the partners. AO issued notices under sections 143(2), 142(1) and 133(6). Assessee furnished its partnership deed, audited financials, ITRs, bank statements and ledger accounts of partners. Assessee also submitted that capital was introduced by its partners through banking channels and supported by ledger accounts and confirmations. However, AO held that only 'R' responded to notice under section 133(6) and provided documentary evidence. The other partner, 'G' did not respond. Thus, relying solely on the non-response, the AO treated the capital contribution by 'G' as unexplained cash credit and made addition under section 68. CIT(A) deleted the addition holding that the addition was based merely on suspicion and non-compliance under section 133(6), without bringing any adverse material on record to rebut the documents filed by assessee.

Held:

Assessee furnished all the requisite documentary evidence to substantiate identity, genuineness, and creditworthiness of 'G', including PAN, ITR, audited financial statements, bank statements, confirmations, and ledger accounts. Further, capital was received through banking channel and duly recorded in books of account of assessee. AO did not point out any defect or inconsistency in the evidences submitted by assessee. A non-response by a third party, without more, could not form the sole basis for invoking section 68 in the hands of assessee, when all other documentary evidences were placed on record. CIT(A) after carefully examining the submissions and facts, rightly concluded that assessee discharged the initial onus cast under section 68. He noted that failure of partner to respond to notice under section 133(6) was not communicated to assessee and, even otherwise, did not ipso facto establish that capital was unexplained. It is settled position of law that once the partner is identifiable and capital is recorded through proper banking channel, no addition under section 68 can be made in the hands of the firm, if

there is no evidence that the amount is undisclosed income of the firm. Hence, CIT(A) was justified in deleting the addition under section 68.

ITO Ward-1(2)(1), Ahmedabad v. Goodfarm Rearing
[ITA No. 1081/Ahd/2023 dated 01/04/2025]
[AY 2018-19]

2. **S. 2(22)(e) - Loan transactions between closely-held companies and LLP**

Facts:

Assessee was originally a partnership firm converted into an LLP on 25-2-2014. During the relevant assessment year, assessee received a loan from Windlass Engineers and Services Pvt. Ltd. (WESPL), a closely-held company. AO observed that certain partners of the assessee LLP, namely, Sudhir Kumar Windlass and Pradeep Kumar Windlass, held substantial interest (45% and 50% respectively) in WESPL. Thus, AO held that since the shareholders of WESPL had substantial interest in the assessee LLP, the loan was assessable as deemed dividend under section 2(22)(e). Assessee contended that it was not a shareholder in WESPL and, therefore, section 2(22)(e) was not applicable. Also, the transactions were trade advances for business purposes, and not loans, and the funds were repaid within the same financial year.

Held:

Section 2(22)(e) applies only to loans or advances given to shareholders and cannot be extended to concerns, in which shareholders have an interest unless the payment is for the individual benefit of the shareholder. The transactions in question were part of a running account between the assessee and WESPL, indicating a business arrangement rather than a shareholder-beneficiary relationship. Additionally, AO failed to establish that the loan was diverted for the personal benefit of the shareholders. Accordingly, section 2(22)(e) was not applicable and, therefore, addition was deleted.

ACIT v. Windlass Steel Crafts LLP

[ITA No. 2091/Del/2018 dated 25/02/2025] [AY.: 2014-15]

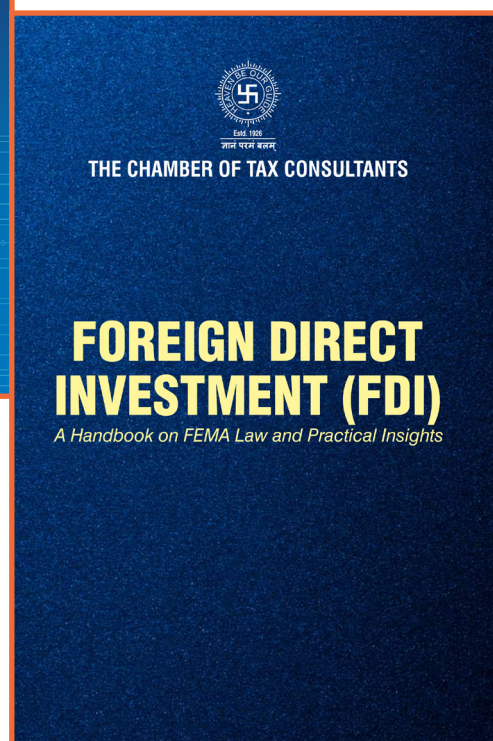
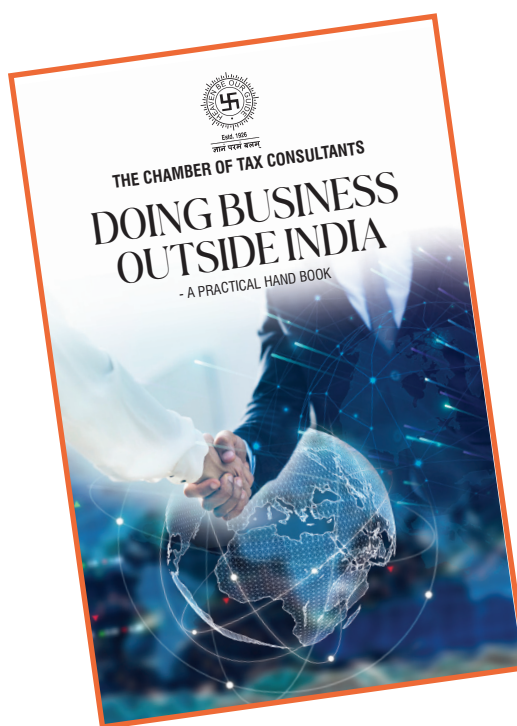
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