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ज्ञानं परमं बलम्

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THE CTC NEWS

A Monthly Newsletter of The Chamber of Tax Consultants

(Private circulation for members only)

ज्ञानं परमं बलम्

Knowledge
has a
beginning
but no end



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FORTHCOMING EVENTS

SR. NO.	DATE	COMMITTEE	PROGRAMME DESCRIPTION	VENUE	PG. NO.
1	02-11-2019	Hyderabad Study Group	Hyderabad SG Meeting on “Case Studies on Transfer Pricing”	#8-2-120/C/98/1, Road #2 Banjara Hills, Annapoorna Studio Lane, Hyderabad, Telangana-500034	5
2	06-11-2019	International Taxation	International Taxation SC on “Tax Treaty Entitlement in relation to MLI (From India Perspective)”	3, Rewa Chambers, Ground Floor, 31, New Marine Lines, Mumbai	9
3	07-11-2019	Study Circle & Study Group	Study Circle Meeting on “New Scheme of E-Assessment Proceedings”	Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate	16
4	08-11-2019	International Taxation	FEMA SC Meeting on “Discussion on Master Direction on Import and Export with Case Studies”	3, Rewa Chambers, Ground Floor, 31, New Marine Lines, Mumbai	16
5	09-11-2019	Pune Study Group	Pune SG Meeting on “Speed Reading”	‘ELTIS’ Building of Symbiosis, Model Colony, Pune	15
6	13-11-2019	Membership & Public Relations	SAS Meeting on “Vaastu - The Art of Changing your destiny in Professional Life”	Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate	15
7	14-11-2019	Indirect Taxes	IDT SC Meeting on “Issues in interest Penalties and Confiscation of Goods under GST Law”	AV Hall, 4th Floor, Jai Hind College, Churchgate, Mumbai	16
8	14-11-2019	IT Connect	Office Productivity: Technology Tools and Tips	IMC, Churchgate	9
9	21-11-2019	Study Circle & Study Group	Study Group Meeting on “Recent Judgments under Direct Taxes”	Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate	16
10	06-12-2019	IT Connect	Trends Shaping Fintech 2020	IMC, Churchgate	9
11	12-12-2019	Indirect Taxes	IDT SC Meeting on “Issues related to Charitable Organisations Clubs & Associations under GST Law”	A V Hall, 4th Floor, Jai Hind College, Churchgate	15
12	13, 14, 20, 21-12-2019	International Taxation	Intensive Study Course on FEMA	Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate	5
13	14 & 15-12-2019	—	22nd National Convention	Sahara Star, Vile Parle	14
14	18-12-2019	Membership & Public Relations	SAS Meeting on “Innovation in Start-Up World”	Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate	17
15	09-01-2020 to 12-01-2020	Indirect Taxes	8th Residential Refresher Course on GST	Hotel Fairmont, 2, Riico Kukas, Jaipur-303101	10-11
16	16 & 18-01-2020	Student	The Dastur Debate Competition	H. R. College of Commerce & Economics, Churchgate, Mumbai	12
17	27-02-2020 to 01-03-2020	Residential Refresher Course	43rd Residential Refresher Course at Hotel Le Meridien, Coimbatore	762, Avinashi Road, Neelambur Village, Coimbatore, Tamil Nadu-641062	6-8
18	—	Student	The Dastur Essay Competition 2020	—	13
19	—	Indirect Taxes	CTC Publications- “Analysis of Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019”	—	17
20	—	—	Unreported Decisions — Service Tax	—	18-19

Interested members may enrol from the Chamber’s website : www.ctconline.org to make online payment. Outstation members are requested to make online payment or send DD/at par Cheque in favour of The Chamber of Tax Consultants. Debit & Credit Card is accepted.



INTERNATIONAL TAXATION COMMITTEE

Chairman: Rajesh L Shah | **Vice Chairmen:** Kirit Dedhia, Harshal Bhuta
Convenors: Isha A. Shekhri | Ronak Doshi | Kartik Mehta | **Advisor:** Dilip J. Thakkar

Intensive Study Course on FEMA

Venue: Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate, Mumbai-400020

Days & Dates:
Friday, 13th,
Saturday, 14th, Friday, 20th &
Saturday, 21st December, 2019
Time
9.30 a.m. to 6.00 p.m.

This Course is designed to provide conceptual clarity to the professionals desiring to commence practice and will also help existing professionals in FEMA practice and in industry to equip

and update themselves with the relevant provisions, procedures and various issues affecting day-to-day practice to assist them while executing transactions under FEMA

Sr. No.	Topics
1	Inauguration and Key Note address
2	Overview of FEMA, Residential Status, definition and its impact on interpretation including case studies
3	Capital and Current Account transactions with remittance and repatriation facilities (Liberalised Remittance Scheme ("LRS") and 1 million) for Residents and NRI's including case studies
4	Bankers Perspective
5	FDI – Entry Strategies in India, Recent Changes in FDI, policy, downstream Investment, pricing etc., Investment in LLPs & Indian companies on repatriation and non-repatriation basis including Sectoral Guidelines for Retail, e-commerce, Real Estate etc. (Schedules 1,4 & 6 of FEMA 20(R), concept of round tripping including case studies
6	FDI – Alternate Investment Fund, Investment through FPI, FVCI, PIS scheme, REITs etc. and introduction of structure of AIF, FPI, FVCI, REITs including case studies
7	Regulations relating to Outbound Investments with Case studies and Issues
8	Setting up of Liaison office/ Branch office/Project office in India & outside India
9	Practical aspects: <ul style="list-style-type: none"> • Change in residential status resident to non-resident and non-resident to resident – Care and Precautions • Case Studies in relation to NRIs and Returning Indians • Making an application under the approval route
10	Acquisition of Immovable Properties in India by Foreign Nationals and other Entities and Acquisition of Immovable Properties outside India by Residents
11	FEMA & PMLA - Law & procedure on penalties & prosecution in case of (a) holding Foreign Assets, (b) Black-Money Act, 2015 (c) FATCA
12	Sector specific FDI regulations – Trading, E-Commerce, Financial Services
13	Auditors Responsibility from a FEMA perspective
14	Practical Issues in FIRMS
15	Export and Import under FEMA
16	Deposits and Bank Accounts
17	Borrowing and lending in Foreign Currency & Indian rupees with recent changes
18	Compounding of offences – major areas, general guidelines and procedural aspects
19	Brain Trust

**Eminent Faculties will address the Course*

Fees	Member	Non-Member
Up to 30/11/2019	₹ 5,750/- + ₹ 1,035/- (18% GST) = ₹ 6,785/-	₹ 6,500/- + ₹ 1,170/- (18% GST) = ₹ 7,670/-
From 01/12/2019	₹ 6,750/- + ₹ 1,215/- (18% GST) = ₹ 7,965/-	₹ 7,500/- + ₹ 1,350/- (18% GST) = ₹ 8,850/-



HYDERABAD STUDY GROUP

Co-ordinators: Manindar Kakarla, Neelesh Vithlani,
Ram Murthy T., Ravi Ladia, Samba Murthy P.

Hyderabad Study Group Meeting

Venue: #8-2-120/C/98/1, Road #2 Banjara Hills, Annapoorna Studio Lane, Hyderabad, Telangana-500034

Topic: Case Studies on Transfer Pricing

Speaker: CA P. V. S. S. Prasad

Day & Date:
Saturday, 2nd November, 2019
Time:
9.30 a.m. (Snacks)
10.30 a.m. to 1.00 p.m.
(Session)

Fees: from August 2019 to March, 2020 is ₹ 6,200/- + ₹ 1,116/- (18% GST) = ₹ 7,316/-.



RESIDENTIAL REFRESHER COURSE COMMITTEE

Chairman: Mehul Sheth | **Vice Chairmen:** Bhavik R. Shah & Ankit P. Sanghavi
Convenors: Darshak Shah & Pratik Doshi | **Advisor:** Kishor Vanjara

43rd Residential Refresher Course at Hotel Le Meridien, Coimbatore

Venue: 762, Avinashi Road, Neelambur Village, Coimbatore, Tamil Nadu-641062

Days & Dates:
Thursday, 27th February, 2020
to Sunday, 1st March, 2020



The Chamber always strives to provide the novel and the best in terms of knowledge as well as venue to the delegates of the RRC. The Residential Refresher Course (RRC) Committee of The Chamber of Tax Consultants is pleased to announce 43rd Residential Refresher Course (RRC) at Hotel Le Meridien, Coimbatore, Tamil Nadu. (<https://www.marriott.com/hotels/travel/cjbsd-le-meridien-coimbatore>).

very pleasant climate throughout the year, aided by the fresh breeze that flows through the 25 kms. long Palakkad gap.

At Coimbatore one can walk by the magnificent Adiyogi Shiva Statue at Isha Foundation, seek blessings at the Perur Pateeshwarar Temple, be awed by the stunning Monkey Falls, take a walk at the Siruvani Falls and Dams, visit the Unique Gedee Car Musuem, admire the Relics at the Gass Forest Musuem and many more.

A 15 minute drive from the Coimbatore International Airport, Hotel Le Meridien is well equipped with the modern amenities. The largest Hotel in Coimbatore, it has 254 rooms each of 452 sq. ft. or more and approx. 15,000 sq. ft. of Convention Center.

The RRC endeavours to take up in its coverage contemporary issues that are being unplugged and discussed and deliberated in detail by eminent faculty who have the relevant domain knowledge and acquired bandwidth to deal with the same and would equip participants with newer and updated tools to deal with current tax situations.

The second largest city of Tamil Nadu, Coimbatore, also known as Kovai and Koyamuthur locally, is often referred to as the Manchester of South. It is 16th largest urban agglomeration in India. The city is situated 1,349 ft. above sea level on the banks of the river Noyyal. In the rain shadow region of the Western Ghats, Coimbatore enjoys a

Coimbatore



Topics	Speakers
<p>Paper 1 for Discussion Imposing Penalties under the Contemporary Regime The Paper focuses on recently introduced penalties dealing with misreported and underreported income, unexplained credits and cash transactions and procedures for seeking immunity from these provisions. Sections covered - 270A, 271AAC, 271DA 270AA</p>	<p>CA Jagdish Punjabi</p>
<p>Paper 2 for Discussion Case Studies under Direct Taxes (Mock Tribunal Approach) This session deals with various live tax issues and demonstrates the pros and cons using a Mock Tribunal Approach.</p>	<p>Mr. Hiro Rai, Advocate</p>
<p>Paper 3 for Discussion PRIVATE TRUSTS – A succession planning tool unplugged The paper focuses on unplugging the manner of taxation of private trusts and also covers relevance of such trusts in succession and inheritance planning.</p>	<p>CA Vishal Gada</p>
<p>Paper 4 for Presentation HANDLING ENTITIES UNDER DISTRESS – The Presentation covers issues relevant to entities that are under distress – recent tax amendments as well as some strategies under the Insolvency and Bankruptcy Code.</p>	<p>CA Amrish Shah</p>
<p>Brains' Trust : Direct Tax This session will take up various contemporary and practical issues in Direct tax which a practitioner faces on regular basis.</p>	<p>Trustees : CA Gautam Doshi & CA Kishor Karia</p>

RRC Dates: Thursday, 27th February, 2020 to Sunday, 1st March, 2020

Delegate Fees	* Enrolments on or before 15/11/2019	Enrolments after 15/11/2019
Members	₹ 17,500 + ₹ 3,150 (GST @ 18%) = ₹ 20,650	₹ 19,000 + ₹ 3,420 (GST @ 18%) = ₹ 22,420
Non-members	₹ 19,500 + ₹ 3,510 (GST @ 18%) = ₹ 23,010	₹ 20,500 + ₹ 3,690 (GST @ 18%) = ₹ 24,190

* In case the fees are paid by cheque, the cheque should reach the CTC office at least 3 days prior to the cut-off date.

The fees include:

- 3 Nights–4 Days accommodation on double occupancy basis in Standard AC Room
- Meals starting with Lunch on Thursday (27th February, 2020) and ending with Packed Snacks on Sunday (1st March, 2020)
- Course Material
- Sight Seeing
- Gala Dinner with Entertainment Programme
- Complimentary access to swimming pool

Coimbatore is well connected with major cities by Air, Train & Road. The Hotel is about 6 kms. (15 minutes drive) from Coimbatore Airport and about 18 kms. from the Railway Station

Flight timings :**From Mumbai to Coimbatore : (Suggested flights for RRC)**

Airline	Departure from Mumbai	Arrival at Coimbatore
Spice Jet	09:20 A.M.	11.10 A.M.
Indigo	11.55 A.M.	13.50 P.M.
Air India	10:55 A.M.	12:50 P.M.

From Coimbatore to Mumbai : (Suggested flights for RRC)

Airline	Departure from Coimbatore	Arrival at Mumbai
Indigo	14.20 P.M.	16.20 P.M.
Air India	13:30 P.M.	15:25 P.M.
Indigo	22:10 P.M.	00:20 A.M. (Day 2)
Spice Jet	22:00 P.M.	00:15 A.M. (Day 2)

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

Notes

- 1) Check-in time at Hotel: Thursday, 27th February, 2020 at 1.00 p.m. followed by Lunch. Check-out time 12 Noon on 1st March, 2020.
- 2) RRC will commence at 3.30 PM on Thursday, 27th February, 2020 and end by 11.00 AM on Sunday, 1st March, 2020.
- 3) Registration is on first–come–first served basis.
- 4) In case of cancellation, no refund request shall be entertained, except under genuine unavoidable circumstances, subject to the approval of the RRC Committee.
- 5) Hotel Le Meridien has offered the concessional rate of ₹ 9,250/- per room on Double Occupancy basis, per night (inclusive of all meals and taxes) for extended stay, starting 1st March, 2020, Sunday for RRC delegates. Any delegate intending to have an extended stay at the hotel and willing to avail this facility may fill in the relevant details in enrolment form. The charges for extended stay will be payable by the delegates directly to the hotel.
- 6) For any other enquiry, the delegates may contact the following Co-ordinators: Vice Chairmen: **CA Bhavik Shah** - 9833022289 | **CA Ankit Sanghavi** - 9820689003 **Mr. Hitesh Shah**, Manager, CTC Office: 022- 22001787 / 22090423

Please return the duly completed Enrolment Form along with Cheque/ DD in favour of **“The Chamber of Tax Consultants”**. **Outstation members** are requested to make payment by **At Par Cheque / Demand Draft** only or by internet. The Enrolment and payment can also be done through the CTC website www.ctconline.org. Delegates making online payment should ensure that their Enrolment forms reach CTC Office within 3 days of payment made.

43rd Residential Refresher Course at

Hotel Le Meridien, Coimbatore

27th February 2020 to 1st March 2020 – Thursday to Sunday

43RD RRC — FORMAT OF ENROLMENT FORM

Name of the Member / Non-Member (Strike-off any one) :

Sex : M / F Age: GSTIN :

Mailing Address:

.....

Telephones: (O)....., (R)..... Fax:.....

Mobile:....., Email ID

(Kindly fill in Email address carefully and in legible writing to enable us to forward soft copy of the conference material)

Details of Travel Schedule, if already done:

Arrival at Coimbatore on 27th February, 2020: By AIR

Flight no. Airline Arriving Coimbatore at: AM

Dep. from Coimbatore on 1st March, 2020: By AIR

Flight no..... Airline..... Leaving Coimbatore at:..... AM/PM

Choice of Room Partner (will be considered, if possible)

(1) or (2)

Preference of Food (Veg/ Non. Veg/ Jain)

I would like to act as Group Leader for following papers:

(1) or (2)

Course Material shall be collected: Personally / through Post

Whether opting for extended stay from 01-03-2020 (..... nights) : Yes / No

No. of rooms required :

(charges are payable to the hotel directly)

Delegate Fees : Member / Non-Member ₹

Draft/ Cheque No dated drawn on Bank

..... Branch for Rs is enclosed herewith.

Date:.....

Signature

Notes:-

1. All fields are mandatory. Kindly fill all the fields in **BLOCK LETTERS** only.
2. Furnish copy of identity proof (Any One) : Aadhar card/Passport/Driving License/Voter's ID
3. Soft copy of conference material will be emailed on email ID provided above.



IT CONNECT COMMITTEE

Chairperson: Maitri Savla | **Vice Chairman:** Alok Jajodia
Convenors: Murtaza Ghadiali, Anand Paurana | **Advisor:** Dinesh Tejwani

Office Productivity : Technology Tools and Tips

Venue: IMC, Churchgate, Mumbai-400 020

Who should Attend: Today technology tools and gadgets play a very important role at workplace. Especially in the area of communication, time management and information management. The workshop intends to present tools and tips in 5 of these work areas, which will go a long way to improve productivity and efficiency at workplace.

Day & Date:

Thursday,
14th November, 2019

Time
5:30 p.m. to 8.00 p.m.

Sr. No.	Topics	Speakers
1	Email Management	CA Uday Shah
2	Office Security Management	CA Murtaza Ghadiali
3	Document Mangement	CA Mayur Jain
4	Backup Management	CA Murtaza Ghadiali
5	Events and Calendar Management	CA Mayur Jain
Fees		
Members	₹ 500/- + ₹ 90/- (18% GST) = ₹ 590/-	
Non-Members	₹ 600/- + ₹ 108/- (18% GST) = ₹ 708/-	
Students	₹ 200/- + ₹ 36/- (18% GST) = ₹ 236/-	

Trends Shaping Fintech 2020

Venue: IMC, Churchgate, Mumbai-400 020.

Speaker: Mr. Ashay Tejwani

Day & Date:

Friday, 6th December, 2019

Time
5:30 p.m. to 8.00 p.m.

Description

Fintech has become a fast-moving field, and the next decade should be no different. Technology is disrupting role, structure and environment for financial institutions and markets and societies in which they operate.

Post Crisis regulatory framework and technological changes are two major change factors to which financial institutions are adjusting their business model to. It is now becoming obvious that the

accelerating pace of technological change is the most creative factor—and also, the most destructive one—in the financial services ecosystem today.

In this seminar, we focus on major trends shaping Fintech and changing the way we do business in coming year.

Who should Attend

Anyone with curiosity towards future Fintech disruptions.

Fees		
Members	₹ 400/- + ₹ 72/- (18% GST) = ₹ 472/-	
Non-Members	₹ 500/- + ₹ 90/- (18% GST) = ₹ 590/-	
Students	₹ 200/- + ₹ 36/- (18% GST) = ₹ 236/-	



INTERNATIONAL TAXATION COMMITTEE

Chairman: Rajesh L Shah | **Vice Chairmen:** Kirit Dedhia, Harshal Bhuta
Convenors: Isha A. Shekhri | Ronak Doshi | Kartik Mehta | **Advisor:** Dilip J. Thakkar

International Taxation Study Circle

Venue: 3, Rewa Chambers, Ground Floor, 31, New Marine Lines, Mumbai-400 020.

Group Leader: CA Sonia Agrawal and CA Ashwini Kothawane

Agenda: Tax Treaty Entitlement in relation to MLI (From India Perspective)

Day & Date:

Wednesday,
6th November 2019

Time
Time: 6.15 p.m. to 8 p.m.

Dear Member,

The entitlement to tax treaty benefits is of pivotal importance for taxpayers in order to obtain treaty benefits. Multilateral Instrument (MLI) to Implement Tax Treaty Related Measures are effective from

1 April 2020 in India and it will become pertinent and important for Indian entities to determine the tax treaty entitlement of the recipient of the payments.

Fees from October, 2019 to March, 2020 is ₹ 750/- + ₹ 135/- (18% GST) = ₹ 885/-



INDIRECT TAXES COMMITTEE

Chairman: Pranav Kapadia | **Co-Chairman:** Atul Mehta | **Vice Chairman:** Sumit Jhunjhunwala
Convenors: Hemang Shah | Keval Shah | Kush Vora | **Advisors:** A. R. Krishnan, Rajiv Luthia

8th Residential Refresher Course on GST

Venue: Hotel Fairmont, 2, Riico Kukas, Jaipur-303101

Days & Dates:
Thursday, 9th January, 2020 to
Sunday, 12th January, 2020

Indirect Taxes Committee of The Chamber of Tax Consultants is pleased to announce much awaited 8th Residential Refresher Course (RRC) on GST, at Hotel Fairmont, Jaipur from **9th January, 2020 (Thursday) to 12th January, 2020 (Sunday)**.

About Hotel Fairmont



Fairmont Jaipur is an ode to the pink city through awe inspiring architecture and decor, inspired by the Mughal dynasty and Royal Rajputs of yore. Fairmont Jaipur is an exotic palatial property. This luxury Jaipur hotel is nestled amongst the majestic Aravalli Hills, all rooms and suites are elegantly appointed, to reflect a perfect blend of traditional Rajasthani décor and modern amenities.

Participants may visit the hotel website: <https://www.fairmont.com/jaipur/> for further details.

About Jaipur City

Jaipur, the “Pink City” and the stunning capital of the Indian state of Rajasthan, is a hub for tourists and visitors from all over the world, looking to explore and discover a history that is rich and vibrant even today, evident in the city’s breathtaking forts and palaces.

Jaipur traces back its origins to 1727 when it was established by Jai Singh II, the Raja of Amber. He shifted his capital from Amber to the new city because of the rapidly-growing population and an increasing water scarcity.

Planned by Vidyadhar Bhattacharya, Jaipur holds the distinction of being the first planned city of India. Noted architect Vidyadhar Bhattacharya used the established principles of Vastu Shastra to build the city.

The story goes that in 1876, the Prince of Wales visited India on a tour. Since the colour pink was symbolic of hospitality, Maharaja Ram Singh of Jaipur painted the entire city pink. The pink that colours the city makes for a marvellous spectacle to behold. Jaipur rises up majestically against the backdrop of the forts Nahargarh, Jaigarh and Garh Ganesh Temple.

Renowned globally for its coloured gems, the capital city of Rajasthan combines the allure of its ancient history with all the advantages of a metropolis. The bustling modern city is one of the three corners of the golden triangle that includes Delhi, Agra and Jaipur.

Distinguished features of this RRC

- With initiation of multifaceted issues in GST, RRC is scheduled for 3 nights/4 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 2 technical presentation papers 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.



RRC Subjects and faculties

PAPERS FOR DISCUSSION		Faculties
PAPER I	Case Studies on Real Estate and Works Contract	Mr. Rohit Jain, Advocate
PAPER II	Case Studies on Input Tax Credit and Valuation	Mr. V. Raghuraman, Advocate
PAPER III	Assorted Case Studies on Levy, Scope of Supply, Place of Supply, Exemption, etc.	Panellists : Mr. Bimal Jain, Advocate CA Sunil Gabhawalla Moderator: CA A. R. Krishnan
PAPERS FOR PRESENTATION		Faculties
IV	Sales vs. Service – Problem Solved by GST?	CA Parind Mehta
V	Principles of Interpretation of Taxing Statutes relevant to GST	Mr. Bharat Raichandani, Advocate
Enrollment fees		
Member	₹ 19,750 + ₹ 3,555 (18% GST) = ₹ 23,305	
Non-Member	₹ 21,000 + ₹ 3,780 (18% GST) = ₹ 24,780	

Enrollment Fees for Non-Resident - for residents of Jaipur only.

Timings:	Fees	Inclusion	Venue
NRRC will commence at 3.30 p.m. on Thursday, 9th January, 2020 and will end by 1.00 p.m. on Sunday, 12th January, 2020.	₹ 11,500/- + ₹ 2,070/- (18% GST) = ₹ 13,570/-	RRC Course material, Lunch on 10th, 11th and 12th January 2020; Dinner on 9th and 11th January, 2020 Tea and refreshments on all days.	HOTEL FAIRMONT , Jaipur Address: Hotel Fairmont, 2, Riico Kukas, Jaipur-303101

Other relevant information

- RRC will commence from Lunch at 12.00 Noon on Thursday, 9th January, 2020 and end by 1 p.m. (after lunch) on Sunday, 12th January, 2020.
- Check-in time at Fairmont, Jaipur is at 2 p.m. on 9th January, 2020. The sessions will start at 3.30 p.m. on 9th January, 2020. Participants are requested to book tickets accordingly.
- Participants have to make arrangements for reaching Fairmont, Jaipur. Hotel is 40 to 50 minutes drive from Jaipur Airport and about 40-45 minutes drive from Jaipur Railway Station. The participants will get 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 from Lunch on 9th January, 2020 to Lunch on 12th January, 2020.
- Participation will be on first-come-first-served basis.
- Request for refund will not be entertained except where cancellation is for genuine unavoidable circumstances and it is subject to the discretion and approval of Managing Council of Chamber.
- Interested Members may enroll from the Chamber's Website www.ctconline.org to make online payment. Members can also download the "Form" from The Chamber's website 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
- Participants willing for extended stay with family can avail the said benefits for 3 days before or after RRC dates at discounted rates subject to availability. Participants are requested to contact Chamber's Office or convenors for availing the said benefits.
- For enrollment and any other conference related inquiries, please contact Mr. Hitesh Shah – Manager of Chamber's Office.



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 : ctcessay@gmail.com | Visit us at: www.ctconline.org



H. R. College of Commerce and Economics

Vidyasagar Principal K.M Kundnani Chowk,
123 Dinshaw Waccha Road,
Churchgate, Mumbai 400 020



THE DASTUR DEBATE COMPETITION

Thursday, 16th & Saturday, 18th January, 2020

Venue: H. R. College of Commerce & Economics,
Churchgate, Mumbai



The Chamber of Tax Consultants in association with H. R. College of Commerce and Economics is pleased to announce its third Debate Competition.

Objectives

Debate is the art of dialectic, that puts questioning, reasoning, critical thinking and logic at the heart of the trivium. These are all essential attributes of a great education and to be able to do them well can help ensure that young people perform well academically and, indeed, socially. The young students are the future of our nation. They have the potential to bring new ideas before society. The objective behind organising The Dastur Debate Competition is to ignite students' thought process and bring before us mint fresh thoughts.

Details of the Debate Competition are as under:

Each Team consist of :	2 participants (Colleges/Law firms/CA firms/Individual* are eligible to send their teams)
Eligibility of participants :	a. A student below 24 years of age AND b. A student studying in law/commerce college and not possessing any professional qualification such as CA, LLB, CS, ICWA etc. Note : CA/CS Articled Assistants are allowed to participate.

*Individual should enroll as an Independent Team

Awards

- Trophies & prize vouchers shall be awarded to the winning team, first and second runner up.
- An award will also be presented to the Best Speaker.
- Certificate of Participation will be presented to each of the participants.



The pre-event is organised on **Friday, 3rd January, 2020** to brief participants about the event and to assign the topics at **12 p.m.** at **H. R. College of Commerce and Economics**, Vidyasagar, Principal K. M. Kundnani Chowk, 123 Dinshaw Waccha Road, Churchgate, Mumbai 400 020.

Enrolment is restricted on a First-Come-First-Served-Basis. Interested students may send their enrolment along with participation details on ctcdebatecompetition@gmail.com **on or before 31st December, 2019.**

ENROLL ONLINE

For Rules & Regulations please visit our website www.ctconline.org
or call on 2200 1787 / 2209 0423 / 2200 2455



THE CHAMBER OF TAX CONSULTANTS

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A certificate of appreciation will be awarded to all the participants. The **top 3 essays** will be published along with a photograph of the participant in The Chamber's Journal and top 10 essays will be uploaded on our website www.ctconline.org

THE DASTUR ESSAY COMPETITION 2020

For Students of Law & Accountancy

The Dastur Essay Competition

The Chamber is one of the oldest professional organisations founded in 1926 and now in its 93rd year. The Chamber has been organising the Dastur Essay Competition since 2012 for Law Students and Article Trainees pursuing CA, CS and ICWA Courses, where essays on current topics are invited and then the same are judged by senior professionals with prizes and certificates being awarded to meritorious essays.

We, at The Chamber believe that young students are the future leaders of our nation. They have the strength to bring ideas to life. Writing, a dying art today, is an important tool for encouraging the young fresh minds with novel ideas, to express themselves on topics of professional interest and get recognised by a professional forum, with around 4,000 members, through publication of the top three essays in 'The Chamber's Journal'.

Hence, by participating in the Eighth Dastur Essay Competition of The Chamber, we request the budding professionals to be passionate about expressing themselves through their words and to take this opportunity to get the creative ideas flowing and allow the author within, to blossom.

Topics that have been selected for the Ninth Dastur Essay Competition are:

1. *Gandhian values in today's era*
2. *USD 5 trillion Indian Economy: Dream or Achievable?*
3. *Artificial Intelligence: Replacement for the Human Mind?*

Objectives

The objectives of the Competition are to cultivate good reading and writing communication skills coupled with encouraging "passion for writing" and "creativity", a quality which every human being possesses, which is possibly hidden and may be unknown to the individual himself.

The Dastur Essay Competition gives a platform to the young professionals to showcase their characteristics that illuminate the good students and potentially great writers. This Essay Competition invites students to explore a wide range of challenging and interesting questions beyond the confines of the college curriculum.

REGISTRATION
CLOSES ON

25

**January
2020**

SUBMISSION
DEADLINE

28

**February
2020**

Chairperson
Ms. Varsha Galvankar

Organised by **STUDENT COMMITTEE**

President
Mr. Vipul K. Choksi

Vice Chairman
Mr. Vitang Shah

Vice Chairperson
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Convenors
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Advisor
Mr. Ajay R. Singh

* For Rules & Regulations please visit our website www.ctconline.org



Theme: Tax Reforms - Complexities in Simplification

22nd National Convention

at Mumbai

All India Federation of Tax Practitioners (WZ)

CHALO MUMBAI

In Association with



The Goods and Services Tax Practitioners' Association of Maharashtra



The Chamber of Tax Consultants



Bombay Chartered Accountants' Society

13 December, 2019
NEC, OGM, Elections
2 p.m. onwards
Khadayata Bhavan
Vile Parle (E), Mumbai

14 15 December, 2019
NTC
Sahara Star, Opp. Domestic Airport,
Vile Parle (E), Mumbai-400099

(Dedicated to Past Presidents of AIFTP, Late Dr. N. M. Ranka, Sr. Advocate & Late Shri S. K. Poddar, Advocate)

Anand Pasari
Secretary-General, AIFTP

(Dr.) Ashok Saraf
National President, AIFTP

Topics and Speakers are as under :—

Session	Time	Subject	Speaker/Panelist	Chairman/ Moderator
DAY 1 — SATURDAY, 14TH DECEMBER 2019				
	8.00 a.m. to 9.30 a.m.	Breakfast, Registration & Fellowship		
	9.30 a.m. to 12.00 noon	Inaugural Function : Chief Guest : Hon'ble Dr. Justice D. Y. Chandrachud, Judge, Supreme Court of India Guest of Honour : Hon'ble Mr. Justice Pradeep Nandrajog, Chief Justice, Bombay High Court*		
1st Technical Session	12.00 noon to 1.30 p.m.	Proposed Income Tax Law – Charter for India's Pioneering Tax Reforms and Role of Professionals	Shri Mukesh Patel, <i>Advocate</i> , Ahmedabad	Dr. K. Shivaram <i>Sr. Advocate</i> , Mumbai
	1.30 p.m. to 2.30 p.m.	Lunch Break		
2nd Technical Session	2.30 p.m. to 4.00 p.m.	Power of Arrest and Prosecution under Tax laws	Shri Rahul Agarwal, <i>Advocate</i> , Allahabad	Shri Vikram Nankani, <i>Sr. Advocate</i> , Mumbai
3rd Technical Session	4.00 p.m. to 6.00 p.m.	Panel Discussions – Shifting of Burden of Proof – Direct & Indirect Tax	Panelists: Shri V. Sridharan, <i>Sr. Advocate</i> , Mumbai and Shri Saurabh Soparkar, <i>Sr. Advocate</i> , Ahmedabad	Moderator: CA. Pradip Kapasi, Mumbai

* Subject to Confirmation

DAY 2 — SUNDAY, 15TH DECEMBER 2019				
	8.00 a.m. to 9.30 a.m.	Breakfast and Fellowship		
4th Technical Session	9.30 a.m. to 11.00 a.m.	Intricacies of recent amendments under GST (including return)	CA. Umang Talati, Mumbai	Shri M. L. Patodi <i>Advocate</i> , Kota
	11.00 a.m. to 11.15 a.m.	Tea Break		
5th Technical Session / Panel Discussion	11.15 a.m. to 12.45 p.m.	Direct Taxes: Dilution of Fundamental Taxation Principles (or deeming provisions)	Shri Hiro Rai, <i>Advocate</i> , Mumbai	Smt. Prem Lata Bansal, <i>Sr. Adv.</i> , New Delhi
6th Technical Session / Panel Discussion	12.45 p.m. to 2.15 p.m.	Valuation under GST law with reference to treatment of discounts, price variations, incentives and its implications on Input Tax Credit	CA. Sujata Rangnekar, Mumbai	Shri P. C. Joshi, <i>Advocate</i> , Mumbai
	2.15 p.m. onward	Lunch		

NOTE : Topics Subject to Change

REGISTRATION FEES

Members	(₹ 5,200 + 936) = ₹ 6,136/-*
Outstation Delegate's Spouse	(₹ 3,000 + 540) = ₹ 3,540/-*
Non-Members	(₹ 6,000 + 1,080) = ₹ 7,080/-*

*Including 18% GST

(Registration form can be Downloaded, filled up online & Submitted @ aiftpwz@gmail.com along with details of payment)

RTGS / NEFT Payment Details

Account Name	: "AIFTP MUMBAI CONVENTION 2019"	Bank Account No.	: 919010038002874
Bank Type	: Saving Bank A/c	Bank Name	: Axis Bank Ltd.
Branch	: New Marine Lines, Mumbai 400 020	RTGS / NEFT Code	: UTIB0000233

For further enquiries contact :

Mrs. Nikita R. Badheka, Conference Chairperson and Dy. President, AIFTP – 9821037885	
Mr. Deepak Shah, Conference Co-Chairman & Chairman (WZ) – 9820148536	Mr. Chirag Parekh, Treasurer (WZ) – 9821634128
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Mr. Pravin Shah, Vice Chairman (WZ) – 9821476817	Mr. Vipul Joshi, NEC Member – 9820045569

or E-mail to aiftpwz@gmail.com

Conference Secretariat: 215, Rewa Chambers, 31, New Marine Lines, Mumbai-400 020
Tel.: 2200 6342 / 4970 6343 / 2200 6343 | E-mail: aiftpwz@gmail.com | Website: www.aiftponline.org



PUNE STUDY GROUP

Convenors: Sachin Sastakar | Shreedhar Pathak

Co-ordinators: Govind Agrawal | Mehul Shah | Sunil Vaidya

Pune Study Group Meeting on “Speed Reading”

Venue: ‘ELITIS’ Building of Symbiosis, Model Colony, Pune

Speaker: CA Srinivas Vakati He has trained over 5000 professionals and has read over 3000 books.

You can know more about him at his website www.srinivasvakati.com

Day & Date:
Saturday, 9th November, 2019
Time:
10.00 a.m. to 1.00 p.m.

We as professionals carry out lot of activities. With ever changing laws and professional developments, professionals are required to keep themselves updated about the changes and they are also required to unlearn and learn on continuous basis. It is therefore necessary for us to increase and develop the life skill of **Speed Reading**. To learn new techniques of Speed Reading and to apply it in our life, the Membership & PR Committee of The Chamber of Tax Consultants is pleased to present Life skill workshop on “Speed Reading”.

What will you learn in this workshop?

- What is your reading speed? How to calculate your reading speed?
- Myths, misconceptions of reading and what are the facts.

- Your reading habits – Good and Bad and how to overcome your bad reading habits.
- **Eyes:** How to use your eyes in a right way to increase your reading speed
- Practical Techniques to double your Reading Speed.
- Biggest mistake every reader makes. This lesson will change the way you look at reading forever.
- Right state for reading a book.
- Right mindset for reading.
- Step-by-Step system to read any book.
- Tips for reading on a computer screen and other Electronic Devices.

Fees	
Pune Study Group Members	Free
Non-Study Group Members	₹ 500 (Inclusive GST)
Students	₹ 100 (Inclusive GST)



INDIRECT TAXES COMMITTEE

Chairman: Pranav Kapadia | **Co-Chairman:** Atul Mehta | **Vice Chairman:** Sumit Jhunjhunwala

Convenors: Hemang Shah | Keval Shah | Kush Vora | **Advisors:** A. R. Krishnan, Rajiv Luthia

IDT Study Circle Meeting (For IDT SC Members Only)

Venue: A V Hall, 4th Floor, Jai Hind College, Churchgate, Mumbai-400 020

Topic: Issues related to Charitable Organisations Clubs & Associations under GST Law

Group Leader: Mr. Ishaan Patkar, Advocate

Chairman: Mr. Shailesh Sheth Advocate

Day & Date:
Thursday, 12th December, 2019
Time:
5.15 p.m. to 8.30 p.m.
7.00 p.m. to 7.15 p.m. (Snacks)



MEMBERSHIP & PUBLIC RELATIONS COMMITTEE

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

Convenors: Ashita Shah | Premal Gandhi | **Advisor:** Bhavesh Vora

SAS MEETING: Vaastu - The Art of Changing your destiny in Professional Life

Venue: Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate, Mumbai-400020

Speaker: Mr. Rasesh Shah (an expert energy facilitator from Mumbai)

Day & Date:
Wednesday,
13th November, 2019
Time:
6.00 p.m. to 8.00 p.m.

Vaastu Shastra is a traditional Indian system of architecture which literally translates to “science of architecture”. It is meeting and mingling of cosmic energy with geo energy, the meeting of negative with positive, yin with the yang! Professional career is arguably one of the most important things in anybody’s life. Career is what all of us eventually try to build all the years .One works hard for a good career, to ensure both professional and financial security. But if one is facing a setback or stagnation in your otherwise fruitful professional life, Vaastu, the scientific concept of inherent energy, could help your career fly.

With this view, the Membership committee has come up with a session on “Vaastu – The art of changing your destiny in Professional Life”

Details of the workshop:-

What will you learn in this workshop?

- Vaastu-the science of architecture more accessible
- Non destructive Vaastu remedies by integrating technology with age old science to provide with best Vaastu solutions.
- Vaastu tips helpful to both individuals and large Corporates

Fees	
For SAS Members	Free
For Others	₹ 170/- + ₹ 30/- (18% GST) = ₹ 200/-



INTERNATIONAL TAXATION COMMITTEE

Chairman: Rajesh L Shah | **Vice Chairmen:** Kirit Dedhia, Harshal Bhuta
Convenors: Isha A. Shekhri | Ronak Doshi | Kartik Mehta | **Advisor:** Dilip J. Thakkar

FEMA Study Circle Meeting (For FEMA SC Members Only)

Venue: 3, Rewa Chambers, Ground Floor, 31, New Marine Lines, Mumbai-400 020.

Subject: Discussion on Master Direction on Import and Export with Case studies

Speaker: Shri Ajit Shah

Day & Date:
Friday, 8th November, 2019

Time
6.15 p.m. to 8.00 p.m.

The FEMA Study Circle for this academic year would focus on covering some important Master Directions in detail along with its FAQ and suitable case studies to help built understanding of all/ some important practical aspects of the Master Direction.

With this background in mind, the Master Directions to be elaborately covered would be; Discussion on Master Direction on

Import of Goods and Services updated as on April 01, 2019 and Master Direction on Export of Goods and Services updated as on 12th January, 2018 and practical case studies.

With a view to understand regulations on Import and Exports and gain perspective on the entire Export-Import framework we have arranged this meeting for the benefit of the members.

Kindly ensure to pay annual FEMA study circle fees of ₹ 1,770/- (inclusive of GST) before attending this meeting. If you have not paid the annual membership fees, you can also attend this session by paying ₹ 200/- (inclusive of GST) per session on the spot at CTC office.



INDIRECT TAXES COMMITTEE

Chairman: Pranav Kapadia | **Co-Chairman:** Atul Mehta | **Vice Chairman:** Sumit Jhunjunwala
Convenors: Hemang Shah | Keval Shah | Kush Vora | **Advisors:** A. R. Krishnan, Rajiv Luthia

IDT Study Circle (For IDT SC Members Only)

Venue: AV Hall, 4th Floor, Jai Hind College, Churchgate, Mumbai-400 020

Topic: Issues in Interest Penalties and Confiscation of Goods under GST Law

Group Leader: Mr. Vinay Jain, Advocate

Chairman: CA Vinod Awtani

Day & Date:
Thursday,
14th November, 2019

Time:
5.15 p.m. to 8.30 p.m.
7.00 p.m. to 7.15 p.m (Snacks)



STUDY CIRCLE & STUDY GROUP COMMITTEE

Chairman: Ashok Sharma | **Co-Chairman:** Dilip B. Sanghvi | **Vice Chairman:** Sanjay Choksi
Convenors: Dhaval Shah | Dinesh R. Shah | Dipesh Vora | **Advisor:** Paras K. Savla

STUDY CIRCLE MEETING (For SC Members Only)

Venue: Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate, Mumbai-400 020.

Group Leader: CA Avinash Rawani

Subject: "New Scheme of E-Assessment Proceedings."

Day & Date:
Thursday, 7th November, 2019

Time
6.15 p.m. to 8.00 p.m.

STUDY GROUP MEETING (For SG Members Only)

Venue: Babubhai Chinai Hall, 2nd Floor, IMC, Churchgate, Mumbai-400 020.

Group Leader: Mr. Deepak Tralshawala, Advocate

Subject: Recent Judgments under Direct Taxes

Day & Date:
Thursday, 21st November, 2019

Time
6.15 p.m. to 8.00 p.m.



MEMBERSHIP & PUBLIC RELATIONS COMMITTEE

Chairman: Rajesh P. Shah | **Co-Chairman:** Sachin Gandhi | **Vice-Chairman:** Kartik Badiani
Convenors: Ashita Shah | Premal Gandhi | **Advisor:** Bhavesh Vora

SAS Meeting: Innovation in the Start-Up World

Venue: Babubhai Chinai Committee Room, 2nd Floor, IMC, Churchgate, Mumbai-400020

Speaker: Mr. Sneha Vaswani (Co-founder and CEO of Emotix. He is an IIT Bombay Graduate)

Day & Date:
Wednesday,
18th December, 2019
Time:
6.00 p.m. to 8.00 p.m.

Prime Minister Shri Narendra Modi had announced the campaign of Start-ups in 2015. The focus of the campaign was to discard restrictive State Government Policies within this domain, such as Licence Raj, Land Permissions, Foreign Investment Proposals and Environmental Clearances. Start ups face high uncertainty and do have high rates of failures but the minority that go on to be successful companies have the potential to become large. One such start-up, Emotix, founded in 2015 is an India based robotics company with its flagship product Miko which is an Artificial Intelligence (AI) – driven playful learning robot that engages, educates and entertains kids. Miko, a robot that can hear, sense, express, recognise face, remember names, initiate a conversation and learn from its own environment to intuitively develop a bond with a child. Its products leverage propriety and state of the art AI, robotics and Internet of Things (IoT).

This lecture meeting is aimed at guiding the members as to how a start up can be established and run successfully as against the common myth that start ups don't run successfully.

Details of the workshop:-

What will you learn in this workshop?

- Journey of the start-up company
- Evolution of the start-up company
- Way such a start-up company is created
- How to financially analyse balance sheet of such a start-up company
- And much more....

Fees

For SAS Members	Free
For Others	₹ 170/- + ₹ 30/- (18% GST) = ₹ 200/-

CTC Publications - "Analysis of Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019"



The Chamber of Tax Consultants



ANALYSIS OF
SABKA VISHWAS
(LEGACY DISPUTE RESOLUTION)
SCHEME, 2019

Updated till 30th September, 2019



The Chamber of Tax Consultants is pleased to release its publication on "Analysis of Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019". The innovative scheme is introduced by the Government to resolve pending disputes in relation to Central Excise, Service Tax and various other Acts. The most attractive aspect of the Scheme is that it is applicable to various categories of cases and there is full waiver of interest, late fees and penalty alongwith complete amnesty from prosecution.

An indepth analysis of the various aspects of the Scheme has been made by the Author of this publication CA Abhay Desai. The Scheme has been analysed and explained in a question-answer form along with reference to more than 50 judicial pronouncements. The clarifications issued till 30th September, 2019 have been duly included in this publication.

The Chamber is releasing this publication in print format along with a password protected facility to view the publication online. The e-version of this publication is available on Chamber's website www.ctconline.org and the password has been printed in the book itself. This unique feature of the publication is introduced by Chamber for the first time and would be useful to readers who prefer printed version as well as readers who like to read online.

The publication will help the users in understanding and implementing the various aspects of the scheme and will be a very useful reference material.

Single Copy Price:- ₹ 300/- + (₹ 35/- Courier charges)

UNREPORTED DECISIONS (SERVICE TAX)

By Vinay Jain & Sachin Mishra, *Advocates*

1. Whether the provisions of Section 73A is applicable in case the amount is returned to the customer subsequent to issuance of the show cause notice?

Facts and Pleading: RVS Hospitality & Development Private Limited (hereinafter referred to as 'Appellant') is engaged in providing renting of immovable property service. During the disputed period, the Appellant had rented its property to one of its customers and had issued monthly rental invoices along with service tax. However, while making payment of service tax, the Appellant had claimed the benefit of Notification 24/2007 i.e. reduction of property tax from value of service. Since benefit of said notification was availed and the same was not passed on to the customer, department issued show cause notice under Section 73A for recovery of service tax amount collected from customers.

The department argued that Section 73A is rightly invoked inasmuch as at the time of claiming the benefit of the notification the Appellant had not passed on the benefit of service tax to its customers. Also, there was possibility of availment of excess CENVAT Credit by the customers and under such circumstances, if the amount could not be recovered under Section 73A, the Appellant would be unjustly enriched in context of Section 11D.

The Appellant argued that the benefit claimed was subsequently passed on to the customers and the same was recorded in the adjudicating order as well. Thus, when the Appellant had refunded the amount to its customers, the provisions of Section 73A shall not be applicable for recovery of amount. Reliance was placed on the judgement of Hon'ble

Supreme Court in case of Ajit Mills Ltd. [1977 4 SCC 98] and decision of Tribunal in case of Vinayak Agrotech Ltd. [2012 (284) ELT 237].

Judgment: The Hon'ble Tribunal held that in the present case it was not disputed that the amount in question was paid back to the customers subsequent to issuance of the show cause notice. Thus, under such circumstances it cannot be said that the provisions of Section 73A should be applicable considering the same as a collection of excess service tax from the customer. The Hon'ble Tribunal further relied on the decision of Vinayak Agrotech Ltd. (supra).

M/s. RVS Hospitality & Development Private Limited vs. CCE, CESTAT Mumbai decided on 16-9-2019 vide Final Order No. A/86809/2019.

2. Whether the assessee is eligible for refund claim of tax borne on works contract service received from sub-contractors for providing works contract service to JNPT which was subsequently exempted by Notification 9/2016 with retrospective effect. Whether the certificate issued on letterhead of the port and authenticated by Deputy Secretary in Ministry of Shipping suffices as compliance of the condition of exemption?

Facts and Pleading: Bharat Mumbai Containers Terminals Private Limited (hereinafter referred to as 'Respondent') had provided service in the nature of works contract to Jawaharlal Nehru Port Trust (hereinafter referred to as 'JNPT'). The Appellant had subcontracted the work to two other contractors who had charged service tax on services provided to the Respondent. The works contract service provided to ports was exempted by Notification 25/2012 which was withdrawn by

Notification 6/2015 and subsequently restored later by Notification 9/2016. By incorporation of Section 103, the exemption was given a retrospective effect. Since the Appellant was entitled to the retrospective exemption accorded to the activity rendered in a works contract awarded by JNPT, the Appellant filed refund claim on 30.08.2016, of the amount of service tax paid on the invoices of sub-contractors as 'person' who had borne the incidence of tax. The original authority and the first appellate authority, examined the eligibility for application of retrospective exemption *vis-à-vis* Section 103 and sanctioned the refund claim. Aggrieved by the decision, the department filed the appeal before the Tribunal.

The department argued that the appellate authority while upholding the refund, failed to examine the existence of claim, if any, filed, or benefit availed, by the subcontractors consequent upon restoration of exemption. Furthermore, the appellate authority failed to ascertain if the Respondent had concurred with JNPT to include the tax component in the capitalization to avail higher depreciation. Also, the Respondent had not complied with the certification requirement under Section 103 and the notification as the certificate was issued on the letterhead of the Port Trust, was attested by the Deputy Secretary in the Ministry of Shipping. Further the department relied on the decision of Hon'ble Supreme Court in case of *CC vs. Presto Industries* [2001 (128) ELT 321 (SC)] and the Tribunal in case of *Mars Plastics & Polymers* [2003 (156) ELT 941] to contend that the applicant of refund claim is required to establish eligibility for benefit of any exemption notification.

The Respondent submitted that there was no amortization, or capitalization, of the said amount and on contrary, the amount of refund claim was reflected in the books as 'dues from government'.

It was also clarified that the suggested accounting treatment is nothing but a statement of intent of amortization upon commencement of commercial operation. Commencement of commercial operation took place in March 2018 and hence, in view of refund claim having been filed, the amortization had not taken place. Therefore, the apprehension of amortization, or any other downstream benefit of capitalization will not arise.

Judgment: The Hon'ble Tribunal held that the order cannot be assailed for non-compliance with the certification prescribed in the exemption notification as the certificate furnished, though issued on the letterhead of the Port Trust, has been attested by the Deputy Secretary in the Ministry of Shipping. The exemption notification has not prescribed the form or manner in which the certificate of the Ministry is to be authenticated. Attestation of the certificate signed by Chairman, JNPT by the competent authority in the Ministry of Shipping, therefore suffices as compliance. The issue of whether any claim for refund has been preferred by the two sub-contractors who included the tax in the invoice raised on the Respondent or had availed benefit is too vague and merely based on apprehensions. Also, under the scheme of operation of major ports, it is the tariff authority of ports which determines the contract rates and adequate safeguards exist for excluding amount that are not costs. Thus, the Respondent had clearly borne the incidence of tax and is eligible for refund.

CCGST vs. Bharat Mumbai Container Terminals Private Limited, CESTAT Mumbai decided on 3-9-2019 vide Final Order No. A/86588/2019.



COMPANIES ACT 2013 PUBLICATIONS

AS AMENDED BY COMPANIES (AMENDMENT) ACT 2019





Coverage	Companies Act with Rules (Pocket)		Companies Act with Rules	Company Law Manual
	Paperback	Hardbound	Paperback	Paperback
Bare Provisions				
Annotated text of Companies Act, 2013 (amended by 2019 Amendment Act)	✓	✓	✓	✓
Companies (Amendment) Act, 2017	✓	✓	✓	✓
Companies (Amendment) Act, 2019	✓	✓	✓	✓
References in Footnotes				
Relevant Rules and Forms prescribed in a Section	✓	✓	✓	✓
Exemptions available to various Cos. operating from IFSCs located in SEZ	✓	✓	✓	✓
Git of relevant circulars and notifications	✓	✓	✓	✓
Date of enforcement of provision	✓	✓	✓	✓
Corresponding provision of 1956 Act	✓	✓	✓	✓
Words & Phrases judicially defined	✓	✓	✓	✓
Aided Laws referred to in a provision	✓	✓	✓	✓
Relevant provisions of SEBI (Listing Obligations/ Table F of Schedule I)	✓	✓	✓	✓
New Secretarial Standards (SS-1 to SS-8)	✓	✓	✓	✓
List & Text of circulars & notifications issued under Companies Act 2013				
List of Exemptions				
Exemptions to Private Cos.	✓	✓	✓	✓
Exemptions to Section 8 Cos.	✓	✓	✓	✓
Exemptions to Public Cos.	✓	✓	✓	✓
Exemptions to Govt. Cos.	✓	✓	✓	✓
Exemptions to Private Cos. licensed to operate by RBI or SEBI or IRDA from the IFSC located in SEZ	✓	✓	✓	✓
Exemptions to Unlisted Public Cos. licensed to operate by RBI or SEBI or IRDA from the IFSC located in SEZ	✓	✓	✓	✓
Separate Divisions containing				
Provisions of other Acts referred to in Companies Act, 2013	✓	✓	✓	✓
Words & Phrases judicially defined	✓	✓	✓	✓
Guide to Companies (Amendment) Act, 2019	✓	✓	✓	✓
List and Text of Rules prescribed under Companies Act, 2013	✓	✓	✓	✓
Forms prescribed under the Companies Act, 2013	✓	✓	✓	✓
Text of relevant Rules given along with text of relevant Section of Companies Act, 2013	✓	✓	✓	✓
Tabular presentations				
Table showing enforcement of provisions of Companies Act, 2013	✓	✓	✓	✓
Table showing list of Sections of Companies Act, 2013 not yet enforced	✓	✓	✓	✓
Table of ROC Fees	✓	✓	✓	✓
Table of NCLT Fees	✓	✓	✓	✓
List of Documents to be attached with a petition made before NCLT	✓	✓	✓	✓
Table of NCLAT Fees	✓	✓	✓	✓
Fee payable under Companies (Compromises, Arrangements and Amalgamations) Rules, 2016	✓	✓	✓	✓
Table showing sections of Companies Act, 2013 & Corresponding provisions of Companies Act, 1956	✓	✓	✓	✓
Table showing sections of Companies Act, 1956 & Corresponding provisions of Companies Act, 2013	✓	✓	✓	✓
Table showing sections of Companies Act, 1956 not covered in Companies Act, 2013	✓	✓	✓	✓
	₹ 995	₹ 1,095	₹ 1,695	₹ 2,550

Mumbai
 35, Bodke Building, Ground Floor, MG Road,
 Opp. Mulund Railway Station, Mulund (W), Mumbai - 400080
 Tel. : +91-022-25934806/07/09, 25644807
 Mobile : 09322247686, +91-9619668669
 Email : sales.mumbai@taxmann.com

Pune
 Office No. 14, First Floor, Prestige Point, 283 Shukrawar Peth,
 Opp.Chinchchi Talim, Nr. BSNL office, Bajirao Road,
 Pune - 411002
 Mobile : 9822411811, 9834774266, 9322293945
 Email : sales.pune@taxmann.com

Nagpur
 Mobile : +91-9372452573
 Email : sales.nagpur@taxmann.com

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