



TAXtribune

NEWS & VIEWS

(For Members Only)

• Year: 2022-23 • July-2022 • Issue No.1

CMA Shripad Bedarkar
President

Adv. Amol Shaha
Vice President

Prasad Deshpande
Secretary

Adv. Milind Bhonde
Editor



CELEBRATING

5TH
ANNIVERSARY
OF
GST

GOODS AND SERVICE TAX

MAHARASHTRA TAX PRACTITIONERS' ASSOCIATION

(Formerly known as The Western Maharashtra tax Practitioners' Association)



42nd AGM conducted in Association Hall on 22nd June 2022



Presidential address by out going President **Shri Manoj Chitalikar**



Felicitation of Past President **Shri Santosh Sharma** with Gratitude Award



Felicitation of Past President **Adv Milind Bhone** with Gratitude Award



Felicitation of **Adv Sunil Khushlani** (Vice President - GSTPAM) with Gratitude Award



Felicitation of **Shri Anil Chavan** (President - NMTPA) with Gratitude Award



Felicitation of Past President **Shri Narendra Sonawane** for conducting successful National Tax Conference



Felicitation of **Adv Amol Mane** with Super Star Award



MAHARASHTRA TAX PRACTITIONERS' ASSOCIATION

Managing Committee for the Year 2022-23

MCM 2022-23

No.	Name of the Memeber	Designation
1	CMA Shripad Bedarkar	President
2	Adv.Amol Shaha	Vice President
3	Prasad Deshpande	Secretary
4	Adv.Anurudra Chavan	Joint Secretaty
5	Dnyaneshwar Narwade	Treasurer
6	Manoj Chitalikar	IPP
7	Umesh Dangat	Member
8	Swapnil Shah	Member
9	Pranav Sheth	Member
10	CA Swapnil Munot	Member
11	Milind Hendre	Member
12	Ashwini Bidkar	Member

Co-opted Members

No.	Name of the Memeber	Designation
1	Narendra Sonawane	Co-opt. Member
2	Navneetlal Bora	Co-opt. Member
3	Vilas Aherkar	Co-opt. Member
4	Vinod Rahate	Co-opt. Member
5	Prashant Waichal	Co-opt. Member
6	CA Yogesh Ingle	Co-opt. Member
7	Swati Dharmadhikari	Co-opt. Member
8	Adv. Sukrut Deo	Co-opt. Member
9	Prakash Sukhatme	Co-opt. Member
10	Ashwini Jadhav	Co-opt. Member
11	Pranjali Ambike	Co-opt. Member
12	CA Vaishali Kharde	Co-opt. Member

Invitee Members

No.	Name of the Memeber	Designation
1	CMA Navnath Nalawade	Invitee Members
2	Subhash Ghodake	Invitee Members
3	CA Sarvesh Mehandale	Invitee Members

Outstation Co-opted Committee for the Year 2022-23

No.	Name of the Memeber	Place
1	CA Umesh Sharma	Aurangabad
2	Adv.Dinesh Tambde	Mumbai
3	Anil Chavan	Nashik
4	Adv.Amol Mane	Sangli
5	Rajkumar Bhambre	Parbhani
6	Mahesh Bafna	Dhule
7	Adv.Abhijeet Berde	Ratnagiri
8	Nitin Bang	Sangli
9	Sahebrao Patil	Jalgaon
10	Shivkumar Dongre	Dhule
11	Sudarshan Kadam	Sangli
12	Adv.Amit Lulla	Sangli
13	Adv.Aditya Surte	Mumbai
14	Nitin Dongre	Kopargaon
15	Arun Baheti	Kolhapur
16	CA Jayant Joshi	Aurangabad
17	Chaitanya Sadekar	Satara
18	Vinod Kalantri	Amravati
19	Hemant Walkar	Sindhudurg
20	Rajesh Jage	Panvel
21	Kishor Gandhi	Ahemdnagar
22	P.G.Randad	Ambejogai
23	Satish Kajwadkar	Malegaon
24	Vikas Patil	Karad
25	Sunil Joshi	Mumbai
26	Pooja Talathi	Khed (Ratnagiri)

Special Invitee Members

No.	Name of the Memeber	Designation
1	CMA B. M. Sharma	Special Invitee
2	Adv. V G Shaha	Special Invitee
3	Adv. Milind Bhonde	Special Invitee
4	Santosh Sharma	Special Invitee
5	Sharad Suryawanshi	Special Invitee



MAHARASHTRA TAX PRACTITIONERS' ASSOCIATION

List of Sub Committees for The Year 2022-23

No	Name of Committee	Chairman	Convener & Numbers
1	Bulletin Committee	Adv. Milind Bhonde	Mr. Narendra Sonawane-Convener Adv. Amol Shaha CMA Rahul Pore Mr. Prashant Waichal Adv. Amol Mane Adv. S. Narayanan
2	News Letter Committee	CA Vaishali Kharde	Mr. Prasad Deshpande-Convener Mr. Milind Hendre Mrs. Ashwini Bidkar
3	Law & Representation GST Committee : CGST L&R Committee	CA Swapnil Munot	Mr. Narendra Sonawane-Convener CA Pritam Mahure CA Yogesh Ingle Adv. Amol Mane CA Vaishali Kharde Adv. Abhijeet Berde
4	Law & Representation GST Committee : SGST L&R Committee	CA Yogesh Ingle	Mr. Atul Kulkarni-Convener Adv. Abhay Bora Mr. Suhas Padhye Mr. Manoj Lalwani Adv. Dinesh Tambde Mr. Narendra Sonawane
5	Law & Representation Income Tax Committee	Shri. Santosh Sharma	Mr. Narendra Sonawane-Convener Mr. Prasad Deshpande Adv. Anurudra Chavan Mr. Navneetlal Bora
6	Certificate Course Committee	Mr. Manoj Chitalikar	Adv. Pranav Sheth-Convener Mr. Milind Hendre-Convener Adv. Amol Shaha Mr. Umesh Dangat Ms. Ashwini Jadhav

List of Sub Committees for The Year 2022-23

7	GST Mega / Crash Course Committee	CA Swapnil Munot	Mr. Prasad Deshpande-Convener
8	Study Circle Committee	Mr. Narendra Sonawane & Other Past Presidents	Mr. Milind Hendre-Convener Adv. Sukrut Deo-Convener
9	GSTP Guidance Committee	Mr. Narendra Sonawane	CA Swapnil Munot-Convener
10	Seminar & Conference Committee	Mr. Narendra Sonawane	Adv. Anurudra Chavan-Convener
	Workshop Committee	Mr. Navneetlal Bora	Mr. Swapnil Shah-Convener
11	RRC Committee		
11A	Local RRC - Varsha Sahal	Mr. Prasad Deshpande	Adv. Anurudra Chavan-Convener Mr. Dynaneshwar Narawade Mr. Prashant Waichal
11B	RRC (National / International)	Mr. Narendra Sonawane	Mr. Vinod Rahate-Convener Mr. Umesh Dangat-Convener Adv. Amol Shaha Mrs. Ashwini Bidkar
12	Website, Webinar & I.T Committee	Mr. Dynaneshwar Narawade	Adv. Amol Shaha-Convener Mr. Milind Hendre Mr. Prashant Waichal Mr. Swapnil Shah Ms. Ashwini Jadhav
13	A/C, Finance & Internal Audit Committee	Mr. Santosh Sharma	Mr. Dynaneshwar Narawade-Convener Adv. Anurudra Chavan Mr. Prasad Deshpande Mr. Vilas Aherkar
14	Trust Compliance Committee	Adv. V. G. Shaha	Mr. Sharad Suryawanshi-Convener Mr. Manoj Chitalikar Mr. Prakash Shukhatme Adv. Shrikant Patil
15	Investment Committee	Mr. Santosh Sharma	Adv. Milind Bhonde Mr. Sharad Suryawanshi Mr. Narendra Sonawane

List of Sub Committees for The Year 2022-23

16	Constitution Committee	CMA Brijmohan Sharma	CA Avinash Mujumdar Adv. V. G. Shaha Adv. Rajeev Joshi Mr. Santosh Sharma Mr. Narendra Sonawane Mr. Sharad Suryawanshi
17	Culture Committee	Mrs. Ashwini Bidkar	Mrs. Ashwini Jadhav-Convener Mrs. Swati Dharmadhikari
	Sports Committee	Adv. Sukrut Deo	Adv. Anurudra Chavan-Convener Adv. Pranav Sheth
18	Members Co-ordination, Recovery & Welfare Committee	Mr. Vilas Aherkar	Adv. Pranav Sheth-Convener Adv. Anurudra Chavan-Convener
19	Ladies Member Co-Ordination Committee	Mrs. Swati Dharmadhikari	Mrs. Ashwini Bidkar-Convener Mrs. Pranjali Ambike Mrs. Ashwini Jadhav
20	National Co-ordination Committee	Mr. Narendra Sonawane	Mr. Swapnil Shah-Convener Mr. Milind Hendre Adv. Pranav Sheth Adv. Anurudra Chavan
21	PCMC Committee	Mr. Navneetlal Bora	Mrs. Pranjali Ambike-Convener Mr. Sachin Gadekar
22	Building Committee	Mr. Narendra Sonawane	Mr. Umesh Dangat-Convener Adv. Amol Shaha
23	Publication Committee	Mr. Narendra Sonawane	Mr. Prasad Deshpande-Convener Mr. Swapnil Shah
24	E-Library Committee	Adv. V. G. Shaha	Adv. Pranav Sheth-Convener Mr. Sharad Suryawanshi Mr. Dynaneshwar Narawade Mr. Vinod Rahate

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<p>Editor <i>Adv. Milind Bhonde</i></p>	<p>Co-Editor <i>Mr. Narendra Sonawane</i></p>	<p>Editorial Board <i>Adv. G. Y. Patwardhan</i> <i>CMA Rahul Pore</i> <i>CA Swapnil Munot</i> <i>Adv. Sukrut Deo</i> <i>CA Vaishali Kharde</i></p>
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Rates for Advertisement in Tax Tribune	
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<i>Full Page</i>	<i>Rs. 3,000/-</i>
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(Note : GST applicable as per prevailing rate)

Editorial

Adv. Milind Bhonde
Editor

Mr. Narendra Sonawane
Co-Editor



At the outset, I am grateful to the President **Shri Shreepad Bedarkar** for assigning me the task of editorship of the mouthpiece of our association "Tax Tribune" during his tenure. I congratulate newly elected managing committee and wish them great success. I am confident that the new team will continue the legacy of earlier regiments.

"Tax Tribune" is providing the platform to the aspiring members of the association to share their views about direct taxes, indirect taxes and provides the opportunities to the readers to enhance their knowledge in taxation laws. The writers in the Tax Tribune take efforts to compile the assigned subject or the topic of their choice in such a manner to enlighten the readers on the topics of professional interest and to strengthen their views on the topic covered by writeup.

As everyone is aware the committee drafting the laws and tax administration try maximum to draft the laws and to administer it in such a manner to generate maximum tax revenue conveniently ignoring the priorities and needs of the taxpayer. Whereas the alert and efficient judiciary in India provides the respite to the taxpayers by cutting the

edge of the provisions or reading down the part of the provisions pinching to the business communities. Recent decisions of the apex court arresting the levy of GST on "Ocean freight" and allowing the developers to claim the deduction of the land on actual market rate are some of the examples. It would be wisdom on the part of Governments to accept the rulings of the judiciary with generous approach instead of effecting amendments in the laws as a back lash.

In the days to come we tax professionals need to update on the various provisions of the laws ignorance of which is likely to adversely affect to the interest of our clients. Regular reading of the literature available on the taxation laws would help to keep abreast of latest movements in taxation field. Issuing notifications every now and then to enhance the tax on some commodities, reducing the tax or exempting the tax on some commodities is the sign of dilemma and immaturity of the mind of the bureaucrats who do it. It shakes the confidence of taxpayer, their authorised representatives and the tax administration and leads to utter chaos.



President's Message

CMA Shripad Bedarkar
President



I am really honoured to get elected as President of Maharashtra Tax Practitioner's Association by the members of our association for the year 2022-23. I very humbly accept this new responsibility as a President of MTPA. I am very much thankful to all the members of our esteem association for giving me an opportunity to serve our association in better way. I will try my level best to reach our association at new heights and would get recognized nation-wide. It is my first and foremost duty to work for the betterment of our association and its members.

After all what is an Association... Association is a group of persons formed for the betterment of its members with specific object of development of all members and society at large. I promise that myself and my entire newly elected Managing Committee will work for overall growth of our association, its members and society at large. I request all the members to co-operate us and guide us to spread the wings of our association all over India. I am sure that each and every member of our association will come forward and help us in all means to achieve this goal as early as possible. Our members are the strength of our association and it is my first object to connect or re-connect with all the members. I herewith request all the members to participate wholeheartedly in all the activities of our association to make it stronger. All our members are successful practitioners in the area of taxation and well aware that only strong association can bring positive & revolutionary changes in the public interest. We are the partner in nation's growth. Unity is the strength so come forward and join the hands for betterment of our association and society at large.

Our association has glories history and famous for arranging various educational and cultural programs with special touch. Our entire Managing Committee is committed to continue this in the coming year also. We will regularly arrange Seminars, Workshops, Conferences, Certificate & Other Courses, Study Circle Meetings etc. in this year which will help our members to update and upgrade to take up new challenges. We further try to improvise the programs with your valuable suggestions and hence appeal all to send us the feedbacks on the programs conducted till now and your expectation, comments, suggestions, even criticism for our improvements to make it better. I personally believe that there is always scope for improvement from good to better, better to best and so on.... hence request you all give us your feedbacks regularly.

Our committee is working hard to reach in each district of Maharashtra and to get recognize as State Level association having member base from each districts, cities, sub-urbans & even rural areas in days to come. We are also trying our level best to make presence nation-wide for which we have open our membership for all India last year. I am happy to share that we are receiving good response from all over India and very prominent practitioners are now becoming member of our association. I appeal all our members to help us in increasing our membership all over India.

I am very much thankful to all Past Presidents, Committee Members, Seniors and mainly all members for their wholehearted support which will motivate me to serve our esteem

to be Continue.... Page No. 10

Association News

Shri. Prasad G. Deshpande
Secretary

Adv. Anurudra R. Chavan
Joint Secretary



Dear Members,

At the outset, we, Prasad G. Deshpande and Anurudra R. Chavan are very much thankful to our Respected President for giving us the responsibilities as Secretary and Joint-Secretary and also giving an opportunity to serve our Association. With everyone's kind support and sincere co-operation, we are confident that we will shoulder these responsibilities efficiently and increase the dignity of our Association.

1) ANNUAL GENERAL MEETING (AGM):

42nd Annual General Meeting was conducted on 22nd June, 2022 in our Association Hall as well as online on Virtual Zoom Meeting Platform @ 05.30 pm (after adjournment of ½ an hour), more are 60 + members attended online & offline meeting.

2) OFFICE BEARERS FOR THE YEAR 2022-2023:

Name	Designation
Mr. Shripad Bedarkar	President
Mr. Amol Shaha	Vice-President
Mr. Prasad Deshpande	Secretary
Mr. Anurudra Chavan	Joint-Secretary
Mr. Dnyaneshwar Narwade	Treasurer

3) PALKHI PROGRAM :

Palkhi (Vari Pandharichi Amhi Karache Varkari)

program was celebrated on 22.06.2022 with great enthusiasm. Past Presidents, Committee Members and other members were present for this Vari Program. Members distributed food and other useful items to the Varkaries during this Palkhi program.

4) KNOW YOUR COMMITTEE PROGRAM:

'Know Your Committee' program was arranged on 28th June, 2022 in our Association Hall and also online on Virtual Zoom Meeting Platform @ 06.00 pm, Respected President Sir has formed various Committees and allotted responsibilities as Chairman, Convenors of the respective committees. Chairman and Convenors in the said committee informed about their future plans for the year about activities of the committee. Past Presidents of the Association also gave their valuable suggestions and best wishes to all Committee Members. Nearly 40+ members were present for the same.

5) EVENTS:

A. SEMINARS AND STUDY CIRCLE:

- i. **On 04th June, 2022** - 1st Outreach Program was organized jointly with CGST Office, Pune II and other 39 District Associations in the Maharashtra on the topic "**Analysis of key Recommendations by 47th GST Council Meeting**" in physical as well as online Zoom Platform. The faculty for this Outreach Program was Dr. Deepika

Tangadkar, Deputy Commissioner, CGST Pune II, Mr. Amit Shrivastav, Superintendent, CGST Pune II, Mr. Vijay Patne, Superintendent, CGST Pune II, Mr. Raghvendra Shukla, Superintendent, CGST Pune II. Excellent deliberation was given by the speaker and overwhelming response received from all over the Maharashtra. 140 plus participants attended the same Outreach Program.

- ii. **On 06th June, 2022** – A Study Circle meeting was organised jointly with 39 other District Associations in the Maharashtra on the topic “**प्रवास जी.एस.टी.चा “काल..आज...आणि उद्या....!**

Chief Guest for this program was Shri. Dhananjay Akhade sir (Addl. Commissioner of State Tax, Pune) and eminent speakers were CMA B.M. Sharma, Adv. Kishor Lulla, and Adv. Milind Bhonde. All the speakers had explained the topic in a very simple language and in a practical manner. Overwhelming response received for the aforesaid webinar 185 plus participants attended for the said Study Circle physically as well as on virtual Zoom Platform..

- iii. **On 09th June, 2022** – A Seminar on Income Tax was organised jointly with all other 39 District Associations in the Maharashtra on the topic “**Seminar on Income Tax**” in physical as well as virtual mode on Zoom Meeting Platform. The speakers were CA Palak Pavaghadi (Ahmadabad), CA Subodh Shah (Pune), CA Sanjay Vanbhatti (Kolhapur) and Tpr. Santosh Sharma (Pune). Excellent deliberation given by all the speakers and overwhelming response was received from all over the Maharashtra. 100 plus participants attended the said Program.

- iv. **Guru-Pornima Program, dated on 13th July 2022.**

On the auspicious day of Guru-Pornima, we felicitating Past Presidents and the Senior Members of our Association as a token of appreciation for their valuable contribution for our Association and Profession.

- v. **On 13th June, 2022** – A Seminar on GST was organized jointly with North Maharashtra Tax Practitioners` Association on the topic “**Recent Amendment in GST and Fake Invoicing under GST**” in Hybrid mode (Physical & virtual). The Chief Guest for this seminar was Mr. Rajeev Kapoor (Principal Commissioner, CGST, Pune II) and Mr. Anil Vakharia (Past President) was the Chairman for this seminar. The speakers were GST expert CA Ravikumar Somani (Pune) and Adv. Varis Isani (Ahmedabad). Both the speakers have given magnificent lecture on the allotted topic and more than 140 participants attended this said seminar.

B. Future Events:

- i. Association is planning to conduct GST Crash Course in coming days for the benefit of Professional Fraternity and Members at large.
- ii. Association is also planning to organise a VARSHA-SAHAL i.e., Local RRC in the rainy season in the month of August 2022.
- iii. Association is planning to have an online Certificate course on Accounting in the month of August 2022.

C. Renewal Of Membership:

We request all the General Members to renew their membership for the year 2022-2023 and also requesting all the members to make payment of Bulletin Fees for FY 2022-2023. Members can make payment through NEFT/IMPS or through Pay-u-Money link available on our association website www.wmtpa.org then select “Pay

Online” Tab to make payment or use following link <https://www.payumoney.com/paybypayumoney/#/74D05239C984456BD334CD3565F82746>

In view of present situation, we request all the members to make online payment instead of sending cheque / cash if possible.

Membership Fees

Life Members	General Members	Outstation Members (Except Pune District)
Rs 7500.00 + GST 18%	Rs 1000.00 + GST 18%	Rs.700.00 + GST 18%
Entrance Fees Rs 101.00 + GST 18%	Entrance Fees Rs 101.00 + GST 18%	Entrance Fees Rs.101.00 + GST 18%
Yearly Service Charges for Bulletin Rs. 500/- (For All Members)		

President's Message Continued from Page No. 7

association in a best possible way.

I once again request you all to help us in a broader mission to reach our Association all over India.

I request all our members to give their feedbacks and suggestions for our improvement. We all are committed to make our Association the best one in India. Please remember one of the best quotes by Shri Swami Vivekannad **“Arise, Awake and Stop Not Till the Goal is Reached”**

Wish **Happy Monsoon Season** to all members and readers.

Happy Reading !!!

JAY HIND...JAY MAHARSHTRA...





Deduction Of Land Cost At 1/3rd of Total Consideration Held To Be Ultra Vires

Adv. G. Y. Patwardhan

MUNJAAL MANISHBHAI BHATT vs UNION OF INDIA

Gujarat High court judgment

Facts of the case

The petitioner has entered into an agreement with Developer for the purchase of plot of land and construction of bungalow on the said plot of land. Separate and distinct considerations were agreed upon. Petitioner had agreed to bear GST.

Promotor relying upon the Entry 3(if) of Notification No 11/2017 – CT (R) read with Para 2 raised invoice on the petitioner charging tax at the rate of 18% on the entire consideration payable for land as well as construction of bungalow after deducting 1/3rd of value towards land. Petitioner challenged the validity of the para two of the notification.

In another set of petitions was against the advance ruling authority which held that the deduction of land was admissible only to the extent of 1/3rd of total consideration.

Contentions of petitioner

Referring to L& T judgment it was argued that it is only when the recipient enters into a contract with supplier, the supply can commence and since in the instant case, the land has already been developed by the developer and thereafter if the contract for construction of bungalow is entered with prospective buyer, then the supply of goods or services is only to the extent of construction

undertaken pursuant to contract.

2nd **Gannon Dunkerley & Co. v. State of Rajasthan**, that tax is imposed on the actual taxable value of works contract and the Government could prescribe fixed percentage only for cases where the actual value was not ascertainable and in cases where fixed percentage is prescribed the same should not appreciably differ from the actual value.

impugned notification providing only a specific method for deducting the value of land is to be held ultra-vires.

Deeming fiction is ex-facie discriminatory.

The petitioners in AAR cases argued that once a particular consideration was agreed for sale of land between two parties, it was not open for the tax authorities to rewrite the terms of agreement.

Contentions of department

If various terms and conditions of the agreement between the petitioner and developer are read together they indicate that All powers are vested with developer and that none of these components of transaction can be separated and are integral part of single transaction. Even if consideration is separately mentioned for taxation purpose total consideration for the single transaction shall be considered.

sale of developed plot is a different transaction that mere sale of land, and is not covered by Schedule III of CGST/SGST Act.

Government is competent and has power to formulate valuation rules.

Decision by the High Court

Mandatory application of deeming fiction of 1/3rd of the total agreement value towards land even though the actual value of land is ascertainable, is clearly contrary to the provisions and scheme of the CGST Act and therefore ultra-vires the statutory provisions.

High court observed that if there are two plots of different sizes but construction area is same then due to Deeming fiction the taxable turnover is different and hence it is arbitrary, in as much as the same is uniformly applied irrespective of the size of the plot of land and construction therein.

- valuation under section 15(5) of the CGST Act has to be by rules and not by notification and even if it is presumed that the Government has the competence to fix a deemed value for supplies, if the deeming fiction is found to be arbitrary and contrary to the scheme of the statute, then it can definitely be held to be ultra vires.
- The Court held that the deduction of 1/3rd for value of land cannot be made mandatory in cases where the value of land is clearly ascertainable or where the value of construction service can be derived with the aid of valuation rules, and that such deduction can be permitted at the option of a taxable person particularly in cases where the value of land or undivided share of land is not ascertainable.

Comments

In the book published at the time National Tax Conference in 2019 the author had written an article on GST on construction of ownership flats in which he had given his opinion as follows :

Land cost deduction is arbitrary : In the opinion of author there ought to be alternate option to decide the land cost on at actual basis or any other rational basis such as ready reckoner rates for stamp duty purposes.

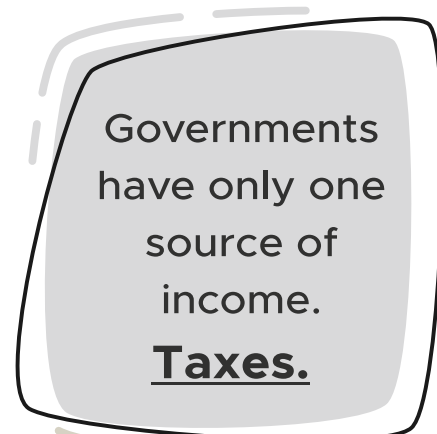
Gujrat High Court has given a land mark judgment upholding very apparent arbitrary provision. I wonder why it took so long. Government has gobbled up lot of revenue in last 5 years on the basis arbitrary provision.

It may be noted that the petitioner is not a developer but purchaser. The levy of tax is on developer and not on purchaser. Even then purchaser is treated as aggrieved party as he was to bear the tax. This is also noteworthy.

In this particular case the purchaser has purchased from developer plot of land and got constructed bungalow thereon hence the land cost was easily ascertainable and determined between the parties. But in case of most ownership schemes the land cost is not so easily ascertainable. Question is whether the Judgment will be of any help in such cases. In my opinion valuation of land as well as construction service is easily ascertainable by taking help of ready reckoner for stamp duty purposes and therefore land cost deduction as mandatory and only method needs reconsideration in view of this judgment. Let us hope that the Government does not go in appeal before Supreme court against this very sound judgment.

Another point is that whether the tax can be levied only on that portion of construction which is carried on after booking agreement and before completion certificate. At present the government is charging tax on entire consideration. This point is worthy of litigation. Question is who will take a lead.

The construction sector has always been litigation prone and it will remain so for many years in future also.





Provisions of Section 16 (2) (c) thorn for businessmen

Adv. S. Narayanan

Provisions of Section 16 (2) (c) of CGST act, 2017 - a thorn for genuine businessmen – needs to be repealed

1 The key factors which need to be considered for allowing ITC credit should, in essence, be the following and nothing beyond –

- i Goods or services has been sourced which are intended for use in furtherance of business.
- ii. These are physically received and are intended to be used / used for taxable supplies.
- iii. The value of such goods or services along with tax has been paid to the supplier.
- iv. The said input or input services is not hit by blocked credit u/s 17 (5) of CGST act, 2017.
- v. The tax on outward supply of goods or services has indeed been paid.
- vi. Barring an exception that in case of export of goods or services, such registered person is allowed to retain such ITC credit and also use it for payment of tax on other domestic outward supplied, though such exports suffer Zero tax

2 Whereas Government have imposed a condition in Section 16 (2)(c) of CGST act, 2017 which is as under:

(c) subject to the provisions of

[section 41 or section 43A], the tax charged in respect of such supply has been actually paid to the Government, either in cash or through utilization of input tax credit admissible in respect of the said supply

3 Though there has been spate of representation in this regard, the Government is not interested in repealing the aforesaid section, which has become a positive hindrance for the genuine businessmen. This is because, despite the buyer complying with all the above-mentioned key compliances, is in the receiving end, only due to the reason that supplier has not paid such tax collected to the Government and has not filed GSTR 3 B returns.

3 The restrictions put in section 16(2)(c) tantamount to violation of Article 14 of the Constitution. Article 14 talks about equality before law and states that the State shall not deny any person equality before the law or the equal protection of the laws within the territory of India. Some of the decisions where the matter has been moved in the High Court are as under and final decision on the above is yet to be received.

4 There are number of petitions which are pending in this regard in High Courts. Two of such Writ Petitions referred to in Apex

Court decision in the case of **UNION OF INDIA Versus CUMMINS TECHNOLOGIES INDIA PVT. LTD.** relating to transfer Petitions (Civil) Nos. 1481-1482 of 2021, decided on 20-9-2021 **and reported in 2021 (53) G.S.T.L. 129 (S.C), where Apex Court did not entertain such transfer of cases from High Courts** for giving final decision, as it has all over India implications. The Apex Court held at para 6 as under, but for which the said issue would have got quickly resolved at the Apex Court level, which would have benefitted the assessee:

6. Even though Learned Solicitor General insisted for transfer of cases pending before various High Courts to this Court, **we are not inclined to entertain these transfer petitions,** for the reason that various High Courts are already seized of the matters. In particular, in the matter before the High Court of M.P., Indore Bench, counter affidavit is already stated to have been filed

5 The Apex Court was hearing in the case of (i) Writ Petition No. 9443/2020 titled 'M/s. Cummins Technologies v. Union of India' pending before the High Court of Madhya Pradesh at Indore and (ii) Writ Petition No. 7767/2020 titled 'M/s. SPL Infrastructure Private Limited v. Assistant Commissioner of State Tax, Narasannapeta and Ors.' pending before the High Court of Andhra Pradesh at Amaravati.

6 **Other cases pending in various High Court challenging provisions of Section 16(2) (c) are given for ready reference**
M/s Sahil Enterprises. - Vs. -Union of India- IA No.1/2021 with WP(C) No.531/2021 - Tripura High Court
Unifab Engineering Project Pvt. Ltd. and anr. Vs Deputy Commissioner CGST And CEX (Bombay High Court)
Rahul Agencies Vs Union of India

(Rajasthan High Court)

7 Since provisions of said Section 16 (2) (c) of CGST act, 2017 is akin to Sales tax i.e VAT provisions which existed where the High Court have given favourable decision stating that buyer cannot be held for the default in payment of tax by seller and hence set off cannot be denied on the said account. Some such decisions in VAT are **Sri Vinayaga Agencies v.s The Assistant Commissioner, CT Vadapalani [2013 60 VST page 283] - it was held by the Hon'ble Madras High Court** that the authority does not have the jurisdiction to reverse the input tax credit already availed by the assessee on the ground that the selling dealer had not paid the tax.

In the case of Assistant Commissioner (CT), presently TAC, Kolathur, Chennai vs. Infiniti Wholesale Ltd., reported in [2017] 99 VST 341 (Mad) and Ranganathar Valves (P) Ltd. vs. The Assistant Commissioner (CT) (FAC) [W.P. Nos. 38488 to 38493 of 2015], Hon'ble Madras High Court held that Input Tax Credit cannot be disallowed on the ground that the seller has not paid tax to the Government, when the purchaser is able to prove that the seller has collected tax and issued invoices to the purchaser. As such, restriction of the amount of Input Tax Credit on this ground cannot be sustained.

In the case of On Quest Merchandising India Pvt. Ltd. vs. Government of NCT of Delhi and others [W.P.(C) 6093/2017] as well as Arise India Limited vs. Commissioner of Trade & Taxes, Delhi & Others [W.P.(C) 2106/2015] and many other writs in a batch - Hon'ble Delhi High Court held that section 9(2)(g) requires the purchasing dealer to ensure, for the purposes of claiming ITC, that the selling dealer has deposited VAT with the Government or has lawfully adjusted it

against such selling dealer's output tax liability which is not within the control of the purchasing dealer. The Court further added that **in the event that the selling dealer has failed to deposit the tax collected by him from the purchasing dealer, the remedy for the Department would be to proceed against the defaulting selling dealer to recover such tax and not deny the purchasing dealer the ITC**

In Indroyal Furniture Company (P) Ltd. vs. The Assistant Commissioner (CT) [W.P. 14777 of 2016], the Hon'ble Madras High Court referred to the

judgement in the case of Vinayaka Agencies vs. The Assistant Commissioner, CT Vadapalani held that the authority is not empowered to revoke the ITC availed on the plea that the selling dealer had not paid the tax.

8 The sum and substance of the above is that for failure of supplier to pay tax which has been collected from the buyer, the responsibility lies with the supplier and not the buyer.

9 It is also a settled position of law that such supplier when he collects the tax from the buyer, he is acting as "agent of the Government" and it is for this reason that such tax collected needs to be booked as "liability in supplier's books" and it cannot be booked as "income".

10 When the supplier acts as agent of the Government, it is also the responsibility of the Government to ensure that such tax collected by the supplier on his behalf is paid to the exchequer by going after them, as the Government officers have been vested with vast powers to collect such tax, got for attachment of movable and immovable to recover the tax and also proceed with prosecution.

11 Hence, the burden of such failure of the department to collect the tax from the suppliers, cannot be passed on to the genuine buyers, who despite having paid the tax to the supplier, cannot be in the receiving end to reverse ITC, for such failure of Supplier to pay and failure of the department to collect the same from the Supplier, who has acted as agent of the Government. Thus, seeking reversal of ITC from the buyer causes immense financial burden on the registered person who has already paid the tax to the supplier.

12 Article 300A provides that no person shall be deprived of property saved by authority of law, it being still a constitutional right, even if it is not a fundamental right. **Once tax has been paid, ITC availed becomes a property which right cannot be taken away in any manner.** It is held by Apex Court in the in the case of Eicher Motors Ltd. v. Union of India (1999) 106 ELT 3: (1999 AIR SCW 563: AIR 1999 SC 892) = 2002-TIOL-149-SC-CX-LB that a credit under the MODVAT scheme was "as good as tax paid".

13 Hence, this matter needs to be taken strongly by associations like MTPA to the Government to repeal the provisions of Section 16 (2)(c) of CGST act, 2017.

14 Barest minimum remedy which can be provided by the Government immediately is to allow the buyer to pay the tax on behalf of defaulting supplier by keeping such GST registration of the defaulting supplier open, from the available dues to be paid by such supplier to the department and ensure that once such payment of tax is made on behalf of erring supplier, then no ITC reversal from the buyer should be sought by the department. This is because Government cannot collect such revenue from both the ends.



जीएसटी कायदा- काल आज आणि उद्या

अॅडवोकेट किशोर लुल्ला

गेली कित्येक वर्षे आपण परकीय राष्ट्रांची त्यांनी केलेल्या भौतिक प्रगती बाबत कौतुक करित आहोत. त्यांच्याकडील शिक्षण चांगले आहे, इमारती आणि रस्ते उत्तम आहेत, सर्वसामान्य नागरिकांच्या दैनंदिन जीवनात भ्रष्टाचार नाही, बाथरूम मधील पाणी देखील प्यायला चालते इतके ते स्वच्छ असते, राज्यकर्ते चांगले आहेत, कर भरण्याची विवरणपत्रके फक्त एक दोन पानी असतात, सगळीकडे संगणकीकरण आहे वगैरे वगैरे.

हे सर्व का आहे किंवा अमेरिकेला आजही आपण महासत्ता का म्हणतो, तर त्यांच्याकडे पैसे भरपूर आहेत. याचे कारण कर भरणा चांगला आहे. व्यापाऱ्यांची वृत्ती पैसे भरण्याची आहे आणि सर्वात महत्त्वाचे म्हणजे अंमलबजावणी करणारे प्रामाणिक आहेत. उत्तम पद्धतीने एखादा देश चालवायचा असेल, नागरिकांना सगळं चांगलं द्यायचं असेल तर सरकारकडे पैसा पाहिजे आणि जास्तीत जास्त पैसा मिळवण्याचा मार्ग म्हणजे अप्रत्यक्ष कर प्रणाली होय.

आणि म्हणूनच भारत सरकारने १ जुलै २०१७ पासून असे ठरवले की आपल्याला संपूर्ण जगाबरोबर वाटचाल करायची असेल तर वस्तू आणि सेवा कर कायदा आणण्याशिवाय पर्याय नाही. गेल्या पाच वर्षात जीएसटीचे संकलन संकलन प्रचंड प्रमाणात वाढत आहे आणि ते बरोबरच आहे. याचा परिणाम म्हणूनच की काय, आपल्याला मेट्रो, मोनोरेल, मोठमोठे विस्तृत रस्ते, उड्डाणपुल, उत्तम विमानतळ, चांगल्या रेल्वे गाड्या, वोल्वो, संगणकीकरण, इतकेच नाही तर शासकीय कार्यालय देखील उत्तम असलेली पहावयास मिळत आहेत.

सध्या असे दिसते की आपण प्रत्येक गोष्टीची इंडस्ट्री केली आहे. स्कूल इंडस्ट्री, हॉस्पिटल इंडस्ट्री, एंटरटेनमेंट इंडस्ट्री, फिल्म इंडस्ट्री, एज्युकेशन इंडस्ट्री, एका छताखाली सर्व सेवा आणि मॉल ही याची काही उदाहरणे आहेत. याचा अर्थच असा की निरपेक्ष सेवा करणाऱ्या संस्था फार कमी आहेत किंबहुना त्या हाताच्या बोटवर मोजण्या इतक्याच आहेत. अशा परिस्थितीत शेतकरी, दवाखाने, शिक्षण संस्था यांच्यावर जीएसटीची आकारणी करू नये हे म्हणणे चुकीचे ठरेल. आणखीन एक मुद्दा म्हणजे गेल्या ७० वर्षात कित्येकांना कर चुकवायची सवय लागलेली आहे, खोटी

बिले, हवाला, दोन नंबरचे व्यवहार या सगळ्यांचा जन्म या चुकवेगिरीच्या वृत्तीमुळेच झाला आहे. साहजिकच सापडलेली चोरी लपवण्यासाठी भ्रष्टाचाराचा उदय झाला. आम्हाला पकडूच नये म्हणून हमे बांधणी सुरू झाली. त्यामुळे सवडी शास्त्राने उद्योजक, व्यापारी, शासन आणि सरकार काही वेळा चांगले आणि काही वेळा वाईट ठरू लागले. अगदी शेतकऱ्यांपासून ते दूध व्यवसायिक, साखर कारखाने, सूत गिरण्या, सहकारी क्षेत्र या सर्वांनाच चुकवेगिरी करणे, सबसिडी मिळवणे याची सवय झाली आणि म्हणूनच आपल्याला किंवा ज्याचे त्याला ठरवावे लागेल की आपल्याला नेमके काय पाहिजे. परदेशांसारख्या सगळ्या उत्तम भौतिक सुविधा पाहिजे असतील तर जीएसटी हा असलाच पाहिजे. तो भरलाच पाहिजे आणि त्याचा तिरस्कार करता कामा नये. यामुळे आपोआपच सर्वांची प्रगती होत राहणारच आहे आणि आज ती होत देखील आहे. लोक भरपूर वाहने खरेदी करीत आहेत, हॉटेलमध्ये बसायला जागा नाही, थंड हवेची ठिकाणे तुडुंब भरलेली आहेत, मल्टिप्लेक्स, मॉल, ब्रँडेड वस्तू उत्तमरीत्या चालत आहेत. कोट्यावधी रुपयांचे मोबाईल, लॅपटॉप, वॉशिंग मशीन, एसी, सोने रोज खरेदी केले जात आहेत.

या सर्व पार्श्वभूमीवर उद्याच्या परिस्थितीचा विचार करायचा असेल तर असे उदाहरण देता येईल की जसा एखादा विद्यार्थी व्यवस्थित अभ्यास करतो, चांगले शिकतो, चांगले वागतो तर तो नक्कीच यशस्वी होतो. त्याचप्रमाणे जो शेतकरी, व्यापारी, उद्योजक, डॉक्टर, वकील उत्तम अभ्यास करेल, उत्तम प्रतीचा माल विकेल, उत्तम सेवा देईल, उगाचच रडत बसण्यापेक्षा आणि इतरांना दोष देण्यापेक्षा बदलत्या परिस्थितीला सामोरे जाईल त्याला जीएसटीच काय कशाचाच त्रास होणार नाही.

आजची संपूर्ण तरुण पिढी ही ऑनलाईन खरेदी, क्रेडिट डेबिट कार्ड याचा वापर करणारी आहे, मॉल मधून खरेदी करणारी आहे. बिनबिलाने खरेदी करणे हे त्यांना माहीतच नाही आणि तेच भविष्याचे ग्राहक तसेच करदाते आहेत. शासनाच्या बाजूने पाहायचे झाले तर ई वे बिल, ई इवोईस, टीडीएस, पॅन आधारित, आधार कार्ड आधारित, टोल नाके, जीपीएस प्रणाली यामुळे दोन नंबर

to be Continue.... Page No. 27



JURISPRUDENCE – Nature & Scope

Adv Amol T Mane

The field of taxation is very complex and clumsy due to its nature. There are numerous amendments and notifications due to nature and evaluation of GST. It is very hard task to consolidate the provisions of various laws from all over India into one single Statute. The combination and mixing of various statute into one make the GST most complicated. Understanding the law in its true sense is very important task. This discussion leads us to the basic science and principles of law which makes it necessary to study jurisprudence. Number of times, it is discussed amongst the scholars that which is superior legislation, which judgments are applicable, which are only for guidance etc. One has to study jurisprudence to understand these various issues and legal principles to understand the law properly.

“Jurisprudence” is the word which creates fear in the minds of law students. But it is far more important subject. John William Salmond has explained his theory in his book “Jurisprudence or The Theory of The Law” in which he mentions “*the term jurisprudence means the science of law*” in its widest sense. The term “Jurisprudence” is derived from a Latin word “*jurisprudentia*”, which means knowledge of the law, where Latin term “*juris*” means 'legal' and “*prudentia*” signifies 'skill' or 'knowledge'. The definitions of “jurisprudence” given by different jurists differ due to the personal notions regarding the limitations of the subject as well as due to personal ideology and nature of society in which the jurist resided. The basic reason

for such differences in theories is due to variable growth and the development of law in different countries. The study to understand the background, evolution, and effect of such laws can be termed as Jurisprudence.

In this, he describes three branches of Jurisprudence:

- Civil jurisprudence – by this he means, law of the land, which gives the wholesome principles in the tribunals of the state;
- International Jurisprudence – this is the science of international law which deals with the rules prevails between the states; and
- Natural Jurisprudence – this is the science of natural law (*Jus Naturale*).

Salmond further narrowed down the definition and reiterates that-“*Jurisprudence as the science of civil law*”

According to Gray – “Jurisprudence is the science of Law, the statement and systematic arrangement of the rules followed by the Courts and principles involved in those rules”.

According to C K Allen –“Jurisprudence” is the scientific study of law's essential principles.

Apart from Jurisprudence being an abstract and theoretical subject, it also serves many other purposes. It has a practical utility to increase generalization of laws, which helps in forming concepts that will serve in understanding the rationale behind complex laws. It serves as an

educational purpose by providing logical analysis, which sharpens the logical understanding of the lawyer. Jurisprudence is known as *"the eye of the law"* because it talks about the basic principle of the law. Lastly, it also serves the jurists and judges in ascertaining the actual meaning of law passed by the legislation.

There is nothing in legislation like supreme and subordinate. Supreme legislation proceeds from sovereign power in the state and cannot be repealed or controlled by any other legislative authority whereas subordinate legislation proceeds from the authority other than sovereign authority and is dependent for its existence on sovereign authority.

In this regard, division of powers in India prevents the accumulation of power in the hands of a single legislation and provides certain jurisdiction for the Central Government and the state governments. Indian Constitution denies the theory partially by giving the power of revision of any legislation made by such sovereign authority to the Indian Courts, and the court has the power to nullify the complete or partial laws inconsistent with the fundamental rights.

In this regard, for study GST, one has to study Act passed in the Parliament, notifications issues from time to time for changes in the same, clarificatory Circulars issued, Press releases issued though they have not relevance in the Act directly, but as guidelines. This list continues with the judgments delivered by the Supreme Court and various High Courts from various States, AAR and AAAR and also own interpretation of the revenue officials.

In jurisprudence, a right defines as an interest recognized and protected by the rule of right. It is any interest, respect for which is a duty, and the disregard for which is wrong. The Supreme Court of India defines legal rights as *"In a strict sense, legal rights are correlative of legal duties and are defined as interests which the law protects by imposing corresponding duties on others. But in a generic*

sense, the word "right" is used to mean an immunity from the legal 'power of another immunity is exemption from the power of another in the same way as liberty is exemption from the right of another."

Salmond defines duty as an act of which every citizen is obliged to perform in furtherance of protecting the rights of others. He considers it of two types: legal and moral. Indian Constitution also includes fundamental duties of a citizen which can be termed as legal duties.

In jurisprudence, it is observed that the laws have been classified in its widest sense as follows –

- 1) Imperative Law
- 2) Physical or Scientific law
- 3) Natural or Moral law
- 4) Conventional laws
- 5) Customary Law
- 6) Practical or Technical Law
- 7) International Law
- 8) Civil Law.

It is necessary to observe this classification or sources or categories of law in interpretation of any law. In ancient times, there was no distinction between "law" and "morality" as such. However, the distinction was made by lawmakers as well as by the courts. According to Positive Law School, "law" the "the law" which is declared by the State and enforced by sanction of the State.

The view of administration of justice or administrative authorities is also kept into mind. Jeremy Taylor had once observed "a herd of wolves is quieter and more at once than so many men unless they all had one reason in them or have one power over them". Man is most selfish animal and State's coercive authority is necessary to keep him within limits and restrain. Unfettered and unrestrained liberty leads in state of anarchy and chaos. While studying the restrictions in the GST, one has to keep these things in the mind.



Advance Ruling Relating To Valuation Of Branch Transfer/ Stock Transfer

CA Swapnil Munot

In erstwhile indirect tax law, valuation of Branch transfer / Stock Transfer was one of the area where dispute was common. In GST, government has tried to resolve said dispute by prescribing that levy of GST on Branch Transfer. However, on what amount GST is to be paid, is prescribed by Rule 28 of CGST Rules 2017.

Importantly, Rule 28 prescribes broadly three methods for valuation:

- a) **OPTION 1** - Open Market Value / Value of supply of goods or services of like kind and quality
- b) **OPTION 2** - 90% value of the ultimate sale price between recipient Branch and unrelated customer. [this option is available only if, recipient branch is further supplying the goods as it is. Without any processing]
- c) **OPTION 3**—Any value declared on invoice will be deemed to be Open Market Value [this option is available only if, recipient branch is entitled for Full Input Tax Credit.

Dispute/ambiguity arises on applicability of Option 3. Option 2 and 3 is provided under Rule 28 by way of proviso and due to which question arises whether these proviso are to be read independently or both are part of the same.

With regards to option 3, In one of AAR, authority made categorical observation that " If that were the case, the applicant may use a value much higher than the open market value to pass on input tax credit to his branch office".

Due to which taxpayer has fear whether their valuation would be challenged by authority in future. Below are important advance ruling relating to "Branch Transfer / Stock Transfer", which throw lights on view adopted by authority on Branch Transfer.

1. BEFORE WEST BENGAL AUTHORITY FOR ADVANCE RULING IN CASE OF –

M/S GKB LENS PVT LTD [Order No 07/WBAAR/2018-19 dated 30/05/2018 dated 15th March 2018]

- **Fact of Case:** - *The Applicant is stated to be a Re-seller and Importer of Sun Glasses, Frames, Lenses, Contact Lenses, etc. having Head Office in West Bengal. Goods, namely, Optical Lenses and Frames for Spectacles and Accessories, are transferred from the Head Office in West Bengal to its branches in other states.*
- *The Applicant submits that so far the value of the trading goods supplied to branches in states other than West Bengal is being determined at 90% of the MRP of the goods in terms of the First Proviso to Rule 28 of the CGST/WBGST Rules, 2017*
- **Question:** - *Advance Ruling has been sought on whether such goods supplied to the branches in states other than West Bengal can be valued in terms of the Cost Price under the Second Proviso to Rule 28 of CGST Rules, 2017, instead of 90% of MRP as required under the First Proviso of the same Rule.*

- **Ruling:** The Applicant has the option of not supplying goods to its branches under the First Proviso of Rule 28 and is eligible to value these goods by applying the terms of the Second Proviso to Rule 28 of GST Act.

The expression "where the recipient is eligible for full input tax credit", as used in the Second Proviso to Rule 28 of CGST Rules, 2017, means that the recipient will be eligible to take full input tax credit of the amount of tax paid by the supplier as mentioned in the respective invoice or any other document valid under Section 16(2)(a) of GST Act

It is one of the favourable advance ruling which state that, Second provision is independent provision and taxpayer can transfer goods at any value if recipient is eligible to claim ITC of it.

2. BEFORE TAMIL NADU AUTHORITY FOR ADVANCE RULING IN CASE OF - M/S THIRUMALAI CHEMICALS LTD [Order No. 41/AAR/2020, dated 18-12-2020]

• **Fact of Case:** -

M/s. Thirumalai Chemicals Limited, having their principal place of business at No. 25A, Sipcot Industrial Complex, Sipcot, Ranipet. They are engaged in the business of manufacture and trading of chemicals. They are the largest producers in the world for Phthalic Anhydride, Malic Acid and Fumaric Acid.

Apart from units in Tamil Nadu, they have units and branches located in Gujarat, Maharashtra and Dadra & Nagar Haveli. They are engaged in stock transfer of their finished products to their units (depots) located in other States

- **Applicant have stated that that they propose to adopt a lesser price or zero price as it may warrant for their stock transfer to their distinct units (depots) situated in different States to offset the accumulated input tax credit, which will pave way to avoid**

unnecessary blocking of capital/funds to the organization which in turn will ensure the smooth functioning of the business

- **Question:** -(1) *The value to be adopted in respect of transfer to branches located outside the State.*

(2) Whether the value of such supplies can be determined in terms of the second provision to Rule 28 in respect of supplies made to distinct units in accordance with clause (4) & (5) of Section 25 of the CGST Rules, 2017?

• **Ruling:**

The applicant can adopt any one of the following three methods provided under Rule 28 of the CGST/TNGST Rules, 2017 read with Section 15 of the CGST/TNGST Act, 2017 to arrive at the value in respect of supply to distinct persons

(a) Open Market Value as is presently being adopted by them;

(b) 90% of the ultimate sale value as raised by the distinct persons to the unrelated ultimate customers based on the purchase orders in cases of 'as such' supplies;

(c) The distinct persons being eligible for full Input Tax Credit of Taxes paid by the applicant, the 'Invoice value' is the deemed 'Open Market Value'.

3. BEFORE MAHARASHTRA AUTHORITY FOR ADVANCE RULING IN CASE OF -

M/S B.G. SHIRKE CONSTRUCTION TECHNOLOGY PVT. LTD. [Order No. GST-ARA-42/2019-20/21-22/B-56, dated 9-9-2021]

(Note – Said AAR cover various question. However since we are analyzing valuation aspect, below we have quoted only relevant para of said AAR dealing with valuation.)

- **Fact of Case:** - *M/s. B.G. Shirke Construction Technology Pvt. Ltd., the applicant's Registered/Corporate Office is in Pune. The*

“Shirke Group” is in the business of Civil Construction, Structural Engineering, Fabrication & Erection of Transmission Tower Materials, and Aviation Chartering, etc

The Registered/Corporate Office supplies managerial and leadership services to the aforesaid distinct and related persons in the areas of finance, operation, etc. for which it charges fixed monthly charges on lump sum basis. The charges are at the discretion of the Registered/Corporate Office and not supported by any specific valuation method under Section 15 of CGST Act read with GST Valuation Rules.

- **Question No 3:** - *If the aforesaid activities are treated as “supply of service” between distinct and related persons and GST thereon is held to be payable, whether the applicant can continue to charge certain lump sum amount, as has been done in the past, in terms of second proviso to Rule 28 of CGST Rules, 2017, as most of the recipients of such services are eligible for full credit, barring one or two related persons, who would comply with the provisions of Section 17 of CGST Act, 2017, at their respective ends?*

▪ **Ruling:**

Answered in the affirmative

4. BEFORE TAMIL NADU AUTHORITY FOR ADVANCE RULING IN CASE OF - M/S SPECSMAKERS OPTICIANS PRIVATE LIMITED [Order No. 27/AAR/2019, dated 24-6-2019]

- **Fact of Case:** - The Applicant has stated that they import as well as locally procure Lenses, Frames, Sun Glasses, Contact Lenses as well as Reading Glasses, Complete spectacles and are engaged in re-selling them.

They have their office in Tamil Nadu at Chennai. They also have branches outside the

State of Tamil Nadu and the goods imported and re-sold by the applicant are also transferred to their branches located outside the State for subsequent supply to ultimate customers

Rule 28 of GST Rules, 2017, provides three options for determining the value in respect of supplies to distinct/related persons. These options are governed by two provisions. The applicant is of the view that the second provision is applicable to their case, i.e., where the recipient is eligible for full input tax credit, the value declared in the invoice shall be deemed to be the open market value of the goods or services

- **Question:** - Determination of value to be adopted in respect of transfer to branches located outside the State, i.e., to distinct persons of the same PAN. The applicant claims that applying the second proviso to Rule 28 of GST Rules on such supplies, it is sufficient that they pay the tax at the time of supply of goods from the State of Tamil Nadu on the value arrived by taking into account the cost price in the tax invoice while dispatching the supplies to other States

▪ **Ruling:** The Applicant has

Both provisos are to be read together and not independently, that is the applicant cannot choose whichever proviso is favourable to them

Therefore, the applicant shall adopt the “open market value as per Rule 28(a) as the same is available for the supplies made to the distinct recipient outside the State. Instead of the available open market value, the applicant can also opt to value the same at 90% of the price charged for the supply of goods of like kind and quality by the recipient to his customer not being a related person.

Here, AAR has given held that, Second Proviso to Rule 28 is not independent. Aggrieved by order of AAR, appellant filed appeal before Appellate Authority of Advance Ruling

4.1 BEFORE TAMIL NADU “APPELLATE AUTHORITY” FOR ADVANCE RULING IN CASE OF -

M/S SPECSMAKERS OPTICIANS PRIVATE LIMITED [Order No. A.R. Appeal No. 7/2019/AAAR, dated 13-11-2019]

- **Fact of Case:** - Aggrieved by order to authority, applicant filed appeal to Appellate authority.
- **Grounds of Appeal:** - The main ground of appeal is that Rule 28 contains two provisos and each proviso is for taking care of a particular situation and there is no requirement that these provisos should be applied sequentially
- **ORDER:** We find that there is no specific regulation in the said Rules, that the rules are to be applied seriatim.

Further looking at the construction of the said rule, it is evident that when an 'Open Market Value' is available, sub-rule (b) and (c) may not be applicable but the same is not the case in respect of the provisos.

Proviso 1 entitles the appellant to value at 90% of the ultimate sale value to the unrelated customer at the initial supply at his option in cases of 'as such supply'. Proviso 2 states that when the tax paid is available as full input tax credit, then the invoice value is the 'Open Market Value'.

Considering the constructions of the rule as above, we find that the law provides the taxpayer an option to adopt 90% of the price charged as value to be adopted initially (i.e., supply between distinct

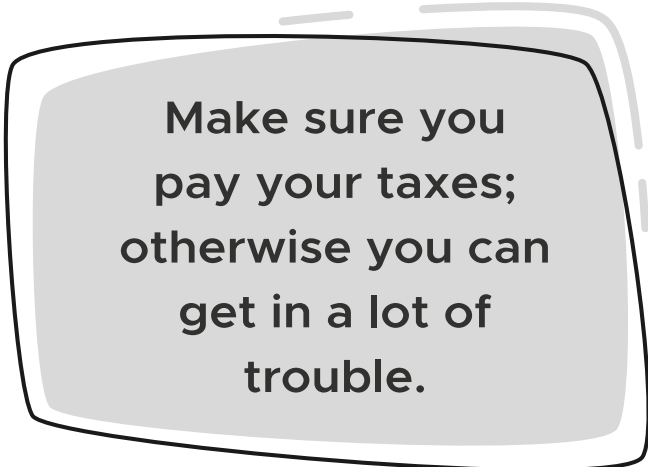
persons) and in the alternative, in case of full Input tax being available to the recipient as credit, the invoice value is declared as 'Open market value'.

There is nothing to show that the second proviso is subordinate to the first. It independently deals with a scenario where the recipient is eligible for full input tax credit.

Therefore, the appellants may adopt the value for supply to distinct person as provided under Proviso 2 to Rule 28 of the CGST/TNGST Rules, 2017. Accordingly, we set aside the ruling of the Original Advance Ruling Authority

From above AAR, it appears that authorities have accepted view that, second proviso to Rule 28 is independent proviso. One has always option to value stock transfer in it. Only condition under it is if recipient is eligible to avail ITC, invoice value can be accepted as Open Market Value.

However, it is recommended that reasonable care should be taken while doing Branch Valuation / Stock Transfer whether it is complying with conditions of Rule 28



Make sure you pay your taxes; otherwise you can get in a lot of trouble.



How to file Income Tax Updated Return (ITR-U) Form?

Santosh S Sharma

Taxation Consultant

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Finance Minister Nirmala Sitaraman in her 2022-23 Budget speech said that "To provide an opportunity to rectify such errors, I am proposing a new provision allowing taxpayers to file updated returns **on** [payment of additional tax](#).

Accordingly, The Central Board of Direct Taxes (CBDT) has notified a new Rule 12AC and a new Form ITR-U which shall be required to be filed along with the respective ITR, to furnish an updated return. In this form, taxpayers should provide the reason for filing and the portion of income to be allowed for taxation purposes.

ITR-U is the new form and taxpayers can use it to file updated income tax returns for the financial year 2019-20 and 2020-21 corresponding to A Y 2020 - 21 & A Y 2021 – 22 on payment of additional tax.

ITR-U form can be filed within two years from the end of the appropriate assessment year. Taxpayers will have to provide proper reasons for revising the income return already filed or not filed earlier reporting the income correctly or choosing the wrong heads of income or reducing carried forward loss.

Possible reasons:

1. Serious illness / injury / hospitalization of the assessee or near, dear family member,
2. Death of assessee himself (Return filed by legal heir),
3. Capital gain of property remained to be disclosed

- a) u/s 45 (5 A) joint development agreement completion certificate received by developer not communicated to land owner,
- b) Sale of land originally considered as being exempt but afterwards revealed that it is taxable.
4. TDS deposited after filing of ITR
5. Shortfall in unabsorbed depreciation
6. Decrease in tax credit under section 115JB/115JC
7. Incorrect rate of tax
8. Other reasons of the taxpayer which may differ in each case.

Who can not file Updated ITR?

In the following circumstances, an updated return cannot be furnished if:

1. The updated return is a return of the loss
2. The updated return is reducing the [income tax liability](#) from the return filed earlier
3. The updated return results in increasing the refund,
4. The search has been started under section 132,
5. Books of accounts or any other document are called for under section 132A,
6. A survey is done under section 133-A,
7. Any proceeding of assessment, revaluation, recalculation, or revision is pending or completed in that year,
8. The AO has information against such person under the Prevention of Money Laundering Act or Black Money

(Undisclosed Foreign Income and Assets) and Tax Act or Benami Property Transactions Act or Smugglers and Foreign Exchange Manipulation Act and the same have been reported to the assessee.

9. Other Notified Person

The form of updated return Form-U was updated latest on 27th June 2022. Updated ITRs u/s 139(8A) can be filed electronically using the Excel utility for A Y 2020-21 and A Y 2021-22.

This move of bringing ITR-U is aimed at helping taxpayers to rectify any discrepancies or omissions. However, there is a limitation as well, a taxpayer can file only one updated return per assessment year.

At present, if the IT department finds that some income has been omitted by the assessee, it goes through a lengthy process of adjudication, and the new proposal will re-establish trust in the taxpayer.

An extra 25 per cent will need to be paid on tax and interest due if the updated ITR gets filed within a year (12 months), the rate will reach 50 per cent if the updated ITR gets filed after 12 months but before 24 months from the conclusion of the appropriate assessment year.

However, if the **assessee is falling** under any of the **categories of disqualification** of filing ITR-U concerning the particular Assessment Year taxpayers will be **unable to avail** of return **benefits of updated ITR in that specific year**. Additionally, if the taxpayer furnishes an updated return but payment of the additional taxes has not been made, then the return would be rendered invalid.

What is Income Tax Updated Return (ITR-U)

Updated return is a type of return of income u/s 139(8A) of the Income Tax Act 1961 to be filed using Form ITR-U. It allows taxpayers to:

1. File Return of Income not filed earlier
2. Make corrections in disclosure in Income Tax Return

3. Fix or change the Head of Income
4. Reduce carry forward loss
5. Reduce unabsorbed depreciation
6. Reduce Income -tax credit and more
7. Omitted income could be declared,
8. Beneficial I future scrutiny assessment

Who could file ITR-U (Income Tax Updated Return)?

Any taxpayer can file an updated return whether he has submitted his original / revised / delayed return of income or not.

When did the Provisions Become Effective?

The provisions will be effective w e f 1st April 2022

Deadline for Filing an Income Tax Updated Return

The updated return can be furnished within 24 months from the end of the specific assessment year. Therefore, the due dates would be:

Assessment Year	Due date for filing ITR-U
2020 - 21	31 st March 2023
2021 - 22	31 st March 2024
2022 - 23	31 st March 2025

How to Calculate Income Tax Updated Return via Simple Process?

Section 140B of the Income Tax Act 1961 provides the procedure to calculate income tax on an updated return.

Payable Tax + Interest + Payable fees for non filing of Income Tax (if any) + Payable amount as Additional Tax (For taking benefit of Section 139(8A)) = Total Income Tax Liability.

Total Income Tax Liability (from above) – TDS / TCS / Advance Tax / Tax Relief etc = Net Tax Liability u/s 140B.

Thus, it is clear that S/A tax paid will not be considered as tax already paid while calculating the additional tax payable.

Example-1: In a case the following is the situation:

FY 2020 - 21; A Y 2021-22

Sr. No.	Particulars	Rs.	Rs.
1	Tax payable on updated income		500000
2	Add : Education cess @ 4 %		20000
3	Total tax & education cess payable		520000
4	Add: Interest & fees thereon:		
	u/s 234-A:	25000	
	u/s 234-B:	10000	
	u/s 234-C:	5000	
	Fees : u/s 234-E:	5000	45000
5	Total tax, Education cess, Interest & fees payable		565000
6	Add: Additional tax @ 25 % *		41250
7	Total tax, EC, Int, fees & additional tax payable		606250
8	Total tax, EC, Int, fees & additional tax paid		
	- Advance 14.06.2021	45000	
	- Advance 15.09.2021	90000	
	- Advance 12.12.2021	90000	
	- Advance 15.03.2022	75000	
	- T D S - - -	85000	
	- T C S - - -	15000	
	- S/A 31.03.2022	100000	
	- S/A 07.07.2022	110000	606250
9	Refund / Demand		NIL

25 % of Rs. 165000 {Total tax payable 565000 – (Less) [Advance tax Rs. 300000] + [TDS 85000] + [TCS 15000]} i. e. Rs. 41250 is to be considered. Therefore, while calculating additional tax @ 25 % / 50 % S/A tax paid prior to filing of ITR should not be considered as provided u/s 140-B of the Income Tax Act, 1961.

Short Brief of Additional Tax Liability

To avail the benefit of section 139(8A), the assessee is required to pay additional tax computed as under: 25% of tax, HEC, SC, and interest as calculated above, if an updated return is to be filed within 12 months from the end of the assessment year.

50% of tax, HEC, SC, and interest as calculated above if an updated return is to be filed after 12 but before 24 months.

Example-2: How to Calculate Tax, Interest, fees & Additional tax payable.

Sr. No.	Particulars	- Rs.	- Rs.
1	Net taxable Income		XXXXXX
2	Rounded-off		XXXXXX
3	Tax thereon		XXXXX
4	Add : Surcharge (if applicable)		XXXXX
5	Total tax & surcharge payable		XXXXX
6	Add: Education cess		XXXXX

7	Total tax, surcharge & education cess payable		XXXXX
8	<u>Add: Interest & fees thereon:</u>		XXXXX
	<u>u/s 234-A:</u>	XXXXX	
	<u>u/s 234-B:</u>	XXXXX	
	<u>u/s 234-C:</u>	XXXXX	
	<u>Fees: u/s 234-F:</u>	XXXXX	XXXXX
9	Total tax, SC, EC, interest & fees payable		XXXXX
10	<u>Add: Additional tax @ 25 %</u>		<u>XXXXX</u>
11	Total tax, SC, EC, int. fees & additional tax payable		
12	Total tax, SC, EC, interest, fees & additional tax paid		
	- TDS - -	XXXXX	
	- TCS - -	XXXXX	
	- Advance	XXXXX	
	- Advance	XXXXX	
	- Advance	XXXXX	
	- Advance	XXXXX	
	- S / A	XXXXX	XXXXX
13	Refund / Demand		XXXXX

Example-3: An assessee has filed his ITR for A Y 2020-21 before due date declaring total income of Rs. 1475000/-. Long – term Capital Gain on Sale of Property of – Rs. 1225000/- has not been considered while filing original ITR. How can he update his income?

Ans:

Sr. No.	Particulars	Rs.	Rs.
1	Net taxable Income (as per original return)		1475000
2	Long term Capital gain (attach detailed working)		1525000
3	Net taxable Income 9 as per original return)		3000000
4	Tax thereon		xxxx
5	<u>Add: Education cess @ 4 %</u>		xxxx
6	Total tax & education cess payable		xxxx
7	<u>Add: Interest thereon:</u>		
	<u>u/s 234-A:</u>	XXXXX	
	<u>u/s 234-B:</u>	XXXXX	
	<u>u/s 234-C:</u>	XXXXX	
	Total interest payable	XXXXX	XXXXX
8	Total tax, education cess & interest payable		XXXXX
9	<u>Add: Additional tax @ 50 % of above</u>		XXXXX
1	Total tax, EC, interest & additional tax payable		XXXXX
11	Total tax, EC, interest & additional tax paid		XXXXX
12	Refund / Demand		XXXXX

Here, Since the assessee has filed his original return of income in time he will not be required to pay late fees u/s 234-F. Taxes paid along with original return will be considered & he is liable to pay difference naturally with interest thereon plus 50 % additional tax [of the difference due]

Comparison between ITR-U & Section 119 (2)(b) returns filing:

Section 119(2) (b) reads as: The Board may, if it considers it desirable or expedient so to do for avoiding genuine hardship in any case or class of cases, by general or special order, authorize any income – tax authority, not being a Commissioner (Appeals) to admit an application or claim for any exemption, deduction, refund or any other relief under this Act after the expiry of the period specified by or under this Act for making such application or claim and deal with the same on merits in accordance with law;

Situation	ITR – U	Return u/s 119 (2) (b)
Refund	Not allowed	Could be filed on obtaining permission from Principal C I T
Enhancement of Income / Reduction of loss	ITR could be filed on payment of additional tax, fees & interest	Not available

It is therefore clear that assessee could file returns after due date in case of refund by making application to the jurisdictional C I T & getting permission from him & in case of additional tax liability or reduction of loss assessee could file ITR -U.

Whether Concessional tax rate could be availed while filing ITR-U?

In case the assessee has filed his return of income for A Y 2021-22 on or before due date & if he has opted for taxation u/s 115-BAAC ((FOR Individual & HUF's) & u/s 115-BAA (for domestic company) then while filing updated ITR-U it could continue with the same rate of tax. This concessional rate of tax is available only if the assessee has filed his original ITR on or before due date.

जीएसटी कायदा- काल आज आणि उद्या

Continued from Page No. 16

वाले कोणीही टिकणार नाहीत. सिमलेस क्रेडिट चे महत्व ज्याला कळत नाही तो प्रगती करूच शकणार नाही. कर चुकवणारे सर्व व्यापारी, उद्योजक बाजूला फेकले जाणार आहेत. त्यामुळे जीएसटी उत्तम होता, उत्तम आहे आणि जीएसटी चे भवितव्य अतिशय चांगले आहे. त्यामुळे प्रत्येक व्यक्तीने, ग्राहकाने त्या प्रवाहात पोहतच पुढे गेले पाहिजे.

आता थोडंसं चुकते कुठे ते पाहू किंवा हे सर्व आणखीन चांगले होण्यासाठी कशाची आवश्यकता आहे. पहिले म्हणजे राजकारण्यांनी आणि शासनकर्त्यांनी भ्रष्टाचारी वृत्ती थांबवली पाहिजे. आता पगार भरपूर आहेत. थोड्याशा गरजा सुद्धा कमी केल्या तर व्यवस्थित अंदाजपत्रकाची घडी बसणे सहज शक्य आहे.

दुसरे म्हणजे कायद्याची भाषा सोपी केली पाहिजे. सरकारने सोप्या भाषेत पुस्तके छापली पाहिजेत. वर्षभर सतत व्यापारी, दिवाणजी, अधिकारी यांचे मिळावे, शिबिरे, चर्चासत्रे घेतली पाहिजेत. जीएसटीचे फायदे काय आहेत ते प्रत्येकाला व्यवस्थितपणे समजावून सांगितले पाहिजेत. सर्वात महत्वाचे म्हणजे कर ओरबडण्याचे कमी झाले पाहिजे. विक्रेता संन्याशी आणि खरेदीदाराला फाशी ही वृत्ती बदलली पाहिजे.

प्रत्येकाकडून सकारात्मकरित्या अशी पावले पडत गेली तर सुजलाम सुफलाम भारत म्हणून आपल्याला नक्कीच जगाच्या व्यासपीठावर श्रेय घेता येईल.



MONTHLY TAX PANCHANG - JULY 2022

MR. AMOL N. SHAHA

M. Com., LL.B., DTL, G.D.C. & A
Tax Consultant - Advocate

Date	Subject	Nature of Compliance
07-July-2022	Income Tax	Due date for deposit of tax deducted/collected for the month of June, 2022. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax challan.
10-July-2022	GST	Due date for filing return for the month of June 2022 in Form GSTR-7 by every person who is required to deduct tax at source (TDS) under GST.
10-July-2022	GST	Due date for filing return for the month of June 2022 in Form GSTR-8 by the E-Commerce operators who are required to deduct TCS (tax collected at source) under GST.
11-July-2022	GST	Due date for filing return in Form GSTR-1 for the month June 2022, for registered persons with aggregate turnover in a state exceeding Rs.5 crores or who have opted to file monthly return.
13-July 2022	GST	Due date for filing Quarterly GSTR-1 for the quarter April 2022 to June 2022, for the Taxpayers who have opted for QRMP Scheme.
13-July-2022	GST	Due date for filing return in Form GSTR-6 by Input Service Distributors for the month of June 2022.
15-July-2022	Income Tax	Due date for issue of TDS Certificate in Form No.16B for tax Deducted u/s 194-IA in the month of May 2022.
15-July-2022	Income Tax	Due date for issue of TDS Certificate in Form No.16C for Tax Deducted U/s 194-IB in the month of May 2022.
15-July-2022	Income Tax	Due date for issue of TDS Certificate for Tax Deducted U/s 194M in the month of May 2022.
15-July-2022	Income Tax	Due date for filing Quarterly statement in respect of foreign remittances (to be furnished by authorized dealers) in Form No. 15CC for quarter ending June, 2022.
15-July-2022	Income Tax	Due date for furnishing statement in Form no.3BB by a stock exchange in respect of transactions in which client codes been modified after registering in the system for the month of June, 2022
15-July-2022	Income Tax	Due date for issue of Quarterly statement of TCS deposited for the quarter ending 30 June, 2022.

Date	Subject	Nature of Compliance
15-July-2022	Income Tax	Due date to upload the declarations received from recipients in Form No. 15G/15H during the quarter ending June, 2022.
15-July-2022	Provident Fund	Due date of monthly provident fund (PF) Payment for June 2022.
15-July-2022	ESIC	Due date for monthly Employees` State Insurance Corporation (ESIC) payment for June 2022.
18-July-2022	GST	Due date for filing GST Quarterly Return Statement in Form GST-CMP-08 for the period April 2022 to June 2022 by Composition Taxable Persons.[Extended upto 31st July 2022- vide Notification 12/2022 dated 5th July 2022.]
20-July-2022	GST	Due date for payment of GST for June 2022 and to file summary return in Form GSTR-3B for June 2022, by registered person under GST having turnover exceeding Rs.5 crores or who have opted to file monthly return.
22-July-2022	GST	Due date for payment of GST for Quarter April 2022 to June 2022 and to file summary return in Form GSTR-3B for Quarter April 2022 to June 2022, by registered person under GST who have opted for QRMP Scheme. [For States in Group A*]
24-July-2022	GST	Due date for payment of GST for Quarter April 2022 to June 2022 and to file summary return in Form GSTR-3B for Quarter April 2022 to June 2022, by registered person under GST who have opted for QRMP Scheme. [For States in Group B*]
30-July-2022	Income Tax	Due date of furnishing Challan-cum-statement in respect of tax deducted at source Under Section 194-IA / 194-IB /194M for the month June 2022.
30-July-2022	Income Tax	Due date for filing Quarterly TCS certificate in respect of tax collected by any person for the quarter ending June 30, 2022
31-July-2022	Income Tax	Due date for filing Quarterly statement of TDS deposited for the quarter ending June 30, 2022
31-July-2022	Income Tax	Due date for filing Return of income for the A.Y.2022-23 for all assessee other than (a) corporate-assessee or (b) non-corporate assessee (whose books of account are required to be audited) or (c) partner of a firm whose accounts are required to be audited or the spouse of such partner if the provisions of section 5A applies or (d) an assessee who is required to furnish a report under section 92E.
31-July-2022	Income Tax	Due date for filing Quarterly return of non-deduction of tax at source by a banking company from interest on time deposit in respect of the quarter ending June 30, 2022.
31-July-2022	Income Tax	Due date for claiming foreign tax credit, upload statement of foreign income offered for tax for the previous year 2021-22 and of foreign tax deducted or paid on such income in Form no. 67. (If the assessee is required to submit return of income on or before July 31, 2022.)
31-July-2022	Profession Tax	Monthly PTRC-E-payment/E-filing of return for July 2022.

* STATES IN Group A- Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, Daman & Diu and Dadra & Nagar Haveli, Puducherry, Andaman and Nicobar Islands, Lakshadweep.

** STATES IN Group B- Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand, Odisha, Jammu and Kashmir, Ladakh, Chandigarh, Delhi

IMPORTANT NOTE:-

- 1] Please note that, banks remain closed on 2nd and 4th Saturday of every month, hence make all the statutory payments accordingly.
- 2] The above information is prepared **on 20th July 2022**, any amendments /changes in dates, etc., If any, done by the Government **after 20th July 2022**, will be applicable accordingly.

Thank You...

STAY SAFE...

STAY HEALTHY...

GST Update for GTA Service Provider / SEZ / Banking Company etc - Declaration to be added on Invoice

GTA / SEZ unit whose Aggregate Turnover is more than Rs 20 core in any of preceding year from 2017, is **required to add below declaration on Invoice**, as per Notification No 14/2022 CT dated 5th July 2022"

I/We hereby declare that though our aggregate turnover in any preceding financial year from 2017-18 onwards is more than the aggregate turnover notified under sub-rule (4) of rule 48, we are not required to prepare an invoice in terms of the provisions of the said sub-rule"

[This is also applicable to – Government Department, Local Authority, SEZ unit, Insurer, banking company, financial institution, Non-Banking Financial Company, Goods Transport Agency, Passenger Transport Service Provider , Person providing service of admission to exhibition of cinematograph films]



Credit : CA Swapnil Munot

MONTHLY TAX PANCHANG – AUGUST 2022

Date	Subject	Nature of Compliance
07-Aug-2022	Income Tax	Due date for deposit of tax deducted/collected for the month of July, 2022. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax challan.
10-Aug-2022	GST	Due date for filing return for the month of July 2022 in Form GSTR-7 by every person who is required to deduct tax at source (TDS) under GST.
10-Aug-2022	GST	Due date for filing return for the month of July 2022 in Form GSTR-8 by the E-Commerce operators who are required to deduct TCS (tax collected at source) under GST.
11-Aug-2022	GST	Due date for filing return in Form GSTR-1 for the month July 2022, for registered persons with aggregate turnover in a state exceeding Rs.5 crores or who have opted to file monthly return.
13-Aug-2022	GST	Due date for filing IFF (Invoice Furnishing Facility) for the month of July 2022, for the Taxpayers who have opted for QRMP Scheme.
13-Aug-2022	GST	Due date for filing return in Form GSTR-6 by Input Service Distributors for the month of July 2022.
14-Aug-2022	Income Tax	Due date for issue of TDS Certificate in Form No.16B for tax Deducted u/s 194-IA in the month of June 2022.
14-Aug-2022	Income Tax	Due date for issue of TDS Certificate in Form No.16C for Tax Deducted U/s 194-IB in the month of June 2022.
14-Aug-2022	Income Tax	Due date for issue of TDS Certificate for Tax Deducted U/s 194M in the month of June 2022.
15-Aug-2022	Income Tax	Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of July, 2022 has been paid without the production of a challan
15-Aug-2022	Income Tax	Due date for furnishing statement in Form no. 3BB by a stock exchange in respect of transactions in which client codes been modified after registering in the system for the month of July, 2022
15-Aug-2022	Income Tax	Due date for issue of Quarterly TDS certificate (in respect of tax deducted for payments other than salary) for the quarter ending June 30, 2022
15-Aug-2022	Provident Fund	Due date of monthly provident fund (PF) Payment for July 2022.
15-Aug-2022	ESIC	Due date for monthly Employees` State Insurance Corporation (ESIC) payment for July 2022.
20-Aug-2022	GST	Due date for payment of GST for July 2022 and to file summary return in Form GSTR-3B for July 2022, by registered person under GST having turnover exceeding Rs.5 crores or who have opted to file monthly return.

Date	Subject	Nature of Compliance
25-Aug-2022	GST	Due date for payment of GST in form GST-PMT-06 for taxpayers who are opted for QRMP Scheme for the month of July 2022.
30-Aug-2022	Income Tax	Due date of furnishing Challan-cum-statement in respect of tax deducted at source Under Section 194-IA / 194-IB /194M for the month July 2022.
31-Aug-2022	Profession Tax	Monthly PTRC-E-payment/E-filing of return for August 2022.

IMPORTANT NOTE:-

- 1] Please note that, banks remain closed on 2nd and 4th Saturday of every month, hence make all the statutory payments accordingly.
- 2] The above information is prepared **on 23rd July 2022**, any amendments /changes in dates, etc., If any, done by the Government **after 23rd July 2022**, will be applicable accordingly.

Thank You...

STAY SAFE...

STAY HEALTHY...

Income Tax Update:

Tax Payment using new 'e-Pay Tax' service is now available on the e-Filing portal in pre-login as well as post-login mode. With this new service, the taxpayers are offered wide range of modes for payment of taxes including Net Banking, Debit card, Pay at Bank Counter (Over the Counter), RTGS/NEFT and Payment Gateway (with sub-payment modes as Net Banking, Debit Card, Credit Card and UPI).

Currently, two Authorized Banks namely Kotak Mahindra Bank and Federal Bank are available for tax payment through Net Banking/Over the Counter mode. Taxpayers are provided with RTGS/NEFT & Payment Gateway options to make payments through banks other than these two (incl. the banks which are not authorized to directly collect the taxes). For more details, please refer e-Pay Tax User Manuals & FAQs.

<https://www.incometax.gov.in/iec/foportal/latest-news>





Declaration Election Result by Election Committee Chairman **CMA Brijmohan Sharma**



Incoming President **CMA Shripad Bedarkar** addressing the members at 42nd AGM



Out going President **Shri Manoj Chitalikar** handing over charge to In coming President **Shri Shripad Bedarkar**



Election Committee with newly elected Committee Members



Felicitation of Out going President **Shri Manoj Chitalikar** by all committee members



Members present for 42nd AGM in Association Hall on 22th June 2022



Felicitation of Newly Elected President **CMA Shripad Bedarkar** by all committee members



Managing Committee Members



MAHARASHTRA TAX PRACTITIONERS' ASSOCIATION

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MTPA... A Trusted and Versatile Professional Association, Set up in 1950. With the background of 71 glorious years, our association (formerly known as The Western Maharashtra Tax Practitioners' Association) has decided to widen wings as per demands of professionals from all over the India.

Contribution to education of the fraternity has always been part of our mission as well. We are organizing Study Circle Meetings, Workshops, Seminars regularly, Certificate Course in Taxation Law & Mega Conferences physically as well as virtually. You are also aware that we represented our fraternity at various level up to Finance Ministry for betterment of all the stake holders. We are now available for you.

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