



The Institute of Chartered Accountants of India

(Setup by an Act of Parliament)

Ahmedabad Branch of WIRC of ICAI

E-NEWSLETTER



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98257 73179

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93761 50100

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99989 22809

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94264 06760

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9825020844

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98240 49402

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90999 21163

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93277 15892

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Index

Sr.	Article	Page No.
1.	Chairperson's Message	01
2.	Editorial	02
3.	ICAI Updates	03
4.	Celebrating 75 th Year	04
5.	Compliance Calendar March-2023	05
6.	Direct Tax Updates	07
7.	MCA Compliance	08
8.	GST Updates	09
9.	Miles	11
10.	RERA Updates	12
11.	NBFC	13
12.	Uncovering the violation of the Principle of Natural Justice under GST	14
13.	RBI Updates	17
14.	Cash Transactions– Restrictions under Income Tax	19
15.	Information Technology	26
16.	Emerging Ways of Startup Finance	31
17.	MCA V3 FAQ	33
18.	Supreme Court Judgement in Case of E-Com Gill on ITC – Its Implications Under GST	35
19.	SVB Collapse – Risk Indicators that Escaped people's Eyes	39
20.	Sustainability As a Concept & Sustainability Reporting In India – An Overview	41
21.	Keeping Up with The GST Year End Compliance	44
22.	New Edge ERP	47
23.	Reassessment Saga still continues Notification issued by CBDT cannot make a dead man, alive	48
24.	Artificial Intelligence with Human Resource – Accounting to Automation	52
25.	Form 13 vis a vis Charitable Organisations	54
26.	Data Analytics- The Ocean of Opportunities	56
27.	Motivational Stories	57
28.	Snakes & Ladder	59
29.	Upcoming Events	61
30.	Media Gallery	62
31.	Event in Images	65
32.	Crossword	67





**Dear Members,
Greetings and Best Wishes
for the New Financial Year 2023-24 from your
Chairperson!**

March 2023 was a very exciting month as post taking charge, it was the first month for the new team. The year 2023-24 started with a Mega Celebration, Premium and Historic Event in the history of Ahmedabad Branch of WIRC of ICAI - **Felicitation of the 2nd youngest President in India and from Ahmedabad-CA Aniket Sunil Talati and Vice-President CA Ranjeet Kumar Agarwal at Karnavati Club with a presence of 1500+ Members across Gujarat and Dignitaries from Delhi and Mumbai.** The grandeur of the event was majestic and with the presence of all Gujarat ICAI branches, various associations and professional bodies represented by their leaders and the love and affection of the members of our branch made it the most memorable and mesmerizing event of the year. **Special thanks to our CCM CA Purushotam Khandelwal, RCM CA Hitesh Pomal, Vice-Chairperson CA Sunil Sanghavi, Secretary CA Abhinav Malaviya, Treasurer CA Rinkesh Shah and all MCM for the support and kudos to CA Durgesh Buch, CA Jainik Vakil, CA Devang Doctor, CA Nirav Choksi for making it grand and fantabulous.** This speaks a lot about their passion to serve the profession. Let us all have the passion to perform the best always.

We had an amazing **Women's Week** like every year with lots of activities-Zumba, Gamethon for kids, Cultural Evening for members and it ended with extraordinary **one day Women Conference on Digital Technology** with very relevant topics on ChatGPT, Cyber Security, Multidisciplinary Firms, Personal Brand and Professional Grooming. On this day, Ahmedabad Branch also supported the initiative of Ashirvad Foundation for -WALK For Her CAMPAIGN for **Free Breast Cancer Check up.** We also had sessions on **Appellate proceedings,**

Chairperson's Message

Section 148 Notices, To deal with matters of Benami Property law **Handling Notices under GST,** Panel Discussion on Considerations in Year End Financial Statements from DT, IDT and Audit perspectives. We also had an excellent session on using **Linkedin for professional growth** and **use of google drive for office Automation** under IT committee. We also have started sessions on Peer Review-**Getting Ready for Peer Review** and Peer Review Training is Scheduled on 14th April for Members to enroll as Peer Reviewer.

Professionally, for members in practice the month of March is generally the beginning for the preparation of Bank Branch Audits. This time we had two days **National Conference on Statutory Bank Branch Audit** at Crown Plaza with expert faculties across India and more than 400+ participants. Also the sessions were very interactive with Questions and Answers and Panel Discussions which served very beneficial to all the participants. We also had a 3 hours exhaustive Q & A session at Branch for those members who could not make it in the National conference was highly successful. Also we are helping our members with Help Desk during Bank Branch Audit and I am sure these sessions and handholding would go a long way in helping our members clarify their doubts and develop expertise in this area.

We also organised two days Training Programs for the CAG officers of Gujarat with Shri Saurav KR. Jaipuriyar, IA & AS, Director General of Audit and Shri Shreya Chaudhary, IAS, Dy. Director, ITRA on understanding Accounts and Income Tax. Also we had an Interactive Session with CPA Australia for the professional prospects as a CPA.

This year, when ICAI is celebrating its 75th year of establishment, We are proud to launch from this month Every Edition of the Newsletter with 75 Pages and share this glorious journey with everyone. You will see many Features in this Newsletter:-

- Articles on Newer areas in Profession
- Special Column for Women & Young Members
- Adding sections for Motivational Stories, Life Learning Lessons, Business Mantras, Book Review and Poems.
- Puzzles & Crosswords-First three correct entries will get surprise gifts.

I am thankful to each contributor of this month and every contributor will be awarded with an appreciation certificate. I am confident that your contribution will make our newsletter more valuable and informative for our members. **I acknowledge the efforts of CA Neerav Agarwal and the whole Newsletter team and special thanks to Shahzadbhai for making it successful.**

Our Team also attended two days **All India Managing Committee Members Meet 2023** at Westinn, Powai since we all got chance to meet all MCMs across all regions and Branches for the First time under the able leadership of our President-CA Aniket Talati. The two days were full of learning's and networking.

Lastly, to inculcate the habit of Fitness amongst CA Members, CA Students and their family, we are launching a **FIT CA program** from next month to encourage them to include physical activities and sports in their everyday lives. So do participate in **the Launching Event-I AM A FIT CA on 5th April through the worthy hands of Home Minister of Gujarat, Shri Harsh Sanghvi at Shantinath Hall.**

We also have launched one of its kind-**National Mega Conference on Capital Market** with Influential Leaders and Stalwarts of the Stock Market through various fireside chat, keynote address, special address and panel discussion on **7th & 8th April, 2023 at Hyatt Vastapur, Ahmedabad.**

I would end on the thought that **"The Limits we have in our Mind are the Limits we have set for ourselves"**. It's all in the Mind. Let us be fit physically and mentally and do the best of our abilities.

Regards

CA Dr Anjali Choksi

Chairperson

Ahmedabad Branch of WIRC of ICAI.

Editorial



Dear Members,

Welcome to the new financial year 2023-2024!

After receiving a wonderful response to the March edition of our Newsletter, it gives me immense pleasure to share the April edition with a special focus on the new financial year. As ICAI is entering its 75th foundation year, from this Month we are proud to announce that every edition henceforth will be of 75 Pages.

The month's name is derived from the latin word aperire, which means to open. It is considered that April is the month of the growing season and when trees and flowers begin to "open". Don't forget April month is full of days viz. April fools day, World Health Day & Earth Day. So play a prank or tricks on your loved ones, bring smiles to everyone's face, be healthy and keep the earth healthy.

This world Health Day, let's take pledge to maintain a happy and healthy lifestyle. We should also take utmost care to see that our planet becomes a more sustainable and livable place.

God wanted to make heaven and the earth is that heaven. Nowhere in the universe there is so much love, life, beauty and peace. Enjoy your stay with the fellow beings - Amit Ray

I would like to take this opportunity to sincerely thank all the contributors for sending the updates and sparing their precious time for the cause of the profession.

Let's get set for an exciting new financial year. Hope you all have a very enriching and successful year ahead!

Happy Reading!

CA. Neerav Agarwal

Chairperson, Newsletter Committee

ICAI Updates



Contributed by:
CA. Purushottam
Khandelwal



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
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COUNCIL DECISIONS
22nd - 24th MARCH 2023

Membership/CoP Fee :
GST Tax Invoice

GST Tax Invoice

- Tax Invoice for Membership Fees & CoP Fees of Members in Practice & Paid Assistants will be issued in the Name of Member based on declaration given by the Member.
- Invoice to have information about Firm/LLP and its GSTIN.
- Modalities of Implementation being developed by ICAI.



CAQ CENTER FOR AUDIT QUALITY

RELEASE OF EXCEL UTILITY BY CAQ OF ICAI

- Centre for Audit Quality of ICAI has released an Excel Utility for ICAI Members
- Based on the procedures outlined in the Guidance Note on Audit of Banks and the Technical Guide on the Long Form Audit Report.
- Will help the members in smooth conduct of the Bank Branch Audits

FORMATION OF NEW OVERSEAS CHAPTERS OF ICAI.

- Overseas Chapters - Seattle(USA), Ohio(USA) and Arizona(USA) Chapters.

ICAI
INTERNATIONAL
NETWORK



FORMATION OF NEW BRANCH

- Gandhinagar Branch of WIRC of ICAI



Forensic Accounting and Investigation Standards launched by the Digital Accounting Assurance Board of ICAI.

The ICAI is the only institute in the accounting world which has developed a full set of FAIS for Professionals.



2nd Phase of Peer Review Mandate - Roter
https://www.icaig.org/new_post.html?post_id=18580 for more details

The decision to make them mandatory from 1st July 2023 instead of 1st April 2023 is taken to create more awareness amongst Members for the same.





ICAI @ 75

Institute of Chartered Accountants of India Spearheading Professional Excellence 1949-2023- Celebrating 75th Year

- Established by an Act of Indian Parliament 1949 under the Chartered Accountants Act, 1949 even before adoption of Constitution of India in 1950.
- 3,25,000 + Members and 8,00,000+ students spread throughout the country and in different parts of the world.
- 5 Regions, 163 Branches and 30 Chapters Abroad.
- Institute Functions-Professional Development, Regulatory and Advisory,
- Quality Control Initiative – Financial Reporting Review Board / Peer Review / Quality Review / Taxation Audits Quality Review Board
- Robust Disciplinary Mechanism
- Institute Founder IFAC, CAPA SAFA and IIN.
- Institute member of Asian Oceanian Standard Setters Group (AOSSG), International Innovation Network and international Valuation Standards Council.
- Playing a lead role in the area of Developing Nations, SMPs and SMEs, International Public Sector Accounting Standards, International Education Standards.
- Participate in the accountancy, corporate reporting governance sustainability reporting and allied areas in the meeting organized by UNCTAD, OECD, GRI and various other multilateral forums.
- Centralized Digital Platform – Members and Students Service Portal
- Cas rendering services in every walk of economic life – politics, Judiciary, Government, Agriculture, Corporate, NGOs.
- ICAI Offers inputs to Comptroller & Auditor General of India, Ministry of Corporate Affairs, Govt. of India, Reserve Bank of India, Securities and Exchange Board of India, Central board of Direct Taxes, Insurance Regulatory and Development Authorities, Department of Central and State Governments and Department of Public Enterprises.
- Government of India looks at ICAI as Partner in Nation Building



Compliance Calendar March-2023



Contributed by:
CA. Niket Rasanía



GST Compliance Due Dates: -

GSTR	Due Date
GSTR -1 (March ,2023) - Summary of outward supplies where turnover exceeds Rs.5 Crore s or have not chosen the QRMP scheme for the 4 th quarter of F.Y.2022 -23	11 th April , 2023
GSTR -1 (4 th Quarter) - Summary of outward supplies where turnover does not exceed Rs.5 Crore s and have chosen the QRMP scheme for the 4 th quarter of F.Y.2022 -23 (not covered above)	13 th April, 2023
GSTR -3B (March ,2023) - Summary of outward supplies, ITC claimed, and net tax pay able for taxpayers with turnover more than Rs.5 Crore s or have not chosen the QRMP scheme for the 4 th quarter of F.Y.2022 -23	20 th April , 2023
GSTR -3B (March,2023) - Summary of outward supplies, ITC claimed, and net tax payable for taxpayers with turnover less than Rs.5 Crore s and have chosen the QRMP scheme for the 4 th quarter of F.Y.2022 -23	22 nd April, 2023
GSTR -4 (F.Y.2022 -23) – Return for composition supplier	30 th April, 2023
GSTR -5 (March ,2023) - Summary of outward taxable supplies and tax payable by a non -resident taxable person	13 th April , 2023
GSTR -6 (March ,2023) - Details of ITC received and distributed by an Input Service Distributor	13 th April , 2023
GSTR -8 (March ,2023) - Summary of Tax Collected at Source (TCS) and deposited by e-commerce operators under GST laws	10 th April , 2023
GSTR -5A (March ,2023) - Summary of outward taxable supplies and tax payable by a person supplying OIDAR services	20 th April , 2023
GSTR -7 (March ,2023) - Summary of Tax Deducted at Source (TDS) and deposited under GST laws	10 th April , 2023
GST CMP -08 (4 th Quarter) – Statement containing details of payment of self -assessed tax for the 4 th quarter of F.Y.2022 -23 for composition supplier	18 th April, 2023



Income Tax Compliance Due Dates :-

Compliance	Due Date
Deposit of Tax deducted/collected by office of Government for the month of March , 2023.	07 th April , 2023
Issue of TDS Certificate for tax deducted under section 194 -IA Form 26QB (Property) , 194 -IB 26QC (Rent) , 194M 26QD (Contractor Payments) and 194S (virtual digital assets) in the month of February , 2023	14 th April, 2023
Quarterly statement in respect of foreign remittances (to be furnished by authorized dealers) in Form No. 15CC for quarter ending March, 2023	15 th April , 2023
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 March,2023	15 th April , 2023
Furnishing of Form 24G by an office of the Government where TDS/TCS for the month of March, 2023 has been paid without the production of a challan	30 th April, 2023
Deposit of Tax deducted by an assessee other than an office of the Government for the month of March, 2023	30 th April, 2023
Furnishing of challan -cum -statement in respect of tax deducted under section 194 -IA Form 26QB (Property) , 194 -IB 26QC (Rent) , 194M 26QD (Contractor Payments) and 194S (virtual digital assets) in the month of March , 2023	30 th April , 2023
E-filing of a declaration in Form No. 61 containing particulars of Form No. 60 received during the period October 1, 2022 to March 31, 2023	30 th April, 2023
Uploading declarations received from recipients in Form 15G/15H during the quarter ending March, 2023	30 th April, 2023
Deposit of TDS for the period January 2023 to March 2023 when Assessing Officer has permitted quarterly deposit of TDS under section 192, 194A, 194D or 194H	30 th April, 2023

Other Compliances Due Dates: -

Compliance	Due Date
Form MSME (Outstanding payments to MSMEs) : -	30 th April, 2023
All specified companies should file a half -yearly return with the ROC for outstanding payments to Micro, Small and Medium Enterprises	
PF / ESIC Payment Date (March ,2023)	15 th April , 2023
PF Return (ECR) Filing Date (March ,2023)	15 th April , 2023
PF Annual Return Filing Date for F.Y.2022 -23	25 th April, 2023
Professional Tax for employees Payment Date (March ,2023)	15 th April , 2023



Direct Tax Updates



Contributed by:
CA. Mohit Tibrewal

1. Press Release dated 11.03.2023 - Direct Tax Collection for F.Y. 2022-23 up to 10th March 2023.

The provisional figures of Direct Tax collections up to 10th March, 2023 continue to register steady growth. Direct Tax collections up to 10th

March, 2023 show that gross collections are at Rs. 16.68 lakh crore which is 22.58% higher than the gross collections for the corresponding period of last year. Direct Tax collection, net of refunds, stands at Rs. 13.73 lakh crore which is 16.78% higher than the net collections for the corresponding period of last year. This collection is 96.67% of the total Budget Estimates and 83.19% of the Total Revised Estimates of Direct Taxes for F.Y. 2022-23.

So far as the growth rate for Corporate Income Tax (CIT) and Personal Income Tax (PIT) in terms of gross revenue collections is concerned, the growth rate for CIT is 18.08% while that for PIT (including STT) is 27.57%. After adjustment of refunds, the net growth in CIT collections is 13.62% and that in PIT collections is 20.73% (PIT only)/ 20.06% (PIT including STT).

Refunds amounting to Rs.2.95 lakh crore have been issued during 1st April, 2022 to 10th March 2023, which are 59.44% higher than refunds issued during the same period in the preceding year.

<https://pib.gov.in/PressReleasePage.aspx?PRID=1905820>

2. Press Release dated 13.03.2023 - CBDT's e-Verification Scheme harnesses information technology to facilitate voluntary compliance

The Income Tax Department has taken several progressive steps to encourage voluntary tax compliance and facilitate a transparent and non-intrusive tax administration. One such major initiative is

the e-Verification Scheme, 2021 (the "Scheme") which was notified on 13th December, 2021.

Using information technology effectively, the Scheme aims to share and verify such financial transaction information with the taxpayer which appears to be either unreported or under-reported in the Income Tax Return (ITR) filed by the taxpayer.

The Department has been collecting information of financial transactions from multiple sources. Earlier, a part of it was shared with the taxpayer in the 26AS Statement. However, with a view to effectively utilize the data collected from various sources, the entire information is now displayed to the taxpayer through the Annual Information Statement (AIS). The AIS provides a facility to the taxpayer to object to any information if the Source has misreported any such information. The Department confirms the said information with the Source and if the Source states that there is no error, the said information is subjected to risk assessment for e-Verification.

The entire process of e-Verification is digital, with notices issued electronically and responses by the taxpayers also submitted electronically. On completion of the enquiry, a verification report is prepared electronically without any physical interface with the taxpayer.

The Scheme is extremely beneficial to taxpayers as it enables the taxpayer to explain the financial transaction with evidence. It also helps in data correction/cleaning and thereby prevents initiation of proceedings on misreported information. Further, since the information pertaining to the financial transactions is shared with the taxpayer, it provides an opportunity to correct /update income that may not have been appropriately reported in the ITR filed by the taxpayer. In other words, as the e-Verification Scheme makes the taxpayer aware of the risks, it nudges him/her towards voluntary compliance by providing an opportunity to the taxpayer to Update the return of income under section

139(8A) of the Income-tax Act, 1961.

On a pilot basis, in about 68,000 cases, information of financial transactions pertaining to FY 2019-20 has been taken up for e-Verification. Details of the transactions have been initially shared with the individual taxpayer through e-campaign. So far, e-Verification has been completed by the designated Directorate in approximately 35,000 cases and remaining are under verification.

As the Scheme has provided an opportunity to the taxpayers to accept the mismatch of information vis-à-vis the original ITR filed, it is found that many taxpayers have filed Updated ITRs.

<https://pib.gov.in/PressReleasePage.aspx?PRID=1906498>

3. **Press Release dated 22.03.2023 - Roll out of 'AIS for Taxpayer' Mobile App**

The Income Tax Department has launched a Mobile app, namely, 'AIS for Taxpayer' to facilitate taxpayers to view their information as available in the Annual Information Statement (AIS) / Taxpayer

Information Summary (TIS). 'AIS for Taxpayer' is a mobile application provided free of cost by the Income Tax Department, and is available on Google Play & App Store. The app is aimed to provide a comprehensive view of the AIS/TIS to the taxpayer which displays the information collected from various sources pertaining to the taxpayer.

Taxpayers can use the mobile app to view their information related to TDS/TCS, interest, dividends, share transactions, tax payments, Income Tax refunds, Other Information (GST Data, Foreign Remittances, etc.) as available in AIS/TIS. The taxpayer also has the option and the facility to provide feedback on the information displayed in the app.

To access this mobile app, the taxpayer needs to register on the app by providing PAN number, authenticate with the OTP sent on mobile number & e-mail registered on the e-filing portal. Subsequent to the authentication, the taxpayer can simply set a 4-digit PIN to access the mobile app.

<https://pib.gov.in/PressReleasePage.aspx?PRID=1909631>

MCA Compliance



Contributed by:
CA. Jay Dattani

Sr. No.	Form Name	Due Date
1.	MSME FORM I (Form for furnishing half yearly return with the registrar in respect of outstanding payments to Micro or Small Enterprises)	Half Yearly Return for the Half Year 1 st Oct 2022- 31st March 2023 by 30th April, 2023 (No requirement of filing in case of Nil return).
2.	Form MSC -3 (Return of Dormant Company) A dormant company shall file a "Return of Dormant Company" annually, inter -alia, indicating financial position duly audited by a chartered accountant in practice .	Within 30 days from the end of each financial year i.e. 30th April, 2023 .

GST Updates

Important AAR /AAAR/HC JUDGMENTS/ SC JUDGMENTS



Contributed by:
CA. Monish Shah

1. **V i h a a n N e t w o r k s Limited Vs The State of Bihar (** **P a t n a H i g h Court) (Civil Case No 2454 of 2023)**

The petitioner was a company registered under G S T and it received a show cause notice (SCN) from the department to furnish returns, records,

books of accounts and other evidence in support of the claim for the carry forward of credit under TRAN-1. It responded to the notice and thereafter an order imposing demand was issued.

It was submitted that the order was passed without hearing and demand after some reduction was upheld in appellate order. It filed writ petition contending that the department insisted on recovery of entire amount.

The Honourable High Court noted that the petitioner had already deposited amount more than 20% required as pre-deposit for filing appeal before Tribunal. The Government had acknowledged difficulties in availing remedy of appeal before Appellate Tribunal due to non-constitution of Tribunal and time-limit for filing appeals has been extended. Therefore, the statutory right of petitioner still survives and is not barred by limitation. Thus, it was held that it would be unjust to recover balance amount from petitioner when amount more than pre-deposit had been paid already.

2. **Delhi HC hears Bharti Tele media's petition challenging Section 16(2)(c), tags similar writs**

Delhi HC hears batch of petitions challenging vires of Section 16(2)(c) along with Section 16(4) of CGST Act, 2017; Observes that, embargo placed u/s 16 (2)(c), qua availment of ITC is akin to condition placed u/s 9(2)(g) of Delhi Value Tax Act, 2004, which was read down to the extent of

bona fide purchases in case of Quest Merchandising India Private Limited and affirmed by SC; Court determines that, outcome of this petition will have bearing on other batch petitions challenging provisions qua availment of input tax credit including Rule 36(4) of CGST Rules (unamended) and therefore, opines that, "in the first instance", it could decide the petitions pending in case of Bharti Telemedia and Bharti Airtel and "depending on their outcome, decision be taken in the remaining matters"; Lists the matter along with the other pending batch of petitions for hearing on April 19.

The matter is being heard by Justice Rajiv Shakdher and Justice Tara Vitasta Ganju.

Senior Advocate S. Ganesh, along with Advocates Tushar Jarwal, Rahul Sateja, Priyojeet Chatterjee, Avinash Poddar, Sujit Ghosh, Neetika Khanna and Mannat Waraich are appearing on behalf of the Petitioner, whereas Respondents are being represented by Senior Standing Counsel Satish Kumar, Harpreet Singh, R.Ramachandran, Zoheb Hossain and Sonu Bhatnagar along with a Battery of Advocates.

The information contained in the above alert is source-based.

Petitioners challenged the vires of Section 16(2)(c) and Section 16(4) of the CGST Act, 2017, r/w DGST Act.

HC observed that embargo placed u/s 16 (2)(c), qua availment of ITC is akin to condition placed under Section 9(2) (g) of Delhi Value Tax Act, 2004, which was read down to the extent of bona fide purchases in case of Quest Merchandising India Private Limited vs. Government of NCT of Delhi and affirmed by Supreme Court.

HC determined that the outcome of this petition will have bearing on other batch of petitions challenging provisions as regards availment of ITC including Rule 36(4) of CGST Rules (unamended).

HC listed the matter for hearing on April 19, 2023.



- Relevant extract from Section 16(2)(c)

"(2) Notwithstanding anything contained in this section, no registered person shall be entitled to the credit of any input tax in respect of any supply of goods or services or both to him unless,—

(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."

- Amended Section 16(4) provides that, "A registered person shall not be entitled to take input tax credit in respect of any invoice or debit note for supply of goods or services or both after November 13 following the end of financial year to which such invoice or debit note pertains or furnishing of the relevant annual return, whichever is earlier".

- In case of Bharti Airtel [TS-714-HC-2020(DEL)-NT] and Federation of Indian Small Scale Battery Associations [TS-222-HC(DEL)-2021-GST], Delhi HC issued notice to Revenue in a similar writ petition assailing the constitutional vires of Section 16(2)(c) of CGST Act, 2017 as also Rules 36(4) and tagged the matter along with connected writ petitions.

- Rule 36 (4) restricts the credit relating to the invoices not uploaded by the suppliers in their form GSTR-1 to some extent (10% w.e.f. January 01, 2020, vide Notification No. 75/2019 Central Tax dated December 26, 2019, and 5% w.e.f. January 01, 2021, vide Notification No. 94/2020-Central Tax dated December 22, 2020).

- Writs challenging the above provision have been filed before Delhi HC in the case of Sales Tax Bar Association (Regd.) & Anr. [TS-1152-HC-2019(DEL)-NT] and Himanshu Mohta and Associates vs. Union of India & Ors. [TS-1153-HC-2019(DEL)-NT] and Gujarat HC in case of Society for Tax Analysis and Research [TS-1151-HC-2019(GUJ)-NT].

3. No GST Applicable for consideration received on sales of Land Plot : AAAR upheld the Decision of AAR (KAR/AAAR/02/2023)

The Karnataka Appellate Authority for Advance Ruling (AAAR) has recently upheld that no Goods and Service Tax (GST) applicable for consideration received on sales of land plots.

Applicant, Rabiya Kanum who owns three acre land decided to make the land for residential usage by forming a small plot of land and selling the plot to individuals. Whereas for determining the GST applicability for the consideration received the sale of the land plot applicant approached Authority for Advance Ruling Karnataka (AAR) as per section 97 of the Central Goods and Service Goods Tax (CGST), 2017.

After considering the application of the applicant the AAR ruled that GST was not applicable considering the sale of the land plot.

Against this ruling the jurisdictional CGST officer filed an appeal before the AAAR.

N s u n d a r a m assistant commissioner/Appellant appearing for the department submits that respondent developed the land with required infrastructure thereafter sell the developed land. So the sale price includes the cost of land as well as the cost of common amenities. Therefore the activities of the respondent are covered under construction services and GST would be levied.

Applicant contended that the land will have to be developed in order to obtain plan sanction. Also without developing the land with basic amenities authorities would not give permission to sell the property. Hence the sale of the developed plot was not taxable in terms of entry 5 schedule III of the CGST Act.

Further the sale price did not include the amenities provided to the land. While considering the submission of the both the parties the AAAR comprising the member of Ranjana Jha and Shikha C Rejected the appeal of the appellant and observed that, Appellant aggrieved only with the respect of advance received by the respondent. In such cases the respondent was liable to pay tax.



The Department has no grievance with the ruling that the sale of plots after completion of the development work and after receipt of the completion certificate do not attract GST in terms of the entry 5 to Schedule III of the CGST Act, 2017.

4. Equivalent penalty cannot be imposed for not showing sales figure in returns where time limit for reconciliation of annual return is not over

HIGH COURT OF MADRAS Suvarna Fibrotech (P.) Ltd. Vs Asst Commissioner (ST) Judgement

Suppression of facts/sales cannot be alleged when time limit for reconciliation of annual

return has not expired but penalty under Section 73 can be imposed

- Penalty for purported suppression is lesser than penalty under Section 79 and petitioner cannot be worse off by filing writ petition and such penalty not interfered with

- Original authority had imposed Rs. 25,000 as penalty for three contraventions collectively and not Rs. 25,000 for each contravention

- Section 126 will not be attracted when penalty is prescribed as fixed percentage [Sections 73, 122 and 126 of Central Goods and Services Tax Act, 2017.

Miles



**Contributed by:
CA. Jyoti Agrawal**



*Sitting by my window,
Waiting for the sun to rise,
To give me the power to stride,
I'll stand up and shine,
To stretch like a pine,
I am on my way,
To conquer the day,
With all courage in my heart,
To fill my life with vibrant color and art,
I am here to rise,
To give the world a surprise,
And to stride miles and miles!*

RERA Updates



Contributed by:
CA. Sarthak Bhansali

Advertisement under RERA: Ensuring Transparency and Accountability

Sales is the driving force for any business. It is more so in the real estate sector since part of the project is funded by such sales. The transaction of sales in the real estate sector are intricate and complex agreements between parties based on promises made by developers in terms of quality, delivery timelines, facilities and amenities. These promises are communicated in the form of advertisement and marketing collaterals by the developers, thereby making advertisement a key aspect in the success of a real estate project.

The RERA Act, aimed at ensuring transparency in the real estate sector recognises the role of advertising in the sector and hence places certain regulations on it. Developers typically rely on newspaper advertisements, radio ads, hoardings and social media among other mediums to directly promote their projects.

Advertisement under RERA Act is defined in Section 2 (b) as "advertisement" means any document described or issued as advertisement through any medium and includes any notice, circular or other documents or publicity in any form, informing persons about a real estate project, or offering for sale of a plot, building or apartment or inviting persons to purchase in any manner such plot, building or apartment or to make advances or deposits for such purposes; Hence any publicity issued as advertisement informing about the project or offering for sale or inviting to purchase or make deposit shall be considered as an advertisement under RERA. It is important to differentiate advertisement under RERA for a project with other advertisements made. For example, a real estate group having multiple project wanting to promote only the brand or the group rather than a single project, may issue advertisements without identifying any projects or soliciting bookings for any project. Such advertisement may be excluded from the compliances mentioned below.

Section 11(2) prescribes that the advertisement or prospectus issued or published by the

promoter should prominently mention the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority. This ensures that any person relying on the advertisement to make a purchasing decision has complete and authenticated information about the project. Any purchaser or investor may go the website of the Authority, search the registration number and complete updated information of the project is available immediately to make an informed decision.

To ensure that developers comply with these regulations, the Gujarat RERA has issued circulars specifying the rules for advisement. Circular 13 specifies the rules for different mediums of advisement. For instance, newspaper advertisements, either in paper print or in e-paper format or website advertisement, paper print brochures and leaflets of RERA registered projects, must contain the address of the Gujarat RERA website as www.gujrera.gujarat.gov.in and the RERA registration number as indicated in the Registration certificate issued by the Authority. Similarly, large size outdoor publicity billboards and hoardings must contain the authority website address and RERA registration number in a way that is easily readable by viewers. The small size hoardings, such as on road divided and on street light poles, may contain an abridged registration number.

Every audio-visual media such as TV, video, digital media or only audio announcements on radio must mention an abridged RERA registration number in a clearly audible manner along with the mention of the Authority website address.

Further, to ensure compliance in the spirit with which it was intended, the font size of the RERA registration number and website address should be equal to or larger than the contact details, as per Circular 18-2020 dated 04-01-2020.

In conclusion, in order to ensure transparency and correct authenticated information is available to stake holders, any advertisement is required to comply with the requirements of Section 11 (2) and Circulars failing which the Authority may take suo moto action against the miscreant developers.

NBFC



Contributed by:
CA. Swati Panchal

Transforming the Financial Landscape: The Synergy of NBFC and Fintech Collaboration:

Financial technology, commonly known as fintech, and non-banking financial companies (NBFCs) are two of the most disruptive forces in the financial industry today. Fintech

companies are leveraging technology to create innovative financial products and services that are more convenient, affordable, and accessible than traditional financial products. NBFCs, on the other hand, are filling the gap left by traditional banks and financial institutions by providing financial services to individuals and businesses that are not served by the banking system.

By 2030, it is anticipated that the promising Indian FinTech market will generate \$200 billion in revenue and \$1 trillion in AUM as suggested by a study conducted by EY.

The collaboration of fintech and NBFCs has the potential to create a powerful force that can transform the financial industry.

"No regulator has the luxury of letting innovation disrupt the financial system in the hope that market might reach its own equilibrium eventually"-(Speech delivered by Shri T. Rabi Sankar, Deputy Governor, Reserve Bank of India - December 21, 2022 - at the Business Standard Summit in Mumbai)

Benefits of Collaboration between Fintech and NBFCs

1. Access to technology: Fintech companies have access to the latest technology and can provide NBFCs with innovative solutions that can help them streamline their operations, reduce costs, and improve customer experience.
2. Access to customers: NBFCs have a deep understanding of the local market and have established relationships with customers. Fintech companies can leverage these relationships to reach a larger customer base and offer them innovative financial products and services.
3. Diversification of services: Collaboration

between fintech and NBFCs can lead to the development of new financial products and services that are tailored to the specific needs of customers. This can help NBFCs to diversify their services and increase their revenue streams.

4. Improved risk management: Fintech companies can use their expertise in data analytics and artificial intelligence to help NBFCs manage their risks better. This can help NBFCs to make more informed decisions and reduce their exposure to risk.

Challenges to Collaboration between Fintech and NBFCs

1. Regulatory challenges: The regulatory environment for fintech and NBFCs is complex and constantly evolving. Collaboration between these two industries can create regulatory challenges that need to be addressed. Indicatory points as below are

- Activities undertaken
 - Business Model
 - Ownership Pattern
 - Data security
 - Grievance Redressal
 - Frauds and Cyber security
 - Supervisory Comments
 - Loan Sourcing Process
2. Cultural differences: Fintech companies and NBFCs have different cultures and ways of doing business. Collaboration between these two industries can lead to cultural clashes that need to be managed carefully.
 3. Technology integration: Integrating fintech solutions with NBFCs' existing technology infrastructure can be challenging and require significant resources.

Conclusion

Collaboration between fintech and NBFCs can create a powerful force that can transform the financial industry. While there are challenges that need to be overcome, the benefits of collaboration are significant. By leveraging technology and expertise, fintech and NBFCs can create innovative financial products and services that are more convenient, affordable, and accessible than traditional financial products.

Uncovering the violation of the Principle of Natural Justice under GST



Contributed by:
CA. Raksha Agarwal

The concept of the doctrine of **Principle of Natural Justice** is derived from the expression '**Jus Naturale**' of Roman law. It is a law of nature that is not derived from any statute or constitution. It is the bare minimum protection for the individual against the arbitrary procedure adopted by judicial, quasi-judicial, and administrative authorities while pronouncing the orders.

Lot many procedures are prescribed under the Goods and Service Tax Act ("GST") including registration, inspection, search, seizure, assessment, revision, appeal, confiscation, refund, etc. The legislature has empowered different officers for each of these procedures. While following this, the designated officers ought to have adopted the principles of Natural Justice. However, most of the time it is noticed that it is outrightly not followed by them, as no proper opportunity is afforded to the taxpayer to submit their claim and if at all the proper opportunity is granted to them, then the reply or cause shown by them is not considered by the deciding authorities.

The illustrative list of situations where the doctrine of the principle of natural justice are not being adhered:

1.	No issuance of show notice
2.	The time granted for rep show cause is inadequate
3.	Order traveling bey cause notice
4.	Show cause noti ambiguous in nature
5.	No proper hearing
6.	Show cause ice issued mechanical manner substantiation of claim
7.	No speaking order.
8.	Issuance of ex parte order w calling for information

In this article, let's discuss one by one each of these situations in light of various judicial pronouncements.

▪ Non-issuance of show cause notice and

inadequacy of time is violation of doctrine of principle of natural justice.

The first and foremost principle is what is commonly known as **audi alteram partem** rule. It says let the other side be heard as well. No person can be condemned by the court without having a fair opportunity of being heard. In plethora of judgments courts have held that the person proceeded against is mandatorily required to be informed about the exact nature of charges levied against him.

Issuance of show cause notice for informing him of the charges levied against him and granting adequate time for its response are **two important ingredients of the principle of natural justice**. Supreme court in the case of *CCT v. Shukla & Bros.* - (2010) 4 SCC 785 explained it as below:

*"Firstly, the person who is likely to be adversely affected by the action of the authorities **should be given the notice to show cause** thereof and granted an opportunity of hearing and **secondly, the orders so passed by the authorities should give a reason for arriving at any conclusion** showing the proper application of mind.*

***Violation of either of them could in the given facts and circumstances of the case, vitiate the order.** Such rule being applicable to the administrative authorities certainly requires that the judgment of the Court should meet with this requirement with higher degree of satisfaction. The order of an administrative authority may not provide reasons like a judgment but the order must be supported by the reasons of rationality. The distinction between passing of an order by an administrative or quasi-judicial authority has practically extinguished and both are required to pass reasoned orders."*

Similarly, in the case of *Umanath Pandey v. State of UP* [2009] 12 SCC 40-43 also, the apex court has stressed upon the importance of show cause notice and the adequacy of time



for replying to it. The court held **that notice is the first limb of this principle. It must be precise and unambiguous. It should appraise the party determinatively the case he has to meet.** Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated.

▪ **Unjust Expansion of points not covered in show cause notice is a breach of the Principles of Natural Justice.**

Recently Hon'ble Gujarat High Court in the case of *Ttec India Customer Solutions Pvt. Ltd. v. Deputy Commissioner Of Sales Tax 2022 (61) G.S.T.L. 11 (Guj.) [24-12-2021]* decided in favour of the assessee and it was held that the authority had rejected the higher amount of refund than the amount specified in show cause notice and hence by **travelling beyond the scope of notice**, the authority has exceeded the SCN. The order of rejection was quashed with direction to provide the assessee opportunity of being heard physically or virtually in line with Rule 89 of Central Goods and Services Tax Rules, 2017.

▪ **When show cause notice is ambiguous, it cannot be said that proper opportunity has been granted to the assessee.**

The show cause notice must clearly state the allegations. This is the essence of a show cause notice and any notice that does not qualify this criterion, cannot be considered as a show cause notice.

The Hon'ble Delhi HC in case of *VDS Colors and Chemicals Pvt. Ltd. Vs. Principal Comm. Delhi* held that in case officers are unable to communicate allegations in respect of which response is elicited by way of SCN by selecting options available on common portal, such notices may be served physically. Any notice that does not clearly state allegations with reasons enabling taxpayer to respond cannot be considered as SCN.

In the case of *Maruti Suzuki India Ltd. v. Addl. CIT [2010] 192 Taxman 317 (Delhi)* also it was held that a cryptic order sheet noting would not amount to a proper show cause notice to a party to defend his case and this would amount to a failure to adhere to the principles of natural justice.

▪ **Non-granting of proper hearing is violation of principle of natural justice.**

Show cause notice should not be issued for sake of issuing it. The opportunity of being heard should be reasonable and real.

Hon'ble Gujarat High Court in case of *Rajputana Stainless Ltd vs. Union of India* has pronounced order in favour of assessee on the merit that no proper opportunity of personal hearing was granted to the assessee. First opportunity of personal hearing was given at the peak of pandemic, second communication for rescheduling was received on the date of hearing itself and no further opportunity was given after that. Court held that this is in violation of principle of natural justice.

In *Smt. Ritu Devi v. CIT [2004] 141 Taxman 559 (Mad.)*, time of just one day was given to the assessee to furnish a reply. This was held as a denial of opportunity.

▪ **Issuance of show cause notice in a mechanical manner is as good as non-issuance of notice.**

On this merit, the Delhi HC also decided in favour of assessee in case of *Spinns International Vs. Principal Comm. Of GST* where the SCN issued for cancellation of registration simply mentioned "Non-compliance of any specified provisions in the GST Act or the Rules made thereunder as may be prescribed" and nothing more. This Show cause notice is not a valid notice. The Hon'ble HC quashed the order issued pursuant to this show cause notice by stating that the impugned show cause notice is bereft of any reasons and is issued in a mechanical manner without any application of mind.

▪ **Non-speaking or unreasoned order is a nullity.**

Reasoned order helps in avoiding arbitrariness. Reasoned or Speaking order means the order which speaks for itself. An order without reason is a mechanical order and a mechanical order is unconstitutional which is not sustainable in law.

Gujarat HC quashed the order for the reason that both show cause notice and cancellation of registration order were absolutely cryptic and none were reasoned in case of *L.M. Corporation vs. state of Gujarat*.

▪ **Issuance of Ex- parte order without calling for information is not in line with principle of natural justice.**

Ex parte order passed in violation of principles of natural justice is bad. *Patna HC in case of Dharamraj Motors vs. Union of India*, held that all



issues of fact and law ought to have been dealt with, even if proceedings were to be ex parte in nature. It's a violation of the principles of natural justice if no reasons were assigned as to how the amount due and payable by assessee was determined.

Having analysed the above-mentioned legal precedents it is noteworthy that rules of natural justice are not codified cannons (*Official compilation*). But they are principles ingrained into the conscience of man. **Whenever legal justice fails to achieve its solemn purpose, natural justice is called in aid of legal justice. The principle of natural Justice will apply even if not specifically provided in the statute as it supplements the law in force.** It is *jus non scriptum* which means it is the unwritten law. It's a humanizing principle. In the case of *Asiatic Oxygen Ltd. v. STO* [1982] Tax LR (NOC) 200 (Ori) it was held that in case of conflict between a statutory provision and natural justice, the former should prevail. But where there is no such exclusion in the statute, the application of the principles can be assumed in cases where in the exercise of administrative jurisdiction the rights of citizens are affected to their prejudice. Also, in case of *Smt. Maneka Gandhi v. Union of*

India and another, AIR 1978 SC 597, it has been observed that even where there is no specific provision for showing cause, yet in a proposed action that affects the rights of an individual it is the duty of the authority to give a reasonable opportunity to be heard.

In the case of *Thakur V. Hariprasad v. CIT* [1987] 32 Taxman 196 (AP), the High Court held that ***"The doctrine of natural justice is a facet of fair play in action. No person shall be saddled with liability without being heard. In administrative law, this doctrine has been extended when a person is made liable in an action without being heard. The principles of natural justice do not supplant the law but merely supplement the law or even humanise it. If a statutory provision can be read consistent with the principles of natural justice, the court could do so, for the Legislature is presumed to intend to act according to the principles of natural justice."***

Considering all the above citations, we learn that the principle of natural justice holds the outmost importance. Even God gave the benefit of 'Audi Alteram Partem' to Adam & Eve before finally deciding against them. Emphasizing the importance of Natural justice, Gujarat HC also said *Principles of natural justice Sine Qua Non in Civilised Society*.

CONGRATULATION



CA (DR.) Ketan M. Bhatt

Our Member CA (DR.) Ketan M. Bhatt (M.No.41232) is recently conferred with honor for "Knowledge Management in Professional Services" at 5th Global Business Leadership Awards (Empowering change makers for sustainable leadership) at Goa by Unified Brainz Group, having presence in Asia, Africa, Europe, Australia, America, UK, UAE. He is Past President of Income Tax Bar Association Ahmedabad, Past Chairman of Ahmedabad Chapter of Indian Institute of Material Management as well as Past Chairman of The Institute of Management consultants of India, Gujarat Chapter. To his credit, he has authorship of 13 books on various subjects of Income Tax, FEMA, LLP & Banking Laws. He is also on the board of many companies. He has contributed papers and articles at various forums and symposiums.

RBI Updates



Contributed by:
CA. Mayur Modha



In the year 2022-2023, there are various Master directions, Master circulars, notifications issued by RBI, as in the month of the April-2023 we are going to do Statutory Audit of the Banks, so in this article I am sharing List of relevant master circulars for Statutory Bank Audit issued by the RBI in the year 2022-23.

Date of issue	Master directions/ Master circulars/ notifications No.	Applicability	Subject
01.04.2022	RBI/2022 -2023/03 DOR.SIG.FIN.REC 1/26.03.001/2022 -23	All Asset Reconstruction Companies	Master Circular - Asset Reconstruction Companies
01.04.2022	RBI/2022 -2023/12 DOR.CAP.REC.3/21.06.201/2 022-23	All Scheduled Commercial Banks (Excluding Small Finance Banks, Payments Banks and Regional Rural Banks)	Master Circular - Basel III Capital Regulations
01.04.2022	RBI/2022 -2023/07 DCM (FNVD) G - 1/16.01.05/2022 -23	All Banks	Master Circular - Detection and Impounding of Counterfeit Notes
01.04.2022	RBI/2022 -2023/16 DOR.CRE.REC.No.06/08.12.0 01/2022 -23	All Scheduled Commercial Banks (excluding RRBs)	Master Circular - Housing Finance
01.04.2022	RBI/2022 -2023/01 DCM (NE) No.G - 5/08.07.18/2022 -23	All Banks	Master Circular - Facility for Exchange of Notes and Coins
01.04.2022	RBI/2022 -2023/02 FIDD.CO.FID.BC.No.1/12.01. 033/2022 -23	All Scheduled Commercial Banks	Master Circular on SHG-Bank Linkage Programme



Date of issue	Master directions/ Master circulars/ notifications No.	Applicability	Subject
01.04.2022	RBI/2022 -2023/04 DCM (CC) No.G - 5/03.44.01/2022 -23	All Banks	Master Circular – Scheme of Penalties for bank branches including Currency Chests for deficiency in rendering customer service to the members of public
01.04.2022	RBI/2022 -2023/09 DGBA.GBD.No.S2/31.02.007/2022-23	All Agency Banks	Master Circular - Disbursement of Government Pension by Agency Banks
01.04.2022	RBI/2022 -2023/15 DOR.STR.REC.4/21.04.048/2022-23	All Commercial Banks (excluding RRBs)	Master Circular - Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances
01.04.2022	RBI/2022 -2023/10 DOR.STR.REC.8/13.07.010/2022-23	All Scheduled Commercial Banks (excluding Payments Banks and RRBs)	Master Circular - Guarantees and Co-acceptances
01.04.2022	RBI/2022 -2023/14 DOR.CRE.REC.No.07/21.04.172/2022 -23	All Scheduled Commercial Banks (excluding RRBs)	Master Circular - Bank Finance to Non-Banking Financial Companies (NBFCs)
20.07.2022	RBI/2022 -2023/92 FIDD.GSSD.CO.BC.No.09/09.01.003/2022 -23	Public Sector Banks, Private Sector Banks (including Small Finance Banks)	Master Circular – Deendayal Antyodaya Yojana - National Rural Livelihoods Mission (DAY -NRLM)
02.08.2022	RBI/2022 -2023/99 FIDD.GSSD.BC.No.11/09.10.001/2022 -23	All Scheduled Commercial Banks (excluding RRBs and Foreign Banks with less than 20 branches)	Master Circular on Credit Facilities to Minority Communities
04.08.2022	RBI/2022 -2023/100 DoR.AUT.REC.58/23.67.001/2022-23	All Scheduled Commercial Banks (excluding Regional Rural Banks)	Gold Monetization Scheme (GMS), 2015



Cash Transactions – Restrictions under Income Tax



Contributed by:
CA. Parag Raval

- People indulge into cash transactions (receipts & payments) without giving due heed to its consequences which may, at times, severe than expected.
- In the Indian economy, cash transactions have always played a major role and has served as a consistent reason for the accumulation of black money.
- The Government has initiated various measures to curb cash transactions and boost digital payments.
- One should look at the cash transaction limit under the Income Tax Act along with the penalty for transacting in cash over and above the specified threshold.
- Government wants people use banking system and in the same direction measures have been introduced to curb the menace of black money.
- In case of default, the tax officer can levy a penalty equal to the amount of loan taken or accepted.
- No person can accept any loan or deposit of Rs. 20,000/- or more otherwise than by way of an account payee cheque or an account payee draft.
- The limit of Rs. 20,000/- will also apply to a case even if on the date of taking or accepting such loan or deposit, any loan or deposit taken or accepted earlier by such person from such depositor is remaining unpaid and such unpaid amount along with the loan or deposit to be accepted, exceeds the aforesaid limit.

Example :

1. If Mr. X has a credit balance of a loan of Rs. 19,000/- from Mr. Y.
 - Now Mr. X cannot take more loan in cash in excess of Rs. 999/- from Mr. Y. - except with an account payee cheque or account payee bank Draft.
2. Mr. Santa has taken loan of Rs. 1,00,000/- in cash for the wedding of his daughter from Mr. Banta.

Yes, the provisions of Section 269SS are applicable to every person taking or accepting any loan or deposit exceeding Rs. 20,000/- whether it's individual or otherwise.

A. Section - 269SS :

- **Threshold** : Rs. 20,000/- or more
 - **Provision** : Acceptance of Cash deposit
- It provides that no person shall take or accept any loan, deposit and specified sum from any other person in cash, if:

(a) the amount of such L/D/S* or the aggregate amount of such L/D/S* is

Rs. 20,000/- or more.

(b) on the date of taking or accepting such L/D/S*, any L/D/S* is taken or accepted earlier by such person from the depositor is remaining unpaid (whether repayment has fallen due or not), the amount or the aggregate amount remaining unpaid is Rs. 20,000/- or more.

(c) the amount or the aggregate amount referred to in clause (a) together with the amount or the aggregate amount referred to in clause (b) is Rs. 20,000/- or more.

* L/D/S represents loan, deposit and specified sum

Exemptions :

This section shall not apply to any L/D/S taken or accepted from, or any L/D/S taken or accepted by:

1. the Government & any Government company
2. any Banking Company, Post Office savings bank or Co-op. Bank
3. Any corporation established by a Central, State or Provincial Act
4. An institution, association or body or class of institutions, associations or bodies notified by Central Govt. in the official gazette.
5. where the person from whom the L/D/S is taken or accepted and the person by whom the L/D/S is taken or accepted, are both having agricultural income and neither of them has any income chargeable to tax under this Act.

Penalty :



Penalty:

A sum equal to the amount of such L/D/S* so taken or accepted shall be liable to be paid by the receiver as penalty under Section 271D of Income Tax Act.

The penalty is imposed on the receiver, not on the payor.

B. Section – 269T:

Threshold Limit– Rs. 20,000/- or more

Provision: Repayment of deposit in cash

a) No branch of a bank or Co-op. Bank, Co-op. Soc., Firm, Company or person shall repay any loan, or deposit with it or any specified advance, in cash, if:

i) the amount of the L/D/S* together with the interest, if any, payable thereon, is Rs. 20,000/- or more; or

ii) any amount in relation to transfer of immoveable property (even if transfer does not take place) together with the interest, if any, is Rs. 20,000/- or more; to any person who has made L/D or paid the sum for transfer of immoveable property.

b) the aggregate amount of the L/D* held by such person on the date of such repayment together with the interest, if any, payable on such L/D*, is Rs. 20,000/- or more or

c) the aggregate amount of the specified advances* received by such person either in his own name or jointly with any other person on the date of such repayment together with the interest, if any, is Rs. 20,000/- or more.

* Specified advance means any sum of money in the nature of advance, by whatever name called, in relation to transfer of an immovable property, whether or not the transfer takes place.

Exemptions:

This section shall not apply to repayment of any loan or deposit or specified advance has taken or accepted from:–

- the Government & any Government company
- any banking company, post office savings



bank or co-operative bank

- any corporation
- such other institution, association or body or class of institutions, associations or bodies which the Central Government may, notify in this behalf in the Official Gazette.

Penalty:

- Sum equal to the amount of such loan or deposit or specified sum so repaid shall be liable to be paid by the payor as the penalty under Section 271E of I-T Act.
- The penalty is imposed on the payor, not on the receiver.



Example:

Case Study. Loan from Mr. X

Date	Particulars	Amount Debit	Date	Particulars	Amount Credit
30/04/20	To Bank A/c	21,000	01/04/20	Opening Balance	19,000
			20/04/20	By Cash A/c	2,000
		21,000			21,000
15/05/20	To Cash A/c	19,000	01/05/20	By Cash A/c	19,000
		19,000			19,000
03/06/20	To Cash A/c	25,000	01/06/20	By Bank A/c	25,000
		25,000			25,000

Special Audit considerations:

While reporting the details of loans and deposits in Tax Audit report, following points need to be considered:

(a) Details as per following format to be taken and verify the same:



Name & Address and PAN	Opening Balance	Amount Received	Amount Paid	Interest Credited	TDS Deduction	Closing Balance	Maximum Outstanding
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(b) Squared –Up means Loans taken and repaid in the same assessment year.

(c) All Loans or Deposits are to be reported even if they are grouped under Debtors or creditors.

(d) Even if the loans are taken free of interest the information will still have to be given.

(e) Loans and deposits taken or accepted by means of transfer entries constitute acceptance of deposits or loans otherwise than by account payee cheques.

(f) Scrutinize Cash book to find out Loans or deposits taken or repaid in cash.

C. Section - 269ST:

- **Threshold:** Rs. 2,00,000/- or more

No person shall receive an amount of Rs. 2 lakhs or more in cash.....

- in aggregate from a person in a day; or
- in respect of a single transaction; or
- in respect of transactions relating to one event or occasion from a person,

Otherwise than by:

- an account payee cheque or
- an account payee bank draft or
- use of electronic clearing system through a bank account.

The restriction is applicable even if the different receipts are in relation to distinct transactions entered into on same day or different days.

This section will be violated if following four pre-requisites are fulfilled:

1. There is single payer.
2. There is a single receiver.
3. The payment is in single day.
4. The amount received by the person in cash is Rs. 2 Lakhs or above.

The payment may be towards two separate invoices of different dates and each invoice below Rs. 2 Lakh, but the person cannot receive Rs. 2,00,000/- or more in cash from a person in aggregate in a single day.



Exemptions:

- Receipt by **Government**;

- Receipt by any banking company, post office savings bank or co-operative bank
- Transactions of the nature referred to in **section 269SS** i.e. acceptance of loans/deposits/specified advance.
- Persons/ receipts **notified** by government:
- Receipts (cash withdrawals) **by any person from** bank, cooperative bank or post office savings bank.
- Receipt by business correspondent on behalf of banking company or cooperative bank as per RBI guidelines.
- Receipt by white label ATM operator from retail outlet sources on behalf of banking company or cooperative bank.
- Receipt from an agent by an issuer of prepaid payment instruments.
- Receipt by company/ institution issuing credit cards against bills raised in respect of one or more credit cards.
- Receipt exempt u/s 10(17A) i.e. any award from state/central government.

Penalty:

Penalty is under Sec 271DA for the violation of 269ST.

If a person receives any sum in contravention of the provisions of section 269ST, he shall be liable to pay, by way of penalty, a sum equal to the amount of such receipt:

Provided that no penalty shall be imposable if such person proves that there were good and sufficient reasons for the contravention.

- Any penalty imposable under sub-section (1) shall be imposed by the Joint Commissioner.
- **If any person violates sec 269ST, then penalty shall be levied @ 100% of such receipt.**

Example :

1. M/s. Lotus Chemicals issued invoice of Rs. 7,50,000/- to its customer on 19/12/2021. The customer intends to make payment in cash in 10 weekly installments of Rs. 75,000 each. Whether M/s Lotus Chemicals can accept the above proposal?
- M/s. Lotus Chemicals cannot accept the above proposal as the cash receipts (though on different dates) are towards a single transaction and exceeds Rs. 2



Lakh.

2. If for a marriage there are 3 different bills of Rs. 1 lakhs each (total Rs. 3 lakhs), and all the three bills are in the name of three different persons:

Say

(i) garden on rent for marriage reception of Rs. 1 lakhs is in the name of Mr. X who is being married,

(ii) Tent house services is in the name of Mr. X's father for Rs. 1 lakhs and

(iii) decoration is in the name of the Mr. X's mother for Rs. 1 lakhs.

Then in such a situation entire Rs. 3 lakhs can be paid in cash etc. mode i.e., Rs. 1 lakh by Mr. X, Rs. 1 lakh by his father and Rs. 1 lakh by his mother.

Even if all the bills are in the joint names of three persons, then also the payment can be made in the above manner.

ABC & Co. issued following invoices and received following payments:

Customer	X	Y	Z
Bill No. 001	2,50,000	1,50,000	1,10,000
Bill No. 002	-	30,000	65,000
Bill No. 003	-	-	45,000
Total	2,50,000	1,80,000	2,20,000
Total receipts in a single day	2,50,000	1,80,000	2,20,000
Whether sec 269ST violated	Yes	No	Yes
Penalty Amount	2,50,000	Nil	2,20,000

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1. X sells goods on credit to Y on 14-8-21, for Rs. 10,42,000/-, Invoice No. 40. Payment made by Y as follows:

- Rs. 1,45,000/- in cash on 16-8-21.
- Rs. 8,00,000/- by RTGS on 20-8-21
- Rs. 97,000/- in cash on 22-8-21

Total payment received by X in cash is Rs. 2,42,000/-.

Section 269ST gets attracted.

The AO can impose 100% of Rs. 2,42,000/- as penalty u/s. 271DA.

D. Section – 40A(3) :

- Restriction on Expenditure in Cash**
- Threshold** : Amount exceeding Rs. 10,000/-
- Where the assessee incurs any expenditure in respect of which a payment or aggregate of payments made to a person in a day,
- otherwise than by an account payee cheque drawn on a bank or account payee bank draft, or
- use of electronic clearing system through

a bank account [or through such other electronic mode as may be prescribed],

- exceeds Rs. 10,000/-, no deduction shall be allowed in respect of such expenditure.
- Simply put, this section covers those payments over Rs. 10,000/- made by bearer cheque or cash.
- Therefore, if X makes a payment to Y, of Rs. 10,000/-, Rs. 15,000/-, and Rs. 18,000/- in cash in one single day, then the aggregate amount of Rs. 43,000/- will be disallowed.
- Even the purchase of goods falls under the term expenditure.
- This section shall not apply to expenses which is not to be claimed as deduction u/s 30 to 37.
- However, if the payments are made for hiring or leasing carriages for goods such as lorries, trucks etc. then the limit is extended to Rs 35,000/-.
- Non- Compliance:** Deduction Not allowed
- If an assessee makes payment of two different bills to Y (none of them exceeds Rs. 10,000/-) at the same time in cash, Sec. 40A(3) is not applicable even if the aggregate payment is more than Rs. 10,000/-.
- This is because of the fact that Sec. 40A(3) is applicable only in respect of an expenditure which is in excess of Rs. 10,000/-.
- If Mr. X makes payment over Rs. 10,000/- at a time, partly by an a/c. payee cheque & partly in cash to some parties, but payment in cash alone at one time does not exceed Rs. 10,000, Sec. 40A(3) is not attracted.

Exceptions – Rule 6DD :

1. Where the Payment is made to:-

- Reserve Bank of India or any banking company;
- State Bank of India or any subsidiary bank;
- Any co-operative Bank or Land Mortgage Bank;
- Any primary agricultural credit society or any primary credit society;
- Life Insurance Corporation of India;

2. Where the payment is made to the Govt and, under the rules framed by it, such payment is required to be made in legal tender;

3. Where the payment is made by:

- Any Letter of Credit Arrangements through a Bank





- A Mail or telegraphic transfer through a Bank
 - A Book adjustment from any account in a bank to any other account in that or any other bank
 - A Bill of exchange made only payable to a Bank
 - The use of electronic clearing system through a Bank Account
 - A Credit Card
 - A Debit Card
4. Where the payment is made by way of adjustment against the amount of any liability incurred by the payee for any goods supplied or services rendered by the assessee to such payee.
5. Where the payment is made to the cultivator, grower or producer for the purchase of the following:
- Agricultural or Forest produce; or
 - Produce of Animal Husbandry (including livestock, meat, hides and skins)
 - Fish or Fish Products; or
 - Products of Horticulture or Apiculture
6. Where the payment is made for the purchase of the products manufactured or processed without the aid of power in a cottage industry, to the producer of such products;
7. Where the payment is made in a village or town, which on the date of such payment is not served by any bank, to any person who ordinarily resides or is carrying on any business, profession or vocation in any such village or town
8. Where any payment is made to an employee of the assessee or the heir of any such employee, on or in connection with the retirement, retrenchment, resignation, discharge or death of such employee, on account of gratuity, retrenchment compensation or similar terminal benefit and the aggregate of such sums payable to the employee or his heir **does not exceed Rs 50,000/-**.
9. Where the payment is made by an assessee by way of salary to his employee after deducting Income tax from salary in accordance with the provisions of the Income Tax Act, and when such employee:-
- i. Is temporarily posted for a continuous period of 15 days or more in a place other than his normal place of duty or on a ship; and
 - ii. Does not maintain any account in

any bank at such place or ship.

10. Where the payment is made by any person to his agent who is required to make payments in cash for goods or services on behalf of such person.
11. Where the payment was required to be made on a day on which the banks were closed either on account of holiday or strike. It is pertinent to note here that such payment would be allowed as an expense only when it has been proved that the payment was required to be made on the day on which the bank was closed and the payment could not have been made on a working day.
12. Where the payment is made by an authorized dealer or a money changer against purchase of foreign currency or travellers cheque in the normal course of business.

E. Section – 43(1) – Capital Expenditure in Cash:

- Disallowance of Depreciation section 43(1)
- Disallowance of Depreciation where cash payment exceeding Rs. 10,000/- is made for purchase of asset.

Example :

Assessee purchases plant and machinery of Rs. 3,50,000/- on 1.04.2021 and pays the entire amount in cash.

- Since payment of Rs. 3,50,000/- is made by cash, it shall not be considered as part of actual cost of plant and machinery. The actual cost of plant and machinery shall be taken to be NIL and NIL shall be added to WDV of Block of assets.
- Note: As per section 269ST, the seller of machinery is liable to pay penalty of Rs. 3,50,000/- for accepting cash of Rs.2,00,000 or more. The Penalty shall be under section 271DA.

F. Section – 80D :

- **Payment of Premium for Medical Insurance in Cash**
- Every individual or HUF can claim a deduction from their total income for medical insurance premium paid in any given year under section 80D. This deduction is also available for top-up health plans and critical illness plans.
- Deductions for medical insurance premiums can be claimed exclusively if the supposed amount of payment to the





service was remitted by means of **online banking**, cheque, draft, debit/credit cards, or any other online mediums.

- However, installments remitted for any **preventive health check-ups can be remitted through cash.**

G. Section – 80G :

- **Restriction on Donation in Cash**
- **Threshold :** Amount exceeding Rs. 2,000/-
- **Provision :** It provides that no person shall give donation in cash for an amount exceeding Rs. 2,000/- to certain funds, charitable institutions, etc.

Non- Compliance: Deduction Not allowed.

H. Section – 80GGA :

- **Threshold :** NIL
- **Provision :** Payment of donation in Cash for research and rural development
- Deduction under section 80GGA of the I-T Act, 1961 is available to **all the taxpayers** in respect of donations made for specific scientific, social or statistical research or rural development.
- a donation can be made through any manner i.e. cash or cheque or draft etc. However, in case of donation through cash, the maximum amount of INR 10,000/- would be allowed as deduction.
- **No deduction shall be allowed under this section in respect of any sum exceeding Rs. 10,000/- unless such sum is paid by any mode other than cash.**

I. Section – 80GGB :

- **Threshold :** NIL
- **Provision : Payment of donation to Political parties or Electoral Trust.**
- This Section specifies the rules and conditions related to donations being made to political parties in India by **any Indian company or enterprise:**
- Cash contributions are not allowed under Section 80 GGB.
- Therefore, the respective contributions to political parties must be made through other modes of payments, i.e.
 1. Cheque,
 2. Demand Draft or 3. Electronic Transfer.

J. Section – 80GGC :

- **Threshold :** NIL
- **Provision : Payment of donation to Political parties.**
- This Section specifies the rules and

conditions related to donations being made to political parties or an electoral trust in India by **any person**, except local authorities, every artificial juridical person which is either wholly or partly funded by the Government and companies.

- Cash contributions are not allowed under Section 80 GGC.
- Therefore, the respective contributions to political parties must be made through other modes of payments, i.e.
 1. Cheque,
 2. Demand Draft or 3. Electronic Transfer.

K. Section – 194N :

- **Provision :** Deductor : Bank, Co-op. Bank or a Post Office

Threshold : If aggregate withdrawals in cash from one or more accounts during a previous year any an account holder exceeds the limit given below, TDS will be made :

Time of payment	Threshold for payment in	Rate of TDS
On or before 01/07/2020	Customer who have not filed the returns for the previous 3 years in which the due date for filing return has expired	
	Exceeding Rs. 20 lakh but not exceeding Rs. 1 crore	2%
	Exceeding Rs. 1 crore	5%
On or after 01/07/2020	Customer other than mentioned in previous slide	
	Upto Rs. 1 crore	NIL
	Exceeding Rs. 1 crore	2%

Exemptions :

When payment is made to certain recipients such as:

1. the Government
2. any banking company, post office savings bank or co-op. bank
3. Co-op. Society carrying on banking business
4. Banking correspondents
5. White label ATM operators who are involved in the handling of substantial amounts of cash as a part of their business operations.

PAN or Aadhar mandatory :

The government has made quoting of PAN or Aadhaar number mandatory if the cash deposits or withdrawals in a financial year exceeds Rs. 20 lakh in any bank or post office.

It is also mandatory in case of opening of current account or cash credit account with a bank.

The CBDT has issued a notification on May 10, 2022 for the same. The new rules will be effective from May 26, 2022.

These rules may be seen as a step by the Govt. towards spreading its arms in tracking the cash deposits/withdrawals to combat the circulation



of cash in the economy.

With Annual Information Statement (AIS) and TDS under section 194 N already in place, it will be easier for government to bring all information regarding cash deposits/withdrawals by a person in one place and track such transactions irrespective of whether if TDS is applicable or not.

As per the notification, every person to obtain and quote PAN, wherein he enters into any of the following transactions:

1. Cash deposits aggregating to Rs 20 lakhs or more in the financial year in one or more accounts with a bank or a post office.
2. Cash withdrawal or withdrawal aggregating to Rs 20 lakhs or more in the financial year in one

or more accounts with a bank or a post office.

3. Opening of current account or cash credit account.

Earlier, as per Rule 114B, PAN was mandatorily required to be quoted in case of cash deposit exceeding Rs 50,000 in a single day. However, no annual aggregate limit for cash deposition was prescribed. Also, no limit was prescribed for cash withdrawal, which has also been prescribed now.

Hence every person who intends to undertake afore-stated transactions should obtain the PAN, otherwise, such person would not be able to perform afore-stated transactions.

SAY NO TO CASH TRANSACTIONS



**“SAY
NO
TO CASH
TRANSACTIONS”**

Information Technology



Contributed by:
CA. Siddharth Bhatt

cost. to manage such complexity , we require timely and accurate information of various stake holders at every level especially at the time of decision making.

How to ensure safe, secure and viable Information Technology System in today's dynamic Business Environment

As per today's scenario we all know that , business complexity are increasing , margins are getting thinner, increment in input cost and stagnancy in selling price . we all wants to utilize resources in optimum manner at minimum cost .to manage such

analysis , HR head needs to run payroll every month while CFO needs to eye on cash management , costing and quarterly results while CEO requires MIS report which ultimately communicated to Directors .



Business is done in open system where I have to interact with internal as well as external environment every day. physical communication and manual process of data gathering is not possible in terms of time , cost and reliability wise , so to connect all the dots , I require safe , secure and viable information technology system , if IT system control is weak then my business cannot achieve sustainable growth .to show the importance of the same , I am writing down various areas of risks related to IT and the solution for reducing the risk in a systematic manner for the organization.



the information technology system working in our organization is safe, secure and viable. Which are the risk factor, what can happen if we ignore such risk and how can we control and mitigate those risk in a cost efficient manner to achieve the information objective of the organization'.

Basically, Knowledge of Information technology is necessary for all of us, especially when we are running a large scale business. Let's say for example – my company which is in the health care industry is listed on stock exchange, we have a five manufacturing units across the world: two in India, others are in USA, China and Norway, nearly having 3,000 employees, 50 distribution network, 1000 vendors, head office where management and administrative staff are deployed is in the city where manufacturing units are out of the city. Now, every departmental head's require some sort of information every day. Purchase head ask for daily production plan, Sales & marketing head requires dealer wise sales and Ageing

Risk no-1

Risk Factor: Inadequate data back up plan.

Why Control is required: If data is lost / corrupted for any reason, business gets paralyzed for a while. For example, if due to fire, all my debtors ledger gets destroyed then it would be difficult to trace out outstanding amount from debtors, but if periodical back up is maintained then near to latest data is secured and available.

How to control (as per business requirement)

(1) I need to check out which type of back up is viable for my organization.

Back up type	Data backed up	Back up time	Restore time	Storage space	Backup frequency
Full back up	All data	Slowest	Fast	High	Long
Incremental Back up	Only new /modified data	Fast	Moderate	Lowest	Short
Mirror back up	Only new /modified data	Fastest	Fastest	Highest	Long



(As all such back up consumes spaces in Tarabite (TB))

(2) I need to set frequency of back up – it can be daily, weekly, monthly back up.

(3) I have to decide responsible person and location for the back up and alternative of person in case of emergency.

I may choose hybrid back up system – like to run incremental back up daily in the evening and run full back up every week with a different back-up media like DVD, Tape drive, pen drive, Optical jukeboxes, Autoloader tape systems, etc.

Risk no-2

Risk Factor: Lack of control over Data Integrity, Privacy and Security.

Why Control is required: (1) To maintain data integrity, I have to prevent unauthorized modification of information.

(2) My data should be available only to intended user, for that data privacy needs to be maintained.

(3) Security is required to protect the information from internal and external environmental risk.

To control such risk, I have to ensure logical, physical and environmental control.

As we are seeing such risk in a routine life like - Denial of Service attacks (DOS) on amazon.com/yahoo.com, physical leakage of sensitive defense ministry data, fire in the Plant of Reliance industry /Hitachi Plant – which resulted in to disturbance in to running business. now imagine what can happen if preventive control is not established!

How to control (as per business requirement)

In following ways, I can control data :

(1) Logical Control:

It is a system based control to fix who can access what information. for e.g I do not give right to see my profit and loss to my sales manager. I do give access rights of using internet to my investment manager and marketing team as per job requirement.

(2) Physical control:

I can protect my server room, storage room via lock, authorized entry, CCTV camera, security guards, etc. so that, I have to protect my data, otherwise if intruder damage my data server then data of my all five plants would be at risk!

(3) Environmental control:

Looking to the size of the organization, I have to safeguard supporting IT Infrastructure like – server room, cabling ducts, power sub station, Heating – Ventilation – A/C plant (HVAC) from fire, natural calamity like rain, power spike, equipment failure, etc. I can control such risk by using water detector, fire extinguisher, smoke detectors, UPS, etc.

Risk no-3

Risk Factor: Non availability of / improper Inventory Records, Data Flow Diagrams, Network Layouts.

Why Control is required: To avoid undue hardship and for speedy solution, records /layouts should be maintained up to date and accessible whenever required.

How to control (as per business requirement)

Having a large organization spread horizontally, nearly 1000 computers and laptops are used by staff. all are linked with LAN and WAN network (Network topology can be 1.Star 2.Mesh 3.Bus topology). further, department wise hardware and software requirement gets changed – accounts department require TDS software where as HR Department requires Payroll s/w where R&D department requires design s/w. sometimes hardware gets damaged, computer screen gets blurred, etc, so in a routine, inventory management is required – to avoid the emergency purchase and for quick deliver, proper inventory records needs to maintain with asset register user wise. more over, trail of the data should be available by maintaining data flow diagram. say for example if in computer no 10 (Port) - LAN is not available then, to identify the location, network diagram is required otherwise it would be difficult to know from where the cabling is done. if all such records are available and updated then dependency on personnel will be reduced and as a system driven process any one with a working knowledge of network can trace out where is the leakage in a flow.

Risk no-4

Risk Factor: Non availability of Intrusion Detection System.

Why Control is required: Can I do business in isolated manner?

it is not possible in present scenario. One needs to use internet to have a access with data and during these process any one can hack my data or enter virus in to my system. Today's challenge in not physical, it is logical challenge, any one





from remote location can damage my data and it will result in data corruption , degraded computer performance , waste of time and money.

How to control (as per business requirement)

To protect the system from intruders , I need to have Firewall and Antivirus Policy. If organization can bear huge cost , then VPN (virtual private network) is best option to ensure safe data transmission.

Alternatively,

Firewalls and Antivirus are basically Intrusion detection systems which protects the information from unwanted logical intrusion.

In market various fire wall options are available like – (1)Packet filter (2) stateful inspection (3) proxy server (4) application level firewalls . but I need to have low cost , secure electronic network – isn't it?

Basically , firewall is a collection of computer, routers and software , Which work as a gate keeper between different security domain . all traffic (data) must pass through the firewall .it blocks or allow traffic based on rules configured by system administrator . for e.g we have seen that in many organization social site like facebook/twitter are blocked .if any one attempts to access the site – firewall block the same (IP Address).

Further , for data privacy and to control destructive programs(Virus) , I need to use reliable anti virus software .

Anti virus is a program which prevent, detect and remediate malware infections on individual computers - like a soldier. there are various types of software available in market like scanner , active monitor , integrity checkers provided by software companies like K7 , Quick heal , Norton , McAfee , etc , I can select as per my business requirement.

Risk no-5

Risk Factor: Inferior Vendor evaluation Process, Non availability of Service Level Agreement and Insurance.

Why Control is required: If vendor quality is not up to the mark, Hardware/software may not function properly and in case of repairs & maintenance , vendor could not provide service or charge unreasonable amount and in case of no insurance , it may cost millions of rupees to the company.

How to control (as per business requirement)

Whether I have customized ERP or Purchased ERP or Any hardware/software – I need to check supplier very carefully by verifying their history , price , availability and technical competency . after comparing above factors with my organization need , select vendor and will have to make service level agreement , specifying their role and responsibility – like maintenance schedule , replacement cost , on demand support , confidentiality clause , etc . further , apart from maintenance agreement , I have to take insurance of my critical assets like Servers , hardware's , A/C's.

Risk no-6

Risk Factor: Undefined User Control Policy.

Why Control is required: Without control, User may enter prohibited area, can compromise with data confidentiality. Also, User may be tempted to explore unexplored area and waste their time in non relevant activity.

How to control (as per business requirement)

System administrator has to design Internet usage policy.

Risk no-7

Risk Factor: Lack of defined Procedure for Up gradation and Program change control.

Why Control is required: If Hardware and software are not upgraded with the time and as a result system becomes obsolete and would be in disadvantageous situation compare to the market. And unstructured program change brings disturbance in the work.

How to control (as per business requirement)

In a very routine manner , we are facing such problems . for example , one computer has a window 2003 while another has a XP . so , file is shared from XP to the another operating system windows 2003 – file will not open , because of version incompatibility . as the same way my USA plant use Lotus while Indian plant use outlook express for mail , so when any person from india goes USA , they are unable to access their mail.

To avoid such bottleneck , annual upgradation plan needs to be prepared , whenever there is a requirement of change to match with the current version and common platform , it has to be changed and change document should be prepared and approved by authorized person and to be communicated all the relevant user in advance.



**Risk no-8**

Risk Factor: Lack of Disaster Recovery and Business Continuity Plan.

Why Control is required: At the time of sudden interruption in the system, either system will collapse or consume time to reestablished and to start/restart a new system will take high time and cost and existing data may be lost. Best example to show importance of BCP would be the 24*7 online ticket booking of Indian railway and E-commerce business like flipcart – imagine what can happen if their online system collapse for a while!

How to control (as per business requirement)

(1) Business continuity plan (BCP) should be implemented and periodical internal audit should be done to conform compliance of business continuity plan in line with the policy and regulatory requirement of the enterprise.

To develop business continuity plan, break down BCP in to four section. (1) Risk Assessment (2) Alternative remedies (3) implementation Plan (4) Plan validation.

For example, my head office is in Chennai and there was a heavy rain for the week. so, (1) I have to assess a risk about probability of such calamity – due to rain there would be no power at Plant, HO and no transport facility. (2) I have to frame out alternatives like operating from remote location like home or any remote area, generator would be required for electricity. to operate a system from home I require remote location access rights and good firewall to avoid chances of data transmission loss (within that two alternatives are available – grid computing or cloud computing). (3) then, have to validated the plan with the consent of the IT team. in the same way my alternate back up plan should be active and location of the server should be in a secure place otherwise, there would be high risk of server failure.

And above all, insurance for business disturbance should be taken.

Risk no-9

Risk Factor: Lack of procedure for Scrap/Discardation of Electronic Assets.

Why Control is required: Lack of procedure may result into leakage of company's data to outsiders and improper discardation creates pollution in the environment.

How to control (as per business requirement)

I have to prepare inventory register mentioning

its all relevant details and cross functional team should be prepared to see its scrap/discardation system. vendor who is purchasing scrap should be authorized vendor for removing electronic waste.

Risk no-10

Risk Factor: Improper allocation of IT overhead to the cost center.

Why Control is required: Improper allocation results in to misleading profitability of cost centre.

How to control (as per business requirement)

As we all knows, IT service is used by all the department's of the business. so, while allocating cost of IT Department, allocation should be done on the basis of usage of IT resources by respective department and plant. it would be improper to allocate all cost to the single production department as account, sales, HR department are also using services of IT Department at various plant.

Risk no-11

Risk Factor: Wrong Accounting.

Why Control is required: Wrong accounting of capital expenditure and revenue expenditure will affect book profit.

How to control (as per business requirement)

While doing accounting, one needs to follow GAAP/AS/IFRS of their country. basic accounting knowledge is required. say for example, company is implementing SAP ERP – we have given Rs 50 lacs as a maintenance fee. now whether these cost is to be capitalized or to be revenue cost? I need to decide whether SAP is implemented (Put to use) or not, if implemented then maintenance cost would be revenue cost, otherwise it is to be capitalized. in addition to it, I have to see the tax criteria for service tax and tax deducted at source to avoid risk of statutory default.

Risk no-12

Risk Factor: Lack of basic IT knowledge.

Why Control is required: Lack of IT knowledge will deprived us from taking advantage of technology and it will resulting in to more cost, time consuming legacy process.

How to control (as per business requirement)

Now a days, it is very visible that, for example, Government employees are less techno savvy compare to private organization – which puts private players in to competitive advantage. even in the same organization, IT skill changes from person to person. practically, most of the





Balance sheet in companies are prepared in MS Excel , only accounting knowledge will not help us to grow , IT skill is also required to avoid dependency on others. For that ,IT department should arrange periodic training session to upgrade the IT knowledge of users about emerging and useful technologies.

Risk no-13

Risk Factor: Lack of awareness about IT related laws .

Why Control is required: Lack of knowledge of IT laws , deprived us from using legal remedies available and in can put us in legal trouble in case of violation of IT laws knowingly or unknowingly.

How to control (as per business requirement)

Self updation and periodic information should be shared by IT department to the users about Cyber crime , online Banking Norms , IT Act 2008 (amended).

To sum up , above mentioned points are

required to keep in mind to ensure safe, secure and viable Information Technology System . further , as electronic equipments are hazardous to the environment , progressive organization's are determined to go for Green IT , I request you also to Go Green—which includes:

- Minimize use of paper and properly recycle waste paper .
- Power off devices when not in use .
- Dispose e-waste according to regulations .
- Employ alternative energy sources for computing workstation , server , networks and data centers .
- Whenever Mobile Application is available , to save power.

Lighter moment :

Wikipedia: I know everything!

Google: I have everything!

Facebook: I know everybody!

Internet: Without me you are nothing!

Electricity: Keep talking !



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Emerging Ways of Startup Finance



Emerging Ways of Startup Finance

Popularly, start-ups are financed by way of issuance of Equity shares or preference shares by valuing the business. However, sometimes, due to the early stage of the innovative idea, founders and investor can not

Contributed by:
CA. Margik Doshi

agree on the valuation and hence it leads to impasse. In such cases, iSAFE notes and Convertible Notes proves to be a boon. Let us dive into these instruments.

iSAFE Notes

Introduction to SAFE Notes

- SAFE stands for Simple Agreement for Future Equity. SAFE notes are the type of convertible securities which are converted to Equity shares in the future based on the events mutually agreed upon in the contract.
- SAFE notes allow investors to buy shares in the future equity funding round based on the valuation decided at the time of the round.
- It gives relief to the early-stage start-up founders from lengthy process of the valuation. In the most cases, there is hardly any base to value the early-stage startup due to incomplete prototype, pending IP registration, early revenue stage (if any), unclear product-market fit, etc.
- The notes are converted compulsorily in the future based on some agreed event such as equity financing, liquidation, merger, etc.
- Indian version of the SAFE notes is generally known as iSAFE. It is legally treated at par with Compulsorily Convertible Preference Shares (CCPS).

Types of SAFE

- Type of note is determined based on the negotiations around the valuation cap and the discounts.
1. **Conversion at the fixed date:** the conversation happens at a fixed future

date.

2. **Valuation cap:** the minimum or maximum or both cap is agreed on the valuation. Meaning if in the future round, valuation cannot exceed or cannot go below the cap, as the case may be.
3. **Discount:** certain discount percentage is negotiated which is applied at the future valuation
4. **Valuation cap and Discount:** where valuation cap as well the discount is negotiated.
5. **Most Favored Notes (MFN):** no valuation caps and no discounts. When in the subsequent round of issue of the SAFE note terms are more favorable, then in such case, initial investors can ask for the same terms.

Benefits

- Simple 5–6-page documentation required for the deal.
- The deal takes much shorter time compared to lengthy Share Holder Agreement (SHA).
- Time and compliance cost both are saved, and founders can focus on business.
- As mentioned above, in early-stage start-ups, where valuation is very difficult, this is the most preferred method.

No dilution of equity until the next equity financing round.

Compliances

1. Companies Act

Since iSAFE takes legal form of CCPS, compliances regarding it needs to be done:

- Increasing authorized share capital.
- Passing of necessary board and shareholder's resolution.
- Issuance of shares.

2. FEMA

In case iSAFEs are **issued to foreign nationals;**

- It needs to be reported to RBI in form FC-GPR.
- It shall not violate the FEMA rules regarding restriction on issuance of certain securities below the market value.

Income Tax



- Capital gain does not arise in the event of conversion from iSAFE to equity shares.
- The provisions of section 56 (2) (viib) need to be complied during the issue, failing which, the tax is attracted on the premium exceeding the fair market value (Start-ups recognized by DPIIT are given relaxation in this provision with certain conditions. Finance Bill 2023 has now proposed to apply the said section to Non-Resident investors also).

Convertible Notes

Introduction

Convertible Note allows start-ups to raise funds via debt, which is convertible to equity or repayable at the holder's option. As explained in the earlier part "Start-up funding through Debt", Private Limited companies are prohibited from accepting the Debt from individual unless it is a start-up, and the individual is a member or director of the company.

Insights into Convertible Notes

- Government has allowed **Start-up Companies*** to accept the funding through the convertible notes from individuals or corporates, either resident or non-resident, in the tranches which are not less than of INR 25 lakhs.
- Convertible notes are repayable at the option of the holder or convertible into the equity based on the conditions and events specified in the agreement.
- Maximum period for which convertible notes can be issued, has been increased from 5 years to 10 years. Within such period it either has to be repaid or converted into the equity.
- Agreement terms contain conditions as well as the cap and floor for the future valuation at which Notes will be converted.
- Valuation is not required to be carried out during such issue.

Differences: iSAFE and Convertible Notes iSAFE:

- In legal term, these are the compulsorily convertible preference shares (CCPS).
- They are compulsorily convertible in the equity. It can be repaid if both the company and investor agree.
- Compliance costs are higher since authorized capital needs to be increased along with the ROC filings for the compliances.

Convertible Notes

- Legally, this is a Debt taken by the company.
- It is also convertible to equity based on the conditions stipulated in the agreement. However, it is repayable at the option of the holder. (Repayment can be restricted for some defined period such as closing of current funding round).
- Less compliance cost compared to iSAFE.

Benefits

- Valuation is not required during the issue of Convertible Notes.
- Equity is not diluted at the time of issue.
- Private Limited company is not allowed to take debt from the public at large, but CN gives a way out.

Limitations

- Holder has right to call for repayment at any time, such option can push start-up to bankruptcy.
- Minimum investment amount is INR 25 Lakhs which may discourage low-ticket size funding from the angel investors.
- Floor and Cap for the valuation needs to be agreed in the Convertible Note Agreement.



**HAPPY NEW
FINANCIAL YEAR₹**



MCA V3 FAQ



Contributed by:
CA. Jay Dattani

Q.1: What is the difference between a Business user and a Registered user?

Ans: A Business USER can fill and file all the forms related to Companies/LLP

(Subject to some conditions), but a Registered user can only fill and file FILLIP and RUN forms

Q.2.: Who Needs to register as a business user?

Ans: Any person, who is a signatory on the form (e.g. Director, CA, KMP), has to register as a business user.

Q.3.: Do existing user on V2 need to re-register once again on V3?

Ans: No, if you are an existing user in V2, then you need not to register once again in V3. As per MCA guidelines only one account shall be created against ONE PAN and same email id/Mobile number.

Q.4.: How to register on V3?

Ans: Go to <https://www.mca.gov.in> => Click on Sign in / Signup=> click on Register => Select User Category=> Fill up the details=> Enter Proposed Password => Select Security Question => Click on Create My Account => You will receive 2 OTP's (One on mobile and one on email which you have submitted while creating an account) => Enter the OTP's in respective sections and click Submit.

Q.5.: Does a person need to create two separate accounts for two roles (e.g. Professional & director)?

Ans: No, You have to register your DSC against your role every time you change your role on form. i.e. If you are registered as professional on a V3 and now you want to sign a form as a Director then in this case you have to change your role from Professional to Director in your profile and have to reassociate your DSC through FO services in V3 and vice versa.

Q.6.: While making a business user on V3 the address line (2nd line) and email id does not get prefilled, What to do?

Ans: It is advisable to create a REGISTERED USER ID first (Select Salaried or Others in Profession) and then upgrade it to business user. By adopting this process, you will have access to address cells (avoid special characters in an address line) and others which can be altered as per your need.

Q.7.: I have only my FIRST NAME and there is no SURNAME in PAN. How to create a business user?

Ans: If you are not registered on V2 then you can create a Registered User. While entering your name you have to enter 3 or 4 spaces in "LAST NAME", It will allow you to proceed to the next step of creating a user on V3.

Q.8.: I am unable to see the security question while registering. What to do?

Ans: This is advisable to use Microsoft Edge browser.

Q.9.: I have a business user account in V2, in which I use to login through my user id and instead of password used to affix the DSC. Now on V3 how to proceed without Password?

Ans: USER ID: Same as registered with V2
PASSWORD: PAN IN CAPITAL LETTERS / DOB (DD/MM/YYYY)

Q.10.: I was already a user in V2 but in V3 I have registered again (as PAN was not there in V2) using different ID. How to merge Old User of V2 with new User in V3?

Ans: You need to request to MCA to merge your V2 account with V3 account. For this you need to fill the GOOGLE FORM launched by the ICSI specially to merge these types of accounts. Link is given below for the form –<https://google.com/forms/d/e/1FAIpQLSdX1zNSe0ZhWDHld5fED3cc7gmJsoGwj9RxKN2SpxojA6rJQ/viewform>)

Q.11.: I am unable to login into my account. It says the user account is deactivated.

**What to do?**

Ans: RESET the password of an account on V3.

Q.12.: I am unable to login into my account. It says the user account is deactivated. What to do?

Ans: This error comes due to a technical glitch in a security question in the profile. You need to change the security question form "Mother's Maiden name" to some other question then press SAVE and then add user Role. It will work.

Q.13.: I am getting an error DETAILS ARE NOT AS PER PAN what to do?

Ans: You need to create a registered user first and then associate DSC in your account and thereafter upgrade it to business user. The problem will be solved.

Q.14.: Whenever I try to login into my account the page throws me out on the login page again where I can see my login done in the top right corner but unable to proceed. What to do?

Ans: In this case you need to click on your profile and logout, then reset the password and login again. Now you will be able to see your application history.

Q.15.: Whenever I click on any form it brings me to the Application History page. What does that mean? How to get rid of this?

Ans: If a user landed every time he clicks on any form, it means his user id has been degraded to a registered user. Upgrade it to business user and thereafter you will be able to fill the forms.

Q.16.: DSC box is missing after downloading a form. What to do?

Ans: It could be due to non-pressing of the SAVE button before pressing the Submit button on the last page of the form. You can edit the form and press the SAVE button on every page of the form and wait for the POPUP stating "DATA SAVED SUCCESSFULLY" after that you can proceed with the next and submit button.

Q.17.: While registering a DSC on a LLP portal my DSC does not show in a token section. What to do??

Ans: Case-1 - Pop-up not showing anything not even select option then you have to

install EMBridge in your system. Case-2 - Drop down is working but the token is not showing then you must install a token driver on the system and Case-3 Token showing but certificate in dropdown is not showing then for this you have to install Emsinger on your system.

Q.18.: I get an "AUTO CHECK FAILED" error on V3. What to do?

Ans: This is a technical error which might have occurred during the validation of data entered by the you. You have to check the data filled by you in the form and look for a special character if any. Also, you need to make sure that the file which you are going to attach shall be of one word only and prefer to keep it short either of 4 to 5 characters only.

Q.19.: While filling of the form I am getting an error while selecting a date. Though I am selecting a correct date, it is still showing "Please enter a valid date". What to do?

Ans: This is advisable to use Microsoft Edge browser.

Q.20.: While filling up the DIN in DIR-12 the auto populated cells show nothing in the fields. What to do?

Ans: REFRESH the page and re-enter the DIN. It will fetch the details automatically.

Q.21.: I have successfully submitted my form on V3 but unable to proceed with the payment. What to do?

Ans: This is a technical glitch. To solve this problem, you need to go back to your application history page. On the page in front of the

said SRN you need to click on "PENDING FOR PAYMENT" and proceed with the payment.

Q.22.: I am unable to upload the form due to an error pop-up "object-object". What to do?

Ans: This is a technical error. To get rid of this error you have to "REST THE PIN OF DSC" and sign the form again.



SUPREME COURT JUDGEMENT IN CASE OF ECOM GILL ON ITC – ITS IMPLICATIONS UNDER GST



Contributed by:

CA. Nitesh Jain

The unique features of Input Tax Credit (ITC) under a Value added tax system has made it possibly one of the most controversial and litigated issue. Issue of proving the genuineness of the transaction to the adjudicating officer especially with regards to the movement and receipt of goods has been subject of debate and discussion in professional circles since long. Interpretation of provisions of section 16 of GST law which lists down the conditions for availment of credit has been at the center of many inquiries/investigations, arrests been made, bank accounts and properties being seized. Crucial issue of eligibility of ITC has been discussed and adjudged albeit under the provisions of Karnataka VAT law by the Supreme Court in its order dated 13.03.2023 in the case of The State of Karnataka Versus Ecom Gill Coffee Trading Private Limited Civil Appeal No. 230 of 2023. Following is an analysis of this judgement and its impact on taxpayers under GST law.

1. Transactional Facts of the Petitioners

There were 4 petitioners who approached the Supreme Court, and the facts and the legal issue involved were identical, hence the court took the petitions together.

Facts of Ecom Gill Coffee Trading Private Limited [Para 4.2]

M/s Ecom Gill Coffee Trading Private Limited (M/s Ecom) purchased green coffee beans from other dealers for the purposes of further sale in exports and domestic markets. Upon finding some irregularities in ITC claimed by the said dealer the Assessing Officer issued a notice under section 39 of Karnataka Value Added Tax Act, 2003, denying the ITC claim for the Assessment Year 2010-11 and seeking to furnish accounts, books, tax invoices, etc. It was found that the purchasing dealer had claimed ITC from mainly 27 sellers and out of aforesaid 27 sellers,

- 6 were found to be de-registered;
- 3 had effected sales to the respondent but did not file taxes and
- 6 have out rightly denied turnover nor

paid taxes.

The first Appellate Authority confirmed the findings of the Assessing Officer. However, the Tribunal allowed the second appeal and dropped the demands on the ground that the purchasing dealer purchased the coffee from the registered dealer under genuine tax invoices and consequently allowed the ITC claim. The revision application before the High Court has been dismissed.

2. Legal Text which was referred to by the Supreme Court in this petition.

Section 70 of the Karnataka Value Added Tax Act, 2003 was the only provision referred to by the Supreme Court while dealing with this petition, said provision reads as under:

*"70. The burden of proof.- (1) For the purposes of payment or assessment of tax or **any claim to input tax under this Act, the burden of proving that any transaction of a dealer is not liable to tax, or any claim to deduction of input tax is correct, shall lie on such dealer.***

*(2) **Where a dealer knowingly issues or produces a false tax invoice, credit or debit note, declaration, certificate or other documents with a view to support or make any claim that a transaction of sale or purchase effected by him or any other dealer, is not liable to be taxed, or liable to tax at a lower rate, or that a deduction of input tax is available, the prescribed authority shall, on detecting such issue or production, direct the dealer issuing or producing a such document to pay as a penalty:***

(a) in the case of first such detection, three times the tax due in respect of such transaction or claim; and

(b) in the case of second or subsequent detection, five times the tax due in respect of such transaction or claim.

(3) Before issuing any direction for the payment of the penalty under this Section, the prescribed authority shall give to the dealer the opportunity of showing cause in writing against the imposition of such penalty."

3. Question framed by the Supreme Court for its consideration.

Supreme Court after going through the facts and law, the question framed for its consideration was whether the second Appellate Authority, as well as the High Court, basis the interpretation of section 70, were justified in allowing the Input Tax Credit?



4. Legal Provisions under Karnataka VAT Act which were not considered by Supreme Court

Section 10 and 11 of the Karnataka VAT Act prescribes conditions for availment of ITC under VAT regime just like section 16 and 17 of the GST act do for GST regime.

As per these sections 10 and 11, the only conditions required to be fulfilled by a Karnataka Dealer were as follows:

- a. Purchase of goods should be in the course and use of his business.
- b. Dealer should be in possession of a tax invoice.
- c. Dealer has filed a correct return.

Condition as to proving receipt of goods as well as payment of tax by the supplier were not there in the Karnataka VAT law.

5. Discussion on Delhi High Court judgement in case of On Quest Merchandising and its relevance

Before arriving at the judgement, the court discussed an important judgement in case of a On Quest Merchandising India Pvt. Ltd. v. Government of NCT of Delhi 2017 (10) TMI 1020, said discussion and the courts conclusion thereof is discussed hereunder:

In On Quest Merchandising India Pvt. Ltd. case, Delhi High Court read down section 9(2)(g) of the Delhi Value Added Tax, 2004, and said that demand cannot be sustained against a purchaser who has bona fide entered into a purchase transaction with a registered selling dealer who has issued a tax invoice reflecting the TIN number. 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. Where, however, the Department is able to come across material to show that the purchasing dealer and the selling dealer acted in collusion then the Department can proceed under Section 40A of the DVAT Act.

Section 9(2)(g) of the Delhi Value Added Tax, 2004 reads as under.

"9(2)(g) to the dealers or class of dealers unless the tax paid by the purchasing dealer has actually been deposited by the selling dealer with the Government or has been lawfully adjusted against output tax liability and correctly reflected in the return filed for the respective tax period."

Above judgement has been affirmed by the Supreme Court in its order in case of

COMMISSIONER OF TRADE AND TAXES DELHI VERSUS ARISE INDIA LIMITED 2018 (1) TMI 555-SC ORDER

However, Supreme Court in this order has brushed aside the judgement in case of On Quest and Arise India by saying that the issue of burden of proof under section 70 was not an issue before the Delhi High Court and therefore that judgement cannot be relied upon.

1. Analysis of the Judgement in case of Ecom Gill

In the present case, Hon. Supreme Court has observed that the provisions of Section 70, quoted hereinabove, in its plain terms clearly stipulate that the burden of proving that the ITC claim is correct lies upon the purchasing dealer claiming such ITC. Merely because the dealer claiming such ITC claims that he is a bona fide purchaser is not enough and sufficient. Such a burden of proof cannot get shifted to the revenue. Mere production of the invoices or the payment made by cheques is not enough and cannot be said to be discharging the burden of proof cast under section 70 of the KVAT Act, 2003.

As per this judgement, any Karnataka dealer claiming ITC will have to prove the following aspects beyond doubt:

- a. Name and address of the selling dealer,
- b. Details of the vehicle which has delivered the goods,
- c. Payment of freight charges,
- d. Acknowledgement of taking delivery of goods,
- e. Tax invoices and
- f. Payment particulars etc.

'Burden of proof' means a responsibility, an obligation to prove a fact. The burden lies on the person who asserts the claim of the input tax credit. The first and foremost thing a person must prove is that he has a genuine transaction with his supplier, resulting in the supply of goods or services or both. It should not be a sham, bogus or fake transaction. He has to produce before the authority appropriate and sufficient evidence.

As discussed above, KVAT Act 2003, for availing ITC, does not prescribe any condition of proving the movement of goods and payment of freight for claiming the ITC. Section 70 does provide that the burden of proof lies on the purchasing dealer but said burden has to be proved only within the conditions prescribed under the law, net of burden cannot be casted beyond the





conditions prescribed, accordingly if the law only prescribed that the dealer should have tax invoice and payment particulars, section 70 cannot be interpreted to cast the net wider by including aspects like movement of goods or payment of freight.

What is missing in this judgement is that the Supreme Court has not said that the purchaser has to prove that the seller has paid the tax to the government.

Provision similar to section 70 of the KVAT Act is there under GST law, Section 155 of the CGST Act, 2017 is reproduced as under:

Where any person claims that he is eligible for input tax credit under this Act, the burden of proving such claim shall be on such person.

7. Input Tax Credit under CGST Act, 2017

Chapter V of the CGST ACT 2017 contains the provisions for ITC. The eligibility conditions, apportionment, ineligibility and distribution of ITC, apart from recovery of credit distributed in excess, have been provided in different sections (Sec. 16 to Sec. 21) of this chapter.

Following are the set of facts that a registered person must prove to claim the ITC:

- a. It is a genuine transaction, resulting in the supply of goods or services or both. It should not be a sham, bogus or fake transaction.
- b. The said supply of goods or services or both are used or intended to be used in the course or furtherance of business.
- c. He has received the goods or services or both.
- d. **Reporting of Tax invoice by the Supplier on the GST Portal**
 - **From 1.07.2017 to 31.12.2021** – Supplier has reported the invoice in his GSTR 1 and the purchaser has reported the invoice in GSTR 2.
 - **From 1.01.2022 onwards**, Such tax invoice or debit note is filed by the supplier in its GSTR-1 and it appears in the buyer's Form GSTR-2B.
- e. **Payment of tax by the supplier**
 - **From 1.07.2017 to 31.12.2021** – Subject to counter reporting of invoice in GST returns, both by the supplier as well as the buyer, supplier has paid the tax to the government.
 - **From 1.01.2022 onwards**, Supplier has paid the tax to the government.
- f. The buyer must furnish his GST returns in Form GSTR-3B.
- g. Purchaser should not fail to pay the

supplier the consideration along with tax payable thereon within a period of 180 days from the date of issue of invoice by the supplier.

- h. Does not claim depreciation on the tax component of a capital goods.
- i. ITC has been claimed within the timelines prescribed by section 16 (4).
- j. ITC on goods or services must be in compliance of section 17.

To elaborate, law from 1.07.2017 to 31.12.2021 provided that ITC would be available to the purchaser only if the supplier paid the tax to the government but this condition was subject to the procedure prescribed where the purchaser was required to report the ITC invoice in his GSTR 2, it would automatically amend suppliers GSTR 1. Once GSTR 1 of supplier was amended, the liability towards that invoice would be automatically reported in GSTR 3 of the supplier whereby he would be forced to pay the same to the government. Said scheme of GSTR 1, 2 and 3 was never implemented even though the law provided for it. Hence the purchaser had no mechanism to prove that the supplier has eventually paid the taxes, therefore he could not be forced to prove the impossible. Hence to overcome the lack of implementation of the prescribed procedure, rule 36(4) of the CGST rule was brought in from October 2019 to provide as that purchaser was eligible to avail 20% over and above the ITC getting reflected in his GSTR 2A, this limit of 20% was reduced from time to time. Ultimately with the advent of GSTR 2B, said limits were completely done away with effective from 1.01.2022 onwards. Accordingly, effective from 1.01.2022, said law was amended, it has now been provided that the ITC of an invoice must be reflected in GSTR 2B of the purchaser and then only he will be eligible to avail it. Still the leg, whereby the purchaser can 100% prove that the supplier has paid the tax legitimately is not possible because he doesn't have access to the fact how the supplier has discharged his taxes, hence the question of proving the same without any doubt is not possible in the current law as well.

8. Is Ecom Gill Supreme Court Order the last word on eligibility of ITC in GST

The question that necessitated this article is the fact whether this judgement of Supreme Court can be considered as the last word on eligibility of ITC and whether all the issues listed therein would be required to be proved by the





purchaser before availing ITC.

a. Order is solely based on interpretation of Section 70 of KVAT Act – Burden of Proof

As discussed above, K VAT Act provided for only 2 conditions still the Supreme Court said that the dealer must prove aspects concerning movement of goods and payment of freight charges. This judgement is based solely on Section 70 which deals with the concept of Burden of Proof. It has not considered any other provision of K VAT law.

b. Supreme Court judgement in case of Arise India (On Quest) distinguished solely on basis of section 70 of K VAT Act

Whereas, in case of Delhi VAT act which has a specific provision where the dealer is bound to prove that the supplier has deposited the tax with the government, the Delhi Court in case of On Quest Merchandising, read down the provision and said the purchasing dealer cannot be asked to prove the impossible. This order was affirmed by the Supreme Court in case of Arise India.

c. Conditions of 'Movement of Goods' and 'Payment of Freight Charges' absent from GST law.

GST Law has many conditions for availment ITC which were absent in K VAT law, but it doesn't have the conditions to prove 'movement of goods' as well as 'payment of freight charges'. GST law merely provides that the recipient has to prove receipt of goods and/or services. If this can be proved without getting into the factum of movement of goods then that evidence would have to be accepted. In many cases, transporters do not provide for any documentation like Lorry receipts etc, especially in case of local transportation, hence if local trade practice can be established then the department cannot force the recipient otherwise.

d. Burden of Proof under GST Law

Burden of proving ITC claim, as in KVAT law, lies on the recipient under GST law as well, but this burden cannot be casted devoid of the conditions under section 16. Burden is to prove whether the conditions as prescribed have been fulfilled or not, once the recipient proves the same satisfactorily, in my view, this order will not come in his way of legitimately availing the ITC under GST.

e. Invoices issued by suppliers whose

registration are cancelled with retrospective effect popularly known as "Registration cancelled void ab initio"

Most important aspect which the Supreme court has not gone into detail is the credit availed on invoices issued by de-registered suppliers. When the goods were purchased and tax invoice was issued, the supplier was registered and was filing his returns. After some lapse of time, the department upon investigation de-registers that supplier with retrospective effect. Gujarat High Court in case of Mahadev Enterprise which was then followed in many such cases, analysed this issue and held that ITC cannot be denied to a party in the absence of the Department having established that the transactions in question are not genuine or that they are bogus etc. and therefore ITC cannot be denied merely on the fact that registration of the supplier was cancelled retrospectively.

f. Payment of tax by the supplier

Supreme Court while dealing with the petition of Ecom Gill has also not delved on the issue whether the recipient is required to prove that the supplier has paid the tax to the government or not. Whereas this aspect has already been laid to rest by the verdict in case of Arise India read with the Delhi High Court judgement in case of On Quest Merchandising.

9. Conclusion

Supreme Court in its wisdom has said that under Karnataka VAT law one is required to prove all the aspects listed therein. Basically if a common thread is taken through this judgement, court wanted to say that the recipient is required to prove the genuineness of the transaction before its claim of ITC is approved. It has only listed the means to do the same.

In our humble view, concept of burden of proof cannot override the conditions prescribed in the statute, if the Karnataka legislature did not thought it prudent to provide for a particular condition, same cannot be read into the law based merely on concept of burden of proof.

Law as defined by the Supreme Court in case of Arise India, in our view is still relevant, if one is able to prove the genuineness of the transaction, whether with or without proving movement of goods, courts will rule in their favour.

Contributed by:
CA. Nitesh Jain & CA. Harsh Shah



SVB Collapse – Risk Indicators that Escaped people's Eyes



**Contributed by:
CA. Poojan Patel**

It is nowhere written that banks cannot fail, SVB, Rising to the top,

- Having assets more than \$200 Billion in the United States.
- Being recognised as

Forbes Best Banks 2023 as late as February 23rd, for the fifth year in

a row.

- Being the financial backer for approximately half of all venture-backed firms in the United States.
- Having earned a stock price appreciation return of 420% between March 20 and December 21
- With a solid Return on Equity of 14%

Collapsed dramatically. Nothing this gargantuan sink so rapidly. There must be some risk indicators those were present before the bank run and creating tumult.

SVB collapse was not an exception, it did have indicators posing threat to the existence of the bank,

- **Asset Liability Mismatch**
Mismatch risk arises when assets generating cash to cover liabilities do not have the same interest rates, maturity dates, and/or currencies.

SVB had too much of its business dependent on the IT startup industry, who have parked their money with the bank. The bank's deposits increase by 90%, or an additional US \$ 88 billion, in 2020 and 2021 as a direct result of the artificial liquidity pumped in post-Covid. SVB reported \$120 billion in investment securities at the end of 2022 which accounted for 55% of its assets and was more than double the average for US Banks, out of which 75% of their holdings were in HTM securities, most

of were US Treasuries and mortgage-backed securities. These investments had a **weighted average tenure of 6 Years.**

Digital Startup industry began to slow down in 2022, SVB experienced a severe shortage of funds as customers started to withdraw the funds. Noninterest bearing deposits decreased by 36% to US \$45 billion on December 22 and total deposits decreased by US \$16 billion (or 9%) from December 21.

To compensate the decline in deposits, company borrowed about US \$14 billion in short-term funds and US \$3 billion in long-term funds in 2022. Moreover, the situation worsened after December 2022, prompting the group to sell securities worth US \$21 billion at a loss of US \$2 billion, and the final knockout punch was hit when the parent of SVB attempted to sell SVB shares for US \$2.25 billion.

• **Liquidity Risk**

Liquidity risk refers to the potential risk that a company or financial institution may not have sufficient cash or liquid assets to meet its financial obligations, such as payment of debts, operating expenses, or other short-term financial needs.

Asset liability mismatch is double edged sword, it brings along Liquidity risk and may cause bank runs. From the above mentioned the Asset liability mismatch is can be perceived that SVB was having approximately 42% of total asset as the securities HTM with weighted average tenure of 6 years, to meet the withdrawal requests, it had to sell those securities at a loss of US \$2 billion.

• **Interest rate Risk**

Most of the securities held by the SVB were US treasuries and mortgage-backed securities (MBS), which poses very low credit risk, however there is significant interest rate risk associated with both. Prior to Fed's rate hike plan, SVB was making profits by riding the

yield curve. However, rising in interest rate coupled with weighted average tenure of around 6 years of the securities resulted in 6% loss in the value of these assets for every 1% increase in interest rates.

- **Fraud Risk**

SVB CEO, Greg Becker sold \$3.6 million of company stock under a trading plan less than two weeks before the firm disclosed extensive losses that led to its failure. The sale of 12,451 shares on February 27 was the first time in more than a year that Becker had sold shares in parent company SVB Financial Group, according to regulatory filings. With respect to bonus payment to employee for 2022 had been processed before regulators shut the bank down as it usually paid bonuses on the second

Friday of March each year.

- **Operational Inefficiencies**

SVB did not have a Chief Risk Officer (CRO) from April, 2022 to December, 2023, which is more than 8 months of crucial period and its risk committee more than doubled its meetings to 18, suggesting growing concern with Bank's position.

Concluding the above, it can be understood that there were operational inefficiencies which ultimately collectively resulted in collapse of SVB, among others they include, Poor diversification in assets, too much dependency on IT startups, not deploying the good risk management method such as scenario testing, stress testing, board risk oversight.

CONGRATULATION

ગુજરાત સમાચાર **plus**

આયડસના CFO નીતિન પારેખને સતત ત્રીજો એવોર્ડ

આયડસ લાઈફ સાયન્સીસ લિમિટેડના ચીફ ફાયનાન્સિયલ ઓફિસર, નીતિન દલસુખરાય પારેખે, ૨૦૨૩ના દરેક મહિનામાં એક પ્રતિષ્ઠિત એવોર્ડ મેળવીને સિદ્ધિની હેટ્રિક હાંસલ કરી છે. જાન્યુઆરીમાં ઈન્સ્ટિટ્યૂટ ઓફ ચાર્ટર્ડ એકાઉન્ટન્ટ્સ ઓફ ઈન્ડિયાનો 'સીએ-બિઝનેસ લીડર' એવોર્ડ, ફેબ્રુઆરીમાં સીઆઈઆઈનો 'લીડિંગ સીએફઓ ઓફ ફાર્માસ્યુટિકલ એન્ડ કેમિકલ સેક્ટર' એવોર્ડ અને હવે માર્ચ મહિનામાં બિઝનેસવર્લ્ડનો 'મર્જર એન્ડ એકિવિઝિશન ઓફ ૫ યર' એવોર્ડ એમને એનાયત કરવામાં આવેલ છે.



Sustainability As a Concept & Sustainability Reporting In India – An Overview



Contributed by:
CA. Vivek Shah

CONCEPT OF SUSTAINABILITY–

Sustainability has become a buzzword now a days in corporates and society at large. Even in the market place, we see products and services being advertised as – SUSTAINABLE. So

what is the concept of sustainability and sustainable

development?

The currently accepted concept and definition of Sustainable Development has been promulgated by the United Nations World Commission on Environment and Development in 1987 based on the report "Our Common Future" (commonly known as Brundtland Report) which defined Sustainable Development as-

"Sustainable development is the development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

It contains within it two key concepts:

The concept of 'needs', in particular, the essential needs of the world's poor, to which overriding priority should be given; and

The idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.

SUSTAINABILITY REPORTING – MEANING

Globally, there is an increase in awareness and activism amongst stakeholders who are demanding business accountability for the social and environmental impacts on issues such as climate change, gender equality, environmental degradation, etc. Sustainability With the adoption of this definition by the United Nations Framework Convention on Climate Change (UNFCCC), it promulgated a comprehensive set of 17 goals (called the 'Sustainable Development Goals' Or SDGs) in 2015 as a universal call to action to end poverty, protect the planet and ensure that by 2030 all people enjoy peace and prosperity with long term sustainability in mind.

SUSTAINABLE DEVELOPMENT GOALS



source UNFCCC website)

Reporting is an emerging discipline encompassing the disclosure and communication of an entity's non-financial - Environmental, Social, and Governance (ESG) performance and its overall impact. Over the last few years, more and more entities have started preparing and disclosing their sustainability reports either under a mandate or voluntarily as per the reporting frameworks/ standards provided by standard-setting bodies/ regulators.

Through sustainability reporting, companies communicate their performance and impacts on a wide range of sustainability topics spanning ESG parameters. It enables companies to be more transparent about the risks and opportunities they face, giving stakeholders greater insight into performance beyond the bottomline.

As per the definition of the Global Reporting Initiative (GRI), "Sustainability Reporting is an overview of a company's economic, environmental, and social impacts, caused by its everyday activities". This is not merely presenting the data collected, but an approach to drive an organization's commitment to sustainability, and demonstrate it to the interested parties in a transparent manner. It is intended to assist the organisations to assess, measure, analyse and present their performance in economic, social, environmental, and governance parameters, with an objective of setting challenging targets and goals.

HOW THE SDGs AND SUSTAINABILITY REPORTING INTERLACE –

As earlier mentioned, Sustainability Reporting is based on the 3 impact areas – *Environmental, Social & Governance*. The following is a conceptual mapping of these 3 impact areas



The close connections between the 3 impact areas of Sustainability Reporting and the SDGs has given rise to a number of reporting frameworks. The SDGs are primarily important for national governmental policy level decisions to align national progress with the Nationally Determined Contributions (NDCs) for each country under the Paris Agreement. Sustainability Reporting ensures metrics and data-based measurement of how each and every participant (companies and organizations) in the national economy performs and impacts the NDCs and how cumulatively policy level strategies of the national government are playing out on the benchmark of the NDCs. Sustainability Reporting thus, has an important role to play in the regulatory framework of a country.

The NGRBCs – THE INDIAN CONTEXT –

There was no India specific corporate framework, either voluntary or mandatory, relating to sustainable development till 2011, when the Ministry of Corporate Affairs (MCA) released the National Voluntary Guidelines (NVG). They were based on the triple bottom line principle of sustainability (People, Planet, Profits) and are specific to the Indian context.

It had nine elements namely ethics, transparency and accountability, product life-cycle sustainability, employee well-being, stakeholder engagement, human rights, environment, policy advocacy, inclusive growth and equitable development, and value to customers and consumers.

The Securities and Exchange Board of India (SEBI) mandated that the organisations release an annual report on their Business Responsibility in line with the NVGs.

Based on the NVGs, the reporting format for Sustainability Reporting was developed on the concepts/ principles promulgated by the National Guidelines for Responsible Business Conduct (NGRBCs) in 2019. The following are the principles of the NGRBCs-

Principle 1- Businesses should conduct and govern themselves with integrity, and in a manner that is ethical, transparent and accountable.

Principle 2- Businesses should provide goods and services in a manner that is sustainable and safe.

Principle 3- Businesses should respect and promote the well-being of all employees, including those in their value chains.

Principle 4- Businesses should respect the interests of and be responsive to all its stakeholders.

Principle 5- Businesses should respect and promote human rights.

Principle 6- Businesses should respect and make efforts to protect and restore the environment

Principle 7- Businesses, when engaging in influencing public and regulatory policy, should do so in a manner that is responsible and transparent.

Principle 8 - Businesses should promote inclusive growth and equitable development

Principle 9 - Businesses should engage with and provide value to their consumers in a responsible manner

SUSTAINABILITY REPORTING – PURPOSE & OBJECTIVES

- Increases understanding of risks and opportunities;
- Emphasizes the link between financial and non-financial performance;
- Influences long-term management strategy, policy and business plans;
- Streamlines processes, reducing costs and improving efficiency;
- Benchmarks and assesses sustainability performance with respect to laws, norms, codes, performance standards and voluntary initiatives;
- Helps companies avoid publicized environmental, social and governance failures;
- Enables the comparison of performance internally and between organizations and sectors.
- Mitigating negative environmental, social and governance impacts, improving reputation and brand loyalty;
- Enabling external stakeholders to understand the organization's true value, along with tangible and intangible assets;

Demonstrating how the organization influences and is influenced by expectations about sustainable development.

SUSTAINABILITY REPORTING FRAMEWORKS –

The world over internationally, there are many frameworks used by reporting entities based on their specific geographies, stakeholder and regulatory requirements, risks faced, their operational jurisdictions, their vision and mission and many other factors. Following is an illustrative list of the generally used Sustainability Reporting Frameworks –

1. Task Force on Climate Related Financial Disclosures (TCFD)
2. UN Global Compact (UNGC)
3. Partnership for Carbon Accounting Financials (PCAF)
4. UNSDGs
5. Carbon Development Protocol (CDP)
6. Equator Principles
7. Global Reporting Initiative (GRI)
8. Sustainability Accounting Standards Board (SASB)
9. International Sustainability Standards Board (ISSB)

10. Task force on Nature Related Financial Disclosures (TNFD)

In India, the Ministry for Corporate Affairs (MCA) and the Securities and Exchange Board of India (SEBI) have also developed an India specific Sustainability Reporting framework. The framework was 'BUSINESS RESPONSIBILITY REPORTING' (BRR). However, in May 2021, the regulators came out with a revised and hugely enlarged version called 'BUSINESS RESPONSIBILITY AND SUSTAINABILITY REPORTING' (BRSR) which was made applicable to the top 1000 listed companies of India (by market capitalization) for financial year 2022-23. The BRSR is a hybrid framework based out of various internationally accepted standards and frameworks. It currently does not have industry specific reporting standards.

CONCLUSION –

Sustainability reporting for corporates is an evolving field and will mature over the years. It requires a multifaceted approach to the practice domain and can result in huge tangible and intangible benefits to all stakeholders and the society at large.



KEEPING UP WITH THE GST YEAR END COMPLIANCE



Contributed by:
CA. Yash Shah

Why Comply with GST? Well, there are several reasons why businesses must comply with GST regulations. Businesses that comply with GST regulations are perceived as trustworthy and reliable by customers, vendors, and stakeholders. Certain legal obligations are there

under the GST Act where it is mandatory for all businesses that have an annual turnover of Rs. 20 lakhs or more to register for GST. This registration process involves furnishing details of the business once registered, businesses must comply with the GST regulations, which includes filing monthly, quarterly, and annual returns. Failure to comply with these regulations can lead to penalties and interest. Compliance with GST regulations also demonstrates the commitment of the business to operate within the legal framework. Avoidance of Penalties and Interest Non-compliance with GST regulations can lead to penalties and interest, which can have a significant impact on the finances of the business.

FILING APPLICATION FOR RENEWAL OF LUT FOR FINANCIAL YEAR 2023-24

LUT is valid for one financial year, and businesses must renew their LUT for each financial year. As we approach the financial year 2023-2024, businesses engaged in exports must file an application for the renewal of LUT. Here are the steps involved in filing the application for the renewal of LUT for the financial year 2023-2024.

Step 1: Check Eligibility Before filing the application for the renewal of LUT, businesses must ensure that they are eligible to file LUT. To be eligible for filing LUT, businesses must fulfill the following criteria:

- The business must be registered under the GST Act.
- The business must have a clean track record with the GST authorities.
- The business must have exported goods or services worth at least 1 crore rupees or 10% of the turnover in the preceding

financial year, whichever is lower.

Step 2: Prepare Documents Once businesses have ensured that they are eligible to file LUT, they must prepare the following documents:

- Application for LUT: The application for LUT must be prepared on the letterhead of the business and signed by the authorized signatory.
- Bank Guarantee: Businesses must furnish a bank guarantee for the amount equal to the tax liability on the export turnover. The bank guarantee must be valid for the financial year for which the LUT is being filed.
- Undertaking: Businesses must provide an undertaking that they will abide by the conditions of LUT and pay the taxes in case of any default.

Step 3: File Application Once the documents are prepared, businesses must file the application for the renewal of LUT online on the GST portal. The steps to file the application are as follows:

- Log in to the GST portal using the credentials.
- Navigate to the Services tab and click on User Services.
- Click on the Renew LUT option.
- Fill in the details in the application form.
- Upload the prepared documents.
- Click on the Submit button.

Step 4: Verification and Approval After filing the application, the GST authorities will verify the details and documents provided in the application. If the authorities find any discrepancies, they may ask for additional documents or information. Once the verification is complete, the authorities will either approve or reject the application. Businesses must ensure that they check the status of the application on the GST portal regularly.

PERSON OPTING FOR COMPOSITION SCHEME FOR FINANCIAL YEAR 2023-24

Businesses that wish to opt for the Composition Scheme for the financial year 2023-24. File Form CMP-02 on the GST portal on or before 31st March 2023. The Composition Scheme is available for small taxpayers who meet the criteria: First criteria is, annual turnover of the business must be less than Rs. 1.5 crores. Second, the business should not be engaged in the supply of exempt goods or services or be engaged in inter-state supplies. Third, the



business should not be a manufacturer of ice cream, pan masala, or tobacco. To opt out of the Composition Scheme or if the person is not ineligible to be covered in the scheme, GST CMP-04 has to be filed within 7 days from the date on which the taxpayer plans.

Steps to file **Form CMP-02:**

Step 1: Logging into the GST Portal using credentials.

Step 2: Navigate to the Services Tab After logging in and click on the Registration option.

Step 3: Select Application for Composition Levy Under the Registration option.

Step 4: Fill in the Details in Form CMP-02 such as the turnover for the previous financial year, the rate of tax applicable, and other relevant information.

Step 5: Verify the Details and Submit After filling in the details, the taxpayer should verify the details and submit the form.

The taxpayer should also ensure that they upload the necessary documents, such as the bank statement and proof of address. Filing the form on or before 31st March 2023 is mandatory to avail the benefits of the Composition Scheme. Small businesses can benefit from the Composition Scheme as it provides a simplified taxation system and reduces the compliance burden. Small businesses should ensure that they meet the eligibility criteria and file the form on time to avoid any penalties or consequences.

FILE FORM GSTR-4 ON OR BEFORE 30th APRIL 2023 (Composition Scheme)

The GST Return GSTR-4 is a form that a person following a composition scheme is required to submit. A person who chooses the composition scheme is only obliged to submit one return, the GSTR 4, once a year by the 30th April after the end of the financial year. GSTR 4 must be submitted annually. The 30th April following the applicable financial year is the deadline for submitting GSTR 4 forms. GSTR 4 cannot be changed once it has been submitted on the GSTN Portal.

OPTING IN/OUT OF QRMP SCHEME BEFORE 30th APRIL 2023

As per the latest notification, businesses can opt-in or opt-out of the QRMP scheme before 30th April 2023. The decision to opt-in or opt-out of the scheme should be carefully considered, as it can have a significant impact on the business's compliance requirements.

The Quarterly Returns with Monthly Payment (QRMP) Scheme enables qualifying taxpayers to file Forms GSTR-1 and GSTR-3B on a quarterly basis while making monthly challan payments

for their tax obligations. Those taxpayers who have already submitted their final due Form GSTR-3B return and have an aggregate yearly turnover (PAN based) of up to 5 Crore in the current fiscal year and the fiscal year prior (if applicable) are eligible for the QRMP programme. Not all taxpayers are eligible for the QRMP programme. Taxpayers who file Form GSTR-1 and Form GSTR-3B returns may choose to participate in the QRMP scheme: Registered taxpayer (Normal taxpayer, SEZ Developer, SEZ unit), Taxpayers who have opted out of composition scheme, Persons applying for a fresh registration as Normal taxpayer.

A taxpayer must meet the following prerequisites in order to choose the QRMP scheme: He must have a valid User ID and password, be enrolled as a regular taxpayer or have chosen to opt out of the composition scheme, and have an annual aggregate turnover (AATO) in the current and prior FY of up to 5 Cr. The most recent tax period's Form GSTR-3B return has been submitted and the relevant period's Form GSTR-1 has no data recorded on the system (i.e., period for which you are opting for QRMP scheme).

RESET THE INVOICE NUMBER SERIES & E-INVOICE

As per Rule 46 (b) of the CGST Rules 2017 It is important that we start a fresh Invoice Number Series for the new fiscal year as. It suggests that a tax invoice should contain a 16-character alpha-numeric invoice number which is unique for every financial year. To identify transactions for a specific Financial Year, there must be uniqueness. It is thus a good idea to reset invoice numbers. Having invoice numbers that are specific to the financial year can help. Making E-Invoice mandatory from 1st April 2023 if Turnover is above Rs. 10 Crore In any previous years.

APPLICATION FOR REFUND CLAIMS AND ITS TIME LIMIT

Usually when the GST paid is more than the GST liability a situation of claiming GST refund arises. To avoid confusion under GST the process of claiming a refund is standardized. Making it online and time limits have also been set for the same.

Notification No. 13/2022-C.T., the limitation time for submitting refund claims was extended, and the period from 1-3-2020 to 28-2-2022 was omitted from the computation of the limitation period. Refund claim was submitted during this excluded period. Section 54 of the Central Goods and Services Tax Act of 2017 and Section 54 of the Gujarat Goods and Services





Tax Act of 2017 directed the department to process the refund claim as though it had been submitted within the allotted time frame and grant interest if necessary. Circular no. 188/2022-GST Prescribed the manner regarding the filing of an application for refund by an unregistered person.

Time Limit for Filing Refund Claims:

Under GST, the time limit for filing refund claims depends on the nature of the refund. The time limit for different types of refund claims is as follows:

- **Refund of Excess Balance in Electronic Cash Ledger:** Taxpayers can file a refund claim for any excess balance in their electronic cash ledger at any time (proviso to section 54(1) of CGST Act) Further, principle of unjust enrichment does not apply as money in Electronic Cash register is only deposit.
- **Refund of Tax Paid on Exported Goods or Services:** Taxpayers can file a refund claim for tax paid on exported goods or services within two years from the date of export. However, the date of export must be within the time period for which the return of such tax has been furnished (Section 54 of CGST).
- **Refund of ITC Accumulated on Account of Inverted Duty Structure:** Taxpayers can file a refund claim for ITC accumulated on account of an inverted duty structure within two years from the end of the financial year for which such a claim is being filed (Section 54(3) of CGST).
- **Refund of Tax Paid by Embassies and UN Bodies:** Taxpayers can file a refund claim for tax paid by embassies and UN bodies within six months from the end of the quarter in which such payment was made. Any specialized agency of the United Nations Organization, any multilateral financial institution and organization notified under the United Nations (Privileges and Immunities Act), 1947, any consulate or embassy of a foreign country, or any other person or class of persons, as notified under section 55, may submit a GST RFD-10 application in order to request a refund of the tax paid on inward supplies of goods or services or both.
- **Refund of Tax Paid on Account of Assessment or Provisional Assessment or Appeal or Any Other Order:** Taxpayers can file a refund claim for tax paid on account of assessment or provisional assessment or appeal or any other order the extended

time limit shall be later of two dates; 15 days after reply to notice OR 31st May 2021.

TRACKING STATUS AND FILING OF ITC-04

Tracking the status of goods sent on job work or goods sent on approval is an important aspect of managing inventory and claiming Input Tax Credit (ITC).

The following steps outline the procedure for tracking the status of such goods and filing ITC-04:

- **Maintain a record of all goods sent on job work or sent on approval:** It is important to keep track of the details of all goods sent for job work or approval, including the date of dispatch, quantity, and the recipient's name and address. This record will help in tracking the status of the goods and ensure that all goods are received back within the due time period.
- **Follow up with the recipient:** Follow up with the recipient regularly to ensure that the goods are received back within the due time period. This will help in identifying any delays or issues and ensure that the goods are received back in a timely manner. Verify the receipt of goods: Once the goods are received back, verify the quantity and quality of the goods to ensure that they are in good condition and match the original dispatch.
- **Maintain a record of the receipt of goods:** After verifying the receipt of the goods, maintain a record of the same, including the date of receipt, quantity, and any discrepancies noticed. This record will help in claiming ITC and filing ITC-04.
- **File ITC-04:** ITC-04 is a form used for reporting the details of goods sent on job work or sent on approval and received back within the due time period. This form must be filed by the 25th day of the month following the quarter in which the goods were sent or received back. It is important to ensure that all details are correctly reported in this form to avoid any penalties or issues. In addition, it is important to note that for capital goods, the due time period is 3 years, and the ITC can be claimed in the year in which the goods are received back. For inputs or input services, the due time period is 1 year, and the ITC can be claimed in the year in which the goods are received back.

Views expressed are strictly personal and cannot be considered as a legal opinion in case of any query. For feedback or queries email us yash@hiregange.com.



New Edge ERP



Contributed by:
CA. Dhaval Thakkar

The scope of enterprise resource planning (ERP) systems has grown and evolved, now encompassing a broad range of business functions. ERP software supports back-end operations like accounting, procurement, HR, and manufacturing, as well as front-office functions such as sales force automation (SFA), marketing automation, and ecommerce. The

implementation of ERP systems typically provides a quick ROI & if it's integrated with Digital MIS tools then it will enable companies to immediately save money through improved efficiency and gaining valuable insights. Companies are embracing cloud-based ERP solutions to benefit from a more straightforward implementation process, reduced expenses, flexibility (i.e., the ability to utilize only the required resources as needed), additional features, decreased dependency on internal IT resources, and the ease of adding new users and functions to support business expansion.

A 2020 survey of finance executives indicated that 20% expect to spend more on cloud ERP technologies.



Implementation Strategies:

For transitioning to the new ERP system, here are the 4 most common approach:

Big Bang: The "single-step method" or "big bang approach" is an implementation strategy that involves all users transitioning to a new system at the same time. This means that the entire organization or group moves from the old system to the new system on a specific go-live date.

Phased Rollout: The phased approach to implementation involves deploying features, tools, and components over an extended period, which can range from weeks to months. This approach is characterized by a more gradual

deployment of the new system, with different components being rolled out in stages.

Parallel Adoption: In this approach, the organization continues to utilize its legacy systems concurrently with the new ERP system for a defined period of time. This method is commonly viewed as the least risky option since it allows for a fall back to the legacy system in the event of any issues that may arise.

Hybrid: As the name implies, this approach combines elements of the strategies above. As an instance, a company could opt to implement essential ERP modules using a big-bang approach, followed by a gradual rollout of other modules to specific departments or locations.

What's Next ? The future of

As companies increasingly recognize the advantages of cloud ERP, the transition to this technology is expected to accelerate. Moving ERP and its related modules to the cloud offers organizations greater speed and agility, enabling them to compete more effectively in today's fast-paced business environment. Businesses that have already made investments in cloud ERP solutions will seek to maximize the potential of this technology. The incorporation of AI and machine learning is anticipated to play an increasingly prominent role in ERP systems. A report by Research & Markets predicts that the global AI in ERP market will grow at a CAGR of 11.23% from 2020 to 2027.

In the short term, organizations will prioritize optimizing their ERP software for remote work, which includes providing more mobile functionality, ensuring secure remote access, facilitating remote training, and increasing workflow automation. Additionally, we can expect to see further expansion of ERP supply chain management capabilities to help protect organizations against supply chain disruptions and other rapid changes in global economic conditions.

Considering the current ongoing trend in ERP systems, it is evident that the implementation process involves various phases that demand constant planning and insights. These phases include deployment, training, data migration, ongoing improvements, and other factors crucial to the success of the implementation process. Therefore, the question of how to implement an ERP system is important and needs to be carefully considered to ensure its success in today's business environment.

This is where one will need help from the right people—ERP implementation Consultant. Hiring an ERP consultant can alleviate the stress of software implementation by guiding one through every stage of the process and delivering a comprehensive solution that meets your specific requirements. An experienced consultant can keep one's project on track and ensure that the solution is implemented on-time and within budget. This will ultimately boost entity's productivity and profit margins by providing a seamless and efficient solution for your business.

Reassessment Saga still continues

Notification issued by CBDT cannot make a dead man, alive



Contributed by:
CA. Hari Thakkar

Brief background

Finance Act, 2021 introduced the "New reassessment regime" from 01/04/2021, meaning thereby all notices of reassessment to be issued after 01/04/2021 should be issued following the procedure laid down in the "New reassessment regime".

However, the controversy started with the enactment of Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 ("TOLA"), under which following notifications were issued to extend the time lines:

Date of Notification	Original limitation for issuance of notice under section 148 of the Act	Extended Limitation
31-3-2020	20-3-2020 to 29-6-2020	30-6-2020
24-6-2020	20-3-2020 to 31-12-2020	31-3-2021
31-3-2021	31-3-2021	30-4-2021
27-4-2021	30-4-2021	30-6-2021

After 01/04/2021, no notice under section [148](#) can be issued without following the procedure prescribed under section [148A](#) according to the substituted provisions of the Reassessment vide Finance Act, 2021. The assessee challenged the re-assessment notices issued under the old reassessment regime even when they were issued after 01/04/2021 (date on which the new reassessment regime became applicable) on the ground that the procedure prescribed under the new law (Section 148A) was not complied with.

The Department argued that above notifications issued as per the power vested under TOLA gave the powers to issue notices even under the old regime, without following the procedure of new regime (Section 148A).

As a result, the said reassessment notices were the subject matter of writ petitions before High Courts. The High Courts (except Chhattisgarh) *quashed* all the reassessment notices on ground that reassessment notices issued after 1-4-2021 would be governed by substituted sections 147 to 151 which came into effect *vide* Finance Act, 2021. However, the revenue had filed a SLP against Allahabad High Court order quashing notices u/s 148 issued after 01-04-2021.

Conclusion 1

The Hon'ble Supreme Court being the apex authority of the country had finally concluded the issue in the case of Ashish Agarwal **[2022] 138 taxmann.com 64 (SC) dated 04/05/2022** and held as under:

- The new provisions substituted by the Finance Act, 2021 being remedial and benevolent in nature and substituted with a specific aim and object to protect the rights and interest of the assessee as well as and the same being in public interest, the respective High Courts have rightly held that the benefit of new provisions shall be made available even in respect of the proceedings relating to past assessment years, provided section 148 notice has been issued on or after 1-4-2021. The view taken by the various High Courts in holding so is completely agreed with.

- However, at the same time, the judgments of the several High Courts would result in no reassessment proceedings at all, even if the same are permissible under the Finance Act, 2021 and as per substituted sections [147](#) to [151](#). The revenue cannot be made remediless and the object and purpose of reassessment proceedings cannot be frustrated. It is true that due to a bonafide mistake and in view of subsequent extension of time vide various notifications, the Revenue issued the impugned notices under section 148 after the amendment was enforced with effect from 1-4-2021, under the unamended section 148. It is viewed that the same ought not to have been issued under the unamended Act and ought to have been issued under the substituted provisions of sections 147 to 151 as per the Finance Act, 2021. There appears to be genuine non-application of the amendments as the may have been under a bonafide belief that the amendments may not yet have been enforced. Therefore, the judgments are proposed to be modified and orders passed by the respective High Courts as under:-

- The respective impugned section 148 notices issued to the respective assessee shall be deemed to have been issued under section 148A as substituted by the Finance Act, 2021 and treated to be show-cause notices in terms of section 148A(b).



2. The requirement of conducting any enquiry with the prior approval of the specified authority under section 148A(a) be dispensed with as a one-time measure *vis-à-vis* those notices which have been issued under section 148 of the unamended Act from 1-4-2021 till date, including those which have been quashed by the High Courts.

After the Apex Court order in the case of Ashish Agarwal (supra), CBDT came out with instruction No. 1/22 dated 11.05.2022 for implementation of judgment of Hon'ble Apex Court.

2nd Controversy

Even after the judgement of the apex authority of the nation in the case of Ashish Agarwal (supra), the controversy has still not ended. The assesses have again started filing writs to the High Courts even after the above decision on the following grounds:

1. Whether notice issued barred by time limit

If a notice cannot be issued under the unamended provision of section 149 as they stood before the commencement of the Finance Act, 2021, then the notice cannot be issued under the amended provisions of section 149 of the Act also.

2. Whether notifications issued under TOLA would override the Principal Act

Whether in respect of proceedings where the first proviso to Section 149(1)(b) is attracted, the benefit of TOLA 2020 will not be available to the revenue. In other words, **the relaxation law under TOLA 2020 would not govern the time frame prescribed under the first proviso to Section 149 as inserted by the Finance Act 2021.**

Analysis

The first query raised by the assessee is with regard to the time limit prescribed under the first proviso to Section 149 of the new reassessment regime which restricts the department to issue the notice under new reassessment regime which could not be issued under the old regime. Hence if for

a particular assessment year, a notice cannot be issued under old regime, the notice for that year shall not be issued under the new regime as well. In this connection, it is relevant to refer to time limit which was prescribed under the old reassessment regime:

4 years from the end of relevant assessment year	No criteria
6 years from the end of relevant assessment year	Income chargeable to tax which has escaped assessment is not less than Rs. 1 lakh

Hence as on 01/04/2021, time limit (without any extension) to issue notice for AY 2013-14 and AY 2014-15 has already expired (assuming income escaped to assessment exceeds Rs. 1 lakh) and hence the same cannot be issued under the new regime as well. However, as per the notifications (supra) the date was finally extended to **30-06-2021**.

Hence the question which arises is whether the time limit extended by the above notifications can be considered to be time limit allowed as per the old reassessment regime in light of the first proviso to Section 149 of the new regime.

This question merits consideration because if the same is considered to be time limit allowed within the old provisions, the reassessment proceedings can be carried out for the period which has already been time barred on 31/03/2021 in view of these notifications which extended the timelines.

In order to answer the above raised question, it is important to determine the powers of legislature to issue notification to revive the old enactment which has already been substituted/repealed by the new legislature introduced by Finance Act, 2021. Following judicial pronouncements answer this question:

- (i) In the case of **Vasu Dev Singh and others vs. UOI** and others reported in (2006) 12 SCC 753;
- (ii) In the case of **Assam Co vs. State of Assam** reported in (2001) 248 ITR 567 (SC);
- (iii) In the case of **The Chamber of Tax Consultants & Anr. vs. UOI** reported in (2018) 400 ITR 178 (Delhi);
- (iv) In the case of **CIT vs. Sirpur Paper Mills** reported in (1999) 237 ITR 41 (SC);





- (v) In the case of **UOI vs. S.Srinivasan** reported in (2012) 7 SCC 683;
- (vi) In the case of **Kunj Behari Lal Butail vs. State of H.P.** reported in (2000) 3 SCC 40

In view of the above judicial rulings, it can be clearly inferred that the **notification issued by CBDT cannot make a dead man alive**. Hence, the CBDT lacks the authority to promulgate notifications in contravention of the amended law as per the Finance Act of 2021, through the exercise of delegated legislation. The issuance of notifications extending the deadline for issuing notices under the old provisions of the Act is beyond the scope of the delegated powers. The arguments presented have referenced the legal principle established in the case of **Additional District Magistrate (Rev.), Delhi v. Shri Siri Ram (C.A. No. 6255 of 1995) (SC)** wherein it has been held as under: "...It is well recognised principle of interpretation of a statute that **conferment of rulemaking power by an Act does not enable the rule making authority to make rule which travels beyond the scope of the enabling Act** or which is inconsistent therewith or repugnant thereto...."

Conclusion 2

As mentioned above, the controversy still goes on and the assessee has filed writs before various courts challenging the notices issued for A.Y. 2013-14 and 2014-15 on the ground of notifications would cease to operate the moment the underlying provisions are deleted from the statute book. Extension of the provision cannot operate in vacuum without the main provision. When the Act itself has been amended/substituted with the Finance Act, 2021, subsequent extension of the old provisions cannot sustain.

Judicial pronouncement on this issue:

Hon'ble Delhi High Court in the case of **Touchstone Holdings (P.) Ltd. v. ITO [2022] 142 taxmann.com 336 (Delhi)** dated 09/09/2022 wherein the Hon'ble court has decided the issue **against the assessee** and has held as under:

"Section 148A, read with sections 68, 148 and 149, of the Income-tax Act, 1961 - Income escaping assessment - Conducting inquiry, providing opportunity before issue of notice (Validity of notice) - Assessment year 2013-14 - During survey conducted by Investigation

Wing at premises of assessee and its group companies, it was noticed that its group companies were engaged in unaccounted cash transactions and provided bogus share capital and share premium to other companies - Assessing Officer on perusal of investigation report concluded that transfer of shares carried out by assessee was of inconsistent value and required examination - He, thus, passed order under section 148A(d) and issued reopening notice on 20-7-2022 - In instant writ, petitioner challenged said notice issued on ground that same was time barred - Whether in instant case initial reopening notice issued on 29-6-2021 which was earlier quashed, stood revived by decision of Supreme Court in **Union of India v. Ashish Agarwal [2022] 138 taxmann.com 64/286 Taxman 183/444 ITR 1/[2022] SCC Online SC 543 wherein it was held that reopening notices issued under unamended section 148 between 1-4-2021 and 30-6-2021 will be deemed to be issued under section 148A, thus, first proviso to section 149 would not be attracted - Held, yes - Whether furthermore, since income alleged to have escaped being more than Rs. 50 lakhs, section 149(1)(b) was satisfied and, thus, impugned reopening notice issued would not be time barred - Held, yes [Paras 14 and 15] [In favour of revenue]"**

Judicial Pronouncements in support of the Assessee:

In the above case, the Delhi High Court has held the issue against the assessee on the ground that the first proviso to Section 149 cannot be made applicable in view of the Decision of Hon'ble Supreme Court in the case of Ashish Agarwal (supra). The Delhi High Court has further held that since income escaped assessment exceeds Rs. 50 Lakhs, reopening was not time barred. **However, this finding of Delhi High Court has been distinguished by other courts and at a later stage the issue has attained finality in favour of the assessee in view of the following decisions:**

- (i) **Hon'ble Gujarat High Court** in the case of **Keenara Industries (P.) Ltd. v. ITO, Ward 1(1)(3) [2023] 147 taxmann.com 585 (Gujarat)** dated 07/02/2023, wherein it has been held as under:

"Reassessment notices for AYs 13-14 & 14-15 can't be issued on or after 1-4-2021

The old regime of reassessment was repealed without any savings and exception clause and substituted with a new regime by FA 2021 with





effect from 1-4-2021. Therefore, the reassessment notices for AYs 2013-14 and 2014-15, which had become time-barred prior to 1-4-2021, under the old regime on expiry of 6 years limitation period, **cannot be revived by TLA/extension of time notification issued under TLA. Therefore, reassessment notices for AYs 2013-14 and 2014-15 cannot be issued on or after under 1-4-2021 under the new regime effective from 1-4-2021 even within the extended time-limit of 1-4-2021 to 30-6-2021 applicable under the TLA Notifications.**

II. Hon'ble Allahabad High Court in the case of Rajeew Bansal vs UOI [2023] 147 taxmann.com 549 (Allahabad) dated 22/02/2023 wherein it has been held has under:

"Reassessment notice issued between 1-4-2021 & 30-6-2021 will be deemed to be notice issued u/s 148A & will not be saved from time-barring by TOLA

(i) The reassessment proceedings initiated with the notice under Section 148 (deemed to be notice under Section 148-A), issued between 1-4-2021 and 30-6-2021, cannot be conducted by giving benefit of relaxation/extension under the Taxation and Other Laws (Relaxation And Amendment of Certain Provisions) Act' (TOLA) 2020 upto 30-3-2021, and the time limit prescribed in Section 149 (1) (b) (as substituted w.e.f. 1-4-2021) **cannot be counted by giving such relaxation from 30-3-2020 onwards to the revenue.**

(ii) In respect of the proceedings where the first proviso to Section 149(1)(b) is attracted, benefit of TOLA' 2020 will not be available to the revenue, or in other words, **the relaxation law under TOLA' 2020 would not govern the time frame prescribed under the first proviso to Section 149 as inserted by the Finance Act' 2021, in such cases.**

Conclusion:

In view of the Decisions of Hon'ble Gujarat High Court and Hon'ble Allahabad High court, it can be concluded that the findings of the Decision of Delhi High Court have been very well considered in Decisions of Hon'ble Gujarat High Court and Hon'ble Allahabad High Court and has categorically decided the issue in favour of the assessee on the ground of lack of jurisdiction of CBDT to extend the dates of the repealed provisions. The Hon'ble Supreme Court in the case of Ashish Agarwal (supra) has held that the notices issued under old regime will be deemed to be issued as per new provisions of Section 148A, however even if such notices are deemed to be issued under new regime, the time limit available to issue such notices was already expired. However in the case of Ashish Agarwal (supra), the Supreme Court did not overrule the findings of several High Courts that the impugned notifications were ultra vires. As a result, when the relevant act has been repealed, the time limit established by the act that has been repealed cannot be extended by the use of any notifications. As a result, all notices issued between 01.04.2021 and 30.06.2021 must satisfy the limitation test outlined in the first proviso of section 149 of the Act as well as the test of new legislation. It is likely that the ongoing dispute will persist, and the Department may file a Special Leave Petition (SLP) before the Supreme Court. Therefore, the matter is expected to be subject to further judicial scrutiny. Until then, the dispute will remain unresolved, and we will have to wait for the outcome of the case before the Supreme Court to bring an end to this prolonged legal saga. However if the Department does not file SLP (highly unlikely) or till the time Hon'ble Supreme Court passes any judgement in this issue, the assessee may challenge the notices. To summarize:

A.Y.	Ground of appeal
2013-14	Time barred [Guj HC and Allahabad HC (supra)]
2014-15	Time barred [Guj HC and Allahabad HC (supra)]
2015-16 and onwards	(i) Improper approval u/s 151; or (ii) Income not represented in the form of "Asset" as per definition under Explanation to Section 149(1)



ARTIFICIAL INTELLIGENCE

WITH HUMAN RESOURCE – ACCOUNTING TO AUTOMATION



Contributed by: *can raise tariffs or prevent MNC's from entering, but you cannot stop employees from leaving if they are unsatisfied."* -Narayan Murthy

i. What is Human Resource?

The term resources imply an object that provides future expected service. Human resource is one of the crucial and valuable assets that a company or an organization can have in addition to physical and financial assets.

ii. Relationship between accounting and human resource management

- Human resource accounting is one of the emerging areas of the Indian accounting industry. No organization can survive if it does not have the human assets.
- The Human resource accounting is focused on return on knowledge rather than return on investment about which most of the companies are concerned.
- HRA also concern about the replacement cost and economic value of employees.

iii. Benefits of Human Resource Accounting

- It is used as a very valuable tool to assess the efficiency of HR policies and practices. The strength and weaknesses of the human resources can be revealed.
- It helps to judge the value of human resources utilized by an organization.
- HRA helped the management to disclose the value of its human resources.
- If intellectual capitals are legally shown in the Balance Sheet, the scenario of the share market will take a major shift for valuation of securities.

iv. Problems for valuing human resources

"Financial may be the lifeblood of the company but human resources are the Brain"

"Human resource are the greatest assets of any company. You

- Like other physical assets, human resources cannot be owned by the organization. Moreover, employees may leave organization which is not in the case of physical assets.
- Human resources are not recognized by the Income Tax department.
- Not always possible to measure in monetary terms.

v. Role and challenge of Professional Accountants in this perspective

The Institute of Chartered Accountants of India has not issued an accounting standard for the measurement and reporting of cost and value of human resources of an organization. The Indian Company's Act, 2013, is also silent regarding furnishing of any significant information about human resources in the Balance Sheet.

vi. Amalgamation of Artificial Intelligence with Human Resource

Companies will experience an upgraded and evolved condition for their applicants and workers as a result of the panoptic human component of Human Resources combined with the intelligence of technology. Not only that, but AI in HR will also contribute to the promotion of the value of producing better and faster outcomes.

Applications of Artificial Intelligence in Human Resource

The department of Human Resources plays a tedious role in the recruitment and training of employees. To lessen the manual burden of the people working under human resources, Artificial intelligence offers a lot of applications.

1. Talent Acquisition and Recruitment
2. Orientation of Newer Recruits
3. Training the Recruits
4. Enhancement of employee experience
5. Leadership

vii. Deploying Artificial Intelligence in Human Resource

Like any other technology, AI also needs to be handled with caution while deploying.

- For successful AI outcomes, real-time

and reliable data is crucial.

- The AI ecosystem is unlike any other IT environment. Implementation necessitates certain talents and techniques.
- Understanding and knowing the insights to be driven is critical.

viii. The bottom line

Bringing the HR department in line with the accounting aspect of the business is a successful strategy that more and more companies are implementing to the

benefit of the company as a whole.

Employee productivity is boosted by AI-based HR solutions. It can analyse, anticipate, diagnose, and become a more capable resource all while concentrating on the requirements and outcomes of employees.

There are issues including privacy, a personnel shortage, upkeep, integration capabilities, and a lack of proven applications. However, using precaution while installing AI services will prevent needless problems.

CONGRATULATION

CA. Jinand Shah



CA BUSINESS LEADERS
40 UNDER

It is a proud moment for us that our CA. Jinand Shah has been recognized as one of the dynamic 40 young achievers in the world of chartered accountancy. The CA 40 under 40 honors the exemplary contribution of young ICAI members under the age of 40. Congratulations

Form 13 vis a vis Charitable Organisations



Contributed by:
CA. Fredy Contractor

Charitable Organizations play a very crucial role in improving the quality of life amongst the masses of the society in India to fight against poverty, provide educational and medical facilities and other social welfare. Today we find many leading educational

institutions; medical institutions and research institutions are run by Charitable Trusts.

Definition of "Charitable Purpose" under the Income Tax Act, 1961:

Section 2(15) of the Income Tax Act gives an illustrative definition of Charitable Purpose which includes:

- (i) Relief of the Poor
- (ii) Education, Yoga
- (iii) Medical Relief
- (iv) Preservation of Environment (including watersheds, forests and wildlife)
- (v) Preservation of monuments or places or objects of artistic or historic interest
- (vi) the advancement of any other object of general public utility.

Further proviso to Section 2(15) states that the advancement of any other object of general public utility shall not be a charitable purpose, if it involves carrying out of any activity in the nature of trade, commerce or business for consideration or activity of rendering of any service in relation to any trade, commerce or business for a cess or fee.

Source of Income for Charitable Organization:

The Income of any charitable Organization is broadly classified into 4 categories:

- (a) Voluntary contributions
- (b) Income from Property Held by Trust
- (c) Capital Gain from Trust Property
- (d) Anonymous Donations

Major numbers of charitable organizations rely upon Income earned by Investment made out of the corpus received by them. Such income may be in the nature of Interest which attracts Tax Deducted at Source as per the provisions of Income Tax Act, 1961.

Exemption of Income Tax for Charitable

Organization:

The entire income of any charitable organization is taxed as per the provisions of section 11-13 of the Income Tax Act, 1961. Such income is exempted under Section 12A or Section 10(23C) of the Income Tax Act, 1961.

Section 197 of the Income Tax Act 1961:

Section 197 of the Income Tax Act, 1961 allows the Charitable Organization, the facility of NIL or Lower tax rate deduction of TDS (or TDS exemption). To avail this benefit Form 13 must be submitted to the assessing officer for seeking such permission for NIL or Lower tax rate deduction of TDS. If the applicant satisfies the Assessing Officer, he would process the issue of the certificate. Such certificate is to be given by the charitable organization to the person responsible for paying such income at such NIL or lower rate of TDS as specified in the Certificate.

The main benefit to be highlighted here is that the amount of TDS is not deducted and balances the cash flow of the charitable organization.

Procedure for filing Form 13 Online for applying for lower deduction certificate u/s 197 of income tax Act, 1961:

(A) REGISTRATION ON TRACES WEBSITE:

- ✓ Visit the site <https://contents.tdscpc.gov.in/>;
- ✓ Click on Login and select Register as New User option;
- ✓ Select 'Taxpayer' from the drop-down list;
- ✓ After selecting Proceed, the registration form would be displayed;
- ✓ Fill in the appropriate information and submit and the registration in TRACES would be done.

(B) FILING FORM 13 ONLINE ON TRACES WEBSITE:

- ✓ Login in TRACES and under 'My Profile Tab', register DSC of the authorized person;
- ✓ Under 'Statements / Form' tab select 'Request for Form 13'.
- ✓ Form 13 would be displayed



and the following appropriate details need to be filled up by the applicant-

- ✓ Basic details of the Company and authorized person registered on TRACES portal (The same shall be auto-populated)
- ✓ Details of existing liability under Income-Tax Act;
- ✓ TAN wise details of estimated income/amount to be received from parties during the subject year (for e.g. FY 2023-24) along with relevant sections of TDS (e.g. Section 194C, Section 194J etc.);
- ✓ Requested rate of TDS proposed by the taxpayer in respect of the estimated income;
- ✓ Details of projected income of the subject year (for e.g. FY 2023-24) and immediately preceding financial year (FY 2022-23);
- ✓ Details of estimated tax computation of the subject year (for e.g. FY 2023-24) and immediately preceding financial year (FY 2022-23).
- ✓ Further, supporting documents are required to be uploaded which include:
 - ✓ Final Assessment orders for last 4 assessment years;
 - ✓ Details/workings for estimated income and tax computation (self attested by authorized person);
 - ✓ Audited Financial Statements of last 3 years;
 - ✓ Projected Balance Sheet & P/L income of the subject year (for e.g. FY 2023-24) and immediately preceding financial year (FY 2022-23) (self attested by authorized person).
 - ✓ Acknowledged copy(s) of TDS

returns filed for the last 2 financial years.

- ✓ Once all the details are filled up and appropriate documents are uploaded, the applicant is required to submit the Form 13.

(C) DOWNLOADING FORM 13 FROM PORTAL:

- ✓ The online Form 13 is processed and is reviewed by the AO;
- ✓ The AO reviews the details and documents and asks for clarifications, if any;
- ✓ Post AO approval, the application is forwarded to Additional CIT for his approval;
- ✓ Post approval by Additional CIT, the application is sent to CIT for review and final approval
- ✓ Post approval by CIT, the application is successfully completed and the process for generation of lower withholding certificate is initiated;
- ✓ Once the Lower Withholding certificate is generated, the same can be downloaded from TRACES portal.

Conclusion:

Income of the Registered Trusts is exempted u/s 12A or u/s 10(23C) of the IT Act 1961. Though income of the trust is exempted, TDS is required to be deducted at specified rates of the specified Income at the time of paying Income, by the Statutory Bodies. Hence various trusts may face liquidity issues to manage expenses. To overcome this issue Form 13 must be filed and lower TDS deduction certificate should be availed by such registered trusts. This will not only reduce the liquidity issue but will also help in building corpus in the long run.

What is Form 13 in Income Tax?



Data Analytics- The Ocean of Opportunities



"Data becomes information by interpreting it through Data Analysis"

In today's time where millions of amount of data are generated at every single minute it certainly demands a skill to analyse that data so that data can be

Contributed by:
CA. Charmi Doshi

t urned into information and person can use such information for any short of decision making. Information generated gives value to the ideal data and use of information at right time, by right person, through right decision is very much required to survive in today's competitive edge.

Data Analysis is a process of collecting, cleaning, transforming and modeling data with the goal of discovering the required information.

Benefits of doing Data Analysis

1. Increased revenues,
2. Improved operational efficiency,
3. Optimized marketing campaigns and customer service efforts,
4. Respond more quickly to emerging market trends and
5. Gain a competitive edge over rivals -- and above all will lead to increase in business performance.

Types of Data Analysis

There are basically four types of data analytics

1. Descriptive Analysis:

This basically explains what has happened over a given period of time.

Are production expenses less this month than last?

Have the number of service views gone up?

2. Diagnostic Analysis:

This mainly concentrates on identifying reason for something happened. This

involves more diverse data inputs and a bit of hypothesizing.

Did the MIS get helpful to the Management?

Did that latest marketing campaign impact sales?

3. Predictive Analysis:

This mainly considers proactive analyzing on given set of target moves. How many Sales Order we expect from our top customer in next quarter?

4. Prescriptive Analysis:

This is mainly in-depth analysis which suggests a course of action required on analysis done. If the no. of sales order from top customer are not as expected, can ask salesman reason for the same or try to get orders from other customers to meet overall sales target.

Stages in Data Analytics

1. Data Collecting
2. Understanding Data processing & desired Output
3. Data Cleaning
4. Data Mining
5. Data Modelling
6. Sample Testing
7. Generating Output
8. Result Communication & Implementation
9. Measuring Effectiveness

Software used for Data Analytics

1. Microsoft Excel
2. Power BI
3. Tableau
4. Python
5. R
6. Zoho Analytics and many more

Some Possible Use of Data Analysis by Chartered Accountant

1. Audit Automation
2. MIS Reports
3. Internal Audit
4. Reconciliations
5. Management Consultancy
6. Virtual CFO



Motivational Stories



Contributed by:
CA. Hiren Thakkar

Book Name – Dream Dare Deliver by Priya Kumar

The Inspirational Journey of

Subhashish Chakraborty and the making of DTDC

A. Inspirational Story of Daley Thomson

- The **British athlete Daley Thompson** had reached the final race, after an injury the previous day. His score was so

high that all he had to do was run and finish that last eight-hundred-meter race and he would win the gold. He didn't even have to win it; he just had to finish it. I (I - Means - Subhashish Chakraborty) saw him limping as he appeared on the track with a bandaged leg. He was obviously in pain. All eyes were on him.

- The word on the ground was that the doctors had recommended he not walk and give the leg a rest, so running was completely out of the question. If he didn't run, however, he would lose, rendering his last nine victories useless.
- To be honest, I wasn't sure he would show up. When I saw him limping onto the track to get in line for the race, I was so inspired. Life is quite like that, whether you are a sportsman, a businessman, an artist, or an executive. Life will throw challenges at you, putting the greatest obstacles in your path just minutes before your grand victory. It is like the last instalment you have to pay to get to the destination of your dreams. I have experienced personally that somehow the gravest challenges come in the last lap of the race.
- I thought, "What would I do if I was in his place? Would I sit back and rest, or would I run in pain?" Inspired by Daley Thompson, my answer to all challenges has been to run and face them.
- I could see that winner's instinct with

Daley Thompson. He just needed to go through the last race, and he did. I watched him win the gold medal. But more important than his victory, what moved me was his spirit of not giving up, of moving on, of pushing through adversity.

- The tremendous impression Thompson's race made on Mr. Chakraborty is with him to this day.
- It has been many years since, but I have never forgotten that last race of Daley Thompson. Any time things don't go my way or I am hit, I pick myself up and I run- I do what I have to do and keep moving on. Sometimes it causes me personal pain and inconvenience where quitting or resting would have been much easier. But I believe that success and my goal is just two feet below my feet. That's my attitude personally and professionally.

B. Business Mantras from this Book

1. A leader is never alone. A leader is a person who has taken the first step toward a cause. The others want to do the same as well, but they do not believe that they have the courage.
2. A leader never has to create followers, There are enough people who are aware of his cause and want to support and follow it. They have just never had the courage to speak out. The presence of the leader easily brings about a following.
3. Leadership is an attitude, it's a persona, and it's a value-based approach toward life. Leadership is not a button you switch on when you come to work and switch off when you get home.
4. I remember the people I meet because I am interested in them. Interest and memory are directly proportional. It is when interest is low that your memory doesn't serve you, because you don't really care to remember.





5. I believe if a leader can't manage his time, he can't manage his people
6. When you lose everything, if you can still retain your character, personality, and values, you haven't lost the source, and the creator, that you are.
7. Good people don't lose. Honest people can't be put down. It is against the law of nature.
8. In any organisation, the unrest and misunderstanding within the management, shows up in the quality of their service to their people and their customers.
9. We all sometimes do things we are not proud of, but as long as we realise our mistakes and can do things to compensate for the pain that we have caused others, we can expect to be forgiven.
10. Saying Yes all the Time doesn't make you a Positive Person
11. Age does not define responsibility. Responsibility is a decision of commitment to one's purpose and a promise to deliver as expected.
12. I guess when you speak up and take a stand, it motivates people, inspires trust, and instils hope.
13. Skills don't impress me; a person's character does. If one's attitude and purpose are on the right tracks, then skill can be acquired.
14. It's easy to destroy when one is provoked. People who rise to greatness and accomplish miraculous feats have been those who channel their disappointments, anger, and disagreements constructively.
15. You can't squash someone to the ground and then expect him to be a performer.
16. When people succeed in the Wrongdoing, it marks the onset of a bigger failure
17. Sometimes Failure is a necessary step to set you back on the track.
18. Someone who thinks there will never be another chance is a person who has been defeated beyond repair. There is always another chance, and it is never too late to start off on the right track.
19. If you really love something, you need to protect it from the negativity that the world can throw your way. If you love something, it must be guarded from people who do not understand your passion
20. Words of Subhasis Chakraborty Dreams Don't see Economic Conditions, I was born in poor family and still my grand father saw a leader in me. This is the Power of Human Spirit.
21. DTDC Founder Subhasish Chakraborty Born on 7th Feb 1954 in West Bengal. - born in Govt Hosp - Poor Family - he was named after Subhash Chandra Bose - his grandfather's fav Freedom Fighter
22. If Mr. Chakraborty wants to meet someone, he does not call for them in his cabin. He calls them and asks them if they are free to meet him, and then he goes over to their desk or their cabin to meet them. You have no idea how happy and privileged people feel to have the CMD of the company call them and come over to meet them
23. He often goes to the reception area of the waiting room to meet the people who are waiting. He does not like for people to wait to be met or heard. If he finds out that someone has been waiting for more than ten minutes, he will personally go to the appropriate manager and inform them that someone is waiting for them and that they should be addressed.
24. Mr. Chakraborty confirmed what his secretary was saying.
25. I don't believe in keeping people waiting, especially if they have an appointment with you. Our service is about keeping time, about keeping promises, and that is not limited only to our deliveries. What would people think about our company if its people don't value time?
26. I tell people not to give their time or their word unless they can keep it. Time and word, once given, have to be delivered as promised. That is what we stand
27. Relationships mean everything to Mr. Chakraborty. He attributes his success to the successful relationships that he has built and maintained over the years.
28. Don't treat a relationship as a transaction. Build on your relationships, whether personal or professional. Invest time and your concern in the relationships. If you have that, then your business and your life are safe. If you only are concerned about the transaction, then the business ends with the delivery of the goods. But when you invest in the relationship, you build a long-term business.
29. You never know what relationship may turn out to be the most valuable for you in the future. For me, the relationship comes first, business comes second.





Snakes & Ladder



**Contributed by:
CA. Palak P. Sheth**

"I have been promoted." My husband passed on the much awaited good news.

"Wow!"

But "We need to move to Ahmedabad." He said All these years I was in my comfort zone working with the

same unit for ages now, with this relocation I would need to re-start from Zero to prove my worth. I had to apply for Internal Transfer which fortunately I got but then unfortunately could not get it in a unit of my choice.

A year passed by and I was able to prove my worth, as I had not only adapted to the challenge at work but also of the location.

When everything was right as my dream, misfortune struck. Due to losses in business volumes, the management did the first obvious. They decided to lay-off people.

Disparity struck and the logic for lay-off was that the last Joinee in the unit and not performance. Clearly indicating, I was the one losing my job yet again.

"Why Me!!!!" I asked looking up trying to see through the dark clouds If **HE** had an eye on me. As always my spouse was the only support and comfort, when I was not prepared to accept any more of new changes. Slowly I was getting into depression and desperation, but he stood strongly for me and was my only motivator.

Basis his motivation, started looking for new employment, a new hunt for a new Job. Next day as planned I sent resumes and started exploring possible references. I attended interviews but my misfortune stood firmly by me and was not willing to let go of me.

They say no pains no gains. Is this his creation or our assumption? If this is his creation and if he is the creator, why the pain? My mind tries to convince me that "He is testing your endurance" These thoughts I argue, debate

with myself.

Feeling hopeless "I am a failure and I am not going to try now." I told my husband in frustration.

As always he was able to understand my agony but didn't want me to break. So he advised, "Listen ! Go for tomorrow's interview as a last attempt and then you can give up efforts."

At a loss of self-confidence I gathered courage and went, and as expected could not do justice to my interview.

"Ok Madam, we will get back to you." Interviewer said formally. And I sank "I will not get a call." I could make out from the tone and also I had become quite negative by now.

As I was passing by the reception, a lady crossed my path. I felt like I knew her and had seen her some place. She looked at me and probably wanted to speak something but I avoided eye contact and walked over her as I just wanted to run out and cry n cry n cry.

One week passed like a year. As mutually agreed, I discontinued search and left everything to destiny (even though I had stopped believing in these words including Karma). I had realized bitter fact that a job is difficult without strong recommendation. Had lost all my hopes.

"Is it Ms. Niyati? I got a call. "Yes, speaking".

"Happy to inform, you have been selected, Could you please let us know when can you join us ?" These words were the best Music I had ever heard in ages, both lyrical and musical. I settled in new organization in a short span. My self-confidence was reborn and I could associate very well within the new company.

"You all are invited at my home for dinner today" said our boss on his birthday as we wished him for the day.

Dressed up for the occasion we all attended the warm home party, the Lights were perfect the ambience was amazing and the music was soothing and I was smiling.

While I was looking for some colleagues and trying to figure out as to who was missing, heard a sweet voice over my shoulders. "Hi Niyati! How





are you?"

I looked back and tried to recognize. "Probably I have seen her somewhere before" she was the same lady who crossed at reception on interview day. But still I was trying to figure out where we had met.

As if reading my thoughts, "I will help you recall" she said with a smile.

"We had met in a bus some four years back. You were sitting beside me; I was crying and sharing the reason with a friend over phone. I was a victim of Lay-off and was asked to leave and I was upset as I needed a job desperately. I was very upset. Over hearing my conversation, you referred me to a friend for new job and told me to contact her next day."

Now I could recollect "Oh ! Yes ! Did you join her

then ?" I asked as I was not in contact with that friend of mine then for all the unknown reasons.

"Yes ! She said, "I worked there for two years. Thereafter I got married and shifted to Ahmedabad with my Husband." And since then life has been beautiful.

My Boss approached us when we were talking.

"She is my wife." He gave me another introduction of her.

I was speechless. I could understand that the account was reconciled by destiny.

Looked up the sky this time but smiled and this time the clouds were clear. **HE** winked and said **"What goes around comes around!!!"**

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Ahmedabad Branch of WIRC of ICAI

"ICAI BHAWAN" 123, Sardar Patel Colony, Nr. Usmanpura Underbridge,
Naranpura, Ahmedabad-380014. Gujarat.

+91-79-6810 3989, 2768 0946, ahmedabad@icai.org,





Upcoming Events

AHMEDABAD BRANCH OF WIRC OF ICAI

Jointly with
AHMEDABAD

SKILL BOOST SERIES

4:00PM to 7:00PM 6th Apr	Negotiation and Conflict Management Speaker : Mr. Theroo Nigil Ahmedabad	
4:00PM to 7:00PM 13th Apr	Body Language Speaker : Mr. Bhalu Sharma Ahmedabad	Digital Body Language Speaker : Mrs. Supreet Nigil Ahmedabad
4:00PM to 7:00PM 20th Apr	Leading Impression Speaker : CA. Prayansh Sharma Ahmedabad	
4:00PM to 7:00PM 27th Apr	Exemplary leadership skills Speaker : Mr. Bhalu Sharma Ahmedabad	

*03.00PM to 04.00PM - Registration & Networking

Open for All Members

Team Ahmedabad
CA. (Dr.) Anjali Choksi - Chairman
CA. Ashwin Maheshwari - Secretary
Sanjeev Chhajpe - Chairman
CA. Ashok Khosla - Cash Secretary

Scan QR or register at <http://tiny.cc/skillboost>
Registration Fee: Rs. 1250+GST for Member early bird registration till 04.04.2023
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Hosted by: Ahmedabad Branch of WIRC of ICAI

NATIONAL CONFERENCE ON CAPITAL MARKET

7th & 8th April 2023 - Schedule - 08.45 am to 5.00 pm (Both Days) | 12 CPE Hours

Time	Topic	Speaker	APRIL 7
8:45 AM - 9:30 AM	Registration, Breakfast and Networking		
Session - I 9:30 AM - 11:30 AM	Keynote Address : India - The Bright Spot (1) Challenges and the opportunities for India's Growth Story (2) Policy Measures needed to assure India remains the fastest growing major economy in the world	Pankaj Tarewal S.P. Executive, Vice President & Fund Manager, Kishu Puri & Fund	
Session - II 11:30 AM - 1:00 PM	Fire-side Chat : Wealth Creation Through Long Term Investment	Aashish P Sornaliya CEO, Wealth One Capital Asset Management, Mumbai	
1:00 PM - 1:45 PM	Lunch Break		
Session - III 1:45 PM - 3:15 PM	Panel Discussion : Investing in India's Future (1) How to Pick Multibaggers? (2) How to Pick Sectoral? (3) How to Pick Stocks?	Aashish P Sornaliya CEO, Wealth One Capital Asset Management, Mumbai CA SP Tulian COO & Editor www.sp-tulian.com CA. Sanjay Shah MD, Prasarit Corporate Advisory Services Ltd	
Moderator:	CA. (Dr.) Anjali Choksi		
3:15 PM - 3:30 PM	Tea Break		
Session - IV 3:30 PM - 5:00 PM	Special Address : Patience & Stock Market (1) When to Enter and Exit (2) Building a Portfolio (3) Multibagger Stocks (4) Trading in Future & Options	CA SP Tulian COO & Editor www.sp-tulian.com	

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Fri - Sat

Venue:
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NATIONAL CONFERENCE ON CAPITAL MARKET

7th & 8th April 2023 - Schedule - 08.45 am to 5.00 pm (Both Days) | 12 CPE Hours

Time	Topic	Speaker	APRIL 8
8:45 AM - 9:30 AM	Registration and Fellowship Over Breakfast		
Session - I 9:30 AM - 11:00 AM	Keynote Address : Golden Decade of India	CA. Anilika Verma MD, Prabhakar Ushar, Mumbai	
Session - II 11:00 AM - 12:30 PM	Panel Discussion : Are the Indian Stock Markets overvalued? (1) Where will the Indian stock markets End up in 2023? (2) What will that mean for India Inc & its capital raising plans?	CA. Anilika Verma MD, Prabhakar Ushar, Mumbai Shri Mihir Verma Chief Investment Officer & Senior Director, NSE Life Insurance Company Limited Ravi Dinesh Head of Research & Director, The Kennell Group	
Moderator:	CA. Jitendra Khamboli, Past Chairperson, Sandesham		
12:30 PM - 1:15 PM	Lunch Break		
Session - III 1:15 PM - 2:45 PM	Special Address : Opportunities for CAs in Global Markets through IFSCA	Shri V. Balasubramaniam NCFE Head, GFI City	
2:45 PM - 3:00 PM	Tea Break		
Session - IV 3:30 PM - 5:00 PM	Fire-side Chat : Private Capital - Fuel to Turbocharge the Economy	Shri Kamal Bhandal MD, IIFL	

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Media Gallery

लोहमित्र, LOKMITRA

Wednesday, March 01, 2023

આઈસીએઆઈ દેશની કોમર્સ યુનિવર્સિટીઓને કોમર્સ
અભ્યાસક્રમનું આદર્શ માળખું ઘડવામાં મદદ કરશે



અમદાવાદ, ૫ ઈન્સ્ટિટ્યુટ ઓફ ચાર્ટર્ડ એકાઉન્ટન્ટ્સ ઓફ ઈન્ડિયા (આઈસીએઆઈ) નવી શિરાજ નીતિ હેઠળ દેશની તમામ યુનિવર્સિટીઓમાં કોમર્સનાં આદર્શ કોર્સ અભ્યાસક્રમનું માળખું તૈયાર કરવામાં મહત્ત્વ પુરી પાડશે તેમ આઈસીએઆઈનાં પ્રેસિડેન્ટ સીએ અનિકેત તલાટીએ આજે આઈસીએઆઈના નેશનલ પ્રેસિડેન્ટ બન્યા બાદ તેમની અમદાવાદ શ્રાવ્યની પ્રથમ મુલાકાતમાં જણાવ્યું હતું. સીએ અનિકેત તલાટીએ જણાવ્યું હતું કે, આઈસીએઆઈ દ્વારા વિદ્યાર્થીઓ માટે ઘણા સુધારાઓ સાથે પરવામાં આવ્યા છે. આઈસીએઆઈ દેશનાં ૭૦૦ જિલ્લાઓમાં કેરિયર કાઉન્સેલિંગ અને રિડિંગ લાયબ્રેરીની સ્થાપના કરશે. જેથી ચાર્ટર્ડ એકાઉન્ટન્ટસનાં વ્યવસાયમાં કારકિર્દી બનાવવા ઈચ્છુક વિદ્યાર્થીઓને પરવાનગણે તક મળી રહે. ચાર્ટર્ડ એકાઉન્ટન્ટસનાં અભ્યાસક્રમમાં મે ૨૦૨૪થી નવો અભ્યાસક્રમ લાગુ પડશે. આ અંગેનો પ્રસ્તાવ કેન સરકારનાં કંપની બાબતોન મંત્રાલયને મોકલી આપવામાં આવ્યું છે. (૨૨-૧)

ICAI દેશની કોમર્સ યુનિવર્સિટીઓને કોમર્સ
અભ્યાસક્રમનું આદર્શ માળખું ઘડવામાં મદદ કરશે

[illegible]

City ENR52

Amdavad

७५५२, १ मार्च २०२३

TWO TIMES OF BEYLA, ANNEKAJAD
SPEWESDAY, WARRIN L. 1003

1. The first step is to identify the key components of the system. This involves understanding the hardware, software, and data involved in the process.

New CA course from
May 2024: ICAI

Transverse fractures

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shredded. The Institute of Chartered Accountants' India (ICAI) will implement its new membership rules from May 2003, a statement from ICAI said on Tuesday.

The statement, quoting newly elected national president of KUALA LUMPUR TAMIL, said that the institute has to be signed in accordance with constitutional and voting international standards stated in the Charter of Chartered Accountants by the Council of Public Accountants.

The statements add that ECU has set up the Institute of Social Auditors of Latin America (IASAL) under ECU's annual investment guidelines. The ISA

Early on, CA students had no intention of taking part in a three-day strike which has

The EIA will also set up career counselling centres and training facilities in the districts across the country, train local experts.

ભારતના CA ઈંગ્લેન્ડ અને
સિંગાપોરના મેમ્બર બની શકશે



અગાધાર: ૫ ઈન્કિયુટ એક માર્ડી મેકરોનિયનને તેણે રિપ્લિકા (ICAA) નથી બોલતા હતા તેમ જોવાની નામ પુનઃકોઈએના. કોઈએના અગાધાર કોઈ અપારાધકને પદમાં પદને પદ કરવામાં પદ પુરી પાડે. અપારાધક સહિત પાડવામાં સહિત પદ ઈન્કિયુટ રિપ્લિકામાં સહિત પદ છે. ICAA અને ૫ ઈન્કિયુટ એક માર્ડી મેકરોનિયન હતા ઈન્કિયુટ મેકરોનિયન. (માર્કીએટીંગ) ના જોડવા પાડવાને રિપ્લિકા કોઈને પદ પદમાં પદમાં પદ છે. રિપ્લિકામાં પદમાં

राजस्थान पत्रिका patrika.com

अनुसन्धानावध, दृष्टान्त, २१ मार्च, २०२३

अर्टिक्लासिप पूरी करने के 6 माह बाद ही दे सकेंगे सीएर फाइनल की परीक्षा: संविधान, साइबोलॉजी, फॉरेंसिक विषय होंगे शामिल

मई 2024 से लागू होगा सीए का नया कोर्स, जल्द मंजूरी के आसार

जम्मू-कश्मीर, लद्दाख,
पूर्वांचल राज्य के
विद्यार्थियों की 75
फीसदी फीस माफी
योजना बहाल

संविधान सभा के सदस्य:

अनुसन्धानाबाद, ईसरीद्वय आरंभ
पाठ्य पत्रावलीद्वय आरंभ द्विविध
(अवधी/अंग्रेजी) के अन्तर्गत अधिभूत
समयों में बसने कि 10 साल की उम्र

इस बात से पहले ही सीएनएन आईएन को बताया जा रहा है। यह खबर, संभवतः सन् 2024 में होने वाली सीएनएन के कानून होगा।

एन सीईआरटी की मंजूरी के लिए सोवियट अकेडमी ऑफ साइंस को पेश है, जहाँ से जलन मंजूरी के आकाश में। ऐसे में नवंबर 2003 की प्रसिद्ध सोवियट क्रोम के तथ्य ही में उजागी।

अंतर्राष्ट्रीय भी आपराधिक
क्रांति करने वाली है। यह बताता है कि
कानून में सीमा रहना और
अंतर्राष्ट्रीय न्याय पर विश्वास हो
ना है।



आपका नाम है के अग्रज अधिकारी।

पादपान में अभी ६ घंटा हैं, इन्टरमीडिएट में ६ घंटा जल्द ६ घंटा
उमड़ी जल्द ६ घंटा ही बचे। ही जल्दी। इन्टरमीडिएट पास करने

के बाद हीर-पाशुपत मारने तक ने विद्याविधियों को पार कर आत्मज्ञान मोक्ष में पहुँचे हैं। इसकी वजह भी आत्मज्ञान ही थी उसकी।

सीर अतिव्यक्तिगत सीर नाम की जगह दो साल की हो जायगी। लेकिन अतिव्यक्तिगत सूची करने के इस मांग को भी राजधानी सीर प्रधानमंत्री पंडित ने खारिज है। अभी अतिव्यक्तिगत में एक सती है बाकी तो वो भी वह सीर, प्रधानमंत्री पंडित ने खारिज था। अतिव्यक्तिगत में दो साल में उसे फिर 12 दिन की सूची हो गियेगी।

पढ़ाया जाएगा देश का संविधान

[illegible]

Event in Images



**INTERNATIONAL WOMEN'S DAY CELEBRATIONS 2023 on 03 AND 04.03.2023
at AHMEDABAD BRANCH - Game for KIDS**



ONE DAY WOMEN CONFERENCE ON DIGITAL TECHNOLOGY AT AHMEDABAD ON 04.03.2023



CONFERENCE ON STATUTORY BANK AUDIT on 10 AND 11.03.2023



All India Managing Committee Members Annual Meet 2023



SEMINAR ON INCOME TAX on 18.03.2023



SEMINAR ON GST-ALL ABOUT NOTICES AND BEYOND on 17.03.2023



JOINT INFORMATION SESSION BY CPA AUSTRALIA IN ASSOCIATION WITH ICAI AT AHMEDABAD on 23.03.2023



SEMINAR ON ACCOUNTS FINALISATION on 25.03.2023



SEMINAR ON UNLOCK THE POWER OF GOOGLE DRIVE AND LINKEDIN THROUGH TECHNOLOGY on 25.03.2023



SEMINAR ON BANK AUDIT on 27.03.2023

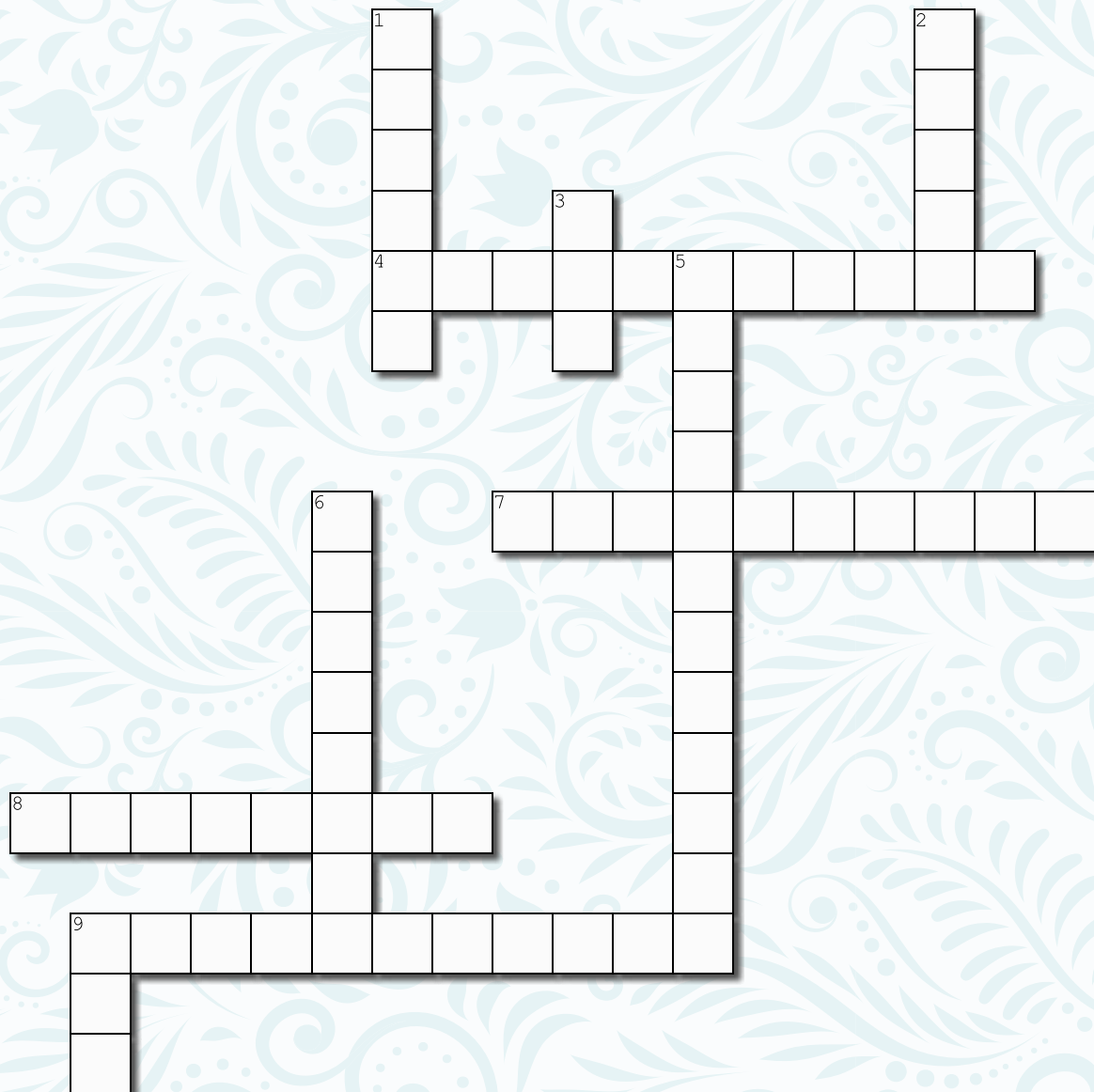


SEMINAR ON PEER REVIEW ON 29th March,2023



Crossword

Crossword No.- 001



Across

4. Tax Levied on Liquor, Petrol, Diesel
7. business costs, such as rent, that are constant whatever the quantity of goods or services produced.
8. ____ deduction can be claimed by all salaried employees
9. Dividend is taxed in the hands of ____

Down

1. an estimate of income and expenditure for a set period of time
2. this type of account are owed by more than one person
3. all information regarding a taxpayer at one place
5. one who takes risk and initiative to set up their own business
6. a legal agreement by which a bank or other creditor lends money at interest in exchange for taking title of the debtor's prop
9. Gold earns interest and backed by GOI

Note:

1. 1st 3 Correct Entries will get Appreciation Certificate / Prize
2. Last date of correct answer submission is 7th April, 2023
3. Send a photo of correct answer on: newsletterabadicai@gmail.com



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નૂતન નાગરિક સહકારી બેંક લિ.

મલ્ટી સ્ટેટ શિક્યુલ બેંક

સહકાર અમારો, સમૃદ્ધિ આપની.

નૂતન સમૃદ્ધિ

૩૬૪ દિવસની ચાપલ યોજના

સીનીયર સીડીઝન માટે

8.75% વાર્ષિક

જનરલ પબ્લીક માટે

8.25% વાર્ષિક

સહકાર અમારો,
સમૃદ્ધિ આપની.

ડિપોઝિટ (સર્વિસ)

8.25% Onwards

હોમ લોન

- મહત્તમ રૂ. ૧.૫૦ કરોડ સુધી
- ૧૨૦ મહિનાની - મહત્તમ ૧૨ વર્ષ
- ૧૦% ટી-ટેન્ડર વેન્યુર

ટ (પ્રકારો સર્વિસ)

ડિપોઝિટ (સર્વિસ)

8.50% Onwards

કાર લોન

- મહત્તમ રૂ. ૧.૫૦ કરોડ સુધી
- ૧૨૦ મહિનાની - મહત્તમ ૧૨ વર્ષ
- ૧૦% ટી-ટેન્ડર વેન્યુર

ટ (પ્રકારો સર્વિસ)

ડિપોઝિટ (સર્વિસ)

9.00%

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- ૧૦% ટી-ટેન્ડર વેન્યુર

ટ (પ્રકારો સર્વિસ)

ડિપોઝિટ (સર્વિસ)

13.00%

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