



The Institute of Chartered Accountants of India

(Set up by an Act of Parliament)



Western India Chartered Accountants Newsletter

AUGUST 2018 Vol. 44 | No. 08



✓ Excellence ✓ Independence ✓ Integrity

Respected Colleagues,

The CA Foundation Day was celebrated on 1st July throughout the country. This year's celebrations were historic for us, as we had the Hon'ble President of India, Shri Ram Nath Kovind launching the Platinum Jubilee Celebrations of ICAI in New Delhi. The joy of witnessing this proud movement was doubled as he stated that the success of ICAI is the success and the pride for the country.

He lauded the efforts of Chartered Accountants for their role during the period of transition to the most landmark and revolutionary legislation i.e. GST. To complement this we pledge our full commitment towards the development of the country as a whole and by pledging support to all policy makers, thus together leading the path of development.

ICAI are partners in Nation Building and as testimony to our commitment a commemorative postal stamp was released by Shri Manoj Sinha, Hon'ble Union Minister of State for Communications and for Railways showcasing 70 years of ICAI in service to the nation. As a matter of fact, the Department of Posts issues commemorative stamps only to those entities which have contributed significantly to the Nation.

We organised many different activities across the Region for commemorating our Platinum Jubilee. There were special activities comprising financial literacy and GST camps for girl students across various colleges, tree plantation drives, blood donation camps, medical camps, Swachh Bharat activities, support for students, etc. I thank the leaders in the Branches & Study Circles for their support in these activities.

We are working towards a more focused approach for our Members in Industry and Service. I am proud to say that our Members in Industry with their in-depth vista of knowledge are the epitome of ICAI's vision. They are doing a great service by spreading the vision of ICAI in the corporate arena, as they constantly strive to contribute to the growth of industry by regularly updating on various relevant legislations as well as reviewing and executing management decisions to take the industry as a whole forward.

Our Foundation Day flag hoisting took place at the worthy hands of Shri Mangal Prabhat Lodha (MLA), Mumbai, and Shri Rajendra, Hon'ble Member, ITAT, both of whom unequivocally acknowledged the fact that the importance of Chartered Accountants is very significant in the growth of our economy.

The 13th WIRC 'Mile Sur Mera Tumhara' Foundation Day Celebrations took place amidst lots of warmth and togetherness. Juniors and Seniors showed great teamwork in helping each other perform well together.

We, the members of the Council, were overcome by a sense of pride and gratitude when we felicitated the respected senior members who are above seventy years of age. We salute them for their continuous dedication towards the profession and more particularly for mentoring the younger generation. They are and shall always remain a beacon for the generations to come.

The recent changes in various legislations continue to endorse the wide range of professional opportunities for us. We continue in our quest to bring the best learning platform for our members and students in all the areas where newer dimensions are introduced.

The 33rd Regional Conference is scheduled on the 24th and 25th August, 2018. The details are in this edition and we request members to kindly attend and gain from the broad spectrum of topics covered.

The results of CA Exams were declared recently. On behalf of the WIRC, I congratulate the students who cleared their Final CA Exams and are now proud members of ICAI. We wish them luck and success in all their future endeavours. We also welcome the students who have cleared the entrance exams.

I also wish every member and student a very happy Independence Day and a judicious mix of good health and responsibilities in this busy season ahead.

With Best Wishes,

CA. Sandeep K.C. Jain
Chairman

Forthcoming Events
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OFFICE BEARERS

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Vice Chairman

CA. Purushottam Khandelwal
Secretary

CA. Balkishan Agarwal
Treasurer

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Chairman

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CA. Aniket Talati, CA. Pradeep Agrawal, CA. Shruti Shah, CA. Vishnu Agarwal
EX-OFFICIO CA. Dhiraj Khandelwal



Direct Tax Refresher Course, 2018



CA. Balkishan Agarwal, Treasurer, WIRC, CA. Priyam Shah, Vice Chairman, WIRC, CA. Sandeep Jain, Chairman, WIRC, Hon'ble Justice Dr. CA. Vineet Kothari, Judge, High Court of Karnataka, Shri Rajendra, Hon'ble Member, ITAT, CA. Vishnu Agarwal, Imm. Past Chairman, WIRC, CA. Purushottam Khandelwal, Secretary, WIRC



CA. Shruti Shah, Past Chairperson, WIRC, CA. Rajan Vora, Faculty, CA. Sunil Talati, Past President, ICAI & Faculty, CA. Padamchand Khincha, Faculty, CA. Vishnu Agarwal, Imm. Past Chairman, WIRC



CA. Rakesh Alshi, RCM, CA. Atul Suraiya, Faculty, CA. Sushrut Chitale, RCM

Interactive Meeting on Cross Border Insolvency with IBBI



Shri Narendra Saini, Member, IBBI, CA. Dhinal Shah, CCM, CA. Sandeep Jain, Chairman, WIRC, CA. Vipul Choksi, Past Chairman, WIRC, CA. Hinesh Doshi, President, CITC & Others

Interactive Meeting with Income Tax Department on Issues related to TDS Online Application u/s. 197 of the Income-tax Act



Shri Sanjay Verma, Principal Commissioner of Income Tax, Hyderabad, Shri Mithlesh Jha, Commissioner of Income Tax, Kolkata, Shri Sunil Sharma, Commissioner of Income Tax, CPC (TDS), Shri V. K. Gupta, Commissioner of Income Tax, TDS-I, Mumbai, Shri Paresh Johri, Commissioner of Income Tax, TDS, Chandigarh, Shri Pratap Singh, Commissioner of Income Tax, TDS-I, Mumbai, CA. Vishnu Agarwal, Imm. Past Chairman, WIRC, CA. Shruti Shah, Past Chairperson, WIRC, CA. Priyam Shah, Vice Chairman, WIRC, CA. Purushottam Khandelwal, Secretary, WIRC & Members in attendance

Annual General Meeting – WIRC of ICAI



CA. Sushrut Chitale, RCM, CA. Vishnu Agarwal, Imm. Past Chairman, WIRC, CA. Purushottam Khandelwal, Secretary, WIRC, CA. Sandeep Jain, Chairman, WIRC, CA. Priyam Shah, Vice Chairman, WIRC, CA. Balkishan Agarwal, Treasurer, WIRC, CA. Shilpa Shinagare, RCM, CA. Shruti Shah, Past Chairperson, WIRC & Members in attendance



ICAI Tower, Bandra Kurla Complex, Mumbai

Date & Day	Time & Fees	Topic(s)	Speaker(s)	Chief Co-ordinators	Co-ordinators
11/08/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Seminar on Business Valuation, Mutual Funds and Alternative Investments – Beginner's Guide <ul style="list-style-type: none"> Fundamental Analysis – Assessing Financial Health of a company Valuation of Companies – Understanding the Value Drivers A Primer on Alternative Investments Mutual Funds – What, Why and How 	CA. Vaibhav Jain CA. Jayaprakash Rajangam CA. Abhishek Paronigar CA. Vikaas Sachdeva	CA. Lalit Bajaj 9867692321 CA. Drushti Desai 9820335923 CA. Shilpa Shinagare 9820053395	CA. Naveen Sharda 9699995143 CA. Dinesh Narwani 9890431848 CA. Ashok Kumawat 9870688805 CA. Abhishek Singh 9029644694
01/09/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Seminar on E-commerce <ul style="list-style-type: none"> Introduction to E-commerce – Recent developments from FEMA and FDI Perspective – Summary of the key tax issues relevant to the E-commerce sector Overview of the various structures – Discussion on related direct tax issues specific to the structures Discussion on recent updates under the OECD 2017 and MLI Transfer Pricing – Global transparency and India impact – Review of existing business models – APA GST issues relevant to the E-commerce sector 	CA. Neetu Vinayek CA. Jasdeep Sahni CA. Nidhi Agarwal CA. Archana Karnani CA. Anjul Mota CA. Kirti Oswal	CA. Manish Gadia 9820537986 CA. Aniket Talati 9825551448 CA. Priyam Shah 9824096112 CA. Abhijit Kelkar 9422126890	CA. Dikshay Chandaliya 9773545382 CA. Amogh Jain 8828028081 CA. Parth Shah 9920868483
08/09/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Workshop on Tax issues arising on account of IND AS <ul style="list-style-type: none"> Implementation of Ind-AS – Impact on Corporate Tax Revenue Recognition (Ind AS 115) Property, Plant, Equipment (IND AS 16) – Intangible Assets (IND AS 38) Borrowing Costs (IND AS 23) – Government Grants (IND AS 20) & MAT Impact 	CA. Hiten Sutar CA. Neelam Mange CA. Tarak Dharod CA. Manmay Chandawalla CA. Hemantkumar Salian	CA. Sushrut Chitale 9821112904 CA. Satyanarayan Mundada 9422080814 CA. Drushti Desai 9820335923	CA. Virag Shah 7043154500 CA. Zubin Haria 9930562512 CA. Vimal Agrawal 9320617447
22/09/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Seminar on Business Restructuring in relation to Taxation, SEBI and FEMA Laws <ul style="list-style-type: none"> Key Taxation Aspects under Slump Sale / Asset Sale / Slump Exchange / Share Sale Key Tax and Regulatory Aspects of AIF and FVCIs SEBI Takeover Regulation - Informal Guidance and Case Studies Key Aspects under FEMA Inbound Investment Key Aspects under FEMA Outbound Investment 	CA. Devarsh Patel CA. Amit Dhoot CA. Rashmin Pandya CA. Hardik Shah CA. M. Jagannathan	CA. Rakesh Alshi 9819427242 CA. Purushottam Khandelwal 9825020844 CA. Balkishan Agarwal 9377110634	CA. Eshaan Shah 9408190992 CA. Girish Maru 9004049320 CA. Ratan Jain 9820027879
29/09/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Seminar on Project Finance <ul style="list-style-type: none"> Sources of Finance – Concept of Working Capital & its Significance in Debt Financing Preparing a detailed Project Report (Assessment of Technical & Economic Feasibility) Case Study on preparing an excel model to submit with the project report Credit Appraisal – A Banker's Perspective 	CA. Vivek Shah CA. Amit Godse CA. Amit Godse CA. Yashesh Shroff	CA. Aniket Talati 9825551448 CA. Pradeep Agrawal 9898560967 CA. Priti Savla 9321426883	CA. Aniket Kulkarni 9821690559 CA. Akash Bagrecha 9930904266 CA. Keval Mamania 8080117040



ICAI Tower, Bandra Kurla Complex, Mumbai

Date & Day	Time & Fees	Topic(s) & Speaker(s)	Chief Co-ordinators	Co-ordinators
06/10/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Seminar on Media and Entertainment Industry <ul style="list-style-type: none"> Media and Entertainment Industry – Trends and Crystal-Gazing in the Future Direct Tax - Cross Border Transactions, Mergers and Acquisitions Landscape, New-age Transfer Pricing Reporting, Growing Complexities in Media and Entertainment Industry Legal Aspects on Intellectual Property Rights, Copyright related to Media and Entertainment Industry Ind AS – Impact on Media and Entertainment Industry including Practical Aspects 	CA. Jehil Thakkar CA. Prashant Bhojwani Adv. Amit Thurkal CA. Goving Ahuja	CA. Sarvesh Joshi 9822022292 CA. Kamlesh Saboo 9819195333 CA. Umesh Sharma 9822079900 CA. Rakesh Tulsyan 7021176211 CA. Nitin Ombavat 9773397805 CA. Vikram Joshi 9821733286
09, 10, 11 & 12/10/2018 Tuesday, Wednesday & Friday 12 CPE Hrs	5.00 p.m. to 8.00 p.m. ₹ 2,065/- (Incl. GST)	Study Course on How to Prepare for Insolvency & Bankruptcy Code Examination Tuesday, 9th October, 2018 <ul style="list-style-type: none"> Insolvency & Bankruptcy Code – I (CIRP) Wednesday, 10th October, 2018 <ul style="list-style-type: none"> Insolvency & Bankruptcy Code – II (Liquidation) Thursday, 11th October, 2018 <ul style="list-style-type: none"> Insolvency & Bankruptcy Code – III (Non-Corporate) Friday, 12th October, 2018 <ul style="list-style-type: none"> Case Study/ Case Laws 	CA. Apurva Bookseller CA. Dhiren Shah CA. Devang Sampat CA. Rajan Agarwal	CA. Kamlesh Saboo 9819195333 CA. Vikrant Kulkarni 9881880073 CA. Hardik Shah 9825510422 CA. Ajeet Taparia 9920710121 CA. Hetal Kothari 7738226617 CA. Amish Sangoi 9867757972
13/10/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Seminar on Transfer Pricing <ul style="list-style-type: none"> Overview of Transfer Pricing – Latest Developments including CbCR & Master File Transfer Pricing Case Studies & Recent Judgments Functions, Assets & Risk Analysis, along with Value Chain Analysis BEPS Action Plan 8-10 along with draft guidance on profit splits 	CA. Vispi Patel CA. Chaitanya Maheshwari CA. Mehul Shah CA. Chintan Mehta	CA. Priyam Shah 9824096112 CA. Purushottam Khandelwal 9825020844 CA. Shilpa Shinagare 9820053395 CA. Meera Joisher 9819354164 CA. Vinit Vyas 9930766805 CA. Bipeen Mundade 9223290561
20/10/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Seminar on Pharma Industry <ul style="list-style-type: none"> Accounting: R&D expenditure – Bio Batches, Clinical Training Bio Equivalence Studies, Basic Research – Pharmaceuticals, Biological. Foreign Technical Collaboration in Licencing Royalty Aspects, Joint Venture, Consolidation of Accounts Pharma Industry & Capital Markets Discussion on Pharma Sector Finance and Facilities requirements from Banking Perspective Income-tax: Transfer Pricing in Pharma Industry 	Eminent Faculties	CA. Priti Savla 9321426883 CA. Abhijit Kelkar 9422126890 CA. Hardik Shah 9825510422 CA. Y. R. Desai 9820448365 CA. Bhushan Ramani 9819666708 CA. Girish Shekhar 9820812584
27/10/2018 Saturday 6 CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	Value Driven - Risk based Internal Audit <ul style="list-style-type: none"> Standards on Internal Audit (Importance of Standards and Compliance) Value Delivered & Key Outcome (Internal Audit as Value Driver, Value Delivered by IA, Key Result Areas of IA and Observation & Key Outcomes) Stakeholder Management & Soft Skills (ACM & Statutory Auditors) Communication & Report Writing (Presentation of findings, root cause, Impact, recommendations, Management actions & observations & report rating) 	CA. Manindra Prakash Eminent Faculty CA. Huzeifa Unwala CA. Swaminathan	CA. Sarvesh Joshi 9822022292 CA. Balkishan Agarwal 9377110634 CA. Vikrant Kulkarni 9881880073 CA. Ritesh Hibare 9773418343 CA. Dhavni Karia 9819900489 CA. Nehal Turakhia 9833991898



33rd REGIONAL CONFERENCE OF WIRC

12
CPE Hrs

Days & Dates	Friday, 24th & Saturday, 25th August, 2018	
Venue	Hotel Sahara Star, Opp. Domestic Airport, Vile Parle, Mumbai	
Time	10.00 a.m. to 6.00 p.m.	
Fees	For Young Members #	₹ 3,600 + (GST @ 18%) on or before 5th August ₹ 3,850 + (GST @ 18%) after 5th August
	For Members (Other than Young Members)	₹ 4,250 + (GST @ 18%) on or before 5th August ₹ 4,500 + (GST @ 18%) after 5th August

#Members holding membership for less than 5 years or below 30 years of age whichever is earlier

Friday, 24th August, 2018		Saturday, 25th August, 2018	
Chief Guest	Eminent Dignitary	Keynote Address	Dr. Subhash Chandra <i>Hon'ble Member of Parliament Rajya Sabha</i>
Guest of Honour	CA. Naveen N. D. Gupta <i>President - ICAI</i> CA. Prafulla Chhajed <i>Vice-President - ICAI</i>	Financial Reporting - The Era of Enhanced Responsibilities	Panel in discussion: CA. M. M. Chitale <i>Past President - ICAI</i> CA. Shyamak Tata <i>Managing Partner-Audit, Deloitte Haskins & Sells, LLP</i> CFO, Eminent Corporate Group Hon'ble Member, SEBI CA. Khushroo Panthaky, <i>Senior Partner, Walker Chandiook & Co. LLP</i>
Contemporary issues and Audit-Provisions under GST	Adv. V. Lakshmikumar <i>Founder & Managing Partner, Lakshmikumar & Sridharan</i>	Recent trends in Business Restructuring - Case Studies	CA. Gautam Doshi <i>Past Chairman, WIRC</i>
Tax Planning in the current Anti Avoidance Scenario	CA. T. P. Ostwal <i>Global Tax Expert</i>	CA's as Insolvency Professionals - Paradigm Shift in Dispute Resolutions	Panel in discussion: Mr. Mukul Shrawat* <i>Hon'ble Member NCLT, Mumbai</i> Adv. Sumant Batra <i>Eminent Advocate, Managing Partner, Kesar Dasa B. & Associates</i> CA. Dinkar Subramanya <i>E&Y, Eminent Insolvency Resolution Professional</i> Eminent Representative from Bank
RERA- Are we geared up for Compliances and Opportunities	Eminent Panel	Interplay between reportings on Audit under Companies Act and Income-tax Act	Eminent Faculty
Emerging Role of Chartered Accountants in New Technology Environment	Eminent Faculty	Evolving Financial Markets – Art of Investing	Panel in discussion: CA. Raamdeo Agrawal <i>Chairman, Motilal Oswal Asset Management Co. Ltd.</i> Shri Madhusudan Kela <i>Renowned Investment Analyst</i> CA. Navneet Munot <i>Executive Director & Chief Investment Officer SBI Mutual Fund</i> CA. Prashant Jain, <i>Executive Director & Chief Investment Officer, HDFC Mutual Fund</i> CA. Anil Singhvi <i>Zee Business</i>
Valuation Professionals: Exploring New Professional Opportunities	Panel in discussion: Dr. Navrang Saini* <i>Whole Time Member, IBBI</i> CA. Rajiv Singh <i>Eminent Practitioner</i> CA. Sujal Shah <i>Eminent Practitioner</i>		
Regional Council Members			
CA. Sandeep Jain <i>Chairman</i>		CA. Priyam Shah <i>Vice Chairman</i>	
CA. Purushottam Khandelwal <i>Secretary</i>		CA. Balkishan Agarwal <i>Treasurer</i>	
CA. Vishnu Agarwal <i>Chairman, PD Committee</i>		CA. Aniket Talati <i>Vice Chairman, PD Committee</i>	
CA. Shruti Shah	CA. Hardik Shah	CA. Sarvesh Joshi	
CA. Kamlesh Saboo	CA. Shilpa Shinagare	CA. Pradeep Agrawal	
CA. Sushrut Chitale	CA. Priti Savla	CA. Satyanarayan Mundada	
CA. Vikrant Kulkarni	CA. Drushti Desai	CA. Rakesh Alshi	
CA. Umesh Sharma	CA. Abhijit Kelkar	CA. Manish Gadia	
CA. Lalit Bajaj			

* Subject to confirmation



DIRECT TAX

(CA. Haresh P. Kenia, CA. Deepak Lala,
CA. Paras K. Savla & CA. Hemant R. Shah)



Section 56 – Issuing share capital at excess premium not taxable in hands of eligible start-ups (255 Taxman, (st) 54)

The CBDT *vide* Notification No. 24/2018 – S0 2088(E) dated 24/5/2018, notified that the provisions of section 56(2) (viib) of the Income-tax Act shall not apply to consideration received by a company for issue of share that exceeds the face value of such share, if the consideration has been received for issue of share from an investor in accordance with the approval granted by the inter-ministerial board of certification under para 4(3)(I) of the Notification No. 364 (E) dated 11/4/2018. This notification shall deemed to have come into effect retrospectively from 11th April, 2018.

Section 69 Bogus purchases

Supreme Court has dismissed Revenue's SLP in respect of bogus purchases against Gujarat High Court's decision [2018] 94 taxmann.com 324 (Gujarat), wherein it was held that purchases cannot be treated as bogus if:

- Purchases supported by bills
- Payment made by account payee cheques
- Transaction has been confirmed by the supplier
- No adverse inference as to sale against said alleged purchases
- The supplier has accounted for the purchases made by the assessee and paid taxes thereon
- No evidence to show that the amount was recycled back to the assessee

PCIT vs. Tejua Rohitkumar Kapadia [2018] 94 taxmann.com 325 (SC)

GUJARAT GST & VAT

(CA. Kishor R. Gheewala)



Tax Incentives - Amendment

Government Notification, Finance Department No. (GHN-24)VAT-2013/S.40(1)(8)-TH, dated the 11th October, 2013 provided, *inter alia*, to grant refund to the eligible unit, of the amount of tax separately charged by a registered dealer, from whom he has purchased the taxable goods, subject to the conditions mentioned in the said notification. *Vide* Notification No. (GHN-62) Vat-201/S.40(1)(11)-Th dated 16th July, 2018, Clause 19 of the said Notification is amended to delete the words "other than an eligible unit availing tax incentives under any scheme granted by the State Government".

GOODS AND SERVICES TAX

(CA. Rajiv Luthia)



SYNOPSIS OF NOTIFICATIONS, CIRCULARS & LETTERS

Central Government, *vide* Notification No. 28/2018-Central Tax dated 19th June, 2018 has made following amendment to CGST Rules, 2017 namely:

- In Rule 58 (Records to be maintained by owner or operator of godown or warehouse and transporters) sub-rule (1A) is inserted, whereby a transporter who has registered in more than one State or Union territory having same PAN, he may apply for unique common enrolment number by submitting FORM GST ENR-02, using any one of

his GSTIN numbers. Upon furnishing relevant details, unique common enrolment number shall be generated & communicated to transporter. Further it is provided that once transporter has obtained a unique common enrolment number, he shall not be eligible to use any of the Goods and Services Tax Identification Numbers for the purposes of the said Chapter XVI.

CORPORATE LAWS

(CA. Rahul Joglekar)



MCA (www.mca.gov.in)

MCA Notification GSR (E) dated 5th July 2018 – Companies (Acceptance of Deposits) Amendment Rules, 2018

MCA has issued the aforesaid notification to make amendments to the Companies (Acceptance of Deposit) Rules, 2014 issued under the Companies Act 2013. One of the important amendments is that the statutory auditor's certificate regarding no default in case of interest and principal repayment of all deposits taken by a company shall be filed with the ROC. The amendment shall be with effect from 15th August 2018. For complete text of the notification, please refer the link: http://www.mca.gov.in/Ministry/pdf/CompaniesAcceptanceDepositsAmendmentRules_06072018.pdf.

SERVICE TAX

(CA. A. R. Krishnan & CA. Girish Raman)



Lease Premium

CIDCO made a demand of GST on lease premium from the allottee which was contested by the allottee by way of writ petition. The Court held that the "demand of GST cannot be said to be vitiated by any error of law apparent on the face of the record". Some of the reasons are:

- (a) CIDCO is a "person" as defined in GST law and in the course or furtherance of its "business" it disposes of land by leasing them out for a consideration.
 - (b) Under Schedule II (item 2), section 7, any "lease" of land is a supply of service.
 - (c) The premium is the consideration paid for the lease which is the measure of tax.
- Under section 7(2)(b), activities undertaken by Central Government, State Government or local authority in their status as "public authorities" is neither a supply of goods nor supply of services only if the Government issues a notification to that effect. In the absence of any such notification, merely going by the status of CIDCO, it cannot be held that lease premium is not liable to GST.

[Builders Association of Navi Mumbai vs. Union of India (2018) 12 GSTL 232 (Bom.)]

INTERNATIONAL TAXATION

(CA. Hinesh Doshi & CA. Ronak Soni)



Deputy Commissioner of Income-tax vs. D. B. International (Asia) Ltd. TS-321-ITAT-2018 (Mumbai-Tribunal) dated 20th June, 2018

Facts

The assessee, a tax resident of Singapore carried on trading operations, including trading in Indian securities and did not have a PE in India.



The assessee had claimed exemption on capital gains on sale of shares, debt instruments and derivatives under Article 13(4) of the India-Singapore DTAA. It submitted that its global income was taxable in Singapore and accordingly the benefit of DTAA was available to it.

AO disallowed the exemption under Article 13(4) by invoking Article 24 of the DTAA which sets up a restriction on this exemption to the extent of repatriation to home country i.e., Singapore. He observed that as the income was not repatriated to the home country, it would be taxable in India.

FEMA

(CA. Manoj Shah, CA. Sudha G. Bhushan & CA. Mitesh Majithia)



Gist of some of the important Compounding Orders passed by Reserve Bank of India

Sr. No.	Subject Matter	Contraventions Compounded
1.	Overseas Direct Investment – FEMA Notification No. 120	Indian Company acquired shares of overseas company. However, it made investment in excess of 400% of its net worth resulting in contravention of Regulation 6(2)(i) of FEMA Notification No. 120.
2.	Overseas Direct Investment – FEMA Notification No. 120	Resident Individuals made investment in Singapore Company by acquiring shares of the company. Remittance was made by individuals under LRS in 2007 when they were not allowed to undertake overseas direct investment under LRS. Later individuals transferred shares in overseas entity which they were not allowed to acquire thereby contravening Regulation 3 of FEMA 120. They further contravened Schedule V read with FEMA 20A, whereby overseas investment made by individuals shall only be in an operating entity. However, in instant case individuals had made investment in a Holding Company.

CO-OPERATIVES (CA. Ramesh Prabhu)



Deemed Conveyance

The Government of Maharashtra has issued a consolidated Notification on 22nd June, 2018 to ease the process of deemed conveyance in favour of co-operative housing societies. The societies who are not having occupation certificate also will be able to obtain deemed conveyance by submitting a declaration in the prescribed format.

Bill for Land Titling provisions

Maharashtra Government has prepared a draft bill to amend Maharashtra Land Revenue Code, 1966 to make provisions for land titling. The bill provides for Land Titling Authority, Land Titling officer, Land Titling Tribunal and Land Titling Appellate

Tribunal. Once the bill is passed, all the land records will be certified for clear title by this Authority.

RERA Update

MahaRera Vide Circular No. 18/2018 dated 17th July, 2018 has issued a revised Standard Operating Procedure (SOP) for filing the complaint effective from 1st August, 2018. The system of delivering the hard copies of complaint to the promoter and estate agents of the registered project has been discontinued. All the parties through their login ID will be able to view the complaints as well as the actions taken and the hearing held.

TRANSFER PRICING (CA. Bhavya Goyal)

CBDT Instruction on appropriate use of CbCR

The CBDT has recently issued Instruction No. 2/2018 dated 27th June 2018 on appropriate use of Country-by-Country Report ("CbCR") to provide clarity on some of the concerns relating to appropriate usage, confidentiality of information, etc. The circular gives some clarification on the access of the CbCR and the appropriate use of the CbCR. It also provides clarification related to high risk assessments and for assessment other than BEPS related risks.

The above instructions focus on putting in place stringent control measures within the legal framework to prevent abuse of information received from CbCR and they also take care of aspect of leakage of confidential data, which were the major areas of concern for International Groups. It also helps to bring about uniformity in the way the recent changes in the local TP rules/regulations will be administered in India with those done globally by other tax jurisdictions as the instruction is quite aligned with the OECD's Guidance on the appropriate use of information contained in CbCR.

Transfer pricing Litigation Update

An important update on Transfer pricing litigation front is pronouncement of around 68 judgments laying down law on the "substantial question of law" by the High Court of Karnataka with respect to transfer pricing litigation.

Case name: PCIT vs. M/s. Softbrands India P. Ltd., [ITA No. 536 & 537/2015] [Kar HC] dated 25th June 2018.

INFORMATION TECHNOLOGY UPDATE CORNER (CA. Ajay Dave)



The 'IT Update Corner' is intended to keep members abreast with news and views on the topic with short-url link to read the update in detail on the source webpage.

#ArtificialIntelligence #AI All companies need an AI strategy today. Any AI effort will rely on three main building blocks: data, infrastructure, and talent. AI is a foundational technology that will disrupt society and lead to decades of innovation. AI is already transforming how we do business, and for companies large and small this could mean an unsettling change. Companies implementing an AI strategy today will be best positioned to take advantage of the opportunities to come. Read here: <https://bit.ly/2vYcAEE>.

For more details on above visit www.wirc-icai.org

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e-Way bills on the go with NSDLgst



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Contact Number : 020-25678300 | Mail : gstinfo@nsdl.co.in



Seminar on International Tax



CA. Amogh Jain, CA. Shruti Shah, Past Chairperson, WIRC, CA. Paresh Parekh, Faculty, CA. Sagar Wagh, Faculty



CA. Jimit Devani



CA. Rutvik Sanghvi



CA. Vishal Palwe

Study Course on Law Applicable to Real Estate & Redevelopment



CA. Vishnu Agarwal, Imm. Past Chairman, WIRC, CA. Vimal Punmiya, Faculty, CA. Hemant Joshi, Faculty, CA. Shilpa Shinagare, RCM, CA. Virag Shah



CA. Ramesh Prabhu



CA. Jayesh Gogri

Lecture Meeting and Interaction on Amendment in Insolvency and Bankruptcy Code and SEBI Guidelines on Companies under IBC



CA. Snehal Kamdar, Adv. Soumitra Majumdar, Faculty, CA. Ujjival Thakrar, CA. Hetal Kothari

National Conference on Corporate Bond Market with ASSOCHAM



Shri Rahul Pai, Shri Vineet Niagara, Shri Sanjeev Kumar, Shri Kartik Srinivasan, Ms. Revati Kasture, Shri Pranav Sharma, CA. Manoj Alimchandani

Team WIRC Branch Visit

Ichalkaranji



Kolhapur



Sangli



Satara



Seminar on Understanding the IBC in Current Scenario



CA. Snehal Kamdar, Moderator, CA. Abizer Diwanji, Faculty, CA. Sushrut Chitale, RCM, CA. Falguni Shah, Faculty, CA. Pravin Navandar, Faculty, CA. Amogh Jain



Shri Rajesh Sheth



Shri Manish Sukhani



Shri Mukesh Chand



CA. Rajan Agarwal



CA. Bhruvagh Amin



Adv. Ashit Shah



Adv. Rubina Khan



Adv. K. P. S. Kohli



Adv. Sapan Gupta

Lecture Meeting on SME IPO



Shri Pawan Mahur, Smt. Rachana Bhusari, Faculty, CA. Vishnu Agarwal, Past Chairman, WIRC, Shri Vikas Verma, Faculty

Sector Wise Mega Series on Impact of GST on Sectors - GST in Real Estate



CA. Parul Saraf, CA. Vishnu Agarwal, Past Chairman, WIRC, CA. Jayesh Gogri, Faculty, CA. Jignesh Kansara, CA. Keval Mamania



Mega Event on GST



CA. Vishnu Agarwal, Imm. Past Chairman, WIRC, CA. Sandeep Jain, Chairman, WIRC, Shri S. K. Vimalanathan, Commissioner of GST, Shri Ajit Dan, Deputy Commissioner of GST, CA. Amit Agarwal, Convenor, Bhayander CPE Study Circle CA. Parth Shah, Faculty

Seminar on Audit of Co-operative Housing Societies – A Practical Approach



CA. Prajakta Patil, CA. Ramesh Prabhu, Faculty, CA. Shilpa Shinagare, RCM, CA. Purushottam Khandelwal, Secretary, WIRC, CA. Vishnu Agarwal, Imm. Past Chairman, WIRC, CA. Balkishan Agarwal, Treasurer, WIRC, CA. Amish Sangoi, CA. Kamlesh Kothari



CA. Vijay Joshi

Workshop on Mega GST



CA. Rajiv Luthia

CA. Jayesh Gogri

CA. Jignesh Kansara

CA. Ashish Kedia

Seminar on Mergers & Acquisitions



CA. Sushrut Chitale, RCM, CA. Hardik Chokshi, Faculty, CA. Drushti Desai, RCM, CA. Hiren Bhatt, Faculty, CA. Aniket Kulkarni



CA. Rajiv Shah



CA. Vishal Laheri

Lecture Meeting on GST Financial Transactions of Stock/Share Brokers



CA. Nitin Ombavat, CA. S. S. Gupta, Faculty, CA. Vishnu Agarwal, Imm. Past Chairman, WIRC

Seminar on Ind AS



CA. Sushrut Chitale, RCM, CA. Aniruddha Godbole, Faculty, CA. Sachin Holmukhe

Interactive Meeting with GST Commissioner



CA. Vishnu Agarwal, Imm. Past Chairman, WIRC, Shri Ajit Dan, Deputy Commissioner of GST, Shri S. K. Vimalanathan, Commissioner of GST, CA. Sandeep Jain, Chairman, WIRC, CA. Shruti Shah, Past Chairperson, WIRC



CA. Murtuza Vajithi



CA. Rajkumar Singh



CA. Satish Kabra

Workshop on Role of Chartered Accountants in Business Transformation, Innovation & Technological Development



CA. Shruti Shah, Past Chairperson, WIRC, CA. Manoj Alimchandani, CA. Naresh Makhijani, CA. Rohit Patoria, CA. Tarun Ghia, CCM, CA. Kamlesh Kothari, CA. Khyati Vasani

Workshop on Companies Act, 2013



CA. Janki Trivedi, CA. Paresh Clerk, Faculty, CA. Dhvani Karia



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Senior Members Felicitation



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13th Year Mile Sur Mera Tumahara



Football Match between Chartered Accountants vs. GST Commissioners

Winner WIRC





Foundation Day Celebration

Flag Hoisting

Shri Mangal Prabhat Lodha, MLA, Shri Rajendraji, ITAT Member along with Office Bearers, RCM & Members



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Price ₹ 15 per copy

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Printed and published by Shri Abhay Nath Tiwari, Dy. Secretary on behalf of Western India Regional Council of The Institute of Chartered Accountants of India and printed at Finesse Graphics & Prints (Pvt) Ltd., 309, Parvati Industrial Estate, Sunmill Compound, Lower Parel, Mumbai – 400 013 and published at Western India Regional Council of the Institute of Chartered Accountants of India, ICAI Tower, Plot No. C-40, G Block, Opp. MCA Academy, Next to Standard Chartered Bank, Bandra Kurla Complex, Bandra East, Mumbai - 400051.

Editor: CA. Sandeep Jain

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