



The Institute of Chartered Accountants of India

(Set up by an Act of Parliament)

WESTERN INDIA CHARTERED ACCOUNTANTS NEWSLETTER

MARCH 2016 | Vol. 42 | No. 03

Together
We Can...



Trust

Challenges

Co-operation

Ideation

Commitment

Share

Knowledge

Support

Respect

Proactive

Success...
Achievements...
Victories....
The secret behind
these words
is just one
– Teamwork.

... Change the
World



CA. M. Devaraja Reddy
President, ICAI, 2016-17

CA. M. Devaraja Reddy has been elected as the President of the Institute of Chartered Accountants of India for the year 2016-17.

A resident of Hyderabad, he has served the profession for the last 28 years and has been a Central Council Member for two consecutive terms of 2010-13 and 2013-16. As the President of the ICAI, he is now the Chairman of all the Standing Committees of the ICAI, Member ex-officio in all Non-Standing Committees of the ICAI and Editor of The Chartered Accountant Journal.

He graduated in Commerce from Pragati Maha Vidyalaya Abids, affiliated to Osmania University, Hyderabad. CA. Reddy qualified as a Chartered Accountant in November 1987 and thereafter started independent professional practice. He was an elected member of the Managing Committee of Hyderabad Branch and its Chairman in 1997-98. He was also elected to Southern India Regional Council and was its Chairman in the year 2009-10.

He has worked as Chairman, Vice-Chairman and member of various Standing & Non-Standing Committees of ICAI. He is widely commended and credited for his key role in conceptualisation and devising of a new futuristic CA Curriculum as Chairman of Board of Studies in 2014-15.

CA. M. Devaraja Reddy is involved in a number of social service activities. He is also an active member in Indo-Pakistan Cultural Society and Federation of Andhra Pradesh Chamber of Commerce & Industry.

CA. M. Devaraja Reddy has attended and contributed to numerous national and international seminars and conferences on issues of professional interest.



CA. Nilesh Vikamsey
Vice President, ICAI, 2016-17

CA. Nilesh Vikamsey is the new Vice President of The Institute of Chartered Accountants of India for the term 2016-17. A resident of Mumbai, he is a member of the ICAI since 1985 and has served as a Central Council Member since 2010. As the Vice President of the ICAI, he is now the Vice-Chairman of all the Standing Committees of

the ICAI, the Member ex-officio in all Non-Standing Committees of the ICAI and Joint Editor of The Chartered Accountant journal.

As Council Member, he has been Chairman of Board of Studies, Financial Reporting Review Board, Research Committee and Expert Advisory Committee and also Vice Chairman of Committee on Information Technology and Corporate Laws and Corporate Governance Committee. He was first Chairman of the Qualified Audit Report Committee (QARC) of SEBI.

A man with a global outlook and vision, he is noted for his work as Chairman of Education & CPD Committee of South Asian Federation of Accountants (SAFA) and as Representative of ICAI on the Committee for Improvement in Transparency, Accountability and Governance (ITAG) of SAFA.

He holds a Diploma in Information System Audit (DISA) of the ICAI besides having done Business Consultancy Studies Course of Bombay Chartered Accountants Society jointly with Jamnalal Bajaj Institute of Management Studies (JBIMS).



OFFICE BEARERS
of WIRC for the year 2016-17

- CA. Shruti Shah, Chairperson
- CA. Hardik Shah, Vice Chairman
- CA. Kamlesh Saboo, Secretary
- CA. Shilpa Shinagare, Treasurer



CA. Pradeep Agrawal
Chairman, WICASA



Team WIRC 2016-17

Sitting from L-R: CA. Shilpa Shinagare, Treasurer, CA. Hardik Shah, Vice Chairman, CA. Shruti Shah, Chairperson, CA. Kamlesh Saboo, Secretary, CA. Pradeep Agrawal, Chairman, WICASA, **Standing from L-R:** CA. Priyam Shah, CA. Balkishan Agarwal, CA. Rakesh Alsi, CA. Drushti Desai, CA. Priti Savla, CA. Sarvesh Joshi, CA. Vishnu Agarwal, CA. Vikrant Kulkarni, CA. Aniket Talati, Standing 2nd Line from L-R: CA. Purushottam Khandelwal, CA. Satyanarayan Mundada, CA. Sandeep Jain, CA. Umesh Sharma, CA. Sushrut Chitale, CA. Manish Gadia, CA. Abhijit Kelkar, CA. Lalit Bajaj

Dear Colleagues,

Success...Achievements...Victories...The secret behind these words is just one – Teamwork. It is the ability to direct individual accomplishments toward institutional objectives and is the fuel that allows common people to attain uncommon results. Teamwork is the reason why the WIRC of ICAI remains one of the most successful and ethical professional bodies in India.

'Together We Can' are three words to inspire us to achieve great goals. This belief is made up of positive actions such as 'Trust, Co-operation, Commitment, Respect, Support, Sharing, Knowledge, Ideation, Challenges and Pro-active attitude'. By converting these thoughts into deeds, we will see our ethos of 'Together We Can....Change the World', become a reality.

It is with great humility that I accept my position as the Chairperson of WIRC of ICAI, the most dynamic region in India and I assure you that I will stay committed.

On behalf of Team WIRC, I congratulate and welcome our visionary President, CA. M. Devaraja Reddy and our own versatile WIRC member, Vice President, CA. Nilesh Vikamsey. We are indeed fortunate to have seniors of the highest professional calibre as our torch bearers. We pledge to work closely with our leaders and accelerate the growth of WIRC under their esteemed guidance.

I would also like to acknowledge the accomplishments of outgoing Chairman, CA. Sunil Patodia and his office bearers, WICASA Chairman CA. Hardik Shah and all students and the award winning Branches of WIRC. Under CA. Sunil Patodia's leadership, WIRC won 'Best Region Award' and 'Best Student's Association Award'. WIRC has won awards in all 8 categories and bagged an unprecedented 18 awards.

My focus areas for WIRC for 2016-17, to take the region forward are:

- Accelerate infrastructural growth by perceiving current and future needs of members and students
- Organise regular interactive 'member – regulator' sessions
- Establish audio/video knowledge library of WIRC lectures and seminars
- Create awareness and involve members in industry through study groups like BFSI, Ind-AS, Indirect Taxes, Internal Financial Control, etc. to ensure that WIRC remains the collective think tank of our profession
- Interacting with the government to explore and create professional opportunities for our members
- Increase brand visibility of Chartered Accountants and project a positive image of the Institute
- Improve services by expediting administrative concerns
- Make our website rich in content
- Enhance our interactions with members via social media
- Initiate workshops to improve communication, presentation and management skills of Chartered Accountants
- Launch knowledge programmes to boost members' entrepreneurial skills
- Organise professional guidance sessions between industry experts, senior members and young members
- Conduct professional counselling sessions for women members

All members and students are free to reach out to myself or our Office Bearers to contribute constructive suggestions to make WIRC better. We would like to hear from you so that 'together we can' accelerate forward.

The belief 'Together We Can' makes it possible to reach the heights of our capabilities and in the process unite everyone through sharing of knowledge, ideas and building trust by empowering others. Together we can....and we will.

CA. SHRUTI SHAH



CHAIRPERSON'S COMMUNICATION



OFFICE BEARERS

CA. Shruti Shah, *Chairperson*
CA. Hardik Shah, *Vice Chairman*
CA. Kamlesh Saboo, *Secretary*
CA. Shilpa Shinagare, *Treasurer*
.....

EDITORIAL BOARD

CA. Shruti Shah, *Editor*

MEMBERS

CA. Vishnu Agarwal
CA. Sarvesh Joshi
CA. Sandeep Jain
CA. Lalit Bajaj
CA. N. C. Hegde, *Ex-Officio*
.....

Forthcoming Events – Pg 6

Bulletin Board – Pg 11

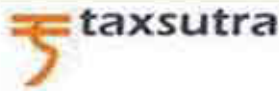
List of Committees
2016-17 – Pg 12

Forthcoming Study
Circle Meetings – Pg 14

Law Updates – Pg 15

Recent Judgments – Pg 21

Together
We Can...



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ICAI Awards to WIRC – 2015

Best Regional Council
Western India Regional Council (WIRC)
(Jointly with Eastern India Regional Council (EIRC))

Best Students Association
Western India Chartered Accountants Students Association (WICASA)

Best Branches of ICAI
(Mega Category)
Pune Branch of WIRC
(Large Category)
Nagpur Branch of WIRC (Jointly with Indore Branch of CIRC)

Highly Commended Branches of ICAI
(Mega Category)
Thane Branch of WIRC
(Large Category)
Nashik Branch of WIRC (Jointly with Ernakulam Branch of SIRC)
(Medium Category)
Pimpri Chinchwad Branch of WIRC
(Small Category)
Jalgaon Branch of WIRC
(Micro Category)
Nanded Branch of WIRC

Certificate of Appreciation
(Mega Category)
Ahmedabad Branch of WIRC
(Medium Category)
Jamnagar Branch of WIRC (Jointly with Raipur Branch of CIRC)
(Small Category)
Goa Branch of WIRC (Jointly with Hubli Branch of SIRC)

Best Branches of WICASA
(Large Category)
Pune Branch of WICASA (Jointly with Raipur Branch of CICASA)

Highly Commended Branches of WICASA
(Large Branch Category)
Ahmedabad Branch of WICASA (Jointly with Aurangabad Branch of WICASA)


Certificate of Appreciation
(Large Branch Category)
Baroda Branch & Vasai Branch of WICASA
(Jointly with Ernakulam Branch of SICASA and Guwahati Branch of EICASA)
(Medium Branch Category)
Nanded Branch of WICASA

Team WIRC expresses gratitude to all the Members and Students of the Western Region of the Institute

Obituary

CA. Rahul Maheshwari

M. No. 411481 left for Heavenly Abode on 22/11/2015. May the departed soul rest in peace.



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Batch2 – 7 May

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Seminar on Statutory Audit of Bank Branches

06
CPE HRS

DAY & DATE SATURDAY
MARCH 19, 2016

Venue	Sai Palace Hotel, Mahakali Caves Road, Chakala, Andheri (East)	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,800/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Sushrut Chitale	9821112904
	CA. Shilpa Shinagare	9820053395
	CA. Aniket Talati	9825551448
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Manish Dedhia	9930883146
	CA. Kailesh Kataruka	9619814133
	CA. Kamlesh Kothari	9820083144

TOPICS	SPEAKERS
Audit planning, L FAR, Audit Report & Various Certifications	CA. Niranjan Joshi
Audit of Transactions other than advances, Suspense Accounts, Sensitive Accounts – Risk Perception	CA. Niranjan Joshi
Audit of Advances & Prudential Norms	CA. Vipul Choksi
Audit of Foreign Exchange Transactions (Deposits, Advances- Funded/Non funded)	CA. Nilesh Joshi
Audit through Core banking solutions	CA. Anagha Thatte

Seminar on Prevention of Money Laundering Act (PMLA)

06
CPE HRS

DAY & DATE SATURDAY
MARCH 19, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Priti Savla	9321426883
	CA. Manish Gadia	9820537986
	CA. Purushottam Khandelwal	9825020844
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Gaurav Save	9969001607
	CA. Mamta Parsekar	9820613536
	CA. Himanshu Chhedra	9820676826

TOPICS	SPEAKERS
Inauguration	Shri Uday Bhaskar <i>Special Director, ED</i> Shri Satyavrat <i>Joint Director, ED</i>
Introduction to PMLA	CA. Dilip M. Shah
PMLA Law in Making	Shri S. P. Singh, <i>ALA, ED</i>
Case Studies	Adv. Nitee Punde
Risk & threat of money laundering through cyber crime	CA. K. N. Bhat

Annual Capital Markets Summit 2016

06
CPE HRS

DAY & DATE SATURDAY
MARCH 19, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Vishnu Agarwal	9833310916
	CA. Hardik Shah	9825510422
	CA. Lalit Bajaj	9867692321
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Mayur Parkeria	9823178406
	CA. Kinner Mehta	9819824641
	CA. Namrata Shah	9224876552
	CA. Vijay Mullaji	9820534677

TOPICS & SPEAKERS

Insights on Global & Indian Financial Markets, Investment Management, Equity Research, Fundamental Analysis, Technicals, Valuations, Investment Banking, Sectoral Analysis, Fund Raising and Markets, Professional Opportunities for CAs in multiple areas and domains – **Shri Kisan Ratilal Choksey, Trustee, The Stock Exchange, CA. Manoj Alimchandani, CA. Nipun Mehta, CA. Rajeev Thakkar, CA. Samir Shah, CA. Ajay Parmar and Eminent Personalities (CEO, CIO, CXOs)**

Seminar on Statutory Audit of Bank Branches

06
CPE HRS

DAY & DATE SATURDAY
MARCH 26, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Kamlesh Saboo	9819195333
	CA. Umesh Sharma	9822079900
	CA. Priyam Shah	9824096112
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Ritesh Hibare	9773418343
	CA. Nidhi Mewada	9619602084
	CA. Pritee Panchal	9819844965

TOPICS	SPEAKERS
Audit of Advances – Funded & Non-Funded	CA. Sandeep Welling
Income Recognition, Asset Classification & Provisioning Norms (NPAs)	CA. Dhananjay Gokhale
LFAR & Certifications	CA. Ramesha Shetty
Audit in CBS Environment	Eminent Faculty

Lecture Meeting on Goal Setting

02
CPE HRS

DAY & DATE FRIDAY
MARCH 18, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	5.00 p.m. to 7.00 p.m.	
Fees	Free	
Chief Co-ordinators	CA. Manish Gadia 9820537986	CA. Vikrant Kulkarni 9881880073
	<i>(Regional Council Members)</i>	

TOPICS	SPEAKERS
Goal Setting	Ms. Kadambari Deodhar
Unleash The Power Within You	Dr. Hiru Bilani

Seminar on Provisions of Budget (Direct Taxes)

03
CPE HRS

DAY & DATE SATURDAY
MARCH 19, 2016

Venue	J. S. Lodha Auditorium, ICAI Bhawan, Cuffe Parade	
Time	10.00 a.m. to 1.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 700/- (inclusive of course material & refreshment) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Sandeep Jain 9819788099	CA. Sarvesh Joshi 9822022292
	CA. Rakesh Alshi 9819427242	<i>(Regional Council Members)</i>
Co-ordinators	CA. Mehul Sheth 9820297310	CA. Aditi Chaturvedi 9768350383

TOPIC
Direct Tax Provisions of Finance Bill, 2016

Seminar on TDS

06
CPE HRS

DAY & DATE SATURDAY
APRIL 2, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Vishnu Agarwal 9324544607	CA. Pradeep Agrawal 9898560967
	CA. Satyanarayan Mundada 9422080814	<i>(Regional Council Members)</i>
Co-ordinators	CA. Ankit Sanghvi 9820689003	CA. Hinal Chhatbar 9322507820
	CA. Dhaval Acharya 9819411101	

TOPICS
Overview & Practical Aspects of Sec. 195 • Case study on TDS on payment to non-residents

Seminar on Provisions of Budget (Indirect Taxes)

03
CPE HRS

DAY & DATE SATURDAY
MARCH 19, 2016

Venue	J. S. Lodha Auditorium, ICAI Bhawan, Cuffe Parade	
Time	2.00 p.m. to 5.00 p.m. (Registration 1.30 p.m. to 2.00 p.m.)	
Fees	` 700/- (inclusive of course material & refreshment) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Kamlesh Saboo 9819195333	CA. Abhijit Kelkar 9422126890
	CA. Drushti Desai 9820335923	<i>(Regional Council Members)</i>
Co-ordinators	CA. Arun Prithwani 9820917280	CA. Swati Bhatkar 9967537989

TOPIC	SPEAKER
Indirect Tax Provisions of Finance Bill, 2016	CA. A. R. Krishnan

Seminar on Post Assessment Issues under I.Tax Act

06
CPE HRS

DAY & DATE SATURDAY
APRIL 2, 2016

Venue	J. S. Lodha Auditorium, ICAI Bhawan, Cuffe Parade	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Shilpa Shinagare 9820053395	CA. Hardik Shah 9825510422
	CA. Aniket Talati 9825551448	<i>(Regional Council Members)</i>
Co-ordinators	CA. Y. R. Desai 9820448365	CA. Bipeen Mundade 9223290561
	CA. Devang Doshi 9967923276	

TOPICS
Expectation of Regulators from Internal Auditors of Stock Brokers • Issues in Rectification of Mistakes and Powers relating to amendment of orders • Issues before Recovery and Stay Proceedings • Concealment Penalties – Proceedings and Issues relating to Representation in Penalty Proceedings • Appeals before CIT (Appeals) – Appealable Orders, Procedure in Appeal, Additional Evidence, Powers of CIT (Appeals)

Study Group Meeting on BFSI & Capital Market

Date : Saturday, 23rd April, 2016

Time : 9.30 a.m. – 1.30 p.m. **CPE** : 4 hours

Venue : Conference Room, ICAI Tower, BKC

Annual Fees : ` 1,000/- per annum

Co-ordinator : CA. Pramod Kumar Agarwal 9930266050

Topic: Corporate Finance – SME Funding, Startups and Innovation in Financial Markets series – CA. Prakash Bhatia, CA. Alekh Gandhi, CA. Pramod Agarwal, CA. Manoj Alimchandani

Seminar on Audit & Taxation of Charitable Organisation

06
CPE HRS

DAY & DATE SATURDAY
APRIL 2, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Kamlesh Saboo 9819195333 CA. Balkishan Agarwal 9377110634 CA. Lalit Bajaj 9867692321 (Regional Council Members)	
Co-ordinators	CA. Amol Kamat 9823018763 CA. Sonia Dawar 9920283330 CA. Suszana Pillai 7045144985	

TOPICS	SPEAKERS
Registration & Regulatory Aspects of Charitable Organisations	CA. Suhas Malankar
Accounts & Audit Provisions of Charitable Organisation under Maharashtra Public Trust Tax Act	CA. Vijay Joshi
Taxation of Charitable Organisation	CA. Sanjiv Brahme

Seminar on Basic of Co-op. Societies

06
CPE HRS

DAY & DATE SATURDAY
APRIL 9, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Shilpa Shinagare 9820053395 CA. Abhijit Kelkar 9422126890 CA. Vikrant Kulkarni 9881880073 (Regional Council Members)	
Co-ordinators	CA. Gaurav Parwani 9323674628 CA. Nehal Turakhia 9833991898 CA. Premal Gandhi 9324383636	

TOPICS	SPEAKERS
97th Constitutional Amendment & Setup of Co-op. Dept.	CA. D. A. Chougule
Accounts & Audit Provision under MCS Act, 1960	CA. D. A. Chougule
Income Tax on Co-op. Societies	Eminent Faculty
Prof. Opportunities in Co-op. Societies	CA. Ramesh Prabhu

WIRC Event Co-ordinators

WIRC events are recognised throughout the profession for their varied, pertinent and professional knowledge base. WIRC endeavours to constantly provide new and updated information regarding our profession. Behind each successful event there is competent Co-ordinator who understands the subject and more importantly the type of professional who would benefit the most from that specific event.

WIRC needs more such Co-ordinators from Members of our profession to ensure that we continue to deliver the high quality events that is expected of WIRC. Today, we request members to come forward and become Co-ordinators of our events. A member can choose an event of their personal liking to Co-ordinate and we will give the necessary support.

Members wishing to co-ordinate events please contact e-mail: wirc@icai.in

Lecture Meeting on Professional Opportunities for CAs

02
CPE HRS

DAY & DATE FRIDAY
APRIL 8, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	5.30 p.m. to 7.30 p.m.	
Fees	Free	
Chief Co-ordinators	CA. Rakesh Alshi 9819427242 CA. Priyam Shah 9824096112 (Regional Council Members)	

TOPIC	SPEAKER
Professional Opportunities for CAs	CA. Shailesh Haribhakti

Seminar on E-filing under-DT & IDT for Newly Qualified CAs

06
CPE HRS

DAY & DATE SATURDAY
APRIL 9, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Lalit Bajaj 9867692321 CA. Purushottam Khandelwal 9825020844 CA. Sarvesh Joshi 9822022292 (Regional Council Members)	
Co-ordinators	CA. Aumkar Gadgil 8007976830 CA. Neha Patel 9833678901 CA. Nitin Jaisinghani 9967539598	

TOPICS
T.D.S. • ITR • MVAT • Service Tax

Seminar on Start-up Companies

03
CPE HRS

DAY & DATE SATURDAY
APRIL 9, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 1.00 p.m. (Registration 9.30 a.m. to 10.00 a.m.)	
Fees	` 700/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Sushrut Chitale 9821112904 CA. Satyanarayan Mundada 9422080814 CA. Pradeep Agrawal 9898560967 (Regional Council Members)	
Co-ordinators	CA. Kalpesh Kothari 9029371777 CA. Mukund Mall 9322224142 CA. Viral Mehta 9819030563	

TOPIC	SPEAKERS
Basic Requirements for start-up companies and assistance from Government for the same	CA. Jeenendra Bhandari CA. G. B. Modi

Seminar on VAT - CST

06
CPE HRS

DAY & DATE SATURDAY
APRIL 16, 2016

Venue	J. S. Lodha Auditorium, ICAI Bhawan, Cuffe Parade	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Rakesh Alshi	9819427242
	CA. Umesh Sharma	9822079900
	CA. Drushti Desai	9820335923
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Milind Joshi	9930033939
	CA. Reema Jethwa	9619602083
	CA. Mayur Momaya	9867952010

TOPICS	SPEAKERS
Recent Decisions in MVAT & CST laws	CA. C. B. Thakar
Recent Amendments under MVAT 7 & Allied Laws	CA. Deepak Thakkar
Recent Issues in Works Contracts & Leasing Transactions	CA. Kiran Garkar
Business Audit & Allied Provisions	CA. Vikram Mehta

Seminar on Audit & Compliance Applicable to Stock Brokers

06
CPE HRS

DAY & DATE SATURDAY
APRIL 16, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Sushrut Chitale	9821112904
	CA. Balkishan Agarwal	9377110634
	CA. Satyanarayan Mundada	9422080814
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Aniket Kulkarni	9821690559
	CA. Sajjan Agrawal	9322281706
	CA. Neeti Mishra	9324679343

TOPICS	SPEAKERS
PMLA compliances applicable for securities market intermediaries	Shri Sagar Tanna
Expectation of regulators from internal auditors of stock brokers	CA. Kinjal Shah
Expectations of regulators from internal auditors of depository Participants & Issues in DP Committee	CA. Sandeep Maheshwari
Consent Application under SEBI	CA. Jayant Thakur

Seminar on Service Tax

06
CPE HRS

DAY & DATE SATURDAY
APRIL 16, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Sarvesh Joshi	9822022292
	CA. Priyam Shah	9824096112
	CA. Aniket Talati	9825551448
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Akshay Tambe	9892701496
	CA. Ashish Bakliwal	9004315053
	CA. Dattatray Pawar	9967835454

TOPICS	SPEAKERS
Valuation of Taxable service	CA. Mandar Telang
Recent Judicial decisions on Service Providers	CA. Sunil Gabhawalla
CENVAT Credit for Service – Providers	CA. Rahul Jain
Analysis Exemption, Exclusions, Valuation and Abatements–under constructions services	CA. Narendra Soni

Seminar on Ind-AS

06
CPE HRS

DAY & DATE SATURDAY
APRIL 23, 2016

Venue	J. S. Lodha Auditorium, ICAI Bhawan, Cuffe Parade	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Priti Savla	9321426883
	CA. Purushottam Khandelwal	9825020844
	CA. Manish Gadia	9820537986
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Hrishikesh Wandrekar	9892919239
	CA. Hiral Mehta	9892592283
	CA. Kunal Parikh	9892429993

TOPICS
Revenue recognition • Income Taxes • Employee Benefits • Property, plant and equipment and intangible assets • Financial instruments • Consolidation • Presentation of Financial Statements; First Time adoption of Ind-AS.

Contributors for Law Updates & Recent Judgments Newsletter Sections

The WIRC Newsletter performs a number of important roles. One of which is keeping members up-to-date with seminars, workshops and Forthcoming Events to look forward to. The second role is the important one of increasing the knowledge foundation of our members. The sections of 'Law Updates' and 'Recent Judgments' fulfil this purpose admirably and are much valued by all.

While WIRC greatly appreciates the professional inputs provided by the regular contributors towards these sections of our Newsletter, we would like to build on this and believe that to see the Newsletter reach its full potential we need more partners. We ask for more contributors from our fraternity to step forward and through their expert insight increase the knowledge foundation for all Members and Students.

Members interested in contributing towards the 'Law Updates' and 'Recent Judgments', please contact e-mail: wirc@icai.in

Seminar on Important Provisions of Companies Act

06
CPE HRS

DAY & DATE SATURDAY
APRIL 30, 2016

Venue	J. S. Lodha Auditorium, ICAI Bhawan, Cuffe Parade	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Priti Savla	9321426883
	CA. Hardik Shah	9825510422
	CA. Sarvesh Joshi	9822022292
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Arpit Kabra	9819007027
	CA. Sachin Phadke	9867350959
	CA. Abhijit Totade	9819659159

TOPICS

Compliances & E-filing requirements under Companies Act – Special Focus on compliances before 31st March, 2016

Guidance note on reporting on fraud under section 143(12)

Seminar on Accounting Standard

06
CPE HRS

DAY & DATE SATURDAY
APRIL 30, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Shilpa Shinagare	9820053395
	CA. Hardik Shah	9825510422
	CA. Umesh Sharma	9822079900
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Prajakta Patil	9819041003
	CA. Punit Mehta	9322661090
	CA. Sachin Holmukhe	9820561266

TOPICS

AS – Fixed Assets – AS 6, AS 10, AS 16, AS 26, AS 28

AS – Inventories – AS 2

AS – Revenue Recognition – AS 9, AS 7, AS 11

AS – Financial Instruments – AS 30, AS 31, AS 32

AS – Consolidation – AS 21, AS 23, AS 27

AS – Taxes & Provisions – AS 22, AS 29

AS – Employee Benefits – AS 15

A Study on Disclosures in Accounting Standards

Seminar on Taxation of Co-operative Societies

06
CPE HRS

DAY & DATE SATURDAY
APRIL 30, 2016

Venue	ICAI Tower, Near Standard Chartered Bank, BKC, Mumbai	
Time	10.00 a.m. to 6.00 p.m. (Registration & breakfast 9.30 a.m. to 10.00 a.m.)	
Fees	` 1,200/- (inclusive of course material, breakfast & lunch) (Please add ` 100/- towards CA Benevolent Fund)	
Chief Co-ordinators	CA. Sandeep Jain	9819788099
	CA. Abhijit Kelkar	9422126890
	CA. Vikrant Kulkarni	9881880073
	<i>(Regional Council Members)</i>	
Co-ordinators	CA. Meera Joiser	9819354164
	CA. Adesh Gupta	9819806769
	CA. Sunil Sharma	9769949829

TOPICS

Income Tax • Service Tax • Controversies & Issues with 80P CHS

FORM IV

The following is a statement of ownership and other particulars about the Western India Regional Council of the Institute of Chartered Accountants of India Newsletter as required under Rule 8 of the Registration of Newspapers (Central) Rule, 1956.

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Whether citizen of India? : Yes
(If foreigner, state the country of origin) :
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Whether citizen of India? : Yes
(If foreigner, state the country of origin) :
Address : 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-400 051.
- Name and address of individuals who own the newspaper and partners or shareholders holding more than one per cent of the total capital : 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-400 051.

I, Shri Koshy John, Joint Secretary hereby declare that the particulars given above are true to the best of my knowledge and belief.

Sd/-
Signature of the Publisher
(Shri Koshy John)
Joint Secretary

WIRC – AWARDS 2015

WIRC AWARDS TO BRANCHES OF WIRC

- Best Branch of WIRC**
 - Mega Branch Category: Pune, Ahmedabad & Thane Branches jointly
 - Large Branch Category: Nagpur & Nashik Branches jointly
 - Medium Branch Category: Pimpri Chinchwad Branch
 - Small Branch Category: Jalgaon & Goa Branches jointly
 - Micro Branch Category: Nanded Branch
- Highly Commendable Performance**
 - Mega Branch Category: Surat Branch
 - Large Branch Category: Baroda & Rajkot Branches jointly
 - Medium Branch Category: Aurangabad & Jamnagar Branches jointly
 - Small Branch Category: Solapur & Ahmednagar Branches jointly
 - Micro Branch Category: Dhule Branch
- Certificate of Appreciation**
 - Large Branch Category: Vasai & Navi Mumbai Branches jointly
 - Small Branch Category: Gandhidham, Akola & Vapi Branches jointly
 - Micro Branch Category: Anand & Amravati Branches jointly
- Best Research Paper**: Thane & Rajkot Branches jointly
- Highly Commendable Research Paper**: Vasai Branch

WIRC AWARDS TO WICASA OF WIRC

- Best Branch of WIRC**
 - Mega Branch Category: Ahmedabad & Pune Branches jointly
 - Large Branch Category: Vasai Branch
 - Medium Branch Category: Baroda Branch
 - Small Branch Category: Aurangabad Branch
 - Micro Branch Category: Jalgaon Branch
- Highly Commendable Performance**
 - Mega Branch Category: Thane Branch
 - Large Branch Category: Surat Branch
 - Medium Branch Category: Rajkot & Nashik Branches jointly
 - Small Branch Category: Ahmednagar & Pimpri Chinchwad Branches jointly
 - Micro Branch Category: Jamnagar & Nanded Branches jointly
- Certificate of Appreciation**
 - Medium Branch Category: Nagpur Branch
 - Micro Branch Category: Akola & Goa Branches jointly

WIRC AWARDS TO CPE STUDY CIRCLE OF WIRC

Within Mumbai

- Best CPE Study Circle of WIRC**
 - Large CPE Study Circle Category: Borivali (Central) & J. B. Nagar CPE Study Circles jointly
 - Medium CPE Study Circle Category: Ghatkopar & Mulund CPE Study Circles jointly
 - Small CPE Study Circle Category: Andheri (West) & Kalbadevi CPE Study Circles jointly
- Highly Commendable Performance**
 - Small CPE Study Circle Category: Borivali Kandivali & Chembur CPE Study Circles jointly
- Certificate of Appreciation**
 - Small CPE Study Circle Category: Khar CPE Study Circle
- Special Recognition for Concept Paper**: Borivali (Central) & J. B. Nagar CPE Study Circles jointly
- Certificate of Appreciation**: BFSI & Capital Market, Indirect Tax & IFRS Study Groups jointly

- Chairman Special Appreciation Award for Unique Activity**: Churchgate, Matunga, Vile Parle & Worli CPE Study Circles jointly
 - Outside Mumbai**
- Best CPE Study Circle of WIRC**
 - Large CPE Study Circle Category: Ellisbridge CPE Study Circle
 - Small CPE Study Circle Category: Gandhidham CPE Study Circle
- Highly Commendable Performance**
 - Large CPE Study Circle Category: Ashram Road & Navjivan CPE Study Circles jointly
 - Small CPE Study Circle Category: Anurvati Dwar & Vasai Virar CPE Study Circles jointly
- Certificate of Appreciation**: Bhiwandi, Dombivali & Pune City CPE Study Circles jointly
- Special Recognition for Concept Paper**: Ellisbridge & Gandhidham CPE Study Circles jointly
- Chairman Special Appreciation Award**: Ulhasnagar & Kalyan CPE Study Circles jointly

Grievance Redressal Mechanism On Administrative Matters

E-SAHAYATAA is a time bound grievance redressal mechanism hosted on ICAI website for administrative matters. Members and students are requested to visit www.icaai.org to log in their grievances. In this context, members and students are requested to log in their grievances to "correct activity", which has been listed under the e-Sahayataa, so as to avoid delay in resolving such matters/receiving appropriate replies.

In addition to the above, members and students can send their grievances related to administrative matters, to the dedicated e-mail ID wircgrievance@icaai.in. The Grievance Cell under the Grievance Committee of WIRC will further ensure that all such e-mails received are directed/forwarded to the designated/appropriate officials on daily basis on all working days and also will strive to ensure that solutions are provided for such grievances, within a reasonable time.

Web Portal

www.icaai.org/e-Services/Reprint letter - Members/Students

Help Us To Serve You Better

The Students/Members can download and print copies of letters in respect of different activities viz., Registration of CPT/IPCC/Final, Registration & Reregistration/Termination/Completion of Articles, New Enrolment letters of Membership, Member Card and/or Constitution/Reconstitution Certificate of Firm, Firm Card alike from the following portal of ICAI website www.icaai.org.

Membership Fees

Those Members who have not paid their annual membership/COP fees for the year 2015-16 till 30th September, 2015 are now requested to apply for restoration of membership by submitting Form No. 9 (available on ICAI website) www.icaai.org under the link-Forms Download along with the restoration fees and membership fees (and Certificate of Practice fee if applicable) latest by 31/3/2016 which will enable us to restore their names with retrospective effect i.e. from 1st October, 2015.

The schedule of fees payable is given below:

For Members below age of 60 years		For Members above age of 60 years (as on 1st April 2015)	
Associate Without Certificate of Practice	₹ 800/-	Associate Without Certificate of Practice	₹ 600/-
Associate With Certificate of Practice	₹ 2,800/-	Associate With Certificate of Practice	₹ 2,100/-
Fellow Without Certificate of Practice	₹ 2,200/-	Fellow Without Certificate of Practice	₹ 1,600/-
Fellow With Certificate of Practice	₹ 4,200/-	Fellow With Certificate of Practice	₹ 3,100/-

Restoration Fee ₹ 1,200

Standing Committees

	Executive	Professional Development	Public Relations	Student	Career Counselling
Chairman	CA. Shruti Shah	CA. Sandeep Jain	CA. Lalit Bajaj	CA. Pradeep Agrawal	CA. Abhijit Kelkar
Convenor	CA. Kamlesh Saboo	CA. Sarvesh Joshi	CA. Balkishan Agarwal	CA. S. G. Mundada	CA. Shilpa Shinagare
Office Bearers	CA. Hardik Shah CA. Shilpa Shinagare	CA. Shruti Shah CA. Kamlesh Saboo	CA. Kamlesh Saboo CA. Shruti Shah	CA. Hardik Shah CA. Kamlesh Saboo	CA. Hardik Shah CA. Shruti Shah
Regional Council Members	CA. Priyam Shah CA. Sandeep Jain CA. Vishnu Agarwal CA. Rakesh Alshi	CA. Vishnu Agarwal CA. Shilpa Shinagare CA. Priyam Shah CA. Purushottam Khandelwal	CA. Priyam Shah CA. Abhijit Kelkar CA. Umesh Sharma CA. Manish Gadia	CA. Sandeep Jain CA. Vikrant Kulkarni CA. Balkishan Agarwal CA. Aniket Talati CA. Purushottam Khandelwal	CA. Aniket Talati CA. Rakesh Alshi CA. Kamlesh Saboo CA. Balkishan Agarwal
Central Council Members (Ex-Officio)	CA. Mangesh Kinare	CA. Prafulla Chhajed	CA. Mangesh Kinare	CA. Dhiraj Khandelwal	CA. Dhiraj Khandelwal

Non-Standing Committees

	Accounting Standards for Local Bodies	Banking, Insurance & Pension	Branch Co-ordination	Capacity Building	Co-op. Society (Maharashtra)
Chairman	CA. Sushrut Chitale	CA. Balkishan Agarwal	CA. Hardik Shah	CA. Vikrant Kulkarni	CA. Shilpa Shinagare
Convenor	CA. Priti Savla	CA. Shilpa Shinagare	CA. Sarvesh Joshi	CA. Priyam Shah	CA. Vikrant Kulkarni
Office Bearers	CA. Shilpa Shinagare CA. Hardik Shah	CA. Kamlesh Saboo CA. Shruti Shah	CA. Shruti Shah CA. Kamlesh Saboo	CA. Shilpa Shinagare CA. Shruti Shah	CA. Hardik Shah CA. Kamlesh Saboo
Regional Council Members	CA. Umesh Sharma CA. Purushottam Khandelwal CA. Aniket Talati CA. Manish Gadia	CA. Sarvesh Joshi CA. S. G. Mundada CA. Sushrut Chitale CA. Priyam Shah	CA. Purushottam Khandelwal CA. Rakesh Alshi CA. Sandeep Jain CA. Umesh Sharma	CA. Drushti Desai CA. Balkishan Agarwal CA. Hardik Shah CA. Purushottam Khandelwal	CA. S. G. Mundada CA. Abhijit Kelkar CA. Vishnu Agarwal CA. Sushrut Chitale
Central Council Members (Ex-Officio)	CA. Nihar Jambusaria	CA. Anil Bhandari	CA. Jay Chhaira	CA. Jay Chhaira	CA. Mangesh Kinare

	Co-op. Society (Gujarat)	Corporate & Allied Laws	CPE	Direct Taxation	Editorial
Chairman	CA. Hardik Shah	CA. Purushottam Khandelwal	CA. Vikrant Kulkarni	CA. Vishnu Agarwal	CA. Shruti Shah
Convenor	CA. Pradeep Agrawal	CA. Pradeep Agrawal	CA. Shilpa Shinagare	CA. Rakesh Alshi	CA. Kamlesh Saboo
Office Bearers	CA. Shruti Shah CA. Shilpa Shinagare	CA. Shilpa Shinagare CA. Kamlesh Saboo	CA. Kamlesh Saboo CA. Shruti Shah	CA. Shilpa Shinagare CA. Shruti Shah	CA. Hardik Shah CA. Shilpa Shinagare
Regional Council Members	CA. Aniket Talati CA. Balkishan Agarwal CA. Purushottam Khandelwal CA. Priti Savla	CA. Priti Savla CA. Drushti Desai CA. Hardik Shah CA. Sushrut Chitale	CA. Umesh Sharma CA. Lalit Bajaj CA. Aniket Talati CA. Rakesh Alshi	CA. Kamlesh Saboo CA. Pradeep Agrawal CA. Sandeep Jain CA. Drushti Desai	CA. Sandeep Jain CA. Vishnu Agarwal CA. Lalit Bajaj CA. Sarvesh Joshi
Central Council Members (Ex-Officio)	CA. Dhinal Shah	CA. Dhinal Shah	CA. Tarun Ghia	CA. Nihar Jambusaria	CA. N. C. Hegde

	Exposure Draft	FMIP	GMCS Co-ordination	Grievances	Hostel
Chairman	CA. Sushrut Chitale	CA. Abhijit Kelkar	CA. Kamlesh Saboo	CA. S. G. Mundada	CA. S. G. Mundada
Convenor	CA. Pradeep Agrawal	CA. Priti Savla	CA. Sandeep Jain	CA. Hardik Shah	CA. Sandeep Jain
Office Bearers	CA. Shilpa Shinagare CA. Shruti Shah	CA. Shilpa Shinagare CA. Hardik Shah	CA. Shilpa Shinagare CA. Shruti Shah	CA. Kamlesh Saboo CA. Shilpa Shinagare	CA. Kamlesh Saboo CA. Hardik Shah
Regional Council Members	CA. Manish Gadia CA. Drushti Desai CA. Rakesh Alshi CA. Lalit Bajaj	CA. Balkishan Agarwal CA. Vikrant Kulkarni CA. S. G. Mundada CA. Sarvesh Joshi	CA. Vikrant Kulkarni CA. Abhijit Kelkar CA. Lalit Bajaj CA. Sarvesh Joshi	CA. Purushottam Khandelwal CA. Pradeep Agrawal CA. Priti Savla CA. Sarvesh Joshi	CA. Vishnu Agarwal CA. Balkishan Agarwal CA. Vikrant Kulkarni CA. Abhijit Kelkar
Central Council Members (Ex-Officio)	CA. Shiwaji Zaware	CA. N. C. Hegde	CA. Shiwaji Zaware	CA. Shiwaji Zaware	CA. Dhiraj Khandelwal

	Ind-AS (IFRS) Implementation	Information Technology	Internal Audit	Library	Management Accounting	Professional Accountants in Business & Industry
Chairman	CA. Priyam Shah	CA. Aniket Talati	CA. Pradeep Agrawal	CA. Lalit Bajaj	CA. Balkishan Agarwal	CA. Drushti Desai
Convenor	CA. Aniket Talati	CA. Lalit Bajaj	CA. Purushottam Khandelwal	CA. Aniket Talati	CA. Manish Gadia	CA. Balkishan Agarwal
Office Bearers	CA. Shilpa Shinagare CA. Kamlesh Saboo	CA. Shilpa Shinagare CA. Shruti Shah	CA. Kamlesh Saboo CA. Shilpa Shinagare	CA. Hardik Shah CA. Shruti Shah	CA. Hardik Shah CA. Shilpa Shinagare	CA. Shruti Shah CA. Kamlesh Saboo
Regional Council Members	CA. Pradeep Agrawal CA. Manish Gadia CA. Rakesh Alshi CA. Sushrut Chitale	CA. Kamlesh Saboo CA. Priti Savla CA. Drushti Desai CA. Rakesh Alshi	CA. Aniket Talati CA. Hardik Shah CA. Priyam Shah CA. Sushrut Chitale	CA. Manish Gadia CA. S. G. Mundada CA. Priyam Shah CA. Sarvesh Joshi	CA. Pradeep Agrawal CA. Priti Savla CA. Lalit Bajaj CA. Umesh Sharma	CA. Shilpa Shinagare CA. Hardik Shah CA. Pradeep Agrawal CA. Vishnu Agarwal
Central Council Members (Ex-Officio)	CA. Tarun Ghia	CA. Anil Bhandari	CA. Anil Bhandari	CA. Shiwaji Zaware	CA. Tarun Ghia	CA. Dhiraj Khandelwal

	Public Finance & Govt. Accounting	Research	Study Circle Co-ordination	Women Empowerment	Young Member Empowerment	International Taxation
Chairman	CA. Shilpa Shinagare	CA. Umesh Sharma	CA. Sarvesh Joshi	CA. Priti Savla	CA. Umesh Sharma	CA. Rakesh Alshi
Convenor	CA. Purushottam Khandelwal	CA. Manish Gadia	CA. Vishnu Agarwal	CA. Drushti Desai	CA. Lalit Bajaj	CA. Aniket Talati
Office Bearers	CA. Hardik Shah CA. Shruti Shah	CA. Shilpa Shinagare CA. Kamlesh Saboo	CA. Kamlesh Saboo CA. Hardik Shah	CA. Shruti Shah CA. Shilpa Shinagare	CA. Kamlesh Saboo CA. Hardik Shah	CA. Shruti Shah CA. Kamlesh Saboo
Regional Council Members	CA. Umesh Sharma CA. Vikrant Kulkarni CA. S. G. Mundada CA. Priyam Shah	CA. Sushrut Chitale CA. Pradeep Agrawal CA. Umesh Sharma CA. Abhijit Kelkar	CA. Umesh Sharma CA. Abhijit Kelkar CA. Lalit Bajaj CA. Sandeep Jain	CA. Balkishan Agarwal CA. Kamlesh Saboo CA. Sandeep Jain	CA. Balkishan Agarwal CA. Purushottam Khandelwal CA. Aniket Talati CA. Sarvesh Joshi	CA. Vikrant Kulkarni CA. Pradeep Agrawal CA. Manish Gadia CA. Desai Drushti CA. Umesh Sharma
Central Council Members (Ex-Officio)	CA. Prafulla Chhajed	CA. Nihar Jambusaria	CA. Anil Bhandari	CA. Jay Chhaura	CA. N. C. Hegde	CA. Nihar Jambusaria

	Indirect Taxation	CSR Committee		Indirect Taxation	CSR Committee
Chairman	CA. Manish Gadia	CA. Drushti Desai	Regional Council Members	CA. Priyam Shah CA. Priti Savla CA. Kamlesh Saboo CA. Aniket Talati	CA. Hardik Shah CA. Abhijit Kelkar CA. Vikrant Kulkarni CA. S. G. Mundada
Convenor	CA. Umesh Sharma	CA. Sandeep Jain		Central Council Members (Ex-Officio)	CA. Mangesh Kinare
Office Bearers	CA. Hardik Shah CA. Shilpa Shinagare	CA. Kamlesh Saboo CA. Shilpa Shinagare			

GO GREEN - BOOK YOUR E-NEWSLETTER TODAY !

The world is slowly becoming more environment conscious and working towards making a more positive impact on the environment through different initiatives. The Institute and WIRC were the early torchbearers in thinking, planning and implementing this process in a phased manner amongst organisations in India. In fact, WIRC is working towards saving paper and the first step is to try and move from printed WIRC Newsletter to an e-Newsletter. **Members who desire to get only the e-newsletter as against a physical copy should send an e-mail to wircnewsletter@icai.in with the following details – Membership number, name, subject stating that members desire to get only e-newsletter.**

Thus, we start moving forward in working towards making a green impact. As we know, one of the best decisions organisations can make towards being environment friendly is by slowly implementing a paperless office. This step has a twofold benefit of helping organisations become more environmentally friendly while encouraging efficiency through streamlined corporate processes.

Also, simple responsible behaviour such as powering down computers and printers, switching off lights and fans when not required, checking documents before printing and printing them double sided, etc. has a huge positive impact on the environment. **Remember, all it takes to go green is to Reduce, Reuse, Recycle and Repair.**

Green Initiative
For a Better Tomorrow – Go Green Today



Date & Day	Time	Subject(s)	Speaker(s)	Venue	Organised by / Convenor / Mobile No.
12/03/2016 Saturday	9.30 a.m.	Finance Bill, 2016 – Indirect Tax Implications	CA. Suresh Nair CA. Amit Bothra	Mysore Association Hall, Bhaudaji Road, Matunga	Matunga CPE Study Circle CA. Jignesh Savla M: 9820260070
12/03/2016 Saturday	3.30 p.m.	Group Discussion on Impact of Budget on Direct Tax Group Discussion on Impact of Budget on Indirect Tax	Eminent Faculty CA. Manish Dedhia	Direct-I-Plex, New Nagardas Road, Opp. Wilson Pens, Near Andheri East Subway, Andheri (E)	J. B. Nagar CPE Study Circle CA. Pinki Kedia M: 9869030652
12/03/2016 Saturday	5.00 p.m.	Direct Tax proposal in Union Budget 2016	CA. Darshak Shah	Kandivali Recreation Club, Shantilal Modi Road, Near S.V.P. School, Kandivali (W)	Kandivali CPE Study Circle CA. Jalpesh Vora M: 9820186288
13/03/2016 Sunday	7.15 a.m. 8.45 a.m.	Power Yoga Advances – Funded / non Funded Practical Aspects in LFAR and Identification of NPA	CA. Malvika Mitra CA. Srinivas Joshi CA. Sandeep Walling	Hotel Kohinoor, Andheri Kurla Road, J. B. Nagar, Andheri (E)	J. B. Nagar CPE Study Circle CA. Pinki Kedia M: 9869030652
13/03/2016 Sunday	9.30 a.m.	Implications of Finance Bill on Direct Taxes & Service Taxes	CA Kishore Karia CA. A. R. Krishnan	Bhatia Wadi, Vasanttrao Chogale Road, Opp. Veer Savarkar Udyan Main Gate, Off L.T. Road, Borivali (W)	Borivali (Central) CPE Study Circle CA. Yashesh Jakhelia M: 8454878798
13/03/2016 Sunday	9.30 a.m.	Finance Bill, 2016 – Direct Tax Implications	CA. Pradip Kapasi	Mysore Association Hall, Bhaudaji Road, Matunga	Matunga CPE Study Circle CA. Jignesh Savla M: 9820260070
19/03/2016 Saturday	4.30 p.m.	Bank Branch Audit Audit under CBS Environment Audit Planning, LFAR Reporting, NPA Provisioning	CA. Abhijeet Kelkar Eminent Faculty	Agarwal College, Kalyan (W)	Kalyan CPE Study Circle CA. Kaushik Gada M: 9920424870
19/03/2016 Saturday	5.30 p.m.	Effective Representation before CIT (Appeals) and Tribunal, Recent Important Case laws under Income-tax Act	Adv. K. Gopal CA. Vimal Punamiya	Bhatia Wadi, Vasanttrao Chogale Road, Opp. Veer Savarkar Udyan Main Gate, Off L.T. Road, Borivali (W)	Borivali (Central) CPE Study Circle CA. Yashesh Jakhelia M: 8454878798
20/03/2016 Sunday	8.00 a.m. 1.00 p.m.	BCSC Premier League 5 (Cricket Tournament for BCSC Members) Women's Cricket (Cricket Tournament for BCSC Members)	BCSC Members BCSC Members	Poinsur Gymkhana, Kandivali (W)	Borivali (Central) CPE Study Circle CA. Yashesh Jakhelia M: 8454878798
20/03/2016 Sunday	9.00 a.m. 11.30 a.m.	Issues relating to Builders Income including Income on unsold stock Capital Gains Related to Real Estate Transactions/Impact	CA. Jagdish Punjabi Adv. Rahul Hakani		Goregaon CPE Study Circle CA. Ramakrishna Lingsur M: 9820057702
26/03/2016 Saturday	5.00 p.m.	Tax planning through HUF and family arrangement	CA. Manoj Karlekar	Kandivali Recreation Club, Shantilal Modi Road, Near S.V.P. School, Kandivali (W)	Kandivali CPE Study Circle CA. Jalpesh Vora M: 9820186288
26/03/2016 Saturday	5.30 p.m.	Data Analysis in Audit, Carrying out Concurrent & Stock Audit of Banks	CA. Mihir Mody CA. Neha Pansari CA. Giriraj Soni	Bhatia Wadi, Vasanttrao Chogale Road, Opp. Veer Savarkar Udyan Main Gate, Off L.T. Road, Borivali (W)	Borivali (Central) CPE Study Circle CA. Yashesh Jakhelia M: 8454878798
26/03/2016 Saturday	5.30 p.m.	Seminar on Bank Branch Audit	CA. Dhananjay Gokhle	4th Floor, New SNTD, Bhuriben, Cama Lane, Ghatkopar (W)	Ghatkopar CPE Study Circle CA. Rajesh Dholu M: 9833828892
03/04/2016 Sunday	7.15 a.m. 8.45 a.m.	Power Yoga AGM – Updates on Ind-AS – Part II	CA. Malvika Mitra CA. Rakesh Agarwal	Hotel Kohinoor, Andheri Kurla Road, J. B. Nagar, Andheri (E)	J. B. Nagar CPE Study Circle CA. Pinki Kedia M: 9869030652
10/04/2016 Sunday	8.45 a.m.	Role of Technology in Improving Productivity at Work: Email Management Effective Task and Calendar Management Security and Password Management Collaborative working, File and Backup management	CA. Uday Shah CA. Ashutosh Rathi CA. Maitri Chheda CA. Dinesh Kumar Tejwani	A-52, AIPMA House Street No.1, Nr. Tunga International Hotel, MIDC, Andheri (E)	J. B. Nagar CPE Study Circle CA. Pinki Kedia M: 9869030652
23/04/2016 Saturday	5.30 p.m.	Due Diligence, Valuation Methodology	CA. Shailendra Jindal CA. Sujal Shah	Sarvoday A/c Hall, L. T. Road, Opp. Diamond Talkies, Borivali (W)	Borivali (Central) CPE Study Circle CA. Yashesh Jakhelia M: 8454878798
24/04/2016 Sunday	9.30 a.m.	MVAT & CENVAT Credit Rules for Builders & Work Contractors, MVAT Set off Rules - Works Contractors & Builders, CENVAT Credit Rules - Works Contractors & Builders	CA. Dilip Laxman Phadke CA. Manish Gadia	Sarvoday A/c Hall, L. T. Road, Opp. Diamond Talkies, Borivali (W)	Borivali (Central) CPE Study Circle CA. Yashesh Jakhelia M: 8454878798
30/04/2016	9.30 a.m.	Charitable Trust & FCRA provisions, Formation and Registration of Public Charitable Trust, FCRA provisions for Charitable Trust	CA. Vijay Joshi CA. Jagat Mehta	Sarvoday A/c Hall, L. T. Road, Opp. Diamond Talkies, Borivali (W)	Borivali (Central) CPE Study Circle CA. Yashesh Jakhelia M: 8454878798

DIRECT TAX

(Contributed by CA. Haresh P. Kenia & CA. Deepak Lala)

Section 115JB, read with Sections 115JA and 271(1)(C), of the Income-Tax Act, 1961 – Minimum Alternate Tax – Penalty under Section 271(1)(C) wherein Additions/Disallowances made under Normal Provisions of the said Act but tax levied under MAT Provisions under Sections 115JB/115JC, for cases prior to Assessment Year 2016-17

Circular No. 25/2015 [F.No. 279/Misc./140/2015/IT], dated 31-12-2015

In view of the Hon'ble Delhi High Court judgment dated 26-8-2010 in ITA No. 1420 of 2009 [2010] 194 taxmann 387 (Delhi) in the case of Nalwa Sons Investment Ltd. (available in NJRS as 2010-LL-0826-2) and substitution of Explanation 4 of section 271 of the Act with prospective effect, it is now a settled position that prior to 1-4-2016, where the income tax payable on the total income as computed under the normal provisions of the Act is less than the tax payable on the book profits u/s. 115JB of the Act, then penalty under section 271(1)(c) of the Act is not attracted with reference to additions/disallowances made under normal provisions. It is clarified that in cases prior to 1-4-2016, if any adjustment is made in the income computed for the purpose of MAT, then the levy of penalty u/s. 271(1)(c) of the Act, will depend on the nature of adjustment. The above settled position is to be followed in respect of section 115JC of the Act also. Accordingly, the Board hereby directs that no appeals may henceforth be filed on this ground and appeals already filed, if any, on this issue before various Courts/Tribunals may be withdrawn/not pressed upon. This may be brought to the notice of all concerned.

Section 90 of the Income-tax Act, 1961 – Double Taxation Agreement – Agreement for Avoidance of Double Taxation and Prevention of Fiscal Evasion with Foreign Countries – Belarus

Notification No. SO 111(E) [No. 2/2016 (F.No. 501/07/1999-Ftd-I)], dated 13-1-2016

A Protocol amending the agreement between the Government of the Republic of India and the Government of the Republic of Belarus for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on property (Capital) of the 27th September, 1997 (hereinafter referred to as the said Protocol) as set out in the Annexure to this above notification, was signed at Minsk, Belarus on the 3rd June, 2015. The date of entry into force of the said Protocol is the 19th November, 2015, being the date of the latter of the notifications of completion of the legal requirement and procedures for giving effect to the said Protocol in accordance with paragraph 1 of Article 2. Paragraph 2 of Article 2 of the said Protocol provides that the provisions of the same shall have effect forthwith from the date of entry into force. Therefore, in exercise of the powers conferred by section 90 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that all the provisions of the said Protocol annexed to the above notification, shall be given effect to in the Union of India with effect from the 19th November, 2015.

Income-tax (First Amendment) Rules, 2016 – Substitution of Rule 17 & Form 10 and insertion of Form 9A

Notification No. SO 127(E) [F.No. 142/16/2015-TPL], dated 14-1-2016

In the Income-tax Rules, 1962 (hereinafter referred to as the said rules), for Rule 17, the following rule shall be substituted, namely:

- **“17. Exercise of option etc. under section 11.** (1) The option to be exercised in accordance with the provisions of the Explanation to sub-section (1) of section 11 in respect of income of any previous year relevant to the assessment

year beginning on or after the 1st day of April, 2016 shall be in Form No. 9A and shall be furnished before the expiry of the time allowed under sub-section (1) of section 139 for furnishing the return of income of the relevant assessment year.

- (2) The statement to be furnished to the Assessing Officer or the prescribed authority under sub-section (2) of section 11 or under the said provision as applicable under clause (21) of section 10 shall be in Form No. 10 and shall be furnished before the expiry of the time allowed under sub-section (1) of section 139, for furnishing the return of income.
- (3) The option in Form No. 9A referred to in sub-rule (1) and the statement in Form No. 10 referred to in sub-rule (2) shall be furnished electronically either under digital signature or electronic verification code.
- (4) The Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems), as the case may be, shall—
 - (i) Specify the procedure for filing of Forms referred to in sub-rule (3);
 - (ii) Specify the data structure, standards and manner of generation of electronic verification code, referred to in sub-rule (3), for purpose of verification of the person furnishing the said Forms; and (ii) be responsible for formulating and implementing appropriate security, archival and retrieval policies in relation to Forms so furnished.”

In the said rules, in Appendix II after Form No. 9, the Form 9A has been inserted and Form 10 has been substituted. The above shall come into force from 1st April, 2016.

Section 139 of the Income-Tax Act, 1961 – Return of Income – Electronic Verification Code (EVC) for Electronically Filed Income Tax Return – Additional Modes

Notification No. 1/2016 [F.No. 1/23/CIT (OSD)/E-Filing-Electronic Verification/2015-16], dated 19-1-2016

Additional Modes of Generation of EVC

1. **Where the EVC (Electronic Verification Code) is generated by giving bank details to the e-filing website <https://incometaxindiaefiling.gov.in>**

A facility to pre-validate Bank account details will be provided to the assessee under Profile Settings menu in e-filing website i.e. <https://incometaxindiaefiling.gov.in>. Assessee has to provide the following bank account details: 1. Bank account number 2. IFSC 3. E-mail ID and 4. Mobile Number. These details provided by the assessee along with PAN and Name as per e-filing database will be validated against the details of taxpayer registered with bank. If the pre-validation is successfully completed, assessee can opt for “Generate EVC using bank account details” option while verifying the income tax return.

Generated EVC will be sent by e-filing portal to taxpayer's e-mail ID and/or mobile number verified from bank.

List of Banks participating in this facility will be as provided in income tax website.

2. **Where the EVC (Electronic Verification Code) is generated after Demat account authentication using Demat details registered with CDSL/ NSDL**

A facility to pre-validate Demat account details will be provided to the assessee under Profile Settings menu in e-filing website i.e. <https://incometaxindiaefiling.gov.in>. Assessee has to provide the following Demat account details: 1. Demat account number 2. e-mail ID and 3. Mobile Number. These details provided by the assessee along with

PAN and Name as per e-filing database will be validated against the details of taxpayer registered with depository (CDSL/NSDL). If the pre-validation is successfully completed, assessee can opt for "Generate EVC using Demat account details" option while verifying the Income tax return.

Generated EVC will be sent by e-filing portal to e-mail ID and/or Mobile Number verified from CDSL/NSDL.

The Depositories participating in this facility will be provided in income tax website.

MAHARASHTRA VAT (Contributed by CA. C. B. Thakar)

MVAT Act, 2002

The Government of Maharashtra has issued notification dated 2-1-2016 under section 9(1) of MVAT Act, 2002 whereby Entry 12B is inserted in Schedule A. By this entry notified drugs and medical equipments used in dialysis are made exempt.

Vide notification dated 2-1-2016 issued under above Entry A-12B, the list of items under the said entry are also notified.

MVAT Rules, 2005

The Government of Maharashtra has notified insertion of new Rule 52B in MVAT Rules, vide notification dated 30-12-2015. The rule seeks to restrict the set off in case of goods like aerated and carbonated non-alcoholic beverages and cigar and cigarettes.

CIRCULAR

1. The Commissioner of Sales Tax has issued Circular bearing No. 19T of 2015 dated 21-12-2015 by which the new scheme about downloading of Digitally Signed Registration Certificate is explained.
2. The Commissioner of Sales Tax has issued Circular bearing No. 20T of 2015 dated 31-12-2015 by which the information about restructuring of Sales tax department is given.

CORPORATE LAWS (Contributed by CA. Rahul Joglekar)

MCA (www.mca.gov.in)

MCA Circular No. 2/2016 dated 15th January 2016 – HUF / Karta as partner in LLP

MCA has clarified that HUF or its Karta cannot become a partner or designated partner in an LLP. For complete text of the circular, please refer the link: http://www.mca.gov.in/Ministry/pdf/General_Circular_2_2016.pdf

SEBI (www.sebi.gov.in)

SEBI Notification No. SEBI/LAD-NRO/GN/2015-16/034 dated 12th February, 2016 – Securities and Exchange Board of India (Mutual Funds) (Amendment) Regulations, 2016

SEBI has amended clause 1 of Seventh Schedule of Securities and Exchange Board of India (Mutual Funds) Regulations, 1996 with respect to the investments permissible to mutual funds. It has specified that a mutual fund scheme shall not invest more than 10% of its NAV in debt instruments comprising money market instruments and non-money market instruments issued by a single issuer which are rated not below investment grade by a credit rating agency. Certain exceptions have also been carved out in this regard. For a complete text of the notification, please refer the link: http://www.sebi.gov.in/cms/sebi_data/attachdocs/1455513505225.pdf

CENTRAL EXCISE (Contributed by CA. Jayesh Gogri)

Notifications

Tariff

Duty exemption to goods cleared by specified units located in Jammu and Kashmir restricted to qualifying units as on 31-3-2016

Goods manufactured by specified units located in Jammu and Kashmir State were conditionally exempted from duty of excise on its value addition vide Notification No. 56/2002-CE and 57/2002-CE dated 14th November, 2012. Now, exemption available is limited up to eligible units as on 31-3-2016 and subsequently new units are debarred from claiming exemption. Further exemption is not applicable to mere carrying out of processes like cleaning operations, packing or repacking of such goods in a unit container or labelling, relabelling of container, sorting, declaration or alteration of retail sale price.

(Notification No. 03/2016-CE dated 22nd January, 2016)

Excise duty increased on Motor Spirit (Petrol) and High Speed Diesel (HSD)

Unconditional partial exemption was provided to Motor Spirit (Petrol) and High Speed Diesel (HSD) vide Notification No. 12/2012-CE dated 17th March, 2012 and the same has been amended from time to time. The exemption differs on the basis of the intention of the manufacturer whether to sell it with a brand name or otherwise. With effect from specified date, the effective rate of excise duty on petrol and HSD has been increased as given in the following table:

Chapter Heading	Name of the Product	Intention	ED per litre (w.e.f. 31st January, 2016)
2710	Petrol	Sale without brand name	9.48
		Otherwise	10.66
27101930	HSD	Sale without brand name	11.33
		Otherwise	13.69

(Notification No. 04/2016-CE dated 30th January, 2016)

Non-tariff

Full CENVAT credit allowed on CVD paid on the import of ships, boats and other floating structures for breaking up

Presently, importer was entitled to avail CENVAT credit up to a limit of 85% of the CVD paid on the import of ships, boats and other floating structures for breaking up. Now, the restriction imposed is done away and full credit is available with retrospective effect from 1st March, 2015

(Notification No. 01/2016-CE(NT) dated 1st February, 2016)

Amendment to CENVAT Credit Rules

CENVAT Credit Rules, 2004 have been amended so as to allow input credit on services of sale of dutiable goods on commission basis by way of its inclusion in sales promotion activity and CENVAT credit of any duty shall not be utilised for payment of the Swachh Bharat Cess leviable under sub-section (2) of section 119 of the Finance Act, 2015

(Notification No. 02/2016-CE(NT) dated 3rd February, 2016)

Bhutan – Kholongchhu Hydro Electric project included for export of excisable goods thereto under Bond

Notification No. 45/2001-CE (NT) provides for export of excisable goods to Nepal or Bhutan without payment of duty. Now, specified electric projects for Bhutan includes Kholongchhu Hydro Electric project.

(Notification No. 03/2016-CE(NT) dated 3rd February, 2016)

Waiver from excise duty on Di-Calcium Phosphate (animal feed grade) allowed owing to general trade practice

As per general trade practice, no excise duty was paid on Di-Calcium Phosphate (animal feed grade) of rock phosphate origin falling under Tariff ID 2835. Thus, excise duty is not levied on corresponding goods during the period 1st February, 2008 to 1st February, 2014.

(Notification No. 04/2016-CE(NT) dated 12th February, 2016)

Circular

Clarification on Refund of excise duty on purchase of cars by physically handicapped persons

Physically handicapped persons are entitled to concessional rate of duty *vide* Notification No. 12/2012-CE. It was suggested that these refund application should be filed within one year from the date of payment of duty, even though certificate from the Home Ministry is unavailable at the time of making refund claim. Refund claim will be sanctioned after the receipt of certificate.

(Circular No. 1015/3/2016 – CX dated 3rd February, 2016)

SERVICE TAX (Contributed by CA. Rajiv Luthia)

SYNOPSIS OF NOTIFICATIONS, CIRCULARS & LETTERS

Central Government, *vide* Notification No. 1/2016-ST dated 3rd February, 2016, has amended Notification No. 41/2012-ST dated 29th June, 2012 whereby

- In case of export of excisable goods, rebate/refund is extended to “specified services” used beyond factory or any other place or premises of production or manufacture of the said goods, for their export. Hitherto rebate/refund was admissible only for those taxable services that have been used beyond the place of removal.
- Consequently, Explanation B defining “Place of Removal” is omitted.
- The rates specified in Schedule of Rates appended to said notification have been revised upwardly considering the change in Service Tax rate from 12.36% to 14%.

Central Government, *vide* Notification No. 2/2016-ST dated 3rd February, 2016, has amended Notification No. 12/2013-ST dated 1st July, 2013 whereby the developer or unit under SEZ is entitled to claim refund of Swachh Bharat Cess paid on specified services.

Central Government, *vide* Notification No. 3/2016-ST dated 3rd February, 2016, has amended Notification No. 39/2012-ST dated 20th June, 2012 whereby the exporter of service is eligible to claim rebate of Swachh Bharat Cess paid on input services used in providing services which are exported in terms of Rule 6A of the Service Tax Rules, 1994.

Central Government, *vide* Notification No. 4/2016-ST dated 15th February, 2016, has notified Service Tax & Central Excise (Furnishing of Annual Information Return) Rules, 2016 which shall come into force w.e.f. 1st April, 2016. As per these rules,

- RBI is required to furnish details of foreign remittances for the receipt of services declared under prescribed purpose codes for such entities whose value of remittances aggregates to more than ` 50 lakh in a financial year
- State Electricity Board or an electricity distribution or transmission licensee or any other entity entrusted with

such functions is required to furnish details of electricity consumed by manufacturers, using an induction furnace or rolling mill to manufacture goods falling under Section XV of the First Schedule to the Central Excise Tariff Act, 1985 whose aggregate value of clearances exceeds ` 150 lakh in a financial year.

- The said information is required to be filed electronically in Form AIRF along with relevant Annexure to the Directorate General of Systems & Data Management on or before 31st December of the subsequent financial year.

Central Government, *vide* Notification No. 5/2016-ST dated 17th February, 2016, has amended Notification No. 22/2015-ST dated 6th November, 2015 whereby Swachh Bharat Cess shall also not be leviable on services which are exempt from service tax by special order issued U/s. 93(2) of the Finance Act, 1994.

Central Government, *vide* Notification No. 6/2016-ST dated 18th February, 2016, has appointed 1st April, 2016 as the date on which the provisions of section 109(1) of the Finance Act, 2015 shall come into force.

The said section 109(1) amends section 66D (a)(iv) of Finance Act, 1994 to exclude all services provided by the Government or local authority to a business entity from the Negative List. Consequently, the definition of “support service” u/s. 65B (49) is also omitted from the said date.

Resultantly, all services provided by the Government or local authority to a business entity, except the services that are specifically exempted, or covered by any another entry in the Negative List, shall be liable to service tax.

Central Government, *vide* Notification No. 7/2016-ST dated 18th February, 2016 has amended Notification No. 25/2012-ST dated 20th June, 2012 whereby Entry No.48 is inserted w.e.f. 1st April, 2016 granting exemption to services provided by Government or a local authority to a business entity with a turnover up to ` 10 lakh in the preceding financial year.

GUJARAT VAT (Contributed by CA. Kishor R. Gheewala)

STATE BUDGET

Hon'ble Finance Minister, Mr. Saurabhbhai Patel, has presented the State Budget for F.Y. 2016-17 on 23-2-2016. Salient features of the same are as under:

- Budget showing overall Surplus of ` 245.49 crore.
- Annual Plan size ` 85,557 crore, showing an increase of ` 6,262 crore as compared to preceding year.
- Provision of ` 500 crore for Textile Industries.
- SAMADHAN Scheme, for all demands outstanding up to 31-12-2015, under Sales Tax Act, GVAT Act, CST Act, & Motor Spirit Act, allowing complete waiver of interest & penalty on payment of Tax amount in cases not involved in tax evasion & Waiver of Penalty in excess of 25% on payment of tax + interest + Penalty @ 25% in cases involving tax evasion.
- It is proposed to levy Entry Tax on Goods received from other States, through E-Commerce business chain.
- It is proposed to settle Refund Claim of less than ` 1,00,000/- within 30 days of application subject to conditions of holding the registration for minimum 2 years and similar refund claim in preceding years.
- Proposed changes in rates of taxation including additional tax are as under:

Particulars	Existing Rate %	Proposed Rate %
Articles, other than furniture, made from BAMBOO (VANS)	5	NIL
Pedal & Cycle Rickshaw	5	NIL
Mosquito Net	5	NIL
Sanitary Napkin, Adult Diapers	5	NIL
Animal's Frozen Semen	15	NIL
Ceramic Products	15	5
Vehicles, if purchased by Companies, Firms, Institutes, Associations, Trusts, Government Department, Board, Corporations, Local Self Government (except School, College, Passenger Buses & Goods Trucks)	15	20
Luxury Cars, SUVs priced ` 15 lakh or More & Bikes priced ` 2.5 lakh or more	15	20
Industrial Salt	NIL	5
Pan Masala	15	25

E-PAYMENT MANDATORY

Vide Public Circular No. GUJKA/VAT-86/15-16/Otw. 179/154 dated 6-2-2016, the provision of making payment exceeding ` 50,000/- including Tax, Interest & Penalty mandatorily by way of e-payment only has been extended from the tax period December, 2015 to February, 2016. Besides, if any payment is to be made in excess of ` 50,000/- after 22-2-2016 even for any earlier tax period shall also have to be mandatorily made by way of E-Payment only. As a result of this, all payments in excess of ` 50,000/- after 22-2-2016 shall have to be mandatorily made by way of e-payment only.

ENTRY TAX

Vide Notification No. (GHN-13, GER-2016-S.20(3) dated 11th February, 2016, Entry Tax Rules have been amended to insert Sub-Rules 3 & 4 in Rule 9 to provide for Refund Adjustment Order and to prescribe & insert Form 5A for the purpose.

FEMA

(Contributed by CA. Manoj Shah & CA. Sudha G. Bhushan)

Foreign Direct Investment – Reporting under FDI Scheme, mandatory filing of Form ARF, FCGPR and FCTRS on e-Biz Platform and discontinuation of physical filing from February 8, 2016

A.P. (DIR Series) Circular No. 40 dated February 1, 2016

With a view to promote the ease of reporting of transactions relating to Foreign Direct Investment (FDI), RBI under the aegis e-Biz project of Government of India has enabled online filing of Advance Remittance Form (ARF) which is used by companies to report FDI inflows to RBI, FCGPR Form for reporting issue of eligible instruments to overseas investor against FDI inflows, FTCRS form which is submitted to RBI for transfer of securities between resident and person outside India.

Presently both options i.e. online and manual filing were available to the users for above mentioned forms. However, from February 8, 2016 the physical filing of Forms ARF, FCGPR and FCTRS is discontinued and forms submitted in online mode only through e-Biz portal will be accepted.

RBI rationalises FEMA Regulations

Press Release dated February 4, 2016

The Foreign Exchange Management Act enacted in 1999 with 25 original notifications came into force with effect from June 1, 2000. Over the years the regulations framed under FEMA have

had over 330 amendments. Keeping in view the objective of promoting ease of doing business, a need was felt to consolidate the regulations and rationalise them in the light of evolving business environment and changing practices in cross-border transactions relating to external trade and payments.

Accordingly, the Reserve Bank of India, in consultation with the Government of India, has revised nine regulations issued under the Foreign Exchange Management Act, 1999 (FEMA). Consequently, the respective original notifications and subsequent amendments stand repealed. For easy identification, revised regulations will carry the same numbers as in the old regulations with a suffix '(R)' along with the year in which they are published.

Settlement of Export/Import transactions in currencies not having a direct exchange rate

A.P. (DIR Series) Circular No. 42 dated February 4, 2016

To facilitate settlement of export and import transactions where the invoicing is in a freely convertible currency and the settlement takes place in the currency of the beneficiary, which though convertible, does not have a direct exchange rate, it has been decided that AD Category-I banks may permit settlement of such export and import transactions (excluding those put through the ACU mechanism), subject to conditions as under:

- Exporter/ Importer shall be a customer of the AD Bank,
- Signed contract / invoice is in a freely convertible currency,
- The beneficiary is willing to receive the payment in the currency of beneficiary instead of the original (freely convertible) currency of the invoice/ contract/ Letter of Credit as full and final settlement,
- AD bank is satisfied with the *bona fides* of the transactions, and,
- The counter party to the exporter/importer of the AD bank is not from a country or jurisdiction in the updated FATF Public Statement on High Risk & Non-Co-operative Jurisdictions on which FATF has called for counter measures.

The Master Directions 16 of 2015-16 and 17 of 2015-16 have been updated accordingly to incorporate above changes.

Foreign Exchange Management (Acquisition and Transfer of Immovable Property outside India) Regulations, 2015

Notification No. FEMA.7(R)/2015-RB dated January 21, 2016 and A.P. (DIR Series) Circular No. 43 dated February 4, 2016

On a review it is felt necessary to revise the regulations issued under the Foreign Exchange Management (Acquisition and Transfer of Immovable Property outside India) Regulations, 2000, as amended from time to time. Accordingly, in consultation with the Government of India, the said regulations have been repealed and replaced by the Foreign Exchange Management (Acquisition and Transfer of Immovable Property outside India) Regulations, 2015.

In terms of these Regulations, acquisition or transfer of any immovable property outside India by a person resident in India would require prior approval of Reserve Bank except in the following cases:

- Property held outside India by a foreign citizen resident in India;
- Property acquired by a person on or before 8th July, 1947 and held with the permission of Reserve Bank;
- Property acquired by way of gift or inheritance from:
 - Persons referred to in (b) above;
 - Persons referred to in section 6(4) of the Act;
- Property purchased out of funds held in Resident Foreign Currency (RFC) account held in accordance with the Foreign

Exchange Management (Foreign Currency Accounts by a Person Resident in India) Regulations, 2015;

- e. Property acquired jointly with a relative who is a person resident outside India provided there is no outflow of funds from India;
- f. Property acquired by way of inheritance or gift from a person resident in India who acquired such property in accordance with the foreign exchange provisions in force at the time of such acquisition

Further, an Indian company having overseas offices can acquire immovable property outside India for its business and residential purposes provided total remittances do not exceed limits prescribed for initial expenses (15% of average annual sales/income or turnover of Indian entity for last two financial years or up to 25% of net worth, whichever is higher) and recurring expenses (10% of average annual sales/income or turnover of Indian entity for last two financial years).

The regulations also define relative as 'relative' in relation to an individual means husband, wife, brother or sister or any lineal ascendant or descendant of that individual.

The new regulations have been notified *vide* Notification No. FEMA 7(R)/2015-RB dated January 21, 2016 c.f. G.S.R. No. 95(E) dated January 21, 2016 and shall come into force with effect from January 21, 2016. The Master Direction No. 12 of 2015-16 (Acquisition and Transfer of Immovable Property under Foreign Exchange Management Act, 1999) has been updated accordingly to incorporate the above changes.

Note: One of the important changes in the new notification is allowing person resident in India to acquire property outside India jointly with relative who is a person resident outside India. However, in such cases there must not be any outflow of funds from India. The new notification has also covered general permission to Indian companies having overseas offices to acquire immovable property outside India for their business or residential purposes)

Foreign Exchange Management (Foreign Currency Accounts by a Person Resident in India) Regulations, 2015

Notification No. FEMA.10(R)/2015-RB dated January 21, 2016 and A.P. (DIR Series) Circular No. 44 dated February 4, 2016

On a review it is felt necessary to revise the regulations issued under the Foreign Exchange Management (Foreign Currency Accounts by a Person Resident in India) Regulations, 2000, as amended from time to time. Accordingly, in consultation with the Government of India, the said regulations have been repealed and replaced by the Foreign Exchange Management (Foreign Currency Accounts by a Person Resident in India) Regulations, 2015.

According to the revised regulations, a 'Foreign Currency Account' means an account held or maintained in currency other than currency of India or Nepal or Bhutan.

Further, in terms of Regulation 4, a person residing in India may open, hold and maintain with AD the following accounts subject to conditions specified in the regulations:

- (a) Exchange Earner's Foreign Currency (EEFC) Account subject to the terms and conditions of the Exchange Earner's Foreign Currency Account Scheme (Schedule I to the regulations);
- (b) Resident Foreign Currency (RFC) Account out of sources of receipt of foreign exchange mentioned in sub-regulation (B) of the regulations;
- (c) Resident Foreign Currency (Domestic) [RFC(D)] Account with an authorised dealer in India out of sources of receipt of foreign exchange mentioned in sub-regulation (C) of the regulations;
- (d) Diamond Dollar Account (DDA) - Firms and companies who comply with the eligibility criteria stipulated in the

Foreign Trade Policy of Government of India, subject to the terms and conditions of the DDA Scheme (Schedule II to the regulations).

In addition, in terms of Regulation 4, the following types of persons can open foreign currency accounts with AD subject to conditions specified in the regulations:

- (a) A unit in a Special Economic Zone;
- (b) An exporter who is exporting services and engineering goods on deferred payment terms or has undertaken a turnkey project or a construction contract abroad;
- (c) Indian agents of foreign airline or shipping companies;
- (d) Ship-manning/ crew managing agencies in India;
- (e) Project offices set up in India in terms of Foreign Exchange Management (Establishment in India of Branch or Office or other Place of Business) Regulations, 2000 dated May 3, 2000, as amended from time to time;
- (f) Indian companies receiving Foreign Direct Investment.
- (g) Organisers of international seminars, conferences, conventions etc.

In terms of Regulation 5 the following persons resident in India can open foreign currency accounts outside India subject to conditions specified in the regulations:

- (a) An authorised dealer in India with its branch/head office/ correspondent outside India;
- (b) A branch outside India of a bank incorporated or constituted in India;
- (c) An India firm/company/body corporate in the name of its foreign office/branch or its representative posted outside India;
- (d) An exporter who is exporting services and engineering goods on deferred payment terms or has undertaken a turnkey project or a construction contract abroad;
- (e) An Indian Party [as defined in Foreign Exchange Management (Transfer or Issue of any Foreign Security) Regulations, 2004, as amended from time to time] for making overseas direct investment provided the overseas regulator requires the maintenance of such an account;
- (f) A person raising ECB or ADR/GDR;
- (g) Indian shipping or airline companies;
- (h) Life Insurance Corporation (LIC) of India or General Insurance Corporation (GIC) of India and its subsidiaries for the purpose of carrying on life/ general insurance business;
- (i) A resident individual under the Liberalised Remittance Scheme;
- (j) A person going abroad to participate in an exhibition/ trade fair;
- (k) A person going abroad for studies;
- (l) A person who is on a visit to a foreign country provided the balances are repatriated on return to India;
- (m) A foreign citizen resident in India, being an employee of a foreign company, or an Indian citizen, being an employee of a foreign company, in either case on deputation to the office/ branch/ subsidiary/ joint venture/ group company in India;
- (n) A foreign citizen resident in India employed with an Indian company

In terms of Regulation 6, unless otherwise specifically stated, a Foreign Currency Account with AD in India may be opened, held and maintained in form of current or savings or term

deposits in cases where account holder is individual and in all other cases in form of current and term deposits only. Further, the account can be held singly or jointly in the name of person eligible to open, hold and maintain such account.

The new regulations have been notified *vide* Notification No. FEMA 10(R)/2015-RB dated January 21, 2016, c.f. G.S.R. No. 96 (E) dated January 21, 2016 and shall come into force with effect from January 21, 2016. The Master Direction No. 14 of 2015-16 (Deposits and Accounts) has been updated accordingly to incorporate the above changes.

For more details visit website: www.wirc-icai.org

(1) Issue of Directions by the RBI (Press release dated 4 Jan. 2016)

Beginning January 2016, the Reserve Bank has started issuing Master Directions on all regulatory matters. The Directions issued consolidates instructions on rules and regulations framed by the Reserve Bank under various Acts, including banking issues and foreign exchange transactions. The Directions replaces the Master Circulars.

So far, following Master Directions have been issued:

- Master Direction – Money Changing Activities
- Master Direction – Opening and Maintenance of Rupee/ Foreign Currency Vostro Accounts of Non-resident Exchange Houses
- Master Direction – External Commercial Borrowings, Trade Credit, Borrowing and Lending in Foreign Currency by Authorised Dealers and Persons other than Authorised Dealers
- Master Direction – Miscellaneous
- Master Direction – Reporting under Foreign Exchange Management Act, 1999
- Master Direction – Import of Goods and Services
- Master Direction – Export of Goods and Services
- Master Direction – Direct Investment by Residents in Joint Venture (JV) / Wholly Owned Subsidiary (WOS) Abroad
- Master Direction – Deposits and Accounts
- Master Direction – Remittance of Assets
- Master Direction – Acquisition and Transfer of Immovable Property under Foreign Exchange Management Act, 1999
- Master Direction – Establishment of Liaison/Branch/ Project Offices in India by Foreign Entities
- Master Direction – Insurance
- Master Direction – Other Remittance Facilities
- Master Direction – Liberalised Remittance Scheme (LRS)
- Master Direction – Borrowing and Lending transactions in Indian Rupee between Persons Resident in India and Non-Resident Indians/ Persons of Indian Origin
- Master Direction – Compounding of Contraventions under FEMA, 1999

Various detailed directions can be read at the following link: https://rbi.org.in/Scripts/BS_ViewMasterDirections.aspx

(2) Start-up India – Action Plan

The Government in its initiative to build a strong eco-system for nurturing innovation and start-ups in the country that will drive sustainable economic growth and generate large scale employment opportunities has announced an Action Plan that addresses all aspects of the start-up ecosystem. The Action Plan is divided across the following areas (a) Simplification and Handholding (b) Funding Support and Incentives (c) Industry-Academia Partnership and Incubation.

Brief features of Action plan rolled by GOI are as mentioned below:

Compliance Regime based on Self-Certification is proposed to be introduced with the objective to reduce the regulatory burden on start-ups thereby allowing them to focus on their core business and keep compliance cost low

Start-up India Hub is planned to be introduced with an objective to create a single point of contact for the entire start-up ecosystem and enable knowledge exchange and access to funding

Rolling-out of Mobile App and Portal with an objective to serve as the single platform for start-ups for interacting with Government and Regulatory Institutions for all business needs and information exchange among various stakeholders

Legal Support and Fast-tracking Patent Examination at Lower Costs to promote awareness and adoption of IPRs by start-ups and facilitate them in protecting and commercialising the IPRs by providing access to high quality Intellectual Property services and resources, including fast-track examination of patent applications and rebate in fees

Relaxed Norms of Public Procurement for Start-ups to provide an equal platform to Startups (in the manufacturing sector) vis-à-vis the experienced entrepreneurs/companies in public procurement.

Faster Exit for Start-ups to make it easier for Startups to wind up operations.

Providing Funding Support through a Fund of Funds with a Corpus of INR 10,000 crore to provide funding support for development and growth of innovation driven enterprises.

Credit Guarantee Fund for Start-ups to catalyse entrepreneurship by providing credit to innovators across all sections of society

Tax Exemption on Capital Gains to persons who have invested such capital gains in the Fund of Funds recognised by the Government

Tax Exemption to start-ups for 3 years

Tax Exemption on Investments above Fair Market Value

Organising Start-up Fests for Showcasing Innovation and Providing a Collaboration Platform

Launch of Atal Innovation Mission (AIM) with Self-Employment and Talent Utilisation (SETU) Programme to serve as a platform for promotion of world-class Innovation Hubs, Grand Challenges, Start-up businesses and other self-employment activities, particularly in technology driven areas

Harnessing Private Sector Expertise for Incubator Setup

Building Innovation Centres at National Institutes to propel successful innovation through augmentation of incubation and R&D efforts

Setting up of 7 New Research Parks modelled on the Research Park set up at IIT Chennai to propel successful innovation through incubation and joint R&D efforts between academia and industry

Promoting start-ups in the Biotechnology Sector to foster and facilitate bio-entrepreneurship

Launching of Innovation Focused Programmes for Students to foster a culture of innovation in the field of Science and Technology amongst students

Annual Incubator Grand Challenge to support creation of successful world class incubators in India

Full text of the scheme can be found at http://dipp.nic.in/English/Investor/startupIndia/StartupIndia_ActionPlan_16January2016.pdf.



INTERNATIONAL TAXATION

(Contributed by CA. Hinesh Doshi & CA. Ronak Soni)

Kawasaki Heavy Industries Ltd vs. ACIT [TS-79-ITAT-2016 (Del)] dated 11th February, 2016

Facts of the case

The assessee company is engaged in diversified business of ship building, consumer product such as motor cycles and all terrain vehicles. The assessee has two subsidiaries in India.

The assessee opened a liaison office (LO) in India with prior permission from Reserve Bank of India and the conditions laid down.

AO argued that the LO of the assessee is carrying out the entire business activity and has violated the terms and conditions laid down by the Reserve Bank of India as the power of attorney was given to the person in charge of LO.

The DRP also confirmed both on facts and in law the addition made by the AO to the appellant's income. It also stated that the appellant has a fixed place permanent establishment in India in form of LO.

Aggrieved by the DRP order assessee filed an Appeal with Delhi ITAT.

Issue

Whether the Liaison Office of the assessee constitutes Permanent Establishment in India and whether the LO filed a false declaration with the RBI and intended to work as fully functional branch office?

Held

Delhi ITAT ruled that liaison office of assessee cannot be regarded as assessee's fixed place PE in India and further noted that Revenue did not bring any documentary evidence in support of his contention that assessee has PE in India.

It rejects Revenue's stand that in terms of power of attorney executed in favour of person in-charge of LO in India, assessee was engaged in core business activities in India and thus constituted its fixed place PE. As powers given therein were LO specific and did not grant unfettered powers to its LO employee to do all or any acts for and on behalf of the assessee.

It also rejects Revenue's submission that assessee filed false declarations with RBI while taking permission for opening LO, holds that "No doubt the AO can investigate, call for evidences and come to a conclusion where any income earning activity has been carried out by the LO but it is beyond the jurisdiction of the AO to adjudicate and conclude that the assessee has filed false declarations before the RBI"

Hence, the ITAT ruled in favour of assessee.

DCIT vs. M/s Dominion Diamond (India) Pvt. Ltd. [TS-42-ITAT-2016 (Mum.)] dated 5th February, 2016

Facts of the case

The assessee company is engaged in the business of wholesale trading of rough diamonds. The assessee avails operation and security support services from M/s Dominion Diamond Building Services, Canada to help in loss prevention and safety of customers. The services availed are in the nature of maintenance of common security platform applicable to all Dominion group companies.

Assessee argued that though section 195 casts an obligation on every person to deduct tax at source from payments made to non-residents, which are chargeable to tax in India, in this case it is not chargeable, because it mainly provides security support services and does not grant any right to use design or model, plan or process, hence it cannot be treated as payment of "royalty" either in view of the provisions of the Act or as per the provisions of India-Canada-DTAA.

The AO rejected the assessee's contention and held that; assessee was liable to deduct TDS as the said amount was taxable under the Act.

The Ld. CIT(A) upheld the contention of the assessee that the payment made to the non-resident company was not taxable in India and hence there was no question of disallowance u/s. 40(a)(ia).

Aggrieved by the order of CIT(A) Revenue filed an appeal to the Mumbai ITAT.

Issue

Whether the learned CIT(A) was right in directing the Assessing Officer to delete the disallowance made u/s. 40(a)(ia) of the I.T. Act without appreciating the fact that the assessee was under an obligation to deduct tax under section 195(1) in respect of payments made?"

Held

ITAT dismisses Revenue's appeal, holds that assessee not liable to deduct TDS u/s. 195 on payment made towards security surveillance services paid to a non-resident company, and thus deletes disallowance u/s. 40(a)(ia).

Since payment was towards maintenance of a common security platform applicable to all the Group companies and that as per India-Canada DTAA "fee for included services" would be taxable only if such services "make available" technical knowledge, experience, skill, etc, accepts assessee's contention that there was no "make available" of any technical services.

ITAT held that, when AO himself has not mentioned as to how such an amount is taxable in India either under the provision of the Act or under the provisions of the DTAA, disallowance made by the AO on the ground that assessee has not deducted TDS cannot be upheld.

Hence it was ruled in favour of assessee.

National Petroleum Construction Company vs. Director of Income Tax (International Taxation) [TS-29-HC-2016(Del)] dated 29th January, 2016

Facts of the case

The assessee is a company incorporated in UAE and *inter alia* is engaged in contracts for installation of petroleum platforms, submarine pipelines and pipeline coating at various sites. One of these contracts is with ONGC for the installation of petroleum platforms and submarine pipelines.

The assessee's income has been computed on a presumptive basis by taxing the gross receipts pertaining to the activities in India less expenses at the rate of 10% and the receipts pertaining to activities outside India at the rate of 1%. However, the returns filed by the assessee were not accepted by the Assessing Officer.

The AO held that the assessee had a PE in India in the form of a Project Office at Mumbai and the AO estimated the assessee's profit to be 25% of the consideration received from ONGC.

The assessee did not accept the Draft Assessment Order and filed its objections before the Dispute Resolution Panel. The DRP held that in accordance with the Article 5 of the DTAA, the assessee's Project Office constituted a PE of the assessee in India.

Aggrieved, the assessee appealed before the ITAT. But the ITAT also rejected the assessee's contention that it did not have a PE in India. The ITAT observed that the assessee had itself shown the Project Office as its PE. The ITAT also did not accept the assessee's contention that section 44BB of the Act was applicable. It only accepted the assessee's contention that the contractual receipts from ONGC were separable and the amount received outside India was not taxable under the Act.

This has led both the assessee and the Revenue to assail the orders passed by the ITAT.

Issue

Whether the ITAT was correct in holding that the appellant had a fixed place of business or permanent establishment in India as defined in Article 5(2)(c) of the Double Taxation Avoidance Agreement between India and UAE?

Held

HC reverses ITAT order, entire contract revenue received by assessee (a UAE based company) from ONGC not taxable in India due to absence of PE in India.

As assessee's Project Office ('PO') in India was merely used as a communication channel and had no role to play in execution of contract activities.

HC rejects Revenue's stand that since "duration of the project itself exceeded nine months, installation PE clause was triggered" by clarifying that for triggering Article 5(2)(h), "it is necessary that the 'site, project or activity continues for a period of more than nine months'", excludes the period for which assessee did not had access to project site, remarks that "where an enterprise is not granted access to the site for a long duration and carries on no activity at site during that period, the site could hardly be construed as the fixed place of business"

Hence the HC rules in favour of assessee.

SERVICE TAX

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

Valuation

Gross amount charged by the provider for provision of construction service would not include component of consideration received for sale of immovable property [*SPL Developers P. Ltd. vs. CST (2015) 39 STR 455 (Tri.-Bang.)*].

Adjudication

Where assessee took registration under 'Construction of residential complex services' but during investigation proceeding contested the classification (as to be under 'Works Contract Service'), the Tribunal on facts held that the adjudicating authority had to consider the assessee's contention [*SPL Developers P. Ltd. vs. CST (2015) 39 STR 455 (Tri.-Bang.)*].

The assessee in the present case was engaged in affixing aluminium composite panels and carrying out cladding and coil cutting services. It had not paid service tax on the said services since in its view these activities carried out by it were in the nature of completion and finishing services in respect of civil structure (in the present case roads) and hence same would be specifically excluded from the category of 'commercial or industrial construction' services (CICS). The Revenue had sought to classify the said services under the category of Business Auxiliary Service (BAS) and had accordingly confirmed the demand under the said category without giving any finding or reasoning for such classification. On appeal, the Hon'ble Tribunal held that where a service is classifiable under more than one taxable service and Revenue assumes that the service provided falls into one taxable service, (namely BAS in the present case), and the assessee asserts that the service falls generically within another taxable service (CICS), it is obligatory on the part of the adjudicating authority to deal with the dispute of classification and record a finding as to why a service falls within a specified taxable service; and also the reasons for coming to such conclusion [*Glaztech Alupenal Pvt. Ltd. vs. CCE&ST (2015) 39 STR 507 (Tri.-Del.)*].

CENVAT Credit

Prior to 16-6-2005 in absence of any rule prescribing document for availing of credit, credit of service tax paid under reverse charge in respect of Goods Transport Agency services, can be availed on the basis of TR- 6 challan. [*CCE vs. Essel Propack Ltd. (2015) 39 STR 363 (Mum.)*].

The appellant a manufacturer had availed CENVAT credit of service tax paid on sales commission for procuring orders for supply of pre-heaters to cement manufacturing company. However, it had manufactured some portion of the sales order and balance portion of the sales order was procured by it from outside. It was held that since assessee had acted as a trader it was not entitled to avail portion of the CENVAT credit on sales commission paid by it which was attributable to the trading of goods. [*F. L. Smidh Pot. Ltd. vs. CCE (2015) 39 STR 373 (Mad.)*].

Where the assessee had availed CENVAT credit on input services for discharging duty liability on clearances made from main unit but which services were used by it in other units, the Tribunal held that the same was permissible since unlike in case of inputs there is no such restriction in case of input services that the same would be allowed only when it is received within the factory premises [*Expert Industries Pot. Ltd. vs. CCE, C&ST (2015) 39 STR 465 (Tri.-Bang.)*].

Credit of service tax paid on repair and maintenance services availed by a manufacturer for providing free services during warranty period is admissible since provision of free servicing during warranty period is a condition of sale and hence would be covered by the definition of input service as defined in Rule 2(l) of the CENVAT Credit Rules, 2004 being an activity relating to the business [*Leroy Somer India Pot. Ltd. vs. CCE (2015) 39 STR 466 (Tri.-Del.)*].

The assessee in the present case was a manufacturer and also a provider of business auxiliary services. It had in respect of clearances made by it availed full exemption from payment of duty under Notification No. 30/2004-CE in pursuance of which it had reversed the duty in respect of the inputs lying in its factory premises in the form of inputs/ WIP/ Finished goods and had utilised the balance of CENVAT credit lying in its account for discharging its service tax liability. Revenue contended that in terms of the said notification credit would get lapsed. On appeal the Tribunal held that since after reversal of credit attributable to inputs balance was still there in its CENVAT account, utilisation of the same for discharging its service tax liability was permissible since once the credit goes to the common pool it can be utilised for payment of excise duty or service tax [*Sumita Tex Spin Pot. Ltd. vs. CCE (2015) 39 STR 502 (Tri.-Ahmd.)*].

Where the assessee had availed credit of service tax paid on Goods Transportation Agency services paid by the transporter which was sought to be denied on the ground that service tax on the said services was not paid by the service recipient (i.e. the assessee), the Tribunal held that denial of CENVAT credit on such grounds was not permissible [*Rucha Engineering Pot. Ltd. vs. CCE (2015) 39 STR 518 (Tri.-Mum.)*].

Denial of CENVAT credit on input services received prior to obtaining of service tax registration on the ground that obtaining of registration is mandatory for availing CENVAT credit is incorrect especially considering the fact that there is no provision to this effect in the CENVAT Credit Rules, 2004. Further credit of service tax paid on rent for cafeteria, maintenance of air-conditioners and gym-instructor services would be admissible being services in the nature of activity relating to business [*CST vs. Verizon Data Services India P. Ltd. (2015) 39 STR 522 (Tri.-Chennai)*].

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Ahmedabad: Gyansetu Study Circle Meeting (L-R): CA. Pradeep Tulsian CA. Dhinal Shah, CCM CA. Amrish Patel, Branch Chairman CA. Subodh Kedia Treasurer WIRC, CA. Satyendra Jha

Ahmednagar: PRE BUDGET MEET with Hon'ble Union Cabinet Minister of Industry Shri Kalraj Mishra on 9/2/2015. (L-R): CA. Prasad Bhandari, CA. Sushil Jain, Shri Dilip Gandhi, MP, CA. Milind Jangada, Shri Arvind Pargaonkar, Shri Fatechand Raka



Akola: CA. Ramesh Chaudhari Branch Chairman addressing at Seminar on Clubbing Provisions under IT Act of Taxation of Co-op. Soc. & Charitable Trust. **Seen in picture** CA. Mithun Tekade



Goa: Goa Branch of WIRC of ICAI has been awarded "Certificate of Appreciation" under Small Branch Category for the year 2015 at the National Level from ICAI. CA. Kiran K. Kharangate, Branch Chairman accepting the award from CA. Manoj Fadnis, President, ICAI held on 11/2/2016 at Delhi.



Jalgaon: Awareness Programme on Forensic Accounting & Fraud Prevention on 7/2/2016. Lighting of lamp by Hon'ble Jalindhar Supekar, SP, Jalgaon Police (L-R): Shri Sachin Dedhia, CA. Vishnu Gavkare, CA. Nitin Zawar, Branch Chairman, CA. Kaushal Mundada, CA. Laxmikant Lahoti



Nagpur: Photograph taken on the occasion of 66th Annual Function (Award Function) held on 11/2/2016 at New Delhi



Nashik: Photograph taken on the occasion of 66th Annual Function (Award Function) held on 11/2/2016 at New Delhi



Pimpri Chinchwad: Photograph taken on the occasion of 66th Annual Function (Award Function) held on 11/2/2016 at New Delhi



Pune: Photograph taken on the occasion of 66th Annual Function (Award Function) held on 11/2/2016 at New Delhi



Rajkot: Workshop on Audit in Tally by CA. Punit Mehta on 16/1/2016



Sangli: Photograph taken during the RRC at Ganpatipule held on 29-31/1/2016 inaugurated by CA. Mangesh Kinare, CCM accompanied by CA. Anil Joshi, Branch Chairman, CA. Bhushan Mulye, Convenor, Ratnagiri Chapter, Adv. Padvekar R.S., Ret. ITAT member & others



Vapi: Industrial Seminar on Labour Laws & Smart use of Technology on 27/1/2016. (L-R): CA. G. B. Laddha, Shri Rajesh Chawla, CA. Hemant Parab, Chairman of CTC Membership & PR Committee, Faculty, Shri Ramesh Soni, CA. Mitesh Katira, Shri Parthiv Mehta, CA. M. D. Prajapati, Branch Chairman, CA. Vimal Desai, CA. Sumit Doshi



Vasai: Vasai Branch of Managing Committee Team & WICASA receiving Certificate of Appreciation Award from ICAI on 11/2/2016 at 66th Annual Function of the Institute at Hotel Ashoka, New Delhi

NATIONAL CONCLAVE ON INTERNAL AUDIT: TRANSFORMATION & EFFECTIVENESS

CA. S. Ravi Veeraghavan

CA. Suresh Punjabi

CA. T. Sankar

CA. Huzefa Unwala



CA. Ashish Bakliwal, CA. Kartik Radia, Faculty, CA. Porus Doctor, Faculty, CA. Dhiraj Khandelwal, RCM, CA. Sunil Patodia, Chairman, WIRC, CA. S. P. Natani, CA. Murtuza Kachwala, Faculty



CA. Murtuza Kachwala, Faculty, CA. Haresh Dua, Faculty, CA. Aneel Gambhir, Moderator, CA. Abhijit Sanzgiri, Faculty, CA. V. Swaminathan, Faculty



CA. Porus Doctor, Moderator, CA. Hardik Chokshi, Faculty, CA. Atul Pandya, Faculty, CA. Manoj Agarwal, Faculty

SEMINAR ON DUE DILIGENCE



CA. Susanna Cherian, CA. Jay Rambhia, CA. Shardul Shah, RCM, CA. Sandeep Pareek, Faculty, CA. Nitin Jaisinghani

CA. Jatin Kanabar

Shri Akshay Bhargava



CA. Abhijit Sanzgiri

PUBLIC MEETING ON ROLE OF CAs IN MAKE IN INDIA



CA. Manoj Alimchandani, Shri S. P. Kumar, ROC, Mumbai, CA. Shruti Shah, RCM, CA. Mukesh Dalal, Faculty

SEMINAR ON RECENT CHANGES & DEVELOPMENT IN TAXATION



CA. Devarsh Patel

CA. Prajakta Patil,
CA. Rashmin
Pandya, Faculty,
CA. Aniket Kulkarni



CA. Shailendra Sharma

PANEL DISCUSSION ON EXPECTATION OF THE SOCIETY FROM CA PROFESSION



CA. Rajesh Bhagat, CA. Ravi Savant, CA. Anil Singhavi, CA. K. L. Parmar, CA. Sushil Agrawal



Live Screening of Union Budget 2016

CA. Sandeep Jain, RCM, CA. Kamlesh Saboo, Secretary, WIRC, CA. Shilpa Shinagare, Treasurer, WIRC, CA. Shruti Shah, Chairperson, WIRC, CA. Vimal Punmiya, Faculty, CA. Vishnu Agarwal, RCM, CA. Puloma Dalal, Faculty, CA. Amit Rathi, Faculty

WORKSHOP ON PRACTICE SKILL (FOR YOUNG PRACTICING MEMBERS)



CA. Kintan Maru, CA. Shilpa Shinagare, CA. Mitil Chokshi, Faculty, CA. Akshay Tambe



CA. Atul Bheda



CA. Sanjay Chheda



CA. Abhijit Phadnis

SEMINAR ON AUDITING STANDARDS



CA. Vivek Shah

CA. Prashant Mirani, CA. Shardul Shah, RCM, CA. Jinesh Mehta, Faculty, CA. Bipeen Mundade

CA. Abhijit Sanzgiri

**LECTURE MEETING ON
BUSINESS MODEL INNOVATION
FOR CAs**



CA. Raichuria, CA. Shardul Shah, RCM, Shri Jayraj Mashroo, Faculty



CA. Vimal Punmiya

**SEMINAR ON
CRITICAL ISSUES IN
INCOME TAX & SERVICE TAX**



CA. Z. A. Sayed,
CA. Sunil Patodia, Chairman, WIRC,
CA. Nitin Jaisinghani, CA. Amol Kamat



CA. Manish Gadhia

M. L. D'SOUZA ROTATING TROPHY
CRICKET BETWEEN
COMMISSIONER INCOME TAX XI VS. CHARTERED ACCOUNTANTS XI



SEMINAR ON BANK BRANCH AUDIT



CA. Vikram Joshi, CA. Manish Gadia, CA. Niranjani Joshi, Faculty, CA. Sunil Patodia, Chairman, WIRC, CA. Abhijit Totade



SEMINAR ON
AUDIT ON SME:
PRACTITIONERS
CHALLENGES



CA. Ritesh Hibare, CA. Shardul Shah, RCM, CA. Manish Sampat, Faculty, CA. Vivek Shah



WORKSHOP ON DRAFTING OF AGREEMENTS,
DEEDS & DOCUMENTS

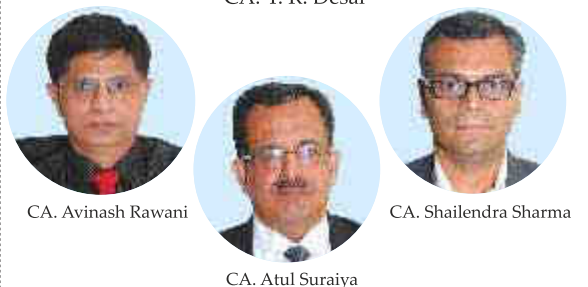


CA. Nehal Turakhia, CA. Shardul Shah, RCM, Adv. Pravin Veera, Faculty, Adv. Parimal Shroff, Faculty, CA. Ritesh Hibare

SEMINAR ON ISSUES IN TDS



CA. Mehul Sheth, CA. Mahendra Sanghvi, Faculty, CA. Y. R. Desai



CA. Avinash Rawani

CA. Atul Suraiya

CA. Shailendra Sharma



Best Regional Council & Best Students Association Award 2015 on 11th February, 2016 at New Delhi. (L-R): CA. Hardik Shah, Chairman, WICASA, CA. Dilip Apte, Vice Chairman, WIRC, CA. Sunil Patodia, Chairman, WIRC, CA. Subodh Kedia, Treasurer, CA. Sushrut Chitale, Secretary, WIRC



Photograph taken during the Interactive Meeting on Deliberation on Expectation of Regulators from the CA Profession on 17th February, 2016 at Mumbai



Photograph taken during the Interactive Session on Taxation Capital Market and Finance held on 30-1-2016 along with Smt. Sushma Swaraj, Hon'ble Minister for External Affairs & Dr. Kirit Somaiya, MP

Photograph taken during Annul Dinner at Mumbai (L-R): CA. Subodh Kedia, Treasurer, WIRC, CA. Uttam Prakash Agarwal, Past President, ICAI, CA. Ashok Chandak, Past President, ICAI, CA. N. P. Sarda, Past President, ICAI, CA. Y. H. Malegam, Past President, ICAI, CA. Sunil Patodia Chairman, WIRC, CA. Nilesh Vikamsey, Vice President, ICAI, CA. Dilip Apte, Vice Chairman, WIRC, CA. Sushrut Chitale, Secretary, WIRC





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