



The Institute of Chartered Accountants of India  
(Set up by an Act of Parliament)

# Western India Chartered Accountants Newsletter

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Powered by Professionalism  
Driven by Values



Dear Professional Colleagues,

*“No matter what is the environment around you, it is always possible to maintain your brand of integrity.” Abdul Kalam.*

Integrity stems from the Latin word ‘integer’ which means whole and complete. So integrity requires an inner sense of ‘wholeness’ and consistency of character.

It’s important to note that the moral principles are undefined and vary from person to person. Situations crop up in our professional lives and these difficult situations must be approached with clarity of thought coupled with integrity.

This reminds me of what Stephen Covey said in his book ‘The 7 Habits of Highly Effective People’ – Integrity includes but goes beyond honesty. Honesty is telling the truth, in other words conforming our words to reality. Integrity is conforming reality to our words – in other words, keeping promises and fulfilling expectations. This requires an integrated character, a oneness primarily with self but also with life.

Integrity is important for professionals for various reasons. Chief amongst them being that a professional with integrity creates a strong reputation, which for a finance professional, is career defining. Most importantly, it builds a solid, long term career vision, which teaches you to focus on results five years from now instead of five minutes from now.

You would agree that integrity is a state of mind which is never situational. It is very well said that integrity isn’t really a value in itself; it is simply the value that guarantees all the other values. WIRC has not only encouraged but implemented this positive attitude across the Region from members to students. At the same time, keeping members updated and educated is a fundamental aspect of the Council.

We had the great honour of interacting with CA Piyush Goyal, Union Minister of Railways and Coal, Government of India. He appreciated the WIRC publication on Maharashtra State Ordinance 2019 and encouraged office bearers of WIRC to continue to do good work.

I am pleased to state that Shri Sudhir Mungantiwar, Finance Minister of Maharashtra accepted our invitation to address the lecture meeting on ‘Analysis of Amnesty Scheme under MVAT & Allied Laws’ as well as release the WIRC publication ‘Guide to Maharashtra Settlement of Arrears of Tax, Interest, Penalty or Late Fee Ordinance’ 2019 at this hands.

During his visit we also presented the representation on the said ordinance. He accepted our representation and

convened a meeting with SGST Commissioner Mr. Jalota where we had a detailed interaction and presented our suggestions, making the representation for members and businesses at large.

The presence of high ranking Government Officials at our functions is testimony to the standing of WIRC in the eyes of the Government. At the same time, keeping members updated and educated is a fundamental aspect of the Council. To that end, a number of seminars, conferences and lecture series took place last month which helped our members get a deeper understanding in different sectors related to the profession.

We organised lecture meetings on ‘Audit Reporting – SA 700 Series’; ‘Recent Changes in GST on Real Estate’ and a seminar on ‘Internal Audit’ which was very detailed and drew appreciation from attending members. Seminar on ‘Post Assessment under IT Act’ and seminar on ‘Business Re-organisation’ received positive comments from delegate members.

WIRC organised a seminar for students on ‘GST Annual Returns & GST Audit’ which was very well received by students.

WIRC office bearers visited the branches of all three states along with the branch nominees and respective branches. We have visited the following branches, Nanded, Latur, Solapur in Maharashtra, Rajkot, Jamnagar and Ahmedabad in Gujarat and Goa, to serve the purpose of interacting at the grass-roots level with members and students for a better understanding of the issues as well as provide solutions for the same.

I look forward to this year being an ‘integral’ period of introspection, acceptance and learning towards ensuring that as elite professionals we remain ‘Driven by Values’ remembering that integrity is the essence of everything successful.

I am fortunate to have an excellent team at WIRC who initiated the remarkable work in their respective committees. The interactive meetings with each committee and council held during the month were very constructive where valuable inputs received from members, enabling us to chalk out the annual activity plan for each committee.

I compliment all my colleagues in the Council along with nominated members for putting their whole hearted efforts to take WIRC to greater heights. “If everyone is moving forward, then success takes care of itself” – Henry Ford

With Best Wishes,

CA. Priti Paras Savla  
Chairperson

#### OFFICE BEARERS

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Chairperson

CA. Umesh Sharma

Vice Chairman

CA. Rakesh Alshi

Secretary

CA. Yashwant Kasar

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#### EX-Officio

CA. N. C. Hegde

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### Seminar on Internal Audit



CA. Kamlesh Kothari, CA. Manindra Prakash, Faculty, CA. Murtuza Kachwala, RCM, CA. Priti Savla, Chairperson, WIRC, CA. Jignesh Thaker, Faculty, CA. Arpit Kabra, RCM, CA. Keval Shah, CA. Divya Nair

### Lecture Meeting on Recent Changes in GST on Real Estate



CA. Manish Gadia, RCM, CA. Priti Savla, Chairperson, WIRC, CA. Naresh Sheth, Faculty, CA. Rahul Daga

### Meeting with Management & Communication Skills Course Faculties



CA. Manish Gadia, RCM, CA. Prafulla Chhajed, President, ICAI, CA. Priti Savla, Chairperson, WIRC, CA. Rakesh Alshi, Secretary, WIRC, CA. Arpit Kabra, RCM

### Lecture Meeting on Audit Reporting - SA 700 Series



CA. Pooja Bisaria, CA. Khurshed Pastakia, Faculty, CA. Priti Savla, Chairperson, WIRC, CA. Hemal Shah, Faculty, CA. Yogesh Amal

### Seminar on Statutory Audit of Bank Branches at J B Nagar



Representation and Interaction with Commissioner, SGST Shri Rajeev Jalota on Maharashtra Settlement of Arrears of Tax, Interest, Penalty or Late Fee Ordinance, 2019. CA. Pranav Kapadia, CA. Manish Gadia, RCM, CA. Umesh Sharma, Vice Chairman, WIRC, CA. Harsh Bajaj, CA. Bharat Gosar



CA. Abhay Kamat



CA. Sandeep Welling



CA. Ketan Saiya



CA. Vikas Jhunjhunwala

### Seminar Post Assessment under IT Act



CA. Deepjee Singhal



CA. S. Swaminathan



CA. Shardul Shah



CA. Toral Shah



Shri Rajan Iyer



CA. Manish Shah

### Seminar on Statutory Audit of Bank Branches at Borivali



CA. Ketan Saiya



CA. Pankaj Tiwari



Mr. N. D. Kundu



CA. Gिरिराज Soni

### Seminar on Statutory Audit of Bank Branches at BKC



CA. Ritesh Hibare, CA. Keval Mamania, CA. Murtuza Kachwala, RCM, CA. Niranjn Joshi, Faculty, CA. Bhavik Shah



CA. Nitantr Trilokekar



CA. Sandeep Welling



CA. Sanjay Rane



## ICAI Tower, Bandra Kurla Complex, Mumbai

Date & Day	Time & Fees	Topic(s)	Speaker(s)	Regional Council Members (Chief Co-ordinators)	Co-ordinators
18/05/2019 Saturday  <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m.  ₹ 1,416/- (Incl. GST)	<b>Seminar on International Taxation</b> <ul style="list-style-type: none"> <li>Permanent Establishment - The evolving Horizon</li> <li>Equalisation Levy and Withholding tax Aspects</li> <li>Digital Economy Taxation – Emerging Frontiers</li> <li>Intangibles – Planning Perspectives</li> <li>Profit Attribution Methods in the post BEPS Era</li> </ul>	CA. Shefali Goradia CA. Pinakin Desai CA. Sandeep Dasgupta CA. Vishal Gada Mr. Rakesh Bhasker	CA. Rakesh Alshi 9819427242 CA. Arpit Kabra 9819007027 CA. Vimal Agrawal 9320617447	CA. Meera Joisher 9819354164 CA. Nidhi Pandya 9664022940 CA. Amol Kamat 9823018763
25/05/2019 Saturday  <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m.  ₹ 1,416/- (Incl. GST)	<b>Workshop on RERA</b> <ul style="list-style-type: none"> <li>Inauguration and Keynote Address</li> <li>Transformation of Rights and Obligations under RERA, Professional Opportunities</li> <li>Registration of Project Requirements, Precautions to be taken while Registration, Issues &amp; Practical Problems</li> <li>Issues under Certification and Statutory Audit under RERA</li> <li>Panel Discussion (Case Studies approach), Implications under Direct/ Indirect Tax and RERA</li> </ul>	Hon'ble Shri Gautam * Chatterjee, <i>Chairman, MahaRERA</i> CA. Ashwin Shah CA. Jayesh Kariya CA. Sunil Naik  Panellists – CA. Ashit Shah Adv. K. K. Ramani Moderator – CA. Ashwin Shah	CA. Arun Anandagiri 8796005669 CA. Vishal Doshi 9824059901 CA. Vikash Jain 9327715892	CA. Rajesh Dholu 9833828892 CA. Atul Chande 8369191990 CA. Niraj Gupta 9820101393
01/06/2019 Saturday  <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m.  ₹ 1,416/- (Incl. GST)	<b>Seminar on FEMA</b> <ul style="list-style-type: none"> <li>Overview of FEMA including acquisition of Immovable Property in India by NRIs</li> <li>Overseas Direct Investment</li> <li>Foreign Direct Investment</li> <li>ECB including Rupee borrowings and Deposits by Non Residents in India</li> <li>Brains' Trust session</li> </ul>	CA. Manoj Shah CA. Harshal Bhuta CA. Paresh P. Shah CA. Rahul Manjrekar  CA. Hitesh Gajaria CA. Naresh Ajwani CA. Paresh P. Shah	CA. Rakesh Alshi 9819427242 CA. Shilpa Shinagare 9820053395 CA. Hitesh Pomal 9824049402	CA. Bhakti Kamdar 9820838282 CA. Amit Tenani 9967792526 CA. Virag Shah 7043154500
04, 06, 11 & 13/06/2019 Tuesday & Thursday  <b>12</b> CPE Hrs	5.00 p.m. to 8.00 p.m.  ₹ 2,832/- (Incl. GST)	<b>Intensive Study Course on Ind AS</b> <b>Tuesday, 4th June, 2019</b> <ul style="list-style-type: none"> <li>Overview of Ind AS</li> </ul> <b>Thursday, 6th June, 2019</b> <ul style="list-style-type: none"> <li>Ind AS 109 - Financial Instruments Classification</li> <li>Ind AS 109 - Financial Instruments, Initial Recognition, Measurement</li> </ul> <b>Tuesday, 11th June, 2019</b> <ul style="list-style-type: none"> <li>Ind AS 113 - Fair Value Measurement, Illustrations on Valuation Techniques</li> <li>Ind AS 115 – Revenue from Contracts with Customers, Ind AS 116 – Leases</li> <li>Ind AS 103 – Business Combinations, Ind AS 111 - Joint Arrangements</li> </ul> <b>Thursday, 13th June, 2019</b> <ul style="list-style-type: none"> <li>Brain Storming Session / Panel Discussion</li> </ul>	CA. S. B. Zaware, <i>Past CCM</i> CA. Rakesh Agarwal  CA. Anita Somani CA. Jiger Parikh  CA. Khushroo Panthakey CA. Shabbir Readymadewala CA. Himanshu Kishnadwala  CA. Jayesh Gandhi CA. Himanshu Kishnadwala Moderator – CA. Heneel Patel	CA. Anand Jakhotiya 9325444644 CA. Sushrut Chitale 9821112904 CA. Chintan Patel 9099921163	CA. Harsh Dedhia 9892444121 CA. Shreyans Dedhia 9870925375 CA. Aakash Mehta 9930598581

\* Subject to confirmation





## ICAI Tower, Bandra Kurla Complex, Mumbai

Date & Day	Time & Fees	Topic(s)	Speaker(s)	Regional Council Members (Chief Co-ordinators)	Co-ordinators
08/06/2019 Saturday <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	<b>Seminar on Auditing in SAP Environment</b> <ul style="list-style-type: none"> <li>Introduction to Controls Based Audit</li> <li>Introduction to SAP, Accessing and Navigating SAP, SAP Organisation, Review of SAP Basics</li> <li>Review of other IT General Controls</li> <li>Validation of Automated Controls, Authorisation Concept, Segregation of Duties</li> <li>Data Migration to SAP, SAP Upgrade, Report Validation, JE Extraction and Analysis, Other Challenges in SAP</li> </ul>	CA. Shirish Pandey CA. Heta Shah  CA. Mitesh Vora CA. Kajal Shah  CA. Rakesh Lakhani	CA. Yashwant Kasar 9822488777 CA. Vishal Doshi 9824059901 CA. Murtuza Kachwala 9833015334	CA. Vrushti Sangoi 7666295394 CA. Jay Gosar 9930717730 CA. Heenal Furia 8291010183
15/06/2019 Saturday <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m. ₹ 1,416/- (Incl. GST)	<b>Seminar on Data Analytic &amp; Blockchain</b> <ul style="list-style-type: none"> <li><b>Introduction to Data Analytics:</b> Understanding of Data Analytics, Preparing Data for Analysis and Reporting, Predictive tool</li> <li><b>Data Analytics Tools:</b> How Data Analytics Tools Function? <b>Data Analytic Tools available in market:</b> R Programming, Tableau Public, SAS, Apache Spark, Excel, RapidMiner</li> <li><b>Data Analytics Tools – Practical Aspects:</b> Data analytics – Future of Auditing, Case studies of using Data Analysis for Auditing Achieving Speed and Accuracy</li> <li><b>Introduction to Blockchain Technology:</b> Introduction to Blockchain Technology, Global Trends in Crypto currency &amp; Blockchain Technology for professional service providers, Applications of Blockchain technology beyond Crypto currency</li> </ul>	CA. Mitil Chokshi, <i>Past Chairman, WIRC</i>  Shri Ravi Ettapuri  CA. Payal Agarwal  CA. Vivek Shah	CA. Yashwant Kasar 9822488777 CA. Drushti Desai 9820335923 CA. Arpit Kabra 9819007027	CA. Kimi Nagda 9702522268 CA. Paresh Rambhia 8879440131 CA. Rupal Haria 9322219029
08, 15, 22, 29/06/2019 Saturdays <b>12</b> CPE Hrs	10.00 a.m. to 1.00 p.m. ₹ 2,832/- (Incl. GST)	<b>Corporate Regulatory Laws Refresher Course</b> <b>8th June, 2019</b> <ul style="list-style-type: none"> <li>Overview of Key amendments to the Companies Act, 2013 &amp; provisions pertaining to NFRA</li> <li>Corporate Governance under Law and under SEBI regulations; Rules &amp; Best Practices</li> </ul> <b>15th June, 2019</b> <ul style="list-style-type: none"> <li>M&amp;A Provisions including Fast Track mergers and Cross Border Mergers</li> <li>Key Changes in formation of Companies and Overview of Form filing requirements</li> </ul> <b>22nd June, 2019</b> <ul style="list-style-type: none"> <li>Key amendments pertaining to funds movements (i.e. CADR, Section 185/186 &amp; 188 etc.) Also requirements pertaining to MSMEs</li> <li>Broad overview of provisions pertaining to Capital Structures, Rights, Private placements and public offerings</li> </ul> <b>29th June, 2019</b> <ul style="list-style-type: none"> <li>Panel discussion on: Auditors' Rotation, Resignation, Regulatory matters w.r.t. Statutory auditors. Whether all these have empowered the Auditors &amp; Audit Quality?</li> </ul>	CA. Nilesh Vikamsey, <i>Past President, ICAI</i>  CA. Vijay Maniar  CS. Sudhakar Saraswatula CS. Raj Saraf  CA. Sandeep Shah  CA. Anand Bathiya  CA. Jayant Gokhale, <i>Past Chairman, WIRC</i> CA. Aniruddha Godbole CA. Sudhir Soni Moderator - CA. Hasmukh Dedhia	CA. Vishal Doshi 9824059901 CA. Drushti Desai 9820335923 CA. Anand Jakhotiya 9325444644	CA. Gautam Mota 9594339945 CA. Sohil Kapasi 9833559231 CA. Dhavni Karia 9819900489 CA. Mehul Gada 8080018122



## ICAI Tower, Bandra Kurla Complex, Mumbai

Date & Day	Time & Fees	Topic(s)	Speaker(s)	Regional Council Members (Chief Co-ordinators)	Co-ordinators
14, 17, 19, 21, 24/06/2019 Friday, Monday & Wednesday  <b>15</b> CPE Hrs	5.00 a.m. to 8.00 p.m.  ₹ 3,540/- (Incl. GST)	<b>Refresher Course for Auditors and Recent Changes in Audit Profession</b> <b>14th June, 2019</b> • Key Note Address • Expectation from Auditors. Changes at International level <b>17th June, 2019</b> <b>Technical Standards</b> • SQC1 / Audit Planning & Team • Risk Assessment & Audit in ERP Environment • Audit Documentation including Checklist * <b>19th June, 2019</b> <b>Audit Conclusion &amp; Reporting</b> • SA 700, 701, 705, 706, 710, 720 <b>21st June, 2019</b> <b>Regulators Perspective</b> • Peer Review, Quality Review Board, Financial Reporting Review Board, NAFRA, SFIO, etc. <b>24th June, 2019</b> • Challenges for Auditors (Focus on Small & Medium Practitioners) • Future of Auditing Profession • Address Participants Practical / Technical Issues	CA. Bhavesh Dupalia  Eminent Faculty  CA. Hemal Shah  CA. Mehul Shah  CA. Sandeep Shah	CA. Chintan Patel 9099921163 CA. Umesh Sharma 9822079900 CA. Manish Gadia 9820537986	CA. Milan Mody 9820151189 CA. Amogh Jain 7014083760 CA. Nitin Ombavat 9773397805 CA. Mayur Momaya 9867952010
22/06/2019 Saturday  <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m.  ₹ 1,416/- (Incl. GST)	<b>Seminar on Audit of SME</b> • Audit Approach – Audit Planning (Significance & Importance), Risk Assessment and Response to Assessed Risks (Practical examples) • Audit Approach – Audit Evidence (Types & Importance), Going Concern, Written Representation (Matters to be included) • Audit Conclusions and Reporting, Reporting under CARO and IFC • Audit Conclusions and Reporting – Forming an Opinion and Reporting on Financial Statements, Communicating Key Audit Matters, Responsibilities Relating to Other Information	CA. Samir Shah  CA. Hasmukh Dedhia  CA. Heneel Patel  CA. Ashutosh Pednekar	CA. Drushti Desai 9820335923 CA. Vishal Doshi 9824059901 CA. Abhijit Kelkar 9422126890	CA. Meenakshi Gupta 9820654322 CA. Keval Shah 9930915232 CA. Mamta Thakkar 9821116370
29/06/2019 Saturday  <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m.  ₹ 1,416/- (Incl. GST)	<b>Seminar on IBC</b> • Keynote address • Role, Responsibility and Risk as IP / IRP  • Learning from top 12 Cases • Learning from Litigations • Direct Tax Aspect in IBC • Acquisition under IBC process Resolution Plan	Eminent Faculty CA. Udayraj Patwardhan CA. Abhizer Diwanji Adv. Sapan Gupta CA. Falguni Shah Mr. Kiran Chouker	CA. Lalit Bajaj 9867692321 CA. Kamlesh Saboo 9819195333 CA. Vikash Jain 9327715892	CA. Pravin Navandar 9820950019 CA. Sudha Bhushan 9769033172 CA. Subhi Jindal 9082184141 CA. Devang Sampat 9820925550
06/07/2019 Saturday  <b>6</b> CPE Hrs	10.00 a.m. to 6.00 p.m.  ₹ 1,416/- (Incl. GST)	<b>Seminar on NBFC</b> • Overview of Key Regulations and Significant Trends/Updates in the Sector • Role of Technology in shaping future of NBFC • Auditor's Responsibility in Audit of NBFC and Key Auditing Aspects • NBFC Prudential Guidelines and Important Circulars for Deposit taking NBFC and Non-Deposit Taking NBFC • Panel Discussion on Functioning and Future of NBFC	CA. Bhavesh Vora  Eminent Faculty  CA. Viren Mehta  CA. Jayant Thakur  Eminent Panelists & Representatives from RBI	CA. Hitesh Pomal 9824049402 CA. Jayesh Kala 9820010113 CA. Murtuza Kachwala 9833015334	CA. Aniket Kulkarni 9821690559 CA. Mayank Gosar 9870590475 CA. Parul Saraf 9821162477 CA. Bhadrak Gosar 9967722996

**Direct Tax Refresher Course – DTRC at Yogi Sabhagruh, Dadar (E), Mumbai**

Date & Day	Time & Fees	Date & Topic(s)	Speaker(s)	Chief Co-ordinators
08/06/2019 15/06/2019 22/06/2019 29/06/2019 06/07/2019 (All Saturdays)	2.00 p.m. to 6.00 p.m.  ₹ 3,186/-* (Before 25/05/2019)  ₹ 3,540/-* (After 25/05/2019)  (*Incl. GST)	<b>8th June, 2019</b> • Inauguration • Unexplained/Undisclosed Income/ Assets <b>15th June, 2019</b> • Taxation of Partnerships and LLPs • Taxation of Salary Income & Employer's Perspective <b>22nd June, 2019</b> • Reassessments • Clinical Analysis of Section 56(2)(x) <b>29th June, 2019</b> • Real Estate Transactions and Tax Impact • Family Settlement Complexities – Commercial, Tax & Regulatory Perspective <b>6th July, 2019</b> • GAAR • Brains' Trust	Eminent Personality CA. Milin Mehta  Eminent Faculty CA. P. V. Srinivasan  Adv. Zoheb Hossain Adv. K. K. Chythanya  CA. Vardhaman Jain CA. Ketan Dalal  CA. Anish Thacker CA. Gautam Doshi CA. Rajan Vora CA. Yogesh Thar	CA. Arun Anandagiri 8796005669 CA. Rakesh Alshi 9819427242 CA. Jayesh Kala 9820010113 CA. Arpit Kabra 9819007027 CA. Drushti Desai 9820335923 CA. Murtuza Kachwala 9833015334 CA. Vishal Doshi 9824059901

Members are requested to send their queries for Brains' Trust by 25th May, 2019 on [wircevents@icai.in](mailto:wircevents@icai.in)

**SIXTY EIGHTH ANNUAL GENERAL MEETING OF WIRC OF ICAI**

The Sixty Eighth Annual General Meeting of the Members of Western India Regional Council of ICAI will be held on 30th June, 2019 at the ICAI Tower, BKC Premises, Bandra (E), Mumbai. The detailed notice for the said meeting will be sent by e-mail in due course to all the members of ICAI from the Western Region, whose e-mail IDs are available in the records of the Institute. Members who have not yet furnished their e-mail IDs are once again requested to update their e-mail IDs at the very earliest in the records of the Institute, to enable the above notice to be e-mailed to them, also.

The aforesaid notice, as also the Annual Report of WIRC of ICAI for the period from 1st June, 2018 to 31st May, 2019 and the audited financial statements of WIRC of ICAI for the financial year 2018-19 will be hosted on the WIRC website [www.wirc-icai.org](http://www.wirc-icai.org), in due course. The said Notice will also be displayed on the Notice Board of the WIRC office in the BKC premises of ICAI, but after it has been hosted on the WIRC website. The hard copies of the said annual report and the said audited annual financial statements will be sent only to those members, who express their desire for the same, in writing, but after the same has been hosted on the WIRC website.

**CA Foundation Day Celebrations**

~ 14th year ~

**Mile Sur Mera Tumhara**

**1st July, 2019**

**Day & Date:** Monday, 1st July, 2019 **Venue:** Ravindra Natya Mandir, Prabhadevi, Mumbai  
**Time:** 6.00 p.m. to 10.00 p.m.



## DIRECT TAX – LAW UPDATE CA. Haresh P. Kenia, CA. Deepak Lala



**Section 139AA, Read with Sections 139A and 139, of the Income-tax Act, 1961 – Aadhaar Number – Quoting of – Extension of date for linking Pan with Aadhaar**

*Notification No. 31/2019 [F.No.225/75/2019-ITA.II], dated 31/3/2019*

It has been reported in some sections of the media that those PANs which are not linked with Aadhaar number by 31/3/2019 may be invalidated. The matter has been considered by the Central Government and now the cut-off date for intimating the Aadhaar number and linking PAN with Aadhaar is 30/9/2019, unless specifically exempted. Notwithstanding the last date of intimating/linking of Aadhaar Number with PAN being 30/9/2019, it is also made clear that w.e.f. 1/4/2019, it is mandatory to quote and link Aadhaar number while filing the return of income, unless specifically exempted.

**Income-tax (Second Amendment) Rules, 2019 – Amendment in Rule 12 and Substitution of Form Sahaj (ITR-1), Form ITR-2, Form ITR-3, Form Sugam (ITR-4), Form ITR-5, Form ITR-6, Form ITR-7 & Form ITR-V**

*Notification No. GSR 279(E) [No.32/2019 (F.No.370142/1/2019-TPL)], dated 1/4/2019*

The new Income-tax Return Forms for Assessment Year 2019-20 have been notified.

## DIRECT TAX – RECENT JUDGMENT CA. Paras K. Savla & CA. Hemant R. Shah



### SUPREME COURT DECISIONS

**Aakash Lavlesh Leisure (P.) Ltd. vs. Income-tax Officer 9(1)(1)**

Ex-chairman's ailment was sufficient cause for condonation of delay in filing appeals: **103 taxmann.com 248 (SC) [2019]**

(Section 260A of the Income-tax Act, 1961 )

The Appellant filed Appeals before the Hon. High Court for condonation of delay of 224 days in filing appeals and an affidavit explaining delay was filed.

High Court refused to accept explanation given by the appellant and rejected Notice of Motion.

Main reason given in affidavit was that Ex-Chairman and shareholder of the appellant company who was looking after affairs of appellant, was suffering from health ailment due to which he was hospitalized, who subsequently died.

Explanation given by appellant was not accepted by High Court and High Court refused to condone delay of 224 days in filing appeal.

Whether since sufficient cause was shown for condonation of delay in filing appeals, High Court ought to have accepted same.

Held, yes – Whether thus, the Order of High Court was to be set aside and delay in filing appeals was to be condoned and matter was to be restored before High Court to be heard on merits –

[In favour of assessee/remanded back]

### HIGH COURT DECISIONS

**Pr.CIT vs. Marck Biosciences Ltd. (Gujarat High Court)**

Assessment is invalid if no notice U/s. 143(2) is issued [R/Tax Appeal No.: 1374 of 2018]

Assessment is invalid if no notice U/s. 143(2) of the Act is issued after the assessee filed the Return of income.

Assessment Order framed U/s. 143(3) read with section 147 of the Act would be rendered invalid in the absence of a notice U/s. 143(2).

Provisions of section 292BB will not apply to cases where no notice has been issued U/s 143(2) before completing assessment U/s. 143(3) read with section 147.

Non-issuance of Notice U/s. 143(2) is not a procedural irregularity and the same can not be cured U/s. 292BB. As a result, the Revenue's appeal was dismissed.

**CIT vs. Dharma Productions Pvt. Ltd. (Bombay High Court)**

Business expenditure incurred during post production of film on account of advertisement expenses, once satisfies the conditions of section 37 cannot be disallowed under Rule 9A.

Rule 9A is not applicable to business expenditure incurred for positive print and advertisement after the grant of certification by the Censor Board. As a result, the Revenue's appeal was dismissed.

## INTERNATIONAL TAXATION CA. Hinesh Doshi & CA. Ronak Soni



**M/s. Wifi Networks Pvt Ltd. vs. DCIT Circle-7(1)(2), Bangalore [TS-177-ITAT-2019(Bang)] dated 5th April, 2019**

### Facts

The assessee, an Indian company had made payment without deducting TDS to 3 Ugandan resident individuals for providing services including technical coordination with the members of the Indian team for the purpose of maintenance, rectification of problems, testing, upgrading/support services to customers.

AO disallowed this amount u/s 40(a)(i) citing that it was liable to TDS u/s 195 as they fall under Fees for Technical services as per Explanation 2 to Section 9(1)(vii) of the Act.

CIT (A) held that Article 12 of India-Uganda DTAA was applicable in the case. CIT (A) ruled against the assessee stating the appellant company had PE located in India.

Aggrieved, the assessee appealed before Bangalore ITAT.

### Issue

Whether such payments fall under Article 12 or 14 of the India-Uganda DTAA?

Whether TDS was required to be deducted u/s 195 considering the payment as Fees for Technical services?

### Held

Article 12(3)(b)- (Fees for Technical Services) seeks to exclude payments covered by Article 14 (independent personal services) of the India-Uganda DTAA. ITAT ruled that professional services may be of technical nature and Article 14 would be applicable in that case.

The Tribunal held that Article 14 was more specifically applicable to professional services than Article 12 which is broader in scope and general in nature.

Relying on Delhi Tribunal's ruling in Poddar Pigments Ltd. Vs. ACIT, wherein the German individual did not have fixed base in India neither was he a tax resident of India for the year, a similar issue was decided in favour of the assessee.





ITAT held that Article 14 of the India-Uganda DTAA was applicable in the present case and the amount paid was taxable in country of residence i.e. Uganda and hence deduction of TDS u/s 195 was not required to be made.

Consequently, disallowance u/s 40(a)(i) was deleted.

**FEMA**  
**CA. Manoj Shah, CA. Sudha G. Bhushan**  
**& CA. Mitesh Majithia**



## Establishment of Branch Office (BO) / Liaison Office (LO) / Project Office (PO) or any other place of business in Indian by foreign entities

*A.P. (DIR Series) Circular No. 27 dated March 28, 2019*

The extant Regulations regarding requirement of prior approval of the Reserve Bank of India, for opening of a BO / LO / PO or any other place of business in India, where the principal business of the applicant falls in the Defence, Telecom, Private Security and Information and Broadcasting sector, have since been reviewed in consultation with the Government of India and the amendments have been notified by Government vide Notification No. FEMA 22(R)(2)/2019-RB dated January 21, 2019.

Accordingly, RBI has advised that for opening of a BO/LO/PO or any other place of business in India, where the principal business of the applicant falls in the Defence, Telecom, Private Security and Information and Broadcasting sector, no prior approval of the RBI shall be required, if Government approval or license/permission by the concerned Ministry/ Regulator has already been granted. Further, in the case of proposal for opening a PO relating to defence sector, no separate reference or approval of Government of India shall be required if the said non-resident applicant has been awarded a contract by/ entered into an agreement with the Ministry of Defence or Service Headquarters or Defence Public Sector Undertakings. It is clarified that the term "permission" used in the Notification does not include general permission, if any, available under Foreign Direct Investment in the automatic route, in respect of the above four sectors.

## Opening of Non-Resident Ordinary (NRO) Accounts by Long Term Visa (LTV) holders, changes related to Special Non-Resident Rupee (SNRR) Account and Escrow Account

*A.P. (DIR Series) Circular No. 28 dated March 28, 2019*

Consequent to amendment to Foreign Exchange Management (Deposit) Regulations, 2016 - FEMA 5(R)/2016-RB vide notification no. GSR No 1093(E) dated November 9, 2018, following changes have been made to the extant instructions:

- (i) Authorized Dealers (AD) may allow a Foreign Portfolio Investor (FPI) and a Foreign Venture Capital Investor (FVCI), registered with the Securities and Exchange Board of India (SEBI) to open and maintain a non-interest bearing foreign currency account for the purpose of making investment in accordance with the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2017, as amended from time to time (FDI Regulations).
- (ii) ADs may open only one NRO Account for a citizen of Bangladesh or Pakistan, belonging to minority communities in those countries, namely Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, residing in India and who

has been granted a LTV by the Central Government. The account will be converted to a resident account once such a person becomes a citizen of India within the meaning of the Citizenship Act, 1955. This account can also be opened if such person has applied for LTV which is under consideration of the Central Government, in which case, the account will be opened for a period of six months and may be renewed at six monthly intervals subject to the condition that the individual holds a valid visa and valid residential permit issued by Foreigner Registration Office (FRO)/ Foreigner Regional Registration Office (FRRO) concerned. The opening of such NRO accounts will be subject to reporting of the details of the accounts opened by the concerned Authorised bank, to the Ministry of Home Affairs (MHA) on a quarterly basis. The report shall contain details of (i) name/s of the individual/s; (ii) date of arrival in India; (iii) Passport No. and place/country of issue; (iv) Residential Permit/Long Term Visa reference and date & place of issue; (v) name of the FRO/FRRO concerned; (vi) complete address and contact number of the branch where the bank account is being maintained. The Head Office of the AD bank shall furnish the above details on a quarterly basis to the Under Secretary (Foreigners), Ministry of Home Affairs, NDCC-II Building, Jai Singh Road, New Delhi - 110 001.

- (iii) In terms of extant instructions, SNRR accounts cannot be held for more than seven years. It has now been decided that SNRR accounts opened by persons resident outside India may remain operative beyond the stipulated period of seven years with RBI approval. Further, the restriction of seven years will not be applicable to SNRR accounts opened by persons resident outside India who are registered with SEBI and wish to make investment in India in accordance with FDI Regulations.

**TRANSFER PRICING**  
**CA. Bhavya Goyal, CA. Bhavesh Dedhia**



## 20 SLP's before SC

In the case of different assesses, the revenue as well as the assessee have filed 20 SLPs before the Hon'ble Supreme Court challenging the Karnataka HC orders upholding ITAT orders on comparables selection, application of filters, treatment of expenses or income as operating/non-operating item, grant of adjustments etc.. The Karnataka HC had relied on a co-ordinate bench ruling in the case of Softbrands wherein it was held that "Filters for arriving at the correct list of comparables have been rightly applied or not, do not in our considered opinion, give rise to any substantial question of law" and also held that "unless the finding of the Tribunal is found ex facie perverse, the Appeal u/s. 260-A of the Act, is not maintainable" and dismissed the appeals on fact based TP-issues.

## PMP Auto Components Pvt. Ltd.

### Bombay High Court

Bombay HC upheld ITAT order deleting the TP adjustment of Rs. 2.58 cr on account of excess money paid to 100% subsidiary for acquiring its shares. HC noted that Revenue sought to bring the difference between actual investment (Rs. 2.67 cr) & fair market value of shares (Rs. 8.13 lakhs) i.e. Rs. 2.58 cr to tax without being able to specify under which substantive provision would income arise. HC observed that the assessee had purchased the





shares on capital account and held that “the issue arising here stands concluded by the decision of this Court in Vodafone” (The view taken in Vodafone was also subsequently accepted by CBDT by issuance of CBDT Instruction 2/2015 dated January 29, 2015).

## CORPORATE LAWS

CA. Rahul Joglekar, CA. Premal Gandhi



### 1. Manufacturing activities in LLPs:

Manufacturing & allied activities were restricted in LLPs vide OM No. CRC/LLP/e-Forms dated 06.03.2019. This OM invoking the restriction regarding manufacturing & allied activities has been withdrawn with immediate effect.

### 2. Companies (Indian Accounting Standards) Amendment Rules, 2019.

Amended Indian Accounting Standard (Ind AS) 101 as well as Ind AS 116, Leases shall be applicable from 1st Day of April 2019.

## GOODS AND SERVICES TAX

CA. Rajiv Luthia



CBIC *vide* Notification No. 3/2019-CT( RATE) dated 29th March, 2019 has amended Notification 11/2017-CT (Rate) dated 28th June, 2017, whereby new rates of GST have been prescribed for real estate sector subject to specific condition. The brief amendments are stated here below

### For Ongoing Projects

- Ongoing project is a project which satisfies all the following conditions:
  - » Commencement certificate received on or before 31st March, 2019
  - » Construction of the project i.e. earthwork has been completed & excavation for foundation is started on or before 31st March, 2019
  - » Completion certificate/first occupation has not taken place on or before 31st March, 2019
  - » Apartments under the project have been booked partly/fully on or before 31st March, 2019
- Builder has One Time Option to pay GST at old rates effectively at 8% / 12% or at new rates effectively of 1% / 5%. These rates are after 1/3rd deduction for land value. If no option is exercised or intimated before 10th May, 2019, then new rates of GST shall be applicable for such project.
- The above option is to be exercised separately for each project (as per RERA) and shall not be allowed to reverse or discontinued once exercised. The option to continue with old rates has to be specifically intimated by submitting Form Annexure IV to jurisdictional GST office on or before 10th May, 2019.
- Reversal of accumulated ITC attributable to construction of residential apartments whose time of supply is on or after 1st April, 2019 is required in case New rate of GST is opted for on-going projects. Such reversal shall be made as per formula prescribed and for each project separately.

## GST-ADVANCE RULINGS

CA. C. B. Thakar, CA. Jinal Maru



**IMPORTANT ADVANCE RULINGS UNDER GST** (for detailed analysis of below cases, please refer WIRC website):

By Advocate C. B. Thakar & CA Jinal Maru

**Case: KUNDAN MISTHAN BHANDAR [2019-TIOL-29-AAAR-GST (UTTARAKHAND)]**

The supplies made from a sweetshop counter run by the assessee, having a restaurant also in the same premises shall be construed as “Supply of Goods” and not “Supply of restaurant service”.

**Case: RFE SOLAR PVT LTD [2019-TIOL-25-AAAR-GST (RAJASTHAN)]**

The turnkey supply of EPC contract for Solar Power Generating System, involving supply of various goods and services is a Composite Supply. As there is no intention of the owner of the Solar plant to dismantle it & number of tasks involved in erection of the plant, it is an Immovable property. Therefore, the said contract is a Works Contract supply and liable to GST @ 18% and shall not be considered as “Supply of Goods” thereby leviable to 5% GST in view of specific entry in Notification 1/2017-CT(Rate). The AAAR uphold the order of AAR.

**The Maharashtra Goods and Services Tax Act, 2017**

### Circulars

The Commissioner of Goods and Services Tax, Maharashtra State, has issued Circulars indicated below:-

- a) Circular 11T of 2019 dated 30.3.2019 in which the availability of exemption from payment of late fee u/s.6(3) of Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 is clarified.
- b) Circular 12T of 2019 dated 30.3.2019 in which issue of grant of refunds of the amount deposited by way of security deposit at the time of Voluntary Registration under MVAT Act, 2002 as per Rule 60A of MVAT Rules, 2005 is clarified.

## CO-OPERATIVE HOUSING SOCIETIES

CA. Ramesh Prabhu, CA. Mukul Varma



New Ordinance published on 9th March 2019 to include a New Housing chapter in Maharashtra Co-operative Societies Act 1960. In new Ordinance, definition of “Associate Member” has drastically been changed and definition of “Joint Member” has been introduced.

### As per new definition:

“**Associate Member**” means husband, wife, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, nephew, niece, a person duly admitted to Membership of a housing society on a written recommendation of a Member to exercise his rights and duties with his written prior consent and whose name does not stand in the share certificate:

“**Joint Member**” means a person joining in an application for the registration of a housing society jointly, which is subsequently registered or a person who is duly admitted to Membership after its registration and who holds share, right, title and interest in the flat jointly but whose name does not stand first in the share certificate:”



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As per above definition, membership of Associate member is subject to written recommendation of a member and his name will not appear in Share certificate. He will have right to attend and vote in general meetings, but cannot contest election nor will have a right to vote in election.

**MAHARERA**

CA. Ashwin Shah, CA. Vyomesh Pathak



MahaRera has outlined the detail process for making Application for Revocation of Registration of Project u/s. 7 & 8 of RERDA 2016

1. Only Association of Allottee including rehab members can apply for Revocation.
2. Association to submit declaration to the effect that no complaint is pending with any other forum, court in this regard.
3. List of stake holders viz
  - a. Land Owner/ Investor Promoter
  - b. Architect certifying Form 1
  - c. Engineer certifying Form 2
  - d. Chartered Accountant certifying Form 3 & 5
  - e. Bank or Financial Institution listed in encumbrance certificate

f. Ant other persons having third party interest in the project.

4. On receipt of Complaint, MahaRera will serve notice of hearing giving at least 30 days to Promoters with copy to various stakeholders listed above including competent authority approving plans.

5. MahaRera may constitute Designated Resolution Panel (DRP) during the process of complaint hearing and preparation of various reports.

**INSOLVENCY AND BANKRUPTCY CODE**  
CA. Viral Doshi, CA. Pravin Navandar



**Facts of the case**

The Miscellaneous Application has been preferred under section 60(5)(c) of IBC by the Liquidator, seeking necessary directions from the Hon'ble Tribunal on decision of Secured Financial Creditor, State Bank of India to keep its mortgaged assets out of liquidation of the Corporate Debtor.

**The Liquidator had also sought some relief from the Hon'ble Tribunal:**

1. Directions to SBI that in case they want to opt out of liquidation, no contravention of Section 35(1)(f) takes place.
2. The Respondent Bank to give an undertaking to the liquidator that it shall not sell the mortgaged property to any person who is not eligible to be a Resolution Applicant, in case they realise their security interest on their own
3. SBI to ensure all sums due to any workman or employee from the provident fund, pension fund and gratuity fund be paid first out of monies realised from selling mortgaged assets by SBI in terms of Section 36(4)(a)(iii), when SBI exercises its rights U/s. 52 of the Code and such dues should not be made a part of the liquidation estate U/s. 53.

The counsel appeared on behalf of Liquidator made submission before the Tribunal that "the EPF dues do not form part of the liquidation estate, therefore, SBI to undertake that the payment of EPF dues will be made first in terms of provisions of section 36(4)(a)(iii) of the Code from the monies realised by SBI from selling its mortgaged assets of Corporate Debtor"

**Three pertinent questions come up for consideration before Tribunal:**

1. Whether SBI, the Financial Creditor is legally entitled to stay out of liquidation?
2. Whether S. 29A is applicable to liquidation proceedings in a situation when the Secured creditor realises the security interest on its own?
3. Whether the Secured Creditor exercising his right U/s 52(1)(b) of the Code has to make payment of workmen's dues out of the amount realised from the sale of such secured assets as the EPF/workmen's dues, which do not form part of the liquidation estate?

For more details on above, visit [www.wirc-icai.org](http://www.wirc-icai.org)

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Lecture Meeting on Analysis of Amenity Scheme under MVAT & Allied Laws



CA. Manish Gadia, RCM, CA. Rakesh Alshi, Secretary, WIRC, CA. Priti Savla, Chairperson, WIRC, Shri Sudhir Mungantiwar, Hon'ble Minister, Finance & Planning & Forest, CA. Shailesh Ghedia, CA. Janak Vaghani, Faculty, CA. Lalit Bajaj, RCM

Team WIRC Visit to Branches

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## Interaction with Hon'ble Cabinet Minister CA Piyush Goyal at Ahmedabad Branch of WIRC



CA. Rakesh Alshi, Secretary, WIRC, CA. Yashwant Kasar, Treasurer, WIRC, CA. Umesh Sharma, Vice Chairman, WIRC, CA. Chintan Patel, RCM, CA. Priti Savla, Chairperson, WIRC, CA. Ganesh Nadar, Branch Chairman, CA. Piyush Goyal, Hon'ble Cabinet Minister, CA. Hitesh Pomal, RCM, CA. Aniket Talati, CCM



### Release of WIRC Publication – Guide to Maharashtra Settlement of Arrears of Tax, Interest, Penalty or Late Fee Ordinance, 2019

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