



VITTA PATRIKA “ वित्तपत्रिका ”

Newsletter for the members of BVSS [January 2020: 6th Edition: 22nd January 2020]

OFFICE BEARERS

Chairman:

Sh. Subhash Agrawal

President:

Sh. Rohit Vaswani

General Secretary:

Sh. Vipin Aggarwal

Organizing Secretary:

Sh. Sushil Gupta

NEWSLETTER GROUP

Advisor:

Sh. Anil Gupta

Convenor:

Sh. Puneet Agrawal

Co-Convenors:

Sh. Deepak Nagpal

Sh. Sumit Bansal

THIS EDITION CONTAINS

<u>Topics Covered</u>	<u>Pg. No.</u>
From the desk of the President	2-3
From the desk of the Editor	4-6
Articles:	
<ul style="list-style-type: none">Developing Jurisprudence on Fate of Guarantors under The Insolvency and Bankruptcy Code, 2016	7-10
<ul style="list-style-type: none">Abrogation of Article 370; the necessity of reorganisation w.r.t. Economic development	11-14
<ul style="list-style-type: none">Hiring/ Renting of Motor Vehicle Under Reverse Charge 9(3)	15-1
<ul style="list-style-type: none">High Courts Safeguarding the Right to Transitional Credits of Assessees	18-21
<ul style="list-style-type: none">National Anti-profiteering Authority: the need to bring structural improvements	22-23
Latest Updates: Indirect Tax/ Direct Tax	
<ul style="list-style-type: none">Amendments and updates in the Goods & Services Tax Act<ul style="list-style-type: none">During the month of November 2019During the month of December 2019	24-37
Select recent amendments and changes in GST	38-44
BVSS Programmes (Glimpses)	45
Bhartiya Cultural Heritage	46-
<ul style="list-style-type: none">National Youth Day and message of Swami Vivekanand	end



FROM THE DESK OF THE PRESIDENT



CA ROHIT VASWANI

PRESIDENT - BVSS

Dear BVSS Members and Professional Colleagues,

Namashkar...

A Very Happy New Calendar Year 2020 to All of You...

I am delighted to write this message for the first edition of the Newsletter for the year 2020. Year 2019 have been very happening so far as tax and economic developments are concerned and formation of new government in the country after general elections in May 2019. We go two budgets and one taxation laws amendment ordinance and also the Insolvency and Bankruptcy Code (Amendment) Ordinance. We hope to see the same pace of economic and taxation reforms in the year 2020 too.

Pre-Budget discussions have been held by the ministry of finance and many representations have been made by many forums at different levels and Budget is going to be presented on 1st February Saturday by the Hon'ble Finance Minister with the starting of the Budget Session on 31st January. There are many challenges with the government to address on those issues including economic slowdown, rate of inflation, revenue collection from taxes including GST and many more. We hope that government will take up the issues with announcements to handle the situations and to give boost to the industry.

The BVSS is fully committed to its moto “Contributing in Nation Building’ by capacity building of professionals, spreading knowledge, inclusive growth, good corporate



governance and discussions for betterment. We in BVSS are organizing many events related to the Budget including live viewing of the budget and having first hand comments from experts which is scheduled to happen on 1st February 2020. This year we have formed two new groups also for the benefit of members and professional friends at large as our commitment to the 'Professional Social Responsibility' (PSR). One group will be dedicated for the discussion and learning on Insolvency and Bankruptcy Code (IBC Group), which is developing law in India and have seen many amendments and courts' judgements. Another group is unique and one of its kind which is the real need of a small and medium practitioner which will elaborate the issues related to information technology and practice management. I am sure these two groups will make value addition to professional friends.

In taxation side also may reforms are set to be continued. GST has yet to see many major reforms including new return filing systems proposed to be implemented from April 2020 and also e-invoicing also planned to be implemented in similar manner.

I invite your articles, professional updates, economic research papers, analysis of recent case laws, news round up to make this newsletter a worth reading publication. And further I would like to hear from you on working of the BVSS at large including feedback on events organized by BVSS, guest speakers, venue, timings, WhatsApp groups and any other issue which you want to highlight.

With Warm Regards

ROHIT VASWANI

PRESIDENT - BVSS

vaswanirohit@hotmail.com

Mobile-9212005163



FROM THE DESK OF EDITOR



PUNEET AGRAWAL, ADVOCATE

Convenor, Newsletter Group - BVSS

प्रिय मित्रों, सादर प्रणाम

राष्ट्रीय युवा दिवस एवं नव वर्ष की हार्दिक शुभकामनाएं

Indian democracy is surely maturing. It has got the ability to discuss the real issues faced by the country and its citizenry. The role of media and the addition of social media to it, is helping people of our country especially the youth to form their opinion on each issue. The youth of our country do not have any baggage and as such are not averse to forming their opinion and expressing it.

The surest example of this is the ability of our country to stand the sheer number of structural decisions which are largely *CORRECTIVE* in nature, taken during a short period of 7 months of this new government. The apprehension raised by previous governments and political persons qua the structural changes being non-acceptable to the society at large, have by and large proved to be baseless.

Citizenship Amendment Act, 2019 ("CAA") is the last such change and is being widely discussed amongst the masses of the country. Those who are analysing the CAA in light of the prevailing factual circumstances and the history attached to the legislation, are by and large supporting the legislation. The flip side however has been those who are opposing the CAA without facts and without any basis. Celebrities who are star campaigners against the CAA have been found to have no facts and knowledge as to



why they are opposing it. Even journalists (*at least that's what they claim themselves to be*) and politicians / senior lawyers have been writing while opposing the same with rhetoric but not mentioning the reasons for their dissent. To quote from – “*In 2020, put people first: Protesters are not 'urban naxals'. Government needs to listen to them*”¹, though not even a single line have been stated as regards what's wrong with the CAA, following deeply concerning phrase is found appearing – “*UP chief minister Yogi Adityanath, once the poster boy of militant Hindutva.....*”

In wake of above, it is our responsibility to prepare the upcoming generations to differentiate and discriminate between narrative and truth. Our future would depend upon the ability of the coming generations in identifying the truth and walk that path, while dismissing the propaganda and the false narrative. For that study of the values, culture and history of our country is inevitable.

With this I come to the debate that CAA is discriminatory and violative of Article 14 of the Constitution of India, and the argument in saying so is that though it mentions six communities², but does not include *muslims*. This argument seems to be a political rhetoric, as Article 14 does not provide for universal equality, rather it strikes at class legislation. It is settled law that **equality has to be guaranteed amongst equals**. In K.T. Moopil Nair³, it was held by the Supreme Court that lack of classification i.e. treating unequals as equals is itself discriminatory and unconstitutional. Thus, considering that the neighbouring countries i.e. Pakistan, Bangladesh and Afghanistan are muslim countries⁴, and that the object of CAA is to provide safe abode for the persecuted religious minorities of these countries, including muslims in CAA would have made the same irrational and arbitrary.

One more thing needs to be understood that CAA does not deny the right to apply for citizenship even to muslims of these three countries. Section 5 of the Citizenship Act, 1955 provides for a disqualification for obtaining “Citizenship by Registration” that the person should not be an *illegal immigrant*. CAA merely relaxes this condition in favour of the specified 6 communities by deeming persons of these communities who entered into India prior to 31.12.14 by deeming them as not *illegal immigrant*.

¹ <https://timesofindia.indiatimes.com/blogs/toi-edit-page/in-2020-put-people-first-protesters-are-not-urban-naxals-government-needs-to-listen-to-them/>

² See proviso added to S. 2(1)(b) of the Citizenship Act, 1955

³ 1961 AIR 552 SC

⁴ Having their State religion as Islam



This itself answers the singular issue raised by the protestors of including muslims in CAA. Further, we need to ask ourself an important question, as to whether we want to include all type of illegal immigrants in CAA, which would mean that India is offering citizenship to those who chose to have their separate nations at the time of partition, and who in their national capacity are our biggest enemies since partition. Prominent persons like Ex-LG of Delhi questioning the non-inclusion of muslims have a duty to inform these facts to the General Public so that their views help people take proper decision.

It is baffling that the people especially the youth of this country is being confused, whereas the most basic right of any sovereign is to decide as to whom it shall provide citizenship and no foreigner can claim the right to citizenship of the sovereign. **To contend that Pakistani muslim illegal immigrants in India should be provided citizenship, to say the least, is wholly against national interest.**

Coming to the economic front, the situation does seem out of control. The bureaucracy seems to be far from the ground and is unable to take cues from the practical suggestions provided by the trade, industry and professionals. Their biggest problem is that they are not even acknowledging that there exist problems. They are still in the mode of denial, and there is no one in Government to dictate to bureaucracy the need of the hour. On a deeper scrutiny of problems associated with laws like GST, Income Tax, Corporate Laws, IBC, etc. it can be said that **its time to - go into details, and identify and solve problems**. This can be done by giving this task to professionals having hands on experience.

In these tough times for the trade and industry, the professionals would hold the key to help businesses navigate and sail through. Of course the times ahead are challenging and enriching!

Jai Hind

With Warm Regards

Puneet Agrawal

Convenor, Newsletter Group - BVSS



ARTICLES

Developing Jurisprudence on Fate of Guarantors under the Insolvency and Bankruptcy Code, 2016



Sumit Bansal, FCA & Insolvency Professional,
Co-Convener, Newsletter Group- BVSS

“**The only constant in life is change**”- Greek philosopher Heraclitus. The Society, the business and the environment around us is constantly evolving. Add to this another dimension that we live in a world where developments in means of transportation and communication have raised the pedestal of competition to Global stage in many industries.

The bankruptcy laws in India have also been evolving since last many decades to catch up with global best practices and to vitalise credit markets. Insolvency and Bankruptcy Code, 2016 is a landmark legislation in this process. It seeks to consolidate and provide comprehensive framework relating to insolvency resolution and liquidation of corporates, non-corporates, financial institutions, large real estate companies, group insolvency, cross border insolvency etc. In this background, there have been developing jurisprudence on insolvency and bankruptcy of guarantors as well. **The present article seeks to research and deal with some of the contentious issues relating to enforcement of guarantees under IBC.**

Enforcement of Personal Guarantees:

Though provisions relating to bankruptcy of individuals and non-corporate firms under IBC have not been notified. IBC has been made applicable to personal guarantors of corporate wef 01-12-2019. This has been achieved by carving out personal guarantors to



corporate debtors as a separate class as distinct from individuals and partnership firms under Section 2(e) of the Code.

Determination of jurisdiction for proceeding against a guarantor:

As per Sec 60 of the Code: The Adjudicating Authority, in relation to insolvency resolution and liquidation for corporate persons including corporate debtors and personal guarantors thereof shall be the National Company Law Tribunal having territorial jurisdiction over the place where the registered office of a corporate person is located. Therefore, the matter of personal and corporate guarantor will go before same NCLT wherein jurisdiction for principal borrower falls. Thus, there is now a common forum for a creditor to enforce debt from both borrower and guarantor. This undoubtedly is a big step and would immensely benefit the financial creditors.

Applicability of Moratorium u/s 14 of the Code against a guarantor:

The IBC Amendment Act 2018 with effect from 6-6-18 modified Sec 14 to insert that the moratorium u/s 14 shall not apply a surety in a contract of guarantee to a corporate debtor. This amendment in IBC has been held by the Hon'ble Supreme Court to be retrospective in nature in the case of **SBI vs. V. Ramakrishnan** (Civil Appeal No. 3595 OF 2018). Therefore, guarantee can be invoked even when the company in favor of whom the guarantee was extended, is under moratorium. It contended that a guarantee is an independent contract and that Section 128 of the Indian Contract Act, 1872 provides that the liability of the surety is co-extensive with that of the principal debtor. Similarly, personal assets mortgaged can be actioned against under SARFAESI simultaneously.

Initiation of proceedings under IBC against corporate guarantor of a non-corporate entity:

The controversy emerged due to insertion of Sec 5(5A) in the Code wherein “corporate guarantor” means a corporate person who is the surety in a contract of guarantee to a corporate debtor. While dealing with the issue whether or not a creditor can initiate CIRP against the corporate guarantor when the guarantee is given for the loans granted to non- corporates. In **M/s Maharaja Theme Parks and Resorts Private Limited** [CP/1314/IB/218] the Hon'ble NCLT observed that the intention of insertion of definition in section 5(5A) of the code is not to exclude the corporate guarantee given by a company to a non-corporate. The limited intention of addition Sec 5(5A) read with Sec 60(2) & (3) of the Code is to decide applicability of territorial jurisdiction when proceeded against a corporate debtor's corporate guarantor, not otherwise. It is pertinent to note that it is an established proposition of law that creditor can independently proceed against guarantor provided the guarantor failed to discharge its



obligation despite after it is put to notice that principal borrower defaulted repaying the loan availed by it.

Initiation of proceedings under IBC against corporate guarantor without invoking IBC against the principal borrower:

Dr. Vishnu Kumar Agarwal vs. M/s. Piramal Enterprises Ltd No. 346 of 2018 Order 08.01.2019 of Hon’ble NCLAT Delhi. Held that Corporate Insolvency Resolution Process can be initiated against a Corporate Guarantor, even when the Principal Borrower is not a Corporate Debtor or Corporate Person. From clause (h) of Section 5 (8) of the ‘I&B Code’, it is clear that counter-indemnity obligation in respect of a guarantee comes within the meaning of ‘financial debt’. A financial creditor is at liberty to initiate CIRP against a corporate guarantor under Section 7 of the Code without first initiating a Section 7 application against the principal borrower with regard to the same debt/claim or default.

Referred “**State Bank of India v. Indexport Registered and Ors.**– (1992) 3 SCC 159”, the Hon’ble Supreme Court held that the decree holder bank can execute the decree first against the guarantor without proceeding against the ‘Principal Borrower’. Guarantor’s liability is co-extensive with that of the principal debtor under the ‘Contract Act, 1872’

Also, a financial creditor can file multiple applications under Section 7 of the Code for initiation of 'Corporate Insolvency Resolution Process' in respect of the same debt and default. However, upon admission of any one of such applications by the adjudicating authority, the other applications cannot be admitted and are liable to be set aside. Hence, multiple applications for initiation of a 'Corporate Insolvency Resolution Process' in respect of the same claim/debt cannot be proceeded with.

Gist: The liability of guarantors is considered to be co-extensive with, as well as distinctive from the liability of the principal corporate debtor under the Code. Accordingly, both the principal corporate debtor and the guarantor can be proceeded against under the Code. The guarantor can also be proceeded against under different fora, when the corporate debtor is being proceeded against under the Code. In the alternate, the guarantor can be proceeded against under the Code, even when a corporate insolvency resolution process has not been initiated against the principal debtor, and even when the principal debtor is not a corporate person. However, two corporate guarantors cannot be proceeded against simultaneously.

Whether a creditor can file a claim in case of CIRP of the guarantor when the guarantee has not been invoked:



If the claim has not been matured in absence of default on the part of the ‘Principal Borrower’ and for non-invocation of the Bank Guarantee, the surety even though it falls within the definition of creditor, his claim cannot be accepted as the debt payable by the ‘Corporate Debtor’ as on the date of the admission (initiation of ‘Corporate Insolvency Resolution Process’).

The same was held by Hon’ble NCLAT in **Edelweiss asset reconstruction company limited Vs. Orissa manganese and minerals limited & Ors** [CA(AT)(Ins)No. 437,438,444&500/2018]: In this matter, the CD had given guarantee to the appellant. The principal borrower had neither defaulted on payments to the appellant nor the appellant had invoked guarantee. The NCLAT considered the issue whether in such circumstances the appellant can submit a claim in the CIRP of the CD. It held that the claim of the appellant cannot be considered as the debt payable by the CD as on the date of the commencement of CIRP.

Further held by the Principal Bench in **Axis Bank Ltd vs. Edu Smart Services Pvt Ltd** (IB)-102(PB)/2017 that if guarantee has not been invoked upto the date of commencement of CIRP against the guarantor, then Sec 14 would prevent the surety from invoking guarantee during CIRP.

Can a resolution plan deal with the surety’s claim on subrogation:

As per Sec 140 of the Indian Contract Act, 1872: Where a guaranteed debt has become due, or default of the principal debtor to perform a guaranteed duty has taken place, the surety, upon payment or performance of all that he is liable for, is invested with all the rights which the creditor had against the principal debtor. On question of whether the surety’s right against the corporate debtor be altered by the resolution plan, the Apex Court in **Committee of Creditors of Essar Steel India Limited Vs. Satish Kumar Gupta & Ors.** [Civil Appeal No. 8766-67/2019 and other petitions] held that. Section 31(1) of the Code makes it clear that once a resolution plan is approved by the CoC, it shall be binding on all stakeholders, including guarantors. This provision ensures that the successful resolution applicant starts running the business of the CD on a fresh slate as it were. Resolution plan can state that the claims of the guarantor on account of subrogation shall be extinguished or diminished.

From above discussion, one can understand how quickly the Insolvency and Bankruptcy Code has, either through legislative or through judicial action, cleared the cob webs in terms of empowering creditors for effective enforcement of guarantees.



Abrogation of Article 370; the necessity of reorganisation w.r.t. Economic development



Contributed by: CA Anil Goel, Founder Trustee of Jammu Kashmir Study Centre,
Independent Director: RITES Ltd

INTRODUCTION

Article 370 was a Temporary and one of the most controversial provision of the Constitution of India. Dr. Ambedkar refused to bring this provision in the Constituents Assembly and it was brought as a Temporary provision.

The repeal of Article 370 was unanimous in the Parliament during 1964 but somehow the matter was deferred. It is also a fact that for decades, no progress had been made on this issue. It was made a prestige issue by some of the Political Parties, mainly functioning in Kashmir Valley and also National Parties like Congress and the Left. However, it was on the 5th August, 2019, the dream of abrogating Art. 370 comes out to be real.

Two major steps were taken for the real development of the erstwhile State of J&K in the Long Term, which are as under:

1. The Jammu And Kashmir Reorganisation Bill, 2019; through which it was proposed to bifurcate the State into two Union Territories (a) Jammu and Kashmir and (b) Ladakh; and
2. The Presidential Notification by which the Article 370 was reworded into single sentence to ensure that the Constitution of India would apply to Jammu and Kashmir without exceptions of modifications notwithstanding anything to the contrary contained in the Constitution or anywhere else. By this, the controversial Article 35A was also revoked.



ARTICLE 370: LIMITATIONS TO REAL ECONOMIC DEVELOPMENT:

It is a fact that the State of J&K was getting the highest revenue from the Central Government. However, despite getting such high Financial Assistance, it is also true that the common citizens of the State remained poor. A State having huge Natural Resources was having very poor Industrial Infrastructure and a low level of employment opportunity. Some of the points which were responsible for blocking the Economical Growth were as follows:

1. Legislations such as Panchayat Raj, Weaker Section Reservation etc, aimed at grassroots and community's empowerment and democratic decentralization were being blocked.
2. The autonomy clause enabled the Kashmir Valley based polities to capture most Institutions and inflame communal passions.
3. Separatism was used to keep the situation boiling so as to blackmail the Central Government for more funds without any accountability at all.
4. Nothing was done to address the culture of corruption and mis governance that characterized the State and amplified the deep feeling of alienation.
5. Central Government were very liberal to allocate Financial Assistance and this served as a disincentive for State Government to establish a climate for Private Investment and create employment. It was a State where it was “Tease of doing Business”, instead of “ease of doing business”.
6. Tax Revenue earned were very low but taxes foregone by the State were too high.
7. Government expenditure were over half the State's Domestic Product. Government employment was estimated to be about five lakhs (70% being from the Valley).
8. Though the J&K's per capita income was almost half that of Himachal Pradesh, its average Household assets is among the highest in the country and while its state Domestic Product is about 60% of that of HP and the number of vehicles registered (both private and commercial) in J&K are almost equal to that of HP. Clearly, corruption in J&K was a serious problem!

Thus, the entire structure of governance and flow of funds encourages separatism and discouraging integration. It has given rise to a system that plays off one community against the other in Jammu and Ladakh while ensuring that jobs, funds and projects are concentrated to a few hundred families of the Valley.



REORGANISING J&K: THE NECESSITY FOR REBOOTING

The issues of Jammu and Kashmir can no longer be solved by halves. A mere “spell” of President Rule to “right” the ship and hand it back to the old crew will not do. Experience has proved that this policy is akin to treating a dreadful disease with less than its full course of antibiotics which returns in a more virulent and drug resistant form. To change all this requires a total transformation in the administrative, security, economic, educational and cultural set up of Jammu and Kashmir. The deletion of obstructive nature of Article 370 made our democracy more participatory and inclusive. Thus the 73rd Amendment can be implemented in a manner so that rural communities are empowered from the grassroots i.e. from the level of a family, Village, to the Block and up to the District and the State. Given its unparalleled diversity of geographical, cultural, linguistic or religious, there is no alternative to democratic decentralisation and involving the people to the Governance. In the same manner, given the State's growing urbanisation and the obvious importance of urban areas in the overall development of the State, the application of the 74th Amendment for a democratic, inclusive and participatory approach is also necessary. Excluded and marginalised backward and tribal communities of the State like the Gujjars, Bakerwals, Gaddis and Sippis have to be given a respite from Colonial Laws that legally excluded them from their natural habitat i.e. the Forests which is exactly what the Forest Act 2007 is designed to do.

UNIQUE FEATURES OF J&K & LADHAK FOR ECONOMIC GROWTH:

1. Ample Availability of vast Land for Industrial Development.
2. Ample Availability of Water, other Natural Resources and Raw Materials.
3. Ample Opportunities for Power Generation.
4. Hard working and Intelligent people of J&K.

After abrogation of Article 370, all above unique features taken together are expected to lead the UT of J&K and Ladakh to the new heights of economic growth.

SUMMING UP

The transformation of J&K from a terror-stricken region in to Economically developed region seems to be possible after abrogation of Article 370 and Reorganisation of the State. The results are visible even now as the farmers are able to sell their produce pan



India, getting much more revenue as compared to earlier. The combination of complete overhaul of its administrative structure, systems of governance, education system and Industrial policy, coupled with the aforesaid unique features of the region would certainly lead to lay the foundations of a new J&K and Ladakh.

While visualizing and preparing for a Jammu and Kashmir of the future, it is wise to take into account the myriad problems that it faces. It would be myopic however to be constrained by the same when visualizing and planning the future. The aim of India should be to project a vision of the Jammu and Kashmir which is eminently achievable: that is a Jammu and Kashmir joining hands with other States and UTs in transforming India into a knowledge society in its broadest sense engaging fruitfully with the process of globalization in all its forms. This knowledge society thus not only has modern technology as one its components but more importantly is a free, dynamic, cosmopolitan and liberal society aware of the geographical, social and political environment in which it exists and is able to use its knowledge and organizational skills optimally in this milieu and where freedom of the individual is only limited by the equal rights of others.



Hiring/Renting of motor vehicle under reverse charge 9(3)



Contributed by: CA Shubham Agarwal, B.COM(H), FCA, LLB, DISA

1. Recently a new Notification no 22/2019 dated 30th Sep 2019 was introduced wherein Renting of Motor vehicle was made taxable under Reverse charge. But not all is renting and not all is taxable under RCM. Lets us find out:
2. Notification No: 22/2019 CGST (rate) Date 30.9.2019 (entry 15) reads as below:

Sr. No.	Category of Supply of Services	Supplier of Services	Recipient of Service
(1)	(2)	(3)	(4)
15	Services provided by way of renting of motor vehicle provided to a body corporate	Any person other than a body corporate, paying central tax at the rate of 2.5% (amended as “other than 12% vide notification 29/2019” CGST Rate) on renting of motor vehicles with input tax credit only of input service in the same line of business.	Anybody Corporate located in the taxable territory.

3. What type of service is covered?

Renting of motor vehicle has been made taxable under RCM. Renting means a vehicle has been made available in possession with the recipient to use it with its own control for the effective period of time.

4. How is renting different from other nature of services?



- 4a) If the vehicle owner merely picks passengers/employees from one place and drops it to another place it is merely a passenger pick and drop service and **not** renting of motor vehicle.
- 4b) Another important nature of service is leasing. A lease is an agreement whereby the lessor conveys to the lessee in return for a payment or series of payments the right to use an asset for an agreed period of time. In such a case leasing falls out of the ambit of above entry no 15 and will become taxable at the rate of sale of motor vehicle.

The intention behind this could have been that tax does not get evaded by transferring the motor vehicle disguising it as a lease. We know that tax on supply of motor vehicle attracts comparatively higher rate of tax along with compensation cess in comparison to tax rate on lease of motor vehicle. Hence if a motor vehicle is leased out for virtually the entire effective life of vehicle it is nothing but a transfer disguised as lease. Therefore to avoid this, lease has been made applicable @tax rate applicable on sale of vehicle including cess. This becomes taxable in HSN 9971/9973 as the case maybe.

5. Following is the view wrt Notif no : 22/2019 CGST (rate) dt 30.9.2019 (entry 15) and Notif no 29/2019 CGST (Rate) dt 31.12.2019 (amending parent notification no 13/2017 CGST(rate) dt 28.06.2017)
 - a. If the supplier is a non-body corporate
 - b. If the recipient is a body corporate
 - c. If supplier used to charge other than 12% before 1.10.2019
 - d. Billing is done for idle time of vehicle by supplier. (vehicle's effective control is with recipient and operator (i.e. driver) is of supplier). The motive of renting should be established.

Then if all above are fulfilled, RCM will be applicable in HSN 9966 @5%. Its input will be blocked if it is a cab/jeep (or any vehicle having seating capacity of less than 13 persons). If it is a bus it will be available.

6. The RCM provisions are not applicable in the following situations: -
 - a. The cab operator / service provider is a body corporate; **or**
 - b. The cab operator / service provider is paying 12% GST (normal rate under HSN Code 9966) with or without availing ITC; **or**
 - c. The service recipient is not a body corporate i.e. it is a proprietorship or partnership firm.
 - d. Cab not charging for idle time



7. If cab is not charging for idle time, then?

If cab/jeep is not billing for idle time, i.e. bus/cab after picking and dropping of passengers/employees goes for its own business or does not continue to stay at recipients' premises, then it is a mere pick and drop service rendered by supplier taxable in HSN 9964 (passenger transportation service) without RCM. (For eg A cab can be rented for the whole day (rent-9966) as well as on trip basis to take from 1 point A to point B(pick-drop service 9964)

In this HSN supplier has 3 options to charge tax rate:

- a) 12% with ITC (if fuel is made part of consideration)
- b) 5% without ITC (if fuel made part of consideration) (ITC not available to supplier except in same line of business for supplier i.e supplier taking cab service from another cab service provider)
- c) other than a) and b) is 18% with input for supplier (where fuel is not charged in consideration)

8. Input allowed or not?

For recipient if its a cab, no input allowed whether RCM or not. That is because same is blocked under sec 17(5) of CGST Act 2017 as amended by 2018 CGST amendment act. Having paid GST / IGST on RCM basis, input tax credit would not be available to the body corporate / service recipient. Under section 17(5) of CGST Act, 2017, renting or hiring of motor vehicle having approved seating capacity upto 13 persons (including driver) is not allowed as input tax credit. Hence the same will be an additional cost for companies.

9. Conclusion:

Hence it is important to identify that is the service a mere pick and drop service or a renting of vehicle or leasing. Difference between leasing and renting is thin. It is to be gauged from the intention whether a vehicle is transferred to recipient disguising it as a lease or not. A mere pick and drop service is not covered in RCM in said notification. However renting of vehicle is covered as discussed above.



High Courts Safeguarding the Right to Transitional Credit of Assesseees

Contributed by: Advocate Puneet Agrawal, Convenor, Newsletter Group – BVSS & Advocate Yuvraj Singh, Associate at ALA Legal

The Goods and Services Tax Act came with effect from 01.07.2017. It was widely publicised that the GST Laws were made for various tax reforms including smooth transitioning of the existing Input Tax Credit available under previous laws, namely: Entry Tax Act, Central Excise Act, Customs Tariff Act, Value Added Tax Act, etc. as applicable, into the new tax regime, i.e., GST Laws in ITC and that the assessee shall be eligible for utilization of the said ITC for discharging tax liability under the GST Laws with effect from 01.07.2017. For the purpose for facilitating registration, payment of tax, furnishing returns, etc. GST Network (www.gst.gov.in) was notified as the ‘**Common Portal**’. The assesseees were required to submit the details of transitional credit to be carried forward from the previous laws to GST law, on this vary portal.

However, due to reasons such as technicalities, glitches, improper functioning of the portal, no option to review the details, no guidance as such provided to fill the form, etc. a large number of assessee could not file/filed incorrectly/missed to claim transitional credit before the due date which was fixed to be 27th December 2017 initially. Though the Government by adding Rule 117(1A) in CGST Rules has been extending the date to file TRAN-1 declaration but it is limited to persons who could not submit the declaration by the due date on account of technical difficulties on the portal and whose case has been recommended by the GST Council.

The cases which fall in the criteria provided under Rule 117(1A) are very few, because Rule 117(1A) has two essential requirements for extension of filing declaration for GST Tran-1 (i) that the said declaration could not be filed due to technical difficulties; and (ii) that case must be recommended by GST Council. Therefore, even for assesseees who could not file the declaration due to technical difficulties, their cases would have to be examined and recommended by the GST Council in order to be eligible to file the GST TRAN-1 declaration. As per the authorities the scope of technical difficulties is very narrow and therefore in number of cases, where assesseees approached the Grievance Redressal Team of the Authorities, their cases have been outrightly rejected for want of evidence(s) showing that the assesseees have faced technical difficulties while filing the Tran-1 declaration. This has resulted in outright denial of the credit, which is vested right of the dealers and it is indefeasible [*Collector Of Central Excise, Pune Versus Dai Ichi Karkaria Ltd. 1999(112) E.L.T. 353 (SC)*].



As a result of the inactions of the Revenue Authorities in providing solutions to assesseees, inaction in not responding to representations of the assesseees, a large number of assesseees across various Indian State sought the intervention of various High Courts; And the High Courts of several States came to the rescue of assesseees and allowed assesseees to claim the transitional credit. To quote few instances:

The Hon’ble Madras High Court in *Tara Motors Versus Union of India 2018 SCC Online Mad 3387* held that:

“8. GST is new progressive levy. One of the progressive ideal of GST is to avoid cascading taxes. GST law contemplates seamless flow of tax credits on all eligible inputs. Input tax credits in TRAN-1 are the credits legitimately accrued in the GST transition. The due date contemplated under the laws to claim the transitional credit is procedural in nature. Therefore, in view of GST regime and IT platform being new, it may not be justifiable to expect the users to back up digital evidences. Even under the old taxation laws, it is a settled legal position that substantive input credit cannot be denied or altered on account of procedural ground.”

The Hon’ble Delhi Court in *Bhargava Motors v. Union of India in W.P(C) 1280 of 2018* directed the respondent to open the portal and let the petitioner again file the TRAN-1 declaration or accept the manual TRAN-1 declaration, and stated that:

“The GST system is still in a trial and error phase” as far as its implementation is concerned.”

In the case of *Blue Bird Pure Pvt. Ltd. v. Union of India W.P(C) 3798 of 2019*, where the petitioner committed mistake while filing the TRAN-1 form and approached the Hon’ble Delhi High Court citing the judgement of *Bhargava Motors* (Supra) and *M/S Kusum Enterprises V. Union Of India & Ors. 7423 Of 2019 (Del.)*, the Respondents in that case tried distinguishing the facts of the *Bhargava Motors* (Supra) where the petitioner approached the Hon’ble Court on account of technical glitches, wherein in the case of *Blue Bird* (Supra), the petitioner has approached on account of mistake committed by him. The Hon’ble Court while rejecting the contention of the Respondents stated that:

“10. Having carefully examined those decisions, the Court is unable to find any distinguishing feature that should deny the Petitioner a relief similar to the one granted in those cases. In those cases also, there was some error committed by the Petitioners which they were unable to rectify in the TRAN-1 Form and as a result of which, they could not file the returns in TRAN-2 Form and avail of the credit which they were entitled to. In both the said decisions, the Court noticed that GST system is still in the ‘trial and error phase’ insofar as its implementation is concerned.”



Further in the case of *Lease Plan India Private Limited v. Government of National Capital Territory of Delhi & Ors. W.P.(C) 3309/2019 (Del.)* the Hon’ble Delhi High Court while following the verdict of *Bhargava Motors* (Supra), *Kusum Enterprise* (Supra) and *Blue Bird Pure Pvt. Ltd.* (Supra) and pronouncing judgment in favour of the Petitioner went to the extent to hold that:

“We may additionally add that the credit standing in favour of an assessee is property and the assessee could not be deprived of the said property save by authority of law in terms of Article 300 (A) of the Constitution of India. There is no law brought to our notice which extinguishes the said right to property of the assessee in the credit standing in their favour.”

The Hon’ble Gujarat High Court following the league of decisions of Delhi High Court, gave a landmark verdict in favour of the petitioner in case of *M/s Siddharth Enterprises Versus The Nodal Officer R/Special Civil Application No. 5758 Of 2019 (Guj.)* and held that credit is a vested right of the assessee and non-granting the same on account of technical or procedural glitches is a violation of *Article 14, Article 19(1)(g)* and *Article 300A of the Constitution of India*. The Hon’ble Gujarat High Court directed the Respondents to either open the Common Portal so that the petitioner can file/revise GST TRAN-1 or accept the manual application.

Considering the difficulties being faced by the assesseees all over India in claiming the transitional credit and following the verdicts of Hon’ble Delhi High Court and Hon’ble Gujarat High Court, the Hon’ble Punjab & Haryana High Court in the case of *Adfert Technologies Pvt. Ltd. v. Union of India in CWP No.30949 of 2018(O&M)* reiterated the rulings of *M/s Siddhartha Enterprise*(Supra), and allowed a total number of 102 Writ Petitions.

The Hon’ble Himachal Pradesh High Court in the case of *M/s Jay Bee Industries v. Union of India CWP No. 2169 of 2018*, by following the verdicts of Hon’ble Madras High court, Hon’ble Delhi High Court and Hon’ble Punjab & Haryana High Court held that:

“...it has been judicially recognized that GST system is still in a “trial and error phase”, as far as its implementation is concerned and because of this the Courts had been approached by the dealers facing genuine difficulties in filing returns, claiming input tax credit through the GST portal. As a matter of fact, the Court acknowledged the procedural difficulties in claiming input tax credit in the TRAN-1 Form and the Court permitted the respondents “either to open the portal so as enable the petitioner to file the TRAN-1 electronically for claiming the transitional credit or accept the manually filed TRAN-1 and to allow the input credit claimed after processing the same, if otherwise eligible in law”



The Hon'ble Delhi High Court, specifically rejecting the contention of the Respondent in the case of *SRC Aviation (P) Ltd v. Union of India W.P(C) 12167/2019*, that the Petitioner must show evidence of the efforts made while filing the GST TRAN-1, the Hon'ble Court held that:

“It is not fair to expect that each person who may not have been able to upload the Form GST TRAN-1 should have preserved some evidence of it such as, by taking a screen shot. Many of the registered dealers/traders come from rural/semiliterate background. They may not have had the presence of mind to create any record of their having tried, and failed, to upload the Form GST TRAN-1. They cannot be made to suffer in this background, particularly, when the systems of the Respondents were not efficient.”

It is crystal clear from the judicial verdicts of various Hon'ble High Courts, that the Revenue cannot deprive an assessee's right to transitional credit. However despite the league of judgements and decisions in favour of assessees, the revenue authorities are having arbitrary approach in dealing with TRAN-1 applications from the dealers. This has resulted in assessees approaching the respective High Courts for the relief. But this should be noted that neither everyone approaches nor everyone can approach High Courts and get relief. There are a large section of assessees living in remote areas who do not have means to approach the State's Highest Constitutional Court, and therefore are unable to carry forward the credit and utilise the transitional credit. The procedure and technicalities of GST Law and the arbitrary action of the Revenue Authorities have resulted in deprivation of the credit to the assessees.

Way Forward

The dire need of the present hour is that the Revenue Authorities should amend their approach in dealing with the TRAN-1 applications which either could not have been filed or filed incorrectly due to the procedural or technical reason. They must understand that Credit is a vested right of assessees, and it cannot be deprived on the procedural or technical grounds, deprivation of the same is resulting in collapsing of the businesses due to lack of Capital and ultimately effecting the Indian Economy.

In any other case the assessees may approach their jurisdictional High Courts to get speedy relief.



National Anti-profiteering Authority: the need to bring structural improvements

Contributed by: Advocate Purvi Sinha, Manager, ALA Legal

That on the recommendations of the Goods and Service Tax Council, a constitutional body established under Article 246A of the Constitution of India, the Central Government under the provisions of Section 164 of the Central Goods and Services Tax Act, 2017 (CGST Ac) has established the National Anti-profiteering Authority (NAA) to examine any reduction in rate of tax on any supply of goods or services or the benefit of input tax credit shall be passed on to the recipient by way of commensurate reduction in prices. Hence, the purpose of constituting such authority was to make sure that in the GST regime, any benefit provided by Government either through reduction in rate of tax or through benefit of input tax credit shall be passed on through commensurate reduction in prices.

For the said laudable purpose, it has been conferred wide power under Section 171 of the CGST Act read with the allied Rules. However, it is interesting that an authority with such wide powers of adjudication does not have even a single judicial member in its constitution. Therefore, the CGST Act read with allied Rules provides for constitution of the Authority in defiance of the principles of law as enunciated by the Hon'ble Supreme Court in Madras Bar Association Case-I, II and III.

Furthermore, the Act read with rules provides no guidance regarding the methodology/mechanism for computation of the benefit, and has left everything to be determined by the Authority as per its own will and understanding. That said unguided power of adjudication given to an authority, which does not have even a single judicial member in its constitution has created fear in the minds of the Assesses across India that this situation may result in unwanted proceedings against them, and would put unreasonable restriction on their right to carry on business.

That the analysis of the decisions/orders of the Ld. NAA also supports the said fear in the minds of the Assessee is turning to be a reality as the Authority seems to confirm profiteering in all the cases without considering the peculiarities of the case, which is resulting in loss of trust and faith of the stakeholders on the Authority, and also in putting unreasonable restriction on the right of the stakeholders to do to business.



Hence, in our opinion an authority with such laudable purpose must have judicial members who would be better equipped to adjudicate the cases before it. Also, the main problem faced by the Assessee i.e. absence of computation mechanism should be resolved by providing guidance regarding the same so that the businessman shall not be dragged into such proceedings when it is willing to pass on the required benefit to the ultimate consumers by commensurate reduction in prices.



Latest updates

Indirect taxes/ GST

Contributed by: CA. Sanjay Garg, Convenor, GST Group - BVSS

(During Month November – 2019)

Notifications, Circulars & Orders:

Compiled by: CA. Sanjay Garg, B.Com. (Hons.) F.C.A., Convener, BVSS GST Group

Central Tax Notifications:

1. 52/2019-Central Tax, dt. 14-11-2019

Seeks to extend the due date for furnishing FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover of up to 1.5 crore rupees for the quarter July, 2019 to September, 2019.

2. 53/2019-Central Tax, dt. 14-11-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the months of July, 2019 to September, 2019.

3. 54/2019-Central Tax, dt. 14-11-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the months of July, 2019 to September, 2019.

4. 55/2019-Central Tax, dt. 14-11-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-7 for registered persons in Jammu and Kashmir for the months of July, 2019 to September, 2019.

5. 56/2019-Central Tax, dt. 14-11-2019

Seeks to carry out Seventh amendment (2019) in the CGST Rules, 2017. [Primarily related to Simplification of the Annual Return / Reconciliation Statement]

6. 57/2019-Central Tax, dt. 26-11-2019



Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the months of July, 2019 to September, 2019.

7. 58/2019-Central Tax, dt. 26-11-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the month of October, 2019.

8. 59/2019-Central Tax, dt. 26-11-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-7 for registered persons in Jammu and Kashmir for the months of July, 2019 to October, 2019.

9. 60/2019-Central Tax, dt. 26-11-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the months of July, 2019 to September, 2019

10. 61/2019-Central Tax, dt. 26-11-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the month of October, 2019

11. 62/2019-Central Tax, dt. 26-11-2019

Seeks to notify the transition plan with respect to J&K reorganization w.e.f. 31.10.2019

Central Tax Rate Notification:

1. 26/2019-Central Tax (Rate), dt. 22-11-2019

Seeks to insert explanation regarding Bus Body Building in Notification No. 11/2017-Central Tax (Rate) dt. 28-06-2017.

Integrated Tax Notifications:

1. No Notification issued in this month



Integrated Tax Rate Notifications:

1. 25/2019-Integrated Tax (Rate) ,dt. 22-11-2019

Seeks to insert explanation regarding Bus Body Building in Notification No. 8/2017-Integrated Tax (Rate) dt. 28-06-2017.

Union Territory Notifications:

1. No Notification issued in this month

Union Tax Rate Notifications:

1. 26/2019-Union Territory tax (rate), dt. 22-11-2019

Seeks to insert explanation regarding Bus Body Building in Notification No. 11/2017-Union Territory Tax (Rate) dt. 28-06-2017.

Central Tax Circulars:

1. 122/2019-Central Tax, dt. 05-11-2019

Generation and quoting of Document Identification Number (DIN) on any communication issued by the officers of the Central Board of Indirect Taxes and Customs (CBIC) to tax payers and other concerned persons- reg.

2. 123/2019-Central Tax, dt. 11-11-2019

Seeks to clarify restrictions in availment of input tax credit in terms of sub-rule (4) of rule 36 of CGST Rules, 2017.

3. 124/2019-Central Tax, dt. 18-11-2019

Seeks to clarify optional filing of annual return under notification No. 47/2019-Central Tax dated 9th October, 2019.

4. 125/2019-Central Tax, dt. 18-11-2019

Seeks to clarify the fully electronic refund process through FORM GST RFD-01 and single disbursement.



5. 126/2019-Central Tax, dt. 22-11-2019

Clarification on scope of the notification entry at item (id), related to job work, under heading 9988 of Notification No. 11/2017-Central Tax (Rate) dated 28-06-2017-reg.

Integrated Tax Circulars:

1. No Circulars issued in this month

Removal of Difficulty Order-Central Tax:

1. Order No.8/2019-Central Tax, dt. 14-11-2019

Seeks to extend the last date for furnishing of annual return/reconciliation statement in FORM GSTR-9/FORM GSTR-9C for FY 2017-18 till 31st December, 2019 and for FY 2018-19 till 31st March, 2020

Removal of Difficulty Order-Union Territory:

1. No ROD issued in this month

Press Release:

1. No GST Council meeting held in this month

GST Case Law Updates:

1. Paresh Nathalal Chauhan Vs State of Gujarat reported in 2019-TIOL-2472-HC-AHM-GST

The case pertains to search and seizure operations conducted by GST officials on the residential premises of the petitioner. The Gujarat HC was displeased by the manner in which the search and seizure operations were conducted by the officials and recorded the following order.

Order of the High Court

Section 67(2) of the Act empowers the authorized officer to search and seize the goods, documents or books or things - however, s.67(2) does not empower the officer concerned to record statements of family members through force or coercion or to record their conversations in their mobile phones. It is not permissible for the authorized officer to use coercive measures against family



members to find out the whereabouts of the taxable person. It is shocking to see that in a premises where there are three ladies, namely, the petitioner's mother, wife and young daughter, male officers together with a CRPF officer have stayed throughout the day and night despite the fact that the goods, articles and things were already seized on 11.10.2019. Entire exercise carried out by the officers from 12.10.2019 to 18.10.2019 was totally without any authority of law and in flagrant disregard of the provisions of the Act and the rules and in total abuse of the powers vested in them under the Act. Manner in which the officers have conducted themselves by overreaching the process of law and acting beyond powers vested in them under s.67 (2) of the CGST Act, 2017 needs to be deprecated in the strictest terms. A proper enquiry needs to be made in respect of the action of the respondent officers of staying day and night at the premises of the petitioner without any authority of law. First respondent Commissioner of State Tax, Ahmadabad shall carry out a proper enquiry in the matter and submit a report before the Court on or before 13th November 2019. Matter to be heard on 13.11.2019. Registry to forthwith forward a copy of the order to the Commissioner of State Tax as well as Chief Secretary of the State to look into the matter and do the needful to ensure that such incidents are not repeated.

Advance Ruling Updates:

1. **Rajasthan Advance Ruling Order No. RAJ/AAR/2019-20/23, Dated 21st October, 2019**

M/s Indag Rubber Limited,

Whether the applicant is eligible to claim credit of the GST charged by vendor at the time of supply of goods and services to it, which are used for carrying out the following activities for setting up of MRO facility which will be rented out: a. Civil Work and b. External Developmental Works.

HELD

The applicant is not eligible to claim credit of the GST charged by vendor for supply of goods and services to it, which are used for carrying out the activities (Civil Work and External Developmental Works) for setting up of MRO facility.

2. **Goa Advance Ruling No. GOA/GAAR/01 of 2019-20/1875, Dated 17th October, 2019**

M/s Goa Industrial Development Corporation



Whether the receipt of amount as compensation would be supply made by the applicant.

HELD

The compensation paid by GIDC would clearly qualify as 'Supply' under clause 5(e) of Schedule II of the GST Act, and therefore the amount would attract tax liability.

GST Portal Updates:

- 1. E-Way Bill** system will have a new feature of blocking/ unblocking of the taxpayers, as per the rule. That is, if the GST taxpayer has not filed Return 3B for the last two successive months in GST Common portal, then that GSTIN will be blocked for generation of e-way bill either as consignor or consignee.
 - 2. New Refund Functionalities:** Refund applications filed by the taxpayers in RFD-01 form shall be processed electronically/ online by the tax-officer and all communications between the tax officers and the taxpayers shall take place electronically.
 - 3.** Taxpayers can now see all the GSTINs mapped to same PAN across India, at the time of filing the Part A of the registration application form for new registration, on same PAN.
 - 4.** Taxpayers applying for registration as OIDAR can now give details of their authorized representative appointed in India (Name, PAN, Mail & mobile number) in Part A of the registration Form GST REG 10.
 - 5.** The validation of unique combination of same PAN, Email and Mobile number has been removed while filing registration application by already registered taxpayers. Now another registration can be taken by already registered taxpayers (Normal, Composition, Casual, TDS, TCS, GSTP) by giving same (or any) combination of PAN, Email or Mobile number.
-



LATEST UPDATE

Indirect Taxes/ GST

(During Month December – 2019)

Notifications, Circulars & Orders:

Central Tax Notifications:

12. 63/2019-Central Tax, dt. 12-12-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the months of July, 2019 to September, 2019.

13. 64/2019-Central Tax, dt. 12-12-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the month of October, 2019.

14. 65/2019-Central Tax, dt. 12-12-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-7 for registered persons in Jammu and Kashmir for the months of July, 2019 to October, 2019.

15. 66/2019-Central Tax, dt. 12-12-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the months of July, 2019 to September, 2019.

16. 67/2019-Central Tax, dt. 12-12-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the month of October, 2019.

17. 68/2019-Central Tax, dt. 13-12-2019

Seeks to carry out changes in the CGST Rules, 2017.

18. 69/2019-Central Tax, dt. 13-12-2019



Seeks to notify the common portal for the purpose of e-invoice.

19. 70/2019-Central Tax, dt. 13-12-2019

Seeks to notify the class of registered person required to issue e-invoice.

20. 71/2019-Central Tax, dt. 13-12-2019

Seeks to give effect to the provisions of rule 46 of the CGST Rules, 2017.

21. 72/2019-Central Tax, dt. 13-12-2019

Seeks to notify the class of registered person required to issue invoice having QR Code.

22. 73/2019-Central Tax, dt. 23-12-2019

Seeks to extend the last date for filing of FORM GSTR-3B for the month of November, 2019 by three days from 20.12.2019 till 23.12.2019

23. 74/2019-Central Tax, dt. 26-12-2019

Seeks to waive late fees for non-filing of FORM GSTR-1 from July, 2017 to November, 2019.

24. 75/2019-Central Tax, dt. 26-12-2019

Seeks to carry out changes in the CGST Rules, 2017.

25. 76/2019-Central Tax, dt. 26-12-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Assam, Manipur or Tripura having aggregate turnover more than 1.5 crore rupees for the month of November, 2019.

26. 77/2019-Central Tax, dt. 26-12-2019

Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Assam, Manipur, Meghalaya or Tripura for the month of November, 2019

27. 78/2019-Central Tax, dt. 26-12-2019



Seeks to extend the due date for furnishing of return in FORM GSTR-7 for registered persons in Assam, Manipur or Tripura for the month of November, 2019.

Central Tax Rate Notification:

2. 27/2019-Central Tax (Rate), dt. 30-12-2019

Seeks to further amend notification No. 01/2017-Central Tax (Rate), to change the rate of GST on goods as per recommendations of the GST Council in its 38th Meeting.

3. 28/2019-Central Tax (Rate), dt. 31-12-2019

To amend notification No. 12/ 2017- Central Tax (Rate) so as to exempt certain services as recommended by GST Council in its 38th meeting held on 18.12.2019.

4. 29/2019-Central Tax (Rate), dt. 31-12-2019

To amend notification No. 13/ 2017- Central Tax (Rate) so as to notify certain services under reverse charge mechanism (RCM) as recommended by GST Council in its 38th meeting held on 18.12.2019.

Integrated Tax Notifications:

2. No Notification issued in this month

Integrated Tax Rate Notifications:

1. 26/2019-Integrated Tax (Rate) ,dt. 30-12-2019

Seeks to further amend notification No. 01/2017-Integrated Tax (Rate), to change the rate of GST on goods as per recommendations of the GST Council in its 38th Meeting.

2. 27/2019-Integrated Tax (Rate) ,dt. 31-12-2019

To amend notification No. 9/ 2017- Integrated Tax (Rate) so as to exempt certain services as recommended by GST Council in its 38th meeting held on 18.12.2019.

3. 28/2019-Integrated Tax (Rate) ,dt. 31-12-2019



To amend notification No. 10/ 2017- Integrated Tax (Rate) so as to notify certain services under reverse charge mechanism (RCM) as recommended by GST Council in its 38th meeting held on 18.12.2019.

Union Territory Notifications:

2. **No Notification issued in this month**

Union Tax Rate Notifications:

2. **27/2019-Union Territory tax (rate), dt. 30-12-2019**

Seeks to further amend notification No. 01/2017-Union Territory Tax (Rate), to change the rate of GST on goods as per recommendations of the GST Council in its 38th Meeting.

3. **28/2019-Union Territory tax (rate), dt. 31-12-2019**

To amend notification No. 12/ 2017- Union Territory Tax (Rate) so as to exempt certain services as recommended by GST Council in its 38th meeting held on 18.12.2019.

4. **29/2019-Union Territory tax (rate), dt. 31-12-2019**

To amend notification No. 13/ 2017- Union Territory Tax (Rate) so as to notify certain services under reverse charge mechanism (RCM) as recommended by GST Council in its 38th meeting held on 18.12.2019.

Central Tax Circulars:

6. **127/2019-Central Tax, dt. 04-12-2019**

Seeks to ab-initio withdraw the Circular No. 107/26/2019 dated 18.07.2019.

7. **128/2019-Central Tax, dt. 23-12-2019**

Generation and quoting of Document Identification Number (DIN) on any communication issued by the officers of the Central Board of Indirect Taxes and Customs (CBIC) to tax payers and other concerned persons.

8. **129/2019-Central Tax, dt. 24-12-2019**

Standard Operating Procedure to be followed in case of non-filers of returns – reg.



9. 130/2019-Central Tax, dt. 31-12-2019

RCM on renting of motor vehicles.

Integrated Tax Circulars:

2. No Circulars issued in this month

Removal of Difficulty Order-Central Tax:

2. Order No.9/2019-Central Tax, dt. 03-12-2019

Issuance of Removal of Difficulties Order so as to extend the last date for filing of appeals before the GST Appellate Tribunal against orders of Appellate Authority on account of non-constitution of benches of the Appellate Tribunal.

3. Order No.10/2019-Central Tax, dt. 26-12-2019

Seeks to extend the last date for furnishing of annual return/reconciliation statement in FORM GSTR-9/FORM GSTR-9C for FY 2017-18 till 31.01.2020.

Removal of Difficulty Order-Union Territory:

2. No ROD issued in this month

Press Release:

Decisions taken by the GST Council in the 38 meeting held on 18th December, 2019 are as follows:

1. Grievance Redressal Committees (GRC) will be constituted at Zonal/State level with both CGST and SGST officers and including representatives of trade and industry and other GST stakeholders (GST practitioners and GSTN etc.). These committees will address grievances of specific/ general nature of taxpayers at the Zonal/ State level.
2. Due date for annual return in FORM GSTR-9 and reconciliation statement in FORM GSTR-9C for FY 2017-18 to be extended to 31.01.2020.
3. Following measures would be taken to improve filing of FORM GSTR-1: (i) waiver of late fee to be given to all taxpayers in respect of all pending FORM GSTR-1 from July 2017 to November 2019, if the same are filed by 10.01.2020. (ii) E-way Bill for



taxpayers who have not filed their FORM GSTR-1 for two tax periods shall be blocked.

4. Input tax credit to the recipient in respect of invoices or debit notes that are not reflected in his FORM GSTR-2A shall be restricted to 10 per cent of the eligible credit available in respect of invoices or debit notes reflected in his FORM GSTR-2A.
5. To check the menace of fake invoices, suitable action to be taken for blocking of fraudulently availed input tax credit in certain situations.
6. A Standard Operating Procedure for tax officers would be issued in respect of action to be taken in cases of non-filing of FORM GSTR 3B returns.
7. Due date of filing GST returns for the month of November, 2019 to be extended in respect of a few North Eastern States.
8. The Council also approved various law amendments which will be introduced in Budget 2020.
9. To exempt upfront amount payable for long term lease of industrial/ financial infrastructure plots by an entity having 20% or more ownership of Central or State Government. Presently, the exemption is available to an entity having 50% or more ownership of Central or State Government. This change shall become effective from 1st January, 2020.
10. To levy a single rate of GST @ 28% on both State run and State authorized lottery. This change shall become effective from 1st March, 2020.
11. The Council also considered the rate of GST rate on Woven and Non-Woven Bags and sacks of polyethylene or polypropylene strips or the like , whether or not laminated, of a kind used for packing of goods (HS code 3923/6305) in view of the requests received post the changes recommended on such goods in last meeting and recommended to raise the GST to a uniform rate of 18%(from 12%) on all such bags falling under HS 3923/6305 including Flexible Intermediate Bulk Containers (FIBC). This change shall become effective from 1st January, 2020.

GST Case Law Updates:

2. **Case of Kushal Ltd Vs UoI reported in 2019-TIOL-2943-HC-AHM-GST**

Facts



The petitioner-company manufactures and sells paper and paper waste and is also engaged in trading in various commodities. The petitioners were also duly registered under the GST Acts and regularly filed returns and discharged tax liability - The petitioner claimed to have entered into transactions on as is where is basis in the relevant year. The goods were purchased from registered persons under the GST Acts on payment of tax and were in turn sold to other registered persons. ITC was claimed of tax paid on purchases which was utilized towards payment of output tax liability and differential tax amount was paid through electronic cash ledger. Thereafter search proceedings were conducted at the petitioner's premises whereupon enquiry was made into the trading transactions and evidence regarding sales and purchases was called for. The petitioners claimed that since the goods were sold on as is where basis is, there was no evidence of their movement. While it was not disputed that the goods were purchased from registered vendors who had paid the taxes due. Later, summons was issued to the petitioner & statements were recorded. The petitioners submitted the documents as called for and claimed there to be no evasion of GST. The Revenue officers visited the petitioner's premises again for scrutiny of the same transactions whereupon the second petitioner was called to the commissionerate and was arrested immediately. The second petitioner was later granted bail u/s 167(2) of the Cr PC 1973.

The second petitioner was later granted bail u/s 167(2) of the Cr PC 1973 - The petitioner claimed to have been issued no notice u/s 73 or 74 of the GST Acts. It was also claimed that no proceedings were pending u/s 62, 63, 64, 67, 73 or 74 of the GST Acts, yet the Revenue provisionally attached the petitioner's bank accounts in exercise of powers u/s 83, which in such circumstances, was wholly without jurisdiction.

Order of the High Court

A reading of Section 83 of the CGST Act makes it clear that a sine qua non for exercising powers under this provision is that proceedings should be pending u/s 62, 63, 64, 67 or 74 of the CGST Act. Presently, the proceedings u/s 67 are no longer pending and pursuant to search, proceedings under any of the other sections mentioned in Section 83 were not initiated. In these circumstances, on the date when the orders of provisional attachment came to be passed, the basic requirement for exercising powers u/s 83 have not been satisfied. Hence the provisional attachment is not in consonance with the provisions of Section 83 and cannot be sustained. In such circumstances, it is also not necessary to enter into merits of the petitioner's contentions and the same are left open to be raised in appropriate proceedings before the appropriate forum - Hence the orders



attaching the petitioner's bank accounts are unsustainable and merit being quashed.

Advance Ruling Updates:

1. **Rajasthan Advance Ruling Order No. RAI/AAR/2019-20/24, Dated 24thOctober, 2019**

M/s Chandmal Narayandas Consortium

What is applicable rate of GST on Entry Fees, ticket charges for Toy Train facility and Pedal Boat facility collected by Municipal Park Subhash Udhyan?

HELD

The rate of GST on fee collected for entry into Subhash Udhyan (Municipal Park), ticket charges for **Toy** Train facility and ticket charges for Pedal Boat facility provided in Subhash Udhyan is @18%.

GST Portal Updates:

6. **Returns:** Taxpayers can now make amendments in Form GSTR 1, of advance tax and adjustment of advance tax of various tax periods, in the same month in Form GSTR 1.
7. **Form ITC 04:** Taxpayers can now delete challan in Table 4 of Form ITC 04.
8. **Payment:** Now preferred bank will be shown in the list of banks while creating challan.



Select recent amendments and changes in GST

Contributed by: Pawan Arora, Joint Partner, ALA LEGAL

+91-8800091636, pawan@alalegal.in

The Ministry of Finance has issued the following notifications, orders and circulars dated 30.12.2019, 31.12.2019 and 01.01.2020 to amend or notify the amended provisions of the GST Law.

I. Key Changes

A. Reverse Charge Mechanism (RCM) on renting of motor vehicles.

1. Liability to pay tax under RCM on renting of motor vehicle by Body Corporates being recipient has been inserted w.e.f. 01.10.2019. The Central Government has amended Serial no. 15 and the entries relating thereto under N. No. 13.2017-Central Tax (R) dated 28.06.2017 by replacing the same with the following: [N. No. 29/2019-Central Tax (R) dated 31.12.2019]

Sr. No.	Category of Supply of Services	Suppliers of Services	Recipient of Services
15	Services provided by way of renting of any motor vehicle designed to carry passengers where the cost of fuel is included in the consideration charges from the services recipient, provided to a body corporate.	Any person, other than a body corporate who supplies the service to a body corporate and does not issue an invoice charging central tax at the rate of 6 per cent. to the service recipient	Any-body corporate located in the taxable territory.

2. The Central Government has clarified the position of law that after the amendment referred above, the liability to pay GST on renting of motor vehicles under RCM shall not arise if **any** of the following conditions is satisfied:
 - a. **Cost of fuel** is not included in the price charged from the service recipient.
 - b. The **service recipient** is not a body corporate.
 - c. The **service provider** is a body corporate.



- d. The service provider issues an invoice charging 12% (availing full ITC) GST from the service recipient.
3. The liability to pay GST under RCM on renting of motor vehicle has been summarized as under:

S.No.	Constitution of Supplier	Supplier Registered under GST?	Cost of Fuel is included in the total consideration charged?	Supplier is charging GST @ 12%?	Constitution of Recipient	Whether Service Receiver is liable to pay GST under RCM
1.	Non-Body Corporate	Registered	Yes	No	Body Corporate	Yes
2.	Non-Body Corporate	Un-registered	Yes	NA	Body Corporate	Yes
3.	Body Corporate	-	-	-	-	No
4.	-	-	-	Yes	-	No
5.	-	-	-	-	Non-Body Corporate	No
6.	-	-	No	-	-	No

- B. Mandatory to provide option of prescribed mode of Electronic Payment to Buyers by prescribed class of registered persons. However, such class of registered persons are yet to be prescribed. [Section 31A]**
- C. Transfer of Cash Balance to Electronic Cash Ledger of Different Heads: Facility to the registered person to transfer any amount of tax, interest, penalty, fee or any other amount available from one head of electronic cash ledger to the electronic cash ledger for integrated tax, central tax, State tax, Union territory tax or cess. [Section 49(10)]**



- D. **Extension of due date** of filing Form **Tran-1&Tran-2** to 31.03.2020 & 30.04.2020 respectively. [Rule 117(1A) & Rule 117(4)(b(iii))]
- E. **E-Invoicing (Generation of invoice reference number) through GST Portal:** The CBIC has mandated that registered persons whose aggregate turnover in a Financial Year exceeds Rupees One Hundred Crores shall prepare invoices by including such particulars contained in Form **GST INV-01** w.e.f. 01.04.2020 after obtaining an Invoice Reference Number by uploading information contained therein on the Common Goods and Services Tax Electronic Portal. The schema for generating of e-invoices from Common GST E-Portal in Form **GST INV-01** has been introduced.
- F. **Non-Filers of Returns - Standard Operating Procedure to be Followed by the GST Department**

Background

Section 46 of the CGST Act provides for issuance of notices to return defaulters. Such notice is issued in form GSTR 3A, wherein it is also mentioned that if the return is not filed within 15 days, then tax liability shall be assessed under Section 62 of the CGST Act (best judgment assessment).

The Government has observed that different practices are being followed by the Department on this issue. Therefore, by using the powers under Section 168 of the CGST Act (Power to issue instructions/ directions - for the purpose of uniformity in the implementation of the Act) has issued a Standard Operating Procedure to be followed in case of non-filers of returns.

Standard Operating Procedure

1. A system generated message 3 days before the due date.
2. A system generated mail / message would be sent to all the defaulters immediately after the due date. [The said mail/message is to be sent to the authorized signatory as well as the proprietor/ partner/ director/ karta, etc.]
3. 5 days after the due date of furnishing the return, a notice in FORM GSTR-3A shall be issued electronically to such registered person who fails to furnish return under section 39, requiring him to furnish such return within 15 days.
4. *Note:* The above said notice would be deemed to be issued for best judgment assessment and no further communication would be required to pass an



order by way of best judgment under Section 62, in case of subsequent failure to file such return within 15 days.

5. In case the said return is still *not filed within 15 days* by the defaulter of the said notice, the proper officer *may proceed to assess* the tax liability, to the best of his judgment under section 62 of the CGST Act and would issue order under rule 100 of the CGST Rules in FORM GST ASMT-13. The proper officer shall upload the summary thereof in FORM GST DRC-07.
6. In case the defaulter *furnishes a valid return within 30 days* of the service of assessment order in FORM GST ASMT-13, the said *assessment order shall be deemed to have been withdrawn* section 62(2) of the CGST Act.
7. In case the default continues immediately after *lapse of 30 days* from issuance of order in FORM ASMT-13, then the proper officer *may initiate proceedings* under section 78 and recovery under section 79 of the CGST Act.

Basis of information for passing best judgment assessment:

8. For the purpose of best judgment assessment of tax liability under section 62 of the CGST Act, the proper officer may take into account the details of outward supplies available in the statement furnished under section 37 (FORM GSTR-1), details of supplies auto-populated in FORM GSTR-2A, information available from e-way bills, or any other relevant material information available from any other source, including from inspection which he has gathered under section 71.

Additional actions which might be initiated if the default continues:

9. In deserving cases, based on the facts of the case, the Commissioner **may resort to provisional attachment** to protect revenue under section 83 of the CGST Act before issuance of FORM GST ASMT-13.
10. The proper officer would initiate action under sub-section (2) of section 29 of the CGST Act for **cancellation of registration** in cases where the return has not been furnished for the period specified in section 29 [Section 29 empowers to cancel the registration in case of non-filing of returns for continuous period of six months].

II. Industry Specific Changes

G. Change of GST rate from 12% to 18% [N. No. 27/2019-Central Tax (R)]



1. The Central Government has increased the rate of GST on the following two goods from 12% to 18% w.e.f. 01.01.2020:
 - a. Woven and non-woven bags and sacks of polyethylene or polypropylene strips or the like, whether or not laminated, of a kind used for packing of goods [Entry No. 163B of Schedule III];
 - b. Flexible intermediate bulk containers [Entry No. 163C of Schedule III].
- H. Reduction in ownership criteria of Central or State Government or Union Territory in entities for the purpose of availing exemption on services by way of granting of long-term lease of thirty years, or more) of industrial plots or plots for development of infrastructure for financial business. [N. No. 28/2019-Central Tax (R)]**
 1. The Central Government had provided exemption from levy of GST on Upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable in respect of service by way of granting of long term lease of thirty years, or more) of industrial plots or plots for development of infrastructure for financial business, provided by the State Government Industrial Development Corporations or Undertakings or by any other entity having 50 per cent. or more ownership of Central Government, State Government, Union territory to the industrial units or the developers in any industrial or financial business area.
 2. The Central Government has issued N. No. 28/2019-Central Tax (R) dated 31.12.2019, whereby it has reduced the requirement of stake of Central Government, State Government, Union territory from 50% to 20% in any entity providing such service, to avail exemption from paying GST in respect of upfront amount payable for services provided to the industrial units or the developers in any industrial or financial business area by way of granting of long term lease of thirty years, or more) of industrial plots or plots for development of infrastructure for financial business.
 3. Further, the Central Government has prescribed 4 conditions to be fulfilled by the service recipient and the service provider to avail the said exemption which is summarized as under:
 - a. That the leased plots shall be **used for the purpose for which they are allotted**, i.e., for industrial or financial activity in an industrial or financial business area;



- b. That the State Government concerned shall **monitor and enforce the above condition** as per the order issued by the State Government in this regard;
- c. That in case of **any violation or subsequent change of land use, due to any reason whatsoever, the original lessor, original lessee as well as any subsequent lessee or buyer or owner shall be jointly and severally liable to pay such amount of central tax**, as would have been payable on the upfront amount charged for the long term lease of the plots but for the exemption contained herein, **along with the applicable interest and penalty**;
- d. That the lease agreement entered into by the original lessor with the original lessee or subsequent lessee, or sub- lessee, as well as any subsequent lease or sale agreements, for lease or sale of such plots to subsequent lessees or buyers or owners **shall incorporate in the terms and conditions, the fact that the central tax was exempted on the long term lease of the plots by the original lessor to the original lessee subject to above condition and that the parties to the said agreements undertake to comply with the same.**

III. Other few changes

I. N.No. 01/2020- Central Tax dated 01.01.2020

The Central Government has appointed **01.01.2020** as the date on which the following provisions of the Finance (No.2) Act, 2019 related to the Central Goods and Services Tax Act, 2017 shall come into force:

1. **New Composition Levy Scheme for Suppliers of Service or Mixed Suppliers:** Proposed new alternative composition scheme for supplier of services or mixed suppliers (not eligible for the earlier composition scheme) having an annual turnover in preceding financial year upto Rs 50 lakhs. Persons opting such scheme shall be liable to pay amount equivalent to 6% of the turnover in state as GST. [Section 10(2A)]
2. **Higher threshold exemption limit of Rs 40 lakhs for registration in case of supplier of goods:** Threshold limit for registration under GST proposed to be enhanced from Rs 20 Lakhs to Rs 40 Lakhs in case of dealers engaged exclusively in supply of goods. [Section 22(1)]
3. **Aadhaar authentication made mandatory for specified class of new taxpayers:** Manner to be prescribed in which certain class of registered taxpayers are required to undergo Aadhaar authentication. Failure to undergo authentication shall deem the registration allotted to such person as invalid. However, such class of registered tax payers are yet to be notified. [Section 25(6A)/(6B)/(6C)]



4. Commissioner is empowered to extend time limit for furnishing annual return and GST Audit Report (Form 9 & 9C) [Section 44(1)]
5. Commissioner is empowered to extend the due date for furnishing of monthly and annual statement by the person collecting tax at source. [Section 52]
6. **10% penalty in Anti-profiteering matters:** National Anti-profiteering Authority empowered to impose penalty equivalent to 10% of the profiteered amount. No penalty shall be levied if profiteering amount is deposited within 30 days of passing of the order by the Authority. [Section 171(3A)]

J. N.No. 02/2020- Central Tax dated 01.01.2020

The following amendments have been made to the Central Goods and Services Tax Rules, 2017:

7. Insertion of column of period of validity of approval of SEZ Unit/ SEZ Developer in **Part B of Form REG-01**.
8. In Form **GSTR-3A**, following substitutions have been introduced:
 - a. “tax liability may” in place of words “tax liability will” in “Notice to Return Defaulter u/s 46 for not filing Return”.
 - b. “tax period may” in place of words “tax period will” in “Notice to Return Defaulter u/s 46 for not filing Final Return Upon Cancellation of Registration”.
9. In Form **GSTR-3A**, following clauses have been inserted:
 - a. “5. This is a system generated notice and does not require signature” in “Notice to Return Defaulter u/s 46 for not filing Return”.
 - b. “5. This is a system generated notice and does not require signature” in “Notice to Return Defaulter u/s 46 for not filing Final Return Upon Cancellation of Registration”.

K. N.No. 03/2020- Central Tax dated 01.01.2020

10. Transition Date for GST Transition Plan for J&K and Ladakh extended to 01.01.2020.

BVSS Programmes [glimpses]





BHARATIYA CULTURAL HERITAGE

National Youth Day: January 12

January 12 marks the birthday of Swami Vivekananda, who was a true luminary, credited with enlightening the western world about Hinduism. He was an ardent disciple of *Sri Ramakrishna Paramahansa* and a major force in the revival of Hinduism in India.

The **National Youth Day** commemorates the birthday of Swami Vivekananda and is celebrated annually on the 12th of January in India. It is observed and celebrated since 1985 when the Indian government felt that the philosophy and teachings of Swami Vivekananda could be a source of great inspiration for the young youth of the country along with sheer acknowledgment of his contributions for shaping the country. The main objective is to promote and propagate the philosophy and the ideals rational thinking among the youth, believed to be the future of the country. It expected of the youth to rise to the occasion, fight for the right and channel their inner energies

This day would trigger tremendously innovative ideas and creations of the youth of this country which would aggravate the process of economic development and facilitate optimum growth.

Theme of 2020: “**Channelizing the Youth for Nation building**”

This day we must remember the Address at the final session of The World's Parliament of Religions by Swami Vivekanand ji

Chicago, September 27, 1893

The World's Parliament of Religions has become an accomplished fact, and the merciful Father has helped those who laboured to bring it into existence, and crowned with success their most unselfish labour.

My thanks to those noble souls whose large hearts and love of truth first dreamed this wonderful dream and then realized it.

My thanks to the shower of liberal sentiments that has overflowed this platform. My thanks to this enlightened audience for their uniform kindness to me and for their



appreciation of every thought that tends to smooth the friction of religions. A few jarring notes were heard from time to time in this harmony. My special thanks to them, for they have, by their striking contrast, made general harmony the sweeter.

Much has been said of the common ground of religious unity. I am not going just now to venture my own theory. But if any one here hopes that this unity will come by the triumph of any one of the religions and the destruction of the others, to him I say, "Brother, yours is an impossible hope." Do I wish that the Christian would become Hindu? God forbid. Do I wish that the Hindu or Buddhist would become Christian? God forbid.

The seed is put in the ground, and earth and air and water are placed around it. Does the seed become the earth, or the air, or the water? No. It becomes a plant. It develops after the law of its own growth, assimilates the air, the earth, and the water, converts them into plant substance, and grows into a plant.

Similar is the case with religion. The Christian is not to become a Hindu or a Buddhist, nor a Hindu or a Buddhist to become a Christian. But each must assimilate the spirit of the others and yet preserve his individuality and grow according to his own law of growth.

If the Parliament of Religions has shown anything to the world, it is this: It has proved to the world that holiness, purity and charity are not the exclusive possessions of any church in the world, and that every system has produced men and women of the most exalted character. In the face of this evidence, if anybody dreams of the exclusive survival of his own religion and the destruction of the others, I pity him from the bottom of my heart, and point out to him that upon the banner of every religion will soon be written in spite of resistance: "Help and not fight," "Assimilation and not Destruction," "Harmony and Peace and not Dissension."

**EXECUTIVE****Advisory Board**

Sr. No.	Name	Designation	Mobile	E-Mail
1.	Sh. Subhash Agrawal	Chairman	9810080226	sca@smcindiaonline.com
2.	Sh. Anil Sharma	Member	9811320203	anil54@gmail.com
3.	Sh. Anil Gupta	Member	9811446688	anilgupta@guptasachdeva.com
4.	Sh. Avneesh Matta	Member	9811052264	matta@ava-ca.com
5.	Sh. Praveen Kant	Member	9810054175	pkant123@yahoo.com
6.	Sh. Mahesh Babu Gupta	Member	9811226601	mahesh@mbgupta.com
7.	Sh. Gopal Agrawal	Member	9810019753	Gopal.agarwal@bjp.org
8.	Sh. Baldev Raj	Member	9312235173	brajca@gmail.com
9.	Sh. Raj K. Agrawal	Member	9810002906	raj@taxindia.net
10.	Sh. Ashok Gadia	Member	9891029293	akg@mewaruniversity.org
11.	Sh. Ashok Singhal	Member	9868406344	ashok.singhal122@gmail.com
12.	Sh. Chandra Wadhwa	Member	8800018190	wadhwafin@gmail.com
13.	Sh. Satya Prakash Mangal	Member	9818688200	sprakash89@gmail.com
14.	Sh. Amarjeet Chopra	Member	9810100299	ajc@gsa.net.in
15.	Sh. Jai Prakash Gulati	Member	9312262898	ca.jpgulati@gmail.com

Executive Board – 2019**(A) Secretariat – 2019**

S.No.	Name	Designation	Mobile	E-Mail
1.	Sh. Rohit Vaswani	President	9212005162	vaswanirohit@hotmail.com
2.	Sh. Vipin Aggarwal	General Secretary	9811066838	Vipagrawal2004@gmail.com
3.	Sh. Sushil Gupta	Organizing Secretary	9811967800	sushil@samadhan.co.in
4.	Sh. Sandeep Sharma	Treasurer & Secretary (Membership)	9873286967	acasandeep@gmail.com
5.	Sh. Naval Bajaj	Secretary(Communication)	9971110916	Ca.navalbajaj@gmail.com



		&Media)		
6.	Sh. Maneesh Upneja	Secretary (Sponsorship)	9818570022	maneeshupneja@gmail.com
7.	Ms Binu Nanda	Secretary (Women Wing)	9810508866	binunanda@hotmail.com

BVSS Groups

Sr. No.	<u>I-Economic Think Tank</u>			
8.	Sh. Raj K Agrawal	Advisor	9810002906	raj@taxindia.net
9.	Sh. Gopal Arora	Convenor	9811012106	gopal1960@hotmail.com
10.	Dr. S K Laroia	Co-Convenor	9810065444	Laroia.sk@gmail.com
11.	Sh. Naval Bajaj	Co-Convenor	9971110916	ca.navalbajaj@gmail.com

-	<u>II-Independent Directors Group</u>	-	-	-
12.	Sh. Avneesh Matta	Advisor	9811052264	matta@ava-ca.com
13.	Sh. Umesh Pandey	Convenor	9810261801	umeshpandey@bmchatrath.com
14.	Ms. Veni Thapar	Co-Convenor	9810062708	viveni@gmail.com
15.	Ms. Binu Nanda	Co-Convenor	9810508866	binunanda@hotmail.com

-	<u>III-Research & Publication Group</u>	-	-	-
16.	Sh. Satya Prakash Mangal	Advisor	9818688200	sprakash89@gmail.com
17.	Sh. Baldev Raj	Convenor	9312235173	brajca@gmail.com
18.	Ms Monika Agrawal	Co-Convenor	9999867578	Monika_agg1982@yahoo.co.in
19.	Sh. Vipin Aggarwal	Co-Convenor	9811066838	Vipagrawal2004@gmail.com

-	<u>IV-Newsletter Group</u>	-	-	-
20.	Sh. Anil Gupta	Advisor	9811446688	anilgupta@guptasachdeva.com
21.	Sh. Puneet Agrawal	Convenor	9891898911	puneet@alalegal.in



22.	Sh. Deepak Nagpal	Co-Convenor	9811114140	deepak.nagpal@dncoindia.com
23.	Sh. Sumit Bansal	Co-Convenor	9650163131	sumibans@gmail.com

-	<u>V-Advocacy Group</u>	-	-	-
24.	Sh. Gopal Agrawal	Advisor	9810019753	gopal.agarwal@bjp.org
25.	Sh. Anil Sharma	Convenor	9811320203	anil54@gmail.com
26.	Sh. Neeraj Gupta	Co-Convenor	9810083416	ngconsultants@gmail.com
27.	Sh. Rajesh Goyal	Co-Convenor	9818049777	rajesh@samadhan.co.in

-	<u>VI-NPO & CSR Group</u>	-	-	-
28.	Sh. Sushil Gupta	Advisor	9811967800	sushil@samadhan.co.in
29.	Sh. Jain Pal Jain	Convenor	9312261438	jaindbansal@gmail.com
30.	Sh. Ved Mittal	Co-Convenor	9811011665	cavedmittal@gmail.com
31.	Sh. Sachin Goel	Co-Convenor	9818918761	sachingoelca@gmail.com

-	<u>VII-Social & Family Events Group</u>	-	-	-
32.	Sh. Praveen Kant	Advisor	9810054175	pkant123@yahoo.com
33.	Sh. Pramod Narula	Convenor	9810110447	narula@pathdarshi.com
34.	Ms. Archana Singhal	Co-Convenor	9899971117	archanafca@gmail.com
35.	Sh. Ashish Neeraj	Co-Convenor	9650333560	Ashish.fca@gmail.com

-	<u>VIII-FRRC Group</u>	-	-	-
36.	Sh. Chander Wadhwa	Advisor	8800018190	wadhwafin@gmail.com
37.	Sh. Sanjay Jain	Convenor	9711485487	Vivek2sanjay@hotmail.com
38.	Sh. Vinod Kalra	Co-Convenor	9810054887	kalravkfca@gmail.com
39.	Sh. Abhinav Goyal	Co-Convenor	9999469330	mrabhinavgoyal@yahoo.co.in



-	<u>IX-Corporate Laws & Accounting Standards Group</u>	-	-	-
40.	Sh. Anil Sharma	Advisor	9811320203	anil54@gmail.com
41.	Sh. G P Madaan	Convenor	9810530312	gpm@madaanlaw.in
42.	Sh. Gopalji Agrawal	Co-Convenor	9811264160	gjafca@gmail.com
43.	Sh. Deepak Bahl	Co-Convenor	9810084888	deepak@cadbc.com

-	<u>X-Banking & Finance Group</u>	-	-	-
44	Sh. Amarjeet Chopra	Advisor	9810100299	ajc@gsa.net.in
45	Sh. B. D. Gupta	Convenor	9811152662	bdguptaca@gmail.com
46	Sh. S.L. Gupta	Co-Convenor	9810770711	caslg59@yahoo.com
47	Sh. Lokesh Gupta	Co-Convenor	9810434904	calokeshgupta@gmail.com

-	<u>XI-International Taxation Group</u>	-	-	-
48.	Sh. Baldev Raj	Advisor	9312235173	brajca@gmail.com
49.	Sh. Manu Karol	Convenor	9811074528	manuk@ayamco.in
50.	Sh. Anil Maheshwari	Co-Convenor	9810152105	Anil.maheshwari@akmc.in
51.	Sh. Anuj Gupta	Co-Convenor	9810106211	agupta@arsacas.com

-	<u>XII-Direct Tax Group</u>	-	-	-
52.	Sh. Mahesh Babu Gupta	Advisor	9811226601	mahesh@mbgupta.com
53.	Ms. Sangeeta Garg	Convenor	9811310362	sagcassociates@gmail.com
54.	Sh. Shailendra Mohan	Co-Convenor	9810653338	shelindra67@gmail.com
55.	Sh. Aditya Sharma	Co-Convenor	9810883044	Sharma.asa@gmail.com



-	XIII-GST Group	-	-	-
56.	Sh. Rohit Vaswani	Advisor	9212005163	vaswanirohit@hotmail.com
57.	Sh. Sanjay Garg	Convenor	9811228807	ca.gargsanjay@gmail.com
58.	Sh. Manmohan Sharma	Co-Convenor	9810257197	manmohan@pdmoc.in
59.	Sh. J.P. Agrawal	Co-Convenor	9811923171	jpagarwalco@gmail.com

(B) Members – Executive Board – 2019

Sr. No.	Name	Designation	Mobile	E-Mail
60.	Sh. Abhishek Batra	Member	9811611880	abhishekbatra@hotmail.com
61.	Sh. Akhilesh Garg	Member	8920976971	akgassoca@gmail.com
62.	Sh. Gulvardhan Malik	Member	9873937755	gulvardhan@yahoo.co.in
63.	Sh. Surender Gupta	Member	9810476895	sgetax@gmail.com
64.	Ms. Aastha Agrawal	Member	9999903556	aasthajain@inmacs.com
65.	Sh. Somil Agrawal	Member	9818454577	Somil.aggarwal@gmail.com
66.	Ms. Nishi Goyal	Member	9999761377	Nishi.goel@icai.or
67.	Sh. Raman Khatuwala	Member	9582215250	raman@khatuwala.net
68.	Sh. Manoj Mittal	Member	9810764620	manojmittal2005@gmail.com
69.	Sh. Manoj Pahwa	Member	9811066276	mpaindia@gmail.com
70.	Sh. Munish Mehta	Member	9810229706	munish@gmrco.in
71.	Sh. Rajesh Saluja	Member	9810009970	rajeshsaluja9@yahoo.com
72.	Ms. Vandana Gupta	Member	9810250021	ca_vandana@yahoo.co.in
73.	Sh. Vikram Parwani	Member	9873914805	vikramparwani@gmail.com



Bhartiya Vitta Salahkar Samiti

Contributing in Nation Building



VITTA PATRIKA “ वित्तपत्रिका ” Ed: Jan 2020

For any queries/feedback/contribution

Please Contact:

Bhartiya Vitta Salahkar Samiti: #1515, First Floor, Opp Defence Colony, Wazir Nagar, Kotla, South Extension II, New Delhi, Delhi 110003

Phone No.: 011 2464 9801

E-Mail: bvsonline@gmail.com

Disclaimer: *This newsletter is meant for the sole purpose of creating awareness and must not be used as a guide for taking or recommending any action or decision, commercial or otherwise. The reader must do his own research and / or seek professional advice if he intends to take any action or decision in the matters covered in this newsletter.*