TAXCONNECT
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# TAX CONNECT

**Knowledge Partner:**

**The Bengal Chamber of Commerce & Industry**

INCOME TAX

CUSTOMS


CENTRAL EXCISE

SERVICE TAX

STATE TAXES

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# EDITORIAL

**Friends,**

Our 3 Day (18 Hour) GST Course concluded this week. It was the First such course on GST of its kind. We have done a chapter wise analysis of the provisions of GST Model Law 2016 & all the Business Processes and Rules which are out in public domain.

**For those who could not attend our Course, our Online Sales Partner would soon be coming out with the FULL VIDEOS of all the lectures of the course. The facility may be availed of. We shall keep you informed on the same.** Further in this Issue we have a guest column on GSTR 1. We hope this would benefit you.

**On the GST Front, 8th Of November 2016 would be the Start of Transition to GST, so to say!** The GSTN, which is expected to provide common and shared IT infrastructure for GST implementation, will on-board to its platform the details of about 80 lakh existing assessees of excise, value-added tax, customs and service tax. The objective is to clean the data, sort out inconsistencies and get ready for smooth transition to the implementation date of April 1.

The GST Council has had 3 meetings already. Another 2 are scheduled just after Diwali. **Now, two of the most important Issues before the GST Council are –**

1. **Compensation payable through Cess** – Some Producing States like Tamil Nadu, Gujarat and Maharashtra may loose out on implementation of GST. The Centre would compensate them for a 5 year period as per the Constitutional Amendment. The question is how would the Centre fund this Compensation.

   Now incase it has to be done through additional tax collection of GST, it would mean that the Centre would have to collect approximately 4 times more than the compensation. To elaborate further, incase of additional collection of GST, 50% would be taken away by SGST and even out of the balance 50% with the centre 42.5% would be again have to be delved to states. Hence the Centre would be able to retain only approx 29% of its collection. Hence the alternative arrangement is the cess mechanism wherein the entire collection would go to the centre.

   However, the charging of Cess in the GST Regime would defeat a basic purpose of GST of seamless credit and "One Nation One Tax". It would be a step backward!

2. **Multi Rate Structure** – A Five tier rate structure is proposed as follows -
   a. Items of general importance may be zero rated/ Exempt so that the GST structure is not regressive on common man
   b. For balance items the rate structure proposed is 6%, 12%, 18% and 26%

**Just to reiterate that we remain available over a telecom or e-mail.**

**Truly Yours**

**Timir Baran Chatterjee**

**M.Com, FCS, MBA (International Business)-IIFT, ACMA**

**Vivek Jalan**

**FCA, CIDT (ICAI), B. Com**

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# GOODS & SERVICE TAX (GST) contd..

**GUEST ARTICLE**

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## Topic: GST Return Process

Statutory Returns represents an image of business Transactions of a taxpayer for a specific period . Proposed GST returns are elaborative in nature .GST Returns would be the most important like between Taxpayer and Government Tax authority . Timelines for filling Returns by different Tax payers as follows ,

| Return Type | Type of Tax payer | Return to be filed for | Timeline |
|---|---|---|---|
| GSTR1 | Normal & Casual Taxpayer | Outward supplies made by taxpayer(other than compounding taxpayer and ISD) | 10th of the next month |
| GSTR2 | | Inward supplies received by a taxpayer (other than a compounding taxpayer and ISD) | 15th of the next month |
| GSTR3 | | Monthly return (other than compounding taxpayer and ISD) | 20th of the next month |
| GSTR4 | Compounding Taxpayer | Quarterly return for Compounding Taxpayer | 18th of the month next to quarter |
| GSTR5 | Foreign Non Resident Taxpayer | Periodic return by Non-Resident Foreign Taxpayer | Last day of registration |
| GSTR6 | Input Service Distributor | Return for Input Service Distributor (ISD) | 15th of the next month |
| GSTR7 | Tax Dedicator | Return Tax deducted at source | 10th of the next month |
| GSTR8 | Normal, Casual &Compounding Taxpayer | Annual Return | By 31st December of next FY |

In this article we will discuss details elements required to be uploaded in a valid GSTR 1 Return .

1.

a) Section 25(1) of the Model GST Act , 2016 contains the provision for filling detail return for Outward supplies of Goods &Services affected during a tax period .
b) GSTR 1 return can be filed directly in GST common portal or through GST facilitation center.
c) This is a comprehensive return for SGST , CGST and IGST .
d) This return to be submitted by all registered Dealer(except Input Service Distributor, Compounding Tax payer, TDS deductor)on or before 10thof the succeeding month.
e) Revision of Return is not permitted . Submitted information can be modified through correction process in the subsequent period .

2. Details of outward supplies of Goods and Services to be uploaded in the GSTR 1.The steps to be followed for uploading GSTR1 is as follows:

a. Primary information- GSTIN no and Name of the tax payer will be auto populated on logging in the GST portal for GSTR 1 .
b. Period – To be furnished relevant period for which GSTR 1 is uploaded.
c. Gross Turnover of the tax payer in the previous financial year has to be filled up . This information would be submitted by Taxpayer in the first year on self declaration basis based on definition provide U/s 2(104) of the GST Model Act , 2016 . This information will be auto populated in the subsequent year .
d. Table 5 of GSTR 1 contains all B2C (Interstate or Intra state ) invoice label information will be uploaded in this table .Item wise disclosures in this tables are as follows ,
    i. GSTIN No of the Registered RS .

# GOODS & SERVICE TAX (GST) contd..

ii. Invoice Details like invoice no , Date , value and HSN code for Goods /SAC code for services services has to be furnished .HSN code (4 digits) for goods and accounting code for services is mandatory for taxpayers having turnover in the preceding financial year exceeds Rs 5 crores.

iii. Tax Rate and amount . Taxtype may be IGST or CGST and SGST depending on the place of supply of Goods and Services .

iv. POS that is place of supply of Goods or services should be mention along with respective state code where Material or services are supplied .This is required to identify the destination state .

5. Taxable outward supplies to a registered person

(figures in Rs)

| GSTIN/ UIN | Invoice | | | | | IGST | | CGST | | SGST | | Addl Tax# | | POS (only if different from the location of recipient) | Indicate if supply attracts reverse charge $ |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | No. | Date | Value | HSN/ SAC* | Taxable value | Rate | Amt | Rate | Amt | Rate | Amt | Rate | Amt | | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) |
| | | | | | | | | | | | | | | | |

e. Table No 6 is invoice label supply information for business to Consumer. for interstate outward supplies where Invoice value exceeds Rs 2.5L to be motioned . This Table contains only interstate supplies details , hence only IGST is applicable .

| Recpient's State code | Name of the recipient/ GDI | Invoice | | | | | IGST | | Addl Tax# | | POS (only if different from the location of recipient) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | No. | Date | Value | HSN/ SAC* | Taxable value | Rate | Amt | Rate | Amt | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |

f. Table No 7 is for Taxable supplies to unregistered consumer. Aggregate supplies( Invoice wise Details not required ) to unregistered consumer both for interstate / Intra state to be provided .Information should be furnished regarding interstate supplies where Transaction value is less than 2.5 L.

g. Point No 8 is related to Debit Notes / Credit issued by for supplier for outward supplies of Goods & Services . Credit Notes /Debit Note issued on account of differential value /Quantity /Tax Rates .Linking Original Invoice reference is mandatory for all Debit Notes / Credit Notes .

| Debit Note/credit note | | Original Invoice | | Differential Value (Plus or Minus) | Differential Tax | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| No. | Date | No. | Date | | IGST | | CGST | | SGST | | Addl Tax# | |
| | | | | | Rate | Amt | Rate | Amt | Rate | Amt | Rate | Amt |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |
| Debit Note | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| Credit Note | | | | | | | | | | | | |
| | | | | | | | | | | | | |

h. Table No 9 is about rectification invoice for the earlier Tax period . This is for revision of invoices raised in the earlier tax period for out ward supplies of Goods / Services .

| Original Invoice | | GSTIN/ UIN | Revised Invoice | | | | IGST | | CGST | | SGST | | Addl Tax# | | POS(only if different from the location of recipient |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| No. | Date | | No. | Date | HSN/ SAC | Taxable Value | Rate | Amt | Rate | Amt | Rate | Amt | Rate | Amt | |
| (1) | (2) | (3) | (4) | (5) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) |

i. Table 10 is related to supplies made for Nil Rated , Exempted and Non GST supplies to Registered supplier / .Aggregate Value of all exempted or Nil rated supplies made by supplier to mentioned . Alternatively a Tax payer may furnish Invoice wise details of Nil Rated or exempted GST supplies in Table No 5 , 6 &7 as case may be .

| | Nil Rated (Amount) | Exempted (Amount) | Non GST supplies (Amount) |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| Interstate supplies to registered person | | | |
| Intrastate supplies to registered person | | | |
| Interstate supplies to consumer | | | |
| Intrastate supplies to consumer | | | |

j) Point No 11 Related to export supplies including deemed exports both on payment IGST as well as without payment IGST would be submitted .We need to fill up Invoice No ,HSN No along with shipping Bill /Bill of Export . In GST for import/ Export related supplies 8 digit HSN code in mandatory .

| Invoice | | | | | Shipping bill/ bill of export | | IGST | | CGST | | SGST | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| No. | Date | Value | HSN/ SAC* | Taxable value | No | Date | Rate | Amt | Rate | Amt | Rate | Amt |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

k) In Table 12 we need to show the Tax liability of amount Received in advance against Supply of Goods and Services according to Point of Taxation Rules ..Post payment this tax liability in advance one Transaction ID will be generated to adjust with future Tax liability . This relevant to note like service rules tax against on advance payment received on supplies of Goods is extended in GST .

# GOODS & SERVICE TAX (GST) contd..

**12. Tax liability of amount received in advance against a supply to be made in future**

(figures in Rs)

| GSTIN/UID/GDI/ Name of customer | State Code | HSN/SAC* of supply to be made | Amount of advance received without raising a bill | TAX | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | IGST | | CGST | | SGST | | Addl Tax# | |
| | | | | Rate | Tax | Rate | Tax | Rate | Tax | Rate | Tax |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| | | | | | | | | | | | |

l) Last Table 13 is related with adjustment with advance tax paid in the earlier period to be adjusted with invoices raised in the current period . In the case of GST for a particular supply, if any advance is received in the earlier period but related invoice is raised in the subsequent period , this details need to be furnished to adjust current tax liability against previous advance tax payment .

**13. Tax already paid (on advance receipt) on invoices issued in the current period**

(figures in Rs)

| Invoice No. | Transaction id (A number assigned by the system when tax was paid) | TAX Paid on receipt of advance | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | IGST | | CGST | | SGST | | Addl Tax# | |
| | | Rate | Tax | Rate | Tax | Rate | Tax | Rate | Tax |
| (1) | (2) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) |
| | | | | | | | | | |

**Note 1-** Goods and Service Tax Model Act does not permit any revision of Returns . Hence , post filling GSTR 1 return cam not revised although furnished information can be rectified like All unreported invoices and adjustment Debit note /credit note can be included through rectification. Rectification GSTR return can be made before filling annual return .

**Note 2** - HSN/SAC is not mandatory for taxpayer whose aggregate turnover is less than 1.5 crores. In Case gross turnover in previous financial year is greater than Rs 5 crore, HSN should be minimum of 4 digits. If gross turnover in previous financial year is equal to or greater than Rs 1.5 crore and less than 5 crore, then HSN should be minimum of 2 digits to be used while filling GSTR 1 return .

**Note 3** – GSTR 1A contains details of Inward supplies added , rectified or Deleted by the Receiver Goods and Services under Section 26 (1) of Goods & Service Tax Model Act.

# TAX CALENDAR

| Due date | COMPLIANCES FROM 30th Oct, 2016 to 5th Nov, 2016 | Region/State |
|---|---|---|
| 30th Oct, 2016 | Deposit of VAT of previous month (VAT Act) | Punjab (if payment otherwise than by cheque), Chandigarh Tripura, Himachal Pradesh, Madhya Pradesh Goa & Haryana (if Tax < Rs. 1 lac), Chattisgarh |
| | Filing of monthly/quarterly VAT return (VAT Act) | Chandigarh, Chattisgarh, Punjab (if payment otherwise than by cheque), Himachal Pradesh, Madhya Pradesh, Goa |
| | Deposit of WCT of previous month (VAT Act) | Goa (Monthly, if Tax< Rs. 1 lac)) |
| | Filing of monthly/quarterly WCT return (VAT Act) | Rajasthan, Chhattisgarh, Gujarat, Himachal Pradesh, Goa |
| | Issuance of WCT certificate (VAT Act) | Rajasthan |
| | Deposit of Entry tax of previous month (Entry Tax Act) | Goa, Maharashtra (if unregistered) |
| | Issue of TDS/TCS Certificate for 2nd quarter (Other Than Salary) , Income Tax Act | All India |
| 31st Oct, 2016 | Deposit of VAT of previous month (VAT Act) | Mizoram, Jammu & Kashmir |
| | Filing of monthly/quarterly/annual VAT return (VAT Act) | Bihar, Haryana, West Bengal, Jammu & Kashmir , Mizoram, Nagaland, Sikkim, Tripura, Madhya Pradesh, Uttar Pradesh, Meghalaya |
| | VAT Audit (VAT Act) | Bihar (for assessees other than companies), Madhya Pradesh |
| | Deposit of WCT (VAT Act) | Jammu & Kashmir |
| | Filing of monthly/quarterly WCT return (VAT Act) | Bihar, Chandigarh, Haryana, Jammu & Kashmir, Tamil Nadu |
| | Issuance of WCT certificate (VAT Act) | Assam, Gujarat, Kerala, Jammu & Kashmir |
| | Deposit of P tax of previous month (Commercial Tax Act) | Maharashtra |
| | Deposit of Entry tax of previous month (Entry Tax Act) | Assam |
| | Filing of TDS/TCS return for 2nd quarter (Income Tax Act) | All India |
| 5th Nov, 2016 | Service Tax deposit of previous month (Company/ Society), Finance Act | All India |

**Note:** For Service Tax, if an entity makes online payment, due date is 6th instead of 5th.

# SERVICE TAX

## COURT DECISIONS

### CCE & S.T. CHANDIGARH VERSUS STATE BANK OF PATIALA [CESTAT NEW DELHI]

**BRIEF: Exemption provided to RBI vide N/N.22/2006-ST dated 31.05.2006 from the service tax liability in respect of various services, shall be extended to its agent also providing the same services.**

**OUR COMMENTS**: In the above case, the assessee is a public sector/nationalized bank established under Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and as defined in the State Bank of India (Subsidiary Banks) Act, 1959 and is authorized to collect the taxes payable by the citizen of India to the Government of India. The assessee collects the taxes and remits to RBI, for which the RBI extends a percentage of amount collected as commission.

Revenue has contended that such commission is taxable in the hands of the assessee under the category of Banking and other Financial Services.

**The Hon'ble CETSTAT** noted the following:

- The Central Govt. of India by Notification No. 22/2006-ST has given exemption from the payment of service tax of any taxable services provided to or by RBI either in India or under Reverse Charge Mechanism

- Chapter V of the Finance Act, 1994, in Section 65 (7), the term "assessee" means a person liable to pay the service tax and includes his agent.

- RBI is a person liable to pay tax as an assessee but for exemption, will include their agents viz. Banks appointed under Section 45 of RBI Act, to execute functions of RBI.

- As per Section 45 of the RBI Act, when any bank is appointed by the Bank as its agent to receive on behalf of the Bank any payment or any bill, hundies or other securities under any law or rule, regulations or other instructions having the force of law, the same may be paid or delivered into the bank so appointed as the agent of the Bank.

- In the case of M/s. Canara Bank Versus CST, Bangalore [CESTAT, AHMEDABAD], it was held that assessee is eligible for exemption as an agent of RBI.

- Also, RBI itself has been entrusted by the Central Government to transact Government business. Hence, bank appointed as agent of RBI for transacting Government business is in the nature of a sovereign function performed on behalf of the Government and hence not liable to Service Tax.

Therefore, it was held that assessee is an agent of RBI. And exemption granted by notification No. 22/2006-ST, needs to be extended to its agents also i.e. if RBI is exempted from the service tax liability in respect of various services, its agent for doing such services also needs to be extended the same benefit.

The demand therefore was set aside.

**[Decided in favor of assessee]**.

## COURT DECISIONS

### COMMISSIONER OF C. EX., DEIHI-III VERSUS DELPHI AUT OMOTIVE SYSTEMS PVT. LTD. [CESTAT NEW DELHI]

**BRIEF: As on date, there is no provision in law requiring prior permission or previous approval of the authority to transfer the credit while the input and capital goods moved.**

**OUR COMMENTS**: In the above case, the dispute between the parties is whether the Cenvat credit lying in the records of transferor situated in Gurgaon is admissible to transferee stationed at Noida.

**The Hon'ble CESTAT** held that at this point of time, there is no provision in law which requires prior permission or previous approval of the authority to transfer the credit while the input and capital goods moved.

As long as the credit meant for transfer was genuine and verifiable from records and as long as the assessee is eligible for the credit, the denial of permission to transfer the Cenvat credit is unjustified.

Accordingly the appeal of M/s. Delphi Automotive Systems Pvt. td. was allowed.

**[Decided against Revenue]**

### COMMR. OF CEN. EXCISE CUSTOMS-II, AHMD. VERSUS M/S RELIANCE INDUSTRIES LTD. [SUPREME COURT]

**BRIEF: Money received from the dealers and distributors and spent on their behalf cannot be treated as additional consideration flowing back to the manufacturer and included in the value of goods on payment of central excise duty.**

**OUR COMMENTS**: In the above case, the assessee in his business has a scheme meant for buying the gifts for dealers and distributors. The scheme is that of the dealers/agents and the dealers are seeking help from personnel of the assessee to manage and service the scheme. The assessee collects 1% on the invoice value as an incentive against it.

The Revenue contends that this 1% should be included in the value of goods on payment of central excise duty.

**The Hon'ble Supreme Court** held that money received from the dealers and distributors and spent on their behalf cannot be treated as additional consideration flowing back to the manufacturer and included in the value of goods on payment of central excise duty.

**[Decided against Revenue].**

# CUSTOMS

## NOTIFICATIONS/CIRCULARS

### APPOINTMENT OF COMMON ADJUDICATING AUTHORITY

**OUR COMMENTS**: The Dept. of Revenue, Ministry of Finance, Government of India vide **Notification No. 128/2016-Customs (N.T.) dated 25.10.2016** & **129/2016-Customs (N.T.) dated 25.10.2016** has appointed specified officers to act as a common adjudicating authority to exercise powers and discharge duties conferred or imposed on specified officers in respect of certain show cause notices for purpose of adjudication.

### RESCINDMENT OF NOTIFICATION NO. 66/1996 DATED 02.09.1996

**OUR COMMENTS**: The Dept. of Revenue, Ministry of Finance, Government of India vide **Notification No. 130/2016-Customs (N.T.) dated 25.10.2016** has rescinded **Notification No.66/1996-Customs, dated 02.09.1996** which provided exemption to all the goods including automobiles, imported into India by the Ford Foundation for their official use from the whole of the duty of customs under First Schedule to the Customs Tariff Act, 1975, and from the whole of the additional duty of customs under section 3 of the said Customs Tariff Act.

### THE COMMISSIONER OF CUSTOMS VERSUS THE CUSTO MS EXCISE AND SERVICE TAX APPELLATE TRIBUNAL AND M/S. SASS GLOBAL LOGISTICS [MADRAS HIGH COURT]

**BRIEF: Suspension under Regulation 20 and Regulation 22 are different. The distinction between the two Regulations is that former is a suspension pending enquiry and the second one is a suspension by way of penalty.**

**OUR COMMENTS:** In the above case, the assessee is operating with CHA licence. An offence report u/s 13 of the Regulations dated 16.10.2012 was received by the assessee on 18.10.2012. On these grounds the Commissioner of Customs passed an order on 30.10.2012 suspending his CHA licence with immediate effect and fixed the date for personal hearing on 8.11.2012, later, adjourned to 11.12.2012. By a further order dated 26.12.2012 passed under Regulation 20(3), the suspension was continued. The assessee then filed an appeal before the CESTAT. When the appeal was pending before the CESTAT, the Commissioner issued an order dated 27.2.2013 appointing an enquiry officer. The order of appointment of the enquiry officer was challenged by the assessee on the ground that without even issuing show cause notice, within the period of limitation, an enquiry officer had, straightway, been appointed. Also, the order of appointment was beyond the period of limitation.

**The Hon'ble High Court** held that objection of the order of suspension is completely different from the object of issuance of the show cause notice. Under the sub regulation (2) of Regulation 20, a time limit of 15 days is fixed for suspending the licence from the date of receipt of a report. Under sub regulation (3), an opportunity of hearing should be granted to the licensee within 15 days from the date of suspension. This opportunity is only in respect of suspension. The Department has taken advantage of the expressions 'suspension' appearing under Regulation 20 as well as Regulation 22. Suspension under Regulation 20 is in cases where further proceedings are sought to be initiated. and under Regulation 22 is by way of penalty after the enquiry. The distinction between two Regulations is that one is a suspension pending enquiry and the other is a suspension by way of penalty.

**[ Decided against Revenue]**

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# INCOME TAX

## NOTIFICATIONS & CIRCULARS

### THE DIRECTOR, VIGILANCE AND ANTI-CORRUPTION BUREAU, KERALA SPECIFIED FOR SECTION 138(1)(A)(II) WITH RESPECT TO DISCLOSURE OF INFORMATION RESPECTING ASSESSEES

**OUR COMMENTS**: The CBDT, Department of Revenue, Ministry of Finance, Government of India **Notification No. 95/2016 dated 19.10.2016** has specified the Director, Vigilance and Anti-Corruption Bureau, Kerala for the purposes of Section 138(1)(a)(ii) with respect to disclosure of information respecting assessees.

### IN JAMMU & KASHMIR DUE DATE FOR FILING INCOME-TAX RETURN AND AUDIT REPORT FOR AY 2016-17 EXTENDED TO 31.12.2016

**OUR COMMENTS**: The CBDT, Department of Revenue, Ministry of Finance, Government of India vide **F.No. 225/195/2016/1TA.II dated 18.10.2016** has extended the due date for filing income tax returns and audit report pertaining to AY 2016-2017 for all categories of taxpayers in the State of Jammu & Kashmir to 31st December, 2016.

### DRAFT RULES PROPOSED FOR DETERMINING FAIR MARKET VALUE IN RESPECT OF THE TRUST OR THE INSTITUTION-CHAPTER XII-EB

**OUR COMMENTS**: The CBDT, Department of Revenue, Ministry of Finance, Government of India vide **F. No. 370142/21/2016-TPL dated 24.10.2016** has inserted rule 17CB in the Income-tax Rules, 1962 for the purpose of section 115TD(2) in respect to the method of valuation of fair market value for the trust or the institution as on the specified date for determination of accreted income.

The readers may refer the notification and send comments and suggestion on the draft rules electronically by 31st October, 2016.

### AMENDMENT IN AUTHORITY FOR ADVANCE RULINGS (PROCEDURE FOR APPOINTMENT AS CHAIRMAN AND VICE-CHAIRMAN) RULES, (2016)

**OUR COMMENTS**: The CBDT, Department of Revenue, Ministry of Finance, Government of India **Notification G.S.R. 1001(E) of 2016 dated 24.10.2016** has amended the Authority for Advance Rulings (Procedure for Appointment as Chairman and Vice-Chairman) Rules, (2016).

Rules 3 and 4 has been amended and new rules have as follows:

- **Selection Committee** - The Chairman and Vice-Chairman of the Authority shall be appointed by the Central Government from a panel of names recommended by a Selection Committee consisting of
  - The Chief Justice of India or a Judge of the Supreme Court
  - The Secretary in the Ministry of Finance, Department of Revenue;
  - The Secretary in the Ministry of Law and Justice, Department of Legal Affairs;
  - The Secretary in Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training.
- Manner of selection of panels of names for Chairman
- Manner of selection of panels of names for Vice-Chairman

Earlier Rule 4 with respect to medical fitness has been renamed as Rule 6.

## RAJASTHAN

### WAIVER OF LATE FEES PAYABLE UNDER RULE 19A OF RVAT RULES, 2006

**OUR COMMENTS** The Finance Department, Government of Rajasthan, **vide Notification No. F.12(16)FD-Tax-2009-50 dated 24.10.2016** has waived the amount of late fee payable under rule 19A of the Rajasthan Value Added Tax Rules, 2006 as follows:

Dealers who have furnished return after the period specified in rule 19 and has deposited tax along with 40% of the due late fee, then remaining late fee shall be waived.

Dealers who failed to furnish the acknowledgement within the period specified in rule 19 or has furnished the same after the period specified under rule 19 and has deposited tax along with 20% of the due late fee , then remaining late fee shall be waived.

### AMENDMENT IN VARIOUS NOTIFICATION WITH RESPECT TO RAJASTHAN INVESTMENT PROMOTION SCHEME (RIPS) 2014

**OUR COMMENTS** The Finance Department, Government of Rajasthan has made various amendments in Rajasthan Investment Promotion Scheme (RIPS) 2014, **vide**

**Notification No. F. 12(105)FD/Tax/2014-Pt.I-51 dated 25.10.2016**

**Notification No. F.12(105)FD/Tax/2014-Pt.I-52 dated 25.10.2016**

**Notification No.F.12(105)FD/Tax/2014-Pt.I-53 dated 25.10.2016**

The readers may refer the notifications for details.

## MAHARASHTRA

### INSTRUCTIONS FOR UPLOADING OF E-RETURN UNDER THE MAHARASHTRA TAX ON THE ENTRY OF GOODS INTO LOCAL AREAS ACT, 2002

**OUR COMMENTS:** The Department of Sales Tax, Government of Maharashtra, vide Circular dated 24.102.016 has issued Instruction sheet for uploading of e-return under the Maharashtra Tax on the Entry of Goods Into Local Areas Act, 2002.

**1. Prerequisites for filling of e-returns:**

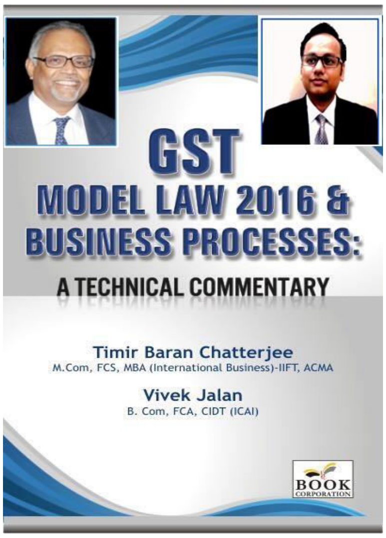
a. The Dealer must have TIN starting with 27 and ending with 'E'.

b. Enrolment on www.mahavat.gov.in. for Entry Tax e-services (Detailed steps have been provided in the circular).

**2. Procedure for filling e-return :**

**a.** Download template of e-return in Form_4 from www.mahavat.gov.in
**b.** Fill the data in e-return and then press 'Press to Validate' button at the bottom of the e-return.
**c.** If there are any errors, correct the errors as per the pop-up message and press 'Press to Validate' button.
**d.** If there are no errors, , a text file with words ' –rem' will be generated.
**e.** Log in web-site www.mahavat.gov.in. and 'Validate & Upload' your e-return. Print the acknowledgement for further references.

**IN STANDS - GST: MODEL LAW 2016 & BUSINESS PROCESSES : A TECHNICAL COMMENTARY**




**ABOUT THE BOOK**: GST Bill is going to be passed in July 2016 and GST is expected to go live from 1st April 2017! In this backdrop, as our initiative to get GST READY, we have launched this publication. This books provides an insight into the following –

1. Procedural provisions under The Model GST Law 2016
2. Glimpse of the Model GST Law 2016
3. Model GST Law 2016
4. GST Valuation (Determination of The Value of Supply of Goods and Services) Rules, 2016
5. The Integrated Goods and Services Tax Act, 2016
6. GST Registration Process
7. GST Return Process
8. GST Payment Process
9. GST Refund Process
10. Eco system for GST and GST Suvidha Provider

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**BOOK EXCLUSIVELY ON WORKS CONTRACT ( SERVICE TAX AND VAT)**

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Works Contract has been one of the most complex and litigation prone areas in Indirect Taxes. However with good understanding of all the provisions under Service Tax & VAT which hit Works Contracts & proper planning, Trade & Industry can not only avoid litigation but can also save around 5% - 10% on indirect taxes which by no means is an ordinary saving in the competitive market. For Trade & Industry, the problems on the subject have been many. Over the last few years we have received queries and replied to the issues at various forums.

Vide this publication, we have made an attempt to cover in detail all issues related to **Service Tax:** Valuation, Point of Taxation, Place of Taxation, Abatement, Reverse Charge, Input Tax Credit Mechanism & **VAT**: Contractual Transfer Price, Modes of Valuation, WIP, STDS as well as **GST** . We have also focused on the issues faced by various sectors on account of Works Contract.

**This book is divided into Seven Parts covering several broad areas. Each area has the provisions directly from the Statue in the beginning and detailed discussions on the provisions in the form of questions and answers thereafter. Since litigations on the subject have been manifold, we have also covered judicial pronouncements extensively.**


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