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INCOME TAX BAR ASSOCIATION RAIPUR (CG)

Happy
HOLI

Newsletter

March - Edition 2018

Office Bearer 2017-18



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Dear Members,

It's the very hectic time and busy schedule for our members in filing the income tax returns. This year i.e. 31st March,2018 is the last day to file the ITR for AY 2016-17 and 2017-18. Further the Income Tax Department set their target to achieve the filing of returns of New Assessee and to collect the budgeted tax collection target.



Series of meetings have been held with CCIT and other officers of IT department for the purpose. hanks all the members for their active participation in help out the department to reached their targeted goal.

Special thanks to members those help the assessee (Specially Salaried person) to train and file their pending ITR without charging any fees.

It's the proud moment for the BAR for Appreciations words received from the CCIT for the Purpose. Our governing body always took responsibility to updates members in the subject , this month we have organised full day seminar on "Brushing of Finance Act,2017" – its lead by our eminent speaker CA SashikantChandrakar and on "Penalty Provisions in IT ACT"- its lead by our senior member CA SakshiGopalAggarwal. Further the BAR has organised Lecture meeting on "Critical Analysis of Section 142(1) by Adv. Rahul Naroral "and one special topics on GST – Provision with relates to Civil Contactor by Vikash Golchha". Its attended by large number of members.

Our BAR room – on request from CCIT, it was temporary handed over for the Office of Pr.CIT , and department has provided their recreational hall for our use, it was supposed to vacant our BAR room in March,18. We are trying our best for re-occupy the same at earliest. Further Bar has made application for 12A registration of our Association before the Exemption Office and due to technical reasons , department denied in registration. I welcome on behalf of IT Bar, all new members added during the period in our Association and thanks once again to all the members for their active participation in our association and program.

best wishes for happy closing of financial Year. With Regards,

Your Sincerely,
CA. Vijay Maloo
President



Respected Members ,

By the time, March edition of our news letter comes before you, All the members must have enjoyed and celebrated colourful festival of "HOLI".I would like to extend my Holi greetings to all the members.

March 2018,the last month of financial year began with Budget 2018.This year's budget is a judicious mix of populist initiatives and disciplinary measures that will continue to spur growth ahead. We believe that this budget will prove to be an effective & very valuable stepping stone for the economy.

Wishing all the members for happy ending for financial year 2017-18.

CA Sunil Agrawal

Edior IT BAR 2017-18

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Expert Advisory Committee of IT Bar

Ready to resolve member queries related to Income Tax matter, post your queries to
itbarsolution@gmail.com

Suggestion & Grievance Committee

Member are requested to Suggestion & Grievance in mail id :
itbargrievance@gmail.com

1. Tax ability of illegal income — Settled position

As per settled legal position, income - tax is a tax on income. It is not concerned with the legality or illegality of income. In the words of Viscount Haldane of the Privy Council— "**there is no thing in the Act which points to any intention to curtail the statutory definition of income** , and it does not appear appropriate under the circumstances to impart any assumed moral or ethical standards controlling case. The literal interpretation of the language employed in *Minister of Finance vs. Smith (1927) AC 191*. Lord Morrison seems to have gone a step further by stating that " The burglar and the swindler, who carry on a trade or business for profit, are liable to tax as honest business men, and in addition they get their deserts elsewhere. [*Lindsay vs. IRC (1932) 18 Tax Cases 43*]. The clear-cut English authority concerning taxability of illegal business transaction like any other business transaction seems to have been followed by the Indian Courts in classic cases like *Chunnilal Kalyan Das, In re AIR 1925 All 257*; *CIT vs. Thevara Patasala AIR 1926 Mad 949*; *K.P.G.B.U.G.M.S. S.A. Mohamad Abdul Kareem & Co. vs. CIT (1948) 16 ITR 412 (Mad)*, *Chandrika Prasad Ram Swarup vs. CIT (1939) 7 ITR 269 (All) (FB)* and *CIT vs. S.C. Kothari 1974 CTR (SC) 137; (1971) 82 ITR 794 (SC)*.

2. A matter of obvious double standard:

A perusal of the relevant statutory and the judicial delineations pertaining to the tax - treatment of the illegal income brings to light a sort of conspicuous double standard in this respect.

It is indeed beyond any logical comprehension that the Courts which have had all set to tax income tainted with illegality, adopted a different approach when it came to the allowability of expenditures incurred in earnings such as illegal income.

Thus, in the trendsetting case of *Haji Aziz & Abdul Shakoor Brothers vs. CIT (1951) 41 ITR 350 (SC)*, the question which came up before the apex Court was with respect to the permissibility of amount of penalty paid by the assessee to get the release of goods which were confiscated as they were imported (by the assessee) in contravention of a notification issued under the Import and Export Control Act. While laying down that the amount of penalty is not permissible deduction the apex Court pointedly remarked that "infraction of the law is not a normal incident of business and, therefore, only such disbursements can be deducted as are really incidental to the business itself.

BUSINESS EXPENDITURE

Incidentally, the Court did not dwell upon the significant point, viz., if the profit of a prohibited trading activity is taxed as business profits, how can the legality or illegality of the related expenditure be examined and denied, especially when the charge of income-tax is not on gross trading receipt but on profit which is arrived at after deducting from the gross receipt the various expenditures incurred in earning the receipt / income. Never the less, the ruling of Haji Aziz & Abdul Shakoor Bros.'s case (supra) has been unanimously followed by the Court in almost all the subsequent cases — Raj Woollen Industries vs. CIT (1961) 43 ITR 36 (Punjab); Mahabir Sugar Mills (P) Ltd. vs. CIT (1969) 71 ITR 87 (All); Soni Hinduji Kushalji & Co. vs. CIT (1973) 89 ITR 112 (AP); J.S. Parkar vs. V.B. Palekar & Ors. (1974) 94 ITR 616 (Bom) and Upper Doab Sugar Mills Ltd. vs. CIT (1978) UPTC 106 (All).

3. Losses and expenditure of illegal business getting different tax-treatment :

As is obvious from the above, the Court has outrightly rejected the deductibility of expenditures in the form of penalty, fine, etc., in computing the taxable income of an illegal business, but, surprisingly, took a U-turn when it came to the allowability of losses of the same illegal business.

The principle of law that emerges from the landmark cases like S.C. Kothari (supra); CIT vs. Piara Singh (1980) 17 CTR (SC) 111; (1980) 124 ITR 40 (SC) and Prafulla Kumar Malik vs. CIT (1967) 63 ITR 62 (SC) may be summarised thus, "the taint of illegality of the business can not detract from the losses being taken into account for computation of the amount which can be subjected to tax as 'profits' under section 10(1) of the 1922 Act [corresponding to section 28(i) of the 1961 Act]. The tax collector can not be heard to say that he will bring the gross receipt to tax". [S.C. Kothari (supra)].

The apex Court, accordingly, allowed set-off of losses incurred on account of forward contracts in violation of Forward Contracts (Regulation) Act, 1952 — S.C. Kothari's case (supra). Similarly, losses sustained on account of confiscation of the goods in smuggling business carried on by the assessee was allowed in Piara Singh's case (supra). Finally, in Prafulla Kumar Malik's case (supra), in contravention of the ruling of Haji Aziz and Abdul Shakoor Bros.'s case (supra), the Supreme Court allowed the amount of penalty not as business expenditure but as business loss under section 10(1) of the 1922 Act. (analogous to section 28(i) of the 1961 Act)

BUSINESS EXPENDITURE

If the Courts have adopted an unconvincing double standard in determining the tax treatment of illegal business income, the statute is not a step behind. A close study of the substantive part of the Act reveals that the Act nowhere whispers about the taxability of illegal income or profits of an illegal / prohibited business. Nevertheless, the Finance Act, 1998, inserted Explanation 1 in section 37(1) with retrospective effect from 1st April, 1962, clarifying that any expenditure incurred by an assessee for any purpose which is an offence or which is prohibited by law, shall not be deemed to have been incurred for the purpose of business or profession and no deduction or allowance shall be made in respect of such expenditure.

4. Matching statutory double standard

There are at least two logical points which question the very logical viability of the said Explanation.

Firstly, if the Act is silently ready to tax income / profit earned from an illegal trade or any business prohibited by law (like smuggling business) how can it deny the deduction of expenditure incurred in earning such income and that too on so-called ethical grounds?

Secondly, if section 37(1) unconditionally grants deduction of any expenditure laid out or expended for the purposes of business carried on by the assessee, how can the Explanation restrict the scope of main provision by putting a condition with respect to the legality of the expenditure?

5. Judicial road

A close study of the relevant case reveals that the Courts, of late, have realised the vast gap between the effect of Explanation 1 and commercial reality and expediency. That is why, first it was Bombay High

Court and then the Andhra Pradesh High Court which gave ruling in derogation of Explanation 1 to section 37(1). Thus, in CIT vs. Sigma Paints Ltd. (1992) 103 CTR (Bom) 305; (1991) 188 ITR 6 (Bom) and CIT vs. Transport Corporation of India (2014) 272 CTR (AP) 97; (2014) 368 ITR 728 (AP), both the Bombay and the Andhra Pradesh High Courts came to the unanimous conclusion that expenditure incurred on account of secret commission paid to the individuals to fetch business is not hit by Explanation 1 if disclosure of the same by the assessee is pleaded to be detrimental to the business interest of the assessee. The amount of secret commission was, accordingly, allowed in both the afore-cited cases.

Needless to point out that the plea of commercial expediency and business interest which appealed the respective High Courts would equally be applicable in rest of the payments which are covered by Explanation 1 of section 37(1). Therefore, soon, Explanation 1 would be fighting for its logical existence, it would not be an exaggeration.

BUSINESS EXPENDITURE

6. Conclusion:

As has already been stated in the beginning, income-tax is a tax on income. It is not and should not be concerned with the legality or illegality of income. If the assessee is guilty of carrying on illegal or unauthorised economic activities, let him / it face penal consequences under the criminal law but surely not under the Income - tax Act as it would tremendously shuffler the symmetrical set-up of the Act.

In the fitness of the matter, it is, therefore, submitted that a clear-cut statutory and judicial approach be adopted with regard to the tax treatment of illegal income. If the statute is set to tax such income, it should be ready to permit its related outgoings also. A matching judicial attitude is also required in this respect. Alternatively, on ethical and moral grounds, such income should expressly and specifically be made to be subject matter of Indian Penal Code, excluding the application of Income - tax Act, altogether..



RBI discontinues LOU and LOC

RBI discontinues LOU and LOC

The Reserve Bank of India has scrapped quasi bank guarantee instruments such as the Letter of Undertaking and Letter of Comfort that blew a Rs. 14,000 crore hole in the books of Punjab National Bank as the regulator attempts to plug a loophole and improve banks' due diligence in trade credit.

Banks can continue to issue guarantees and letter of credit for trade purposes which are the international norm, and also have features that makes the claim on the issuer strong.

Guarantees and LoCs involve receiving banks conduct their own credit appraisal on companies before accepting them which reduces the risk of defaults, said bankers. On the other hand, the Letter of Undertaking and Letter of Comfort which were banned, led to receiving banks depending completely on the issuing bank on creditworthiness.

Doing away with these trade instruments would raise the cost of funding for companies that use them, but would increase the responsibility of banks that are lending based on these instruments, they said.

"A letter of credit is more secure because it has the details of the purchase by the importer, date of issue, expiry date, the material purchase and other transaction details," said an executive at a state-run lenders. "An LoU does not have these details and when it is not linked to the banking system it cannot be traced like it happened with PNB.

Indian banking system is facing its biggest fraud with fashion jeweller Nirav Modi duping Punjab National Bank by using the Letter of Undertaking issued by the bank. A LoU is a promise by the issuing bank to pay in case of default by the one on whose behalf it was issued. The mounting losses have to be borne by the bank as other lenders have loaned NiravModi and his uncle MehulChoksi of Gitanjali Gems based on LoU from PNB.

"It has been decided to discontinue the practice of issuance of LoUs/ LoCs for trade credits for imports into India with immediate effect," the RBI said in a statement.

"Letters of Credit and Bank Guarantees for Trade Credits for imports into India may continue to be issued subject to compliance with the provisions contained in Department of Banking Regulation," it said without saying why it is scrapping it.



DUE DATE CALENDER FOR THE MONTH OF MARCH 2018

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(A) Due dates for Compliances under GST Form No. Due Date Particulars GSTR -

1 10-03-2018 For the month of January 2018 – Applicable for taxpayers with Annual Aggregate turnover **More than 1.50/- Crore** (Rs. One Crore Fifty Lacs only) **GSTR-3B 20-03-2018** For the Month of February 2018 **GSTR-6 31-03-2018**

·Due date of **GSTR-6** (filed by an input service distributor) for the months from July 2017 to Feb 2018 **GSTR-5 20-03-2018** Due date of **GSTR-5** (for Non-resident Taxable person) for the month of Feb 2018. **GSTR-5A 20-03-2018**

·Due date of **GSTR-5A** (Non-resident Taxable person to supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient) for the month of Feb 2018. **B. Due dates for Compliance under Income tax**

·Due Date Particulars

07-03-2018

·Due date for deposit of tax deducted/collected at source for the month of Feb 2018 **15-03-2018**
Due date for furnishing of Form 24G by an office of the Government where TDS for the month of Feb, 2017 has been paid without the production of a challan

15-03-2018 ·4th & Final installment of advance tax for the assessment year 2018-19

15-03-2018 Due date for the whole amount of Advance Tax for FY 2017-18 for taxpayers covered under presumptive scheme of Section 44AD **15-03-2018**

·Due date for issue of TDS Certificate for tax deducted under section 194-IA in the month of Jan 2018 **15-03-2018**
Due date for issue of TDS Certificate for tax deducted under section 194-IB in the month of Jan 2018 **02-03-2018**

·Due date for furnishing of challan-cum statement in respect of tax deducted under Section 194-IA in m/o Jan 18. **02-03-2018**

·Due date for furnishing of challan-cum-statement in respect of tax deducted under Section 194-IB in m/o Jan 18. **30-03-2018**

·Due date for furnishing of challan-cum-statement in respect of tax deducted under Section 194-IA in m/o Feb 18.

·**30-03-2018** Due date for furnishing of challan-cum-statement in respect of tax deducted under Section 194-IB in m/o Feb 18. **31-03-2018**

·Due date for linking of Aadhaar number with PAN. **31 March 2018**

·Country-By-Country Report in Form No. 3CEAD by a parent entity or an alternate reporting entity or any other constituent entity, resident in India, for the accounting year 2016-17.

31 March 2018 Intimation by a designated constituent entity, resident in India, of an international group in Form no. 3CEAB for the accounting year 2016-17 **31-03-2018**

·ITR Filing due date for Income Tax Returns (ITRs) for AY 2016-17 (FY 2015-16) and AY 2017-18 (FY 2016-17). This is the last chance as Law is changed now.



Filing Of GSTR-3B Extended

In its 26th meeting on Saturday, Arun Jaitley-chaired GST Council (Goods & Services Tax) extended the existing system of filing returns by another three months till June. Besides this, group of ministers (GOM) on the IT (information technology) will look into the tax filing process and consult tax experts before taking a call, among other decisions, Union Finance Minister Arun Jaitley tweeted.

After the 26th GST Council meet , Union Finance Minister Arun Jaitley on Saturday said electronic way or e-way bill for movement of goods between states will be implemented from April 1.

However, for intra-state movement, the e-way bill would be rolled out in a phased manner starting April 15, and will cover all the states by June 1.

The Goods and Services (GST) Council was expected to simplify the return filing process on Saturday, however, the Council could not decide on a simplified GST return form and entrusted the ministerial panel under Sushil Modi to chalk out a single page form which is simpler and evasion proof. Besides, tax exemptions to exporters have also been extended by six months to September.

In the 23rd GST council meeting, it was decided that filing of GSTR-2 and GSTR-3 forms would stop and only the filing of GSTR-1 and GSTR-3B would continue.

However, the present return filing system is still cumbersome for tax payers and cost of compliance has gone up mainly because people are not able to handle the present system of filing returns.

According to the recommendation made by Nilekani, instead of supplying invoices to be uploaded, a module can be formed where supplying invoice details can be posted, and based on the invoice data fed by the supplier, the system by itself generates the return.

GSTR-3B Return: Due Dates For February And March

Due date of filing GSTR-3B return is 20th of the next month. For instance, the 3B return for the month of March can be filed anytime before April 20, and similarly, the 3B return for the month of February can be filed anytime before March 20.

GSTR-1 Return: Due Dates For February And March

Taxpayers with an annual turnover that amounts to Rs. 1.5 crore or less are obligated to file their GSTR-1 returns quarterly. The due date for such taxpayers is 30th of the month following the end of respective quarter. For the March (Jan 1 to March 31) quarter, for instance, the deadline would be 30th of April.

Those with a turnover of Rs. 1.5 crore and above are meant to file monthly returns of GSTR-1. The deadline for monthly return is 10th of the month that comes two months after the end of respective month. For instance, the GSTR-1 return for the month of January can be filed by March 10. Likewise, returns for the months of February and March can be filed by April 10 and May 10.

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On February 24 this year, Bihar's deputy chief minister and state finance minister SushilModi had said that the e-way bill would be made mandatory from April 1. A step in that direction may be taken in the council meet Saturday.

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However, the present return filing system is still cumbersome for tax payers and cost of compliance has gone up mainly because people are not able to handle the present system of filing returns.

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GSTR-3B Return: Due Dates For February And March

Due date of filing GSTR-3B return is 20th of the next month. For instance, the 3B return for the month of March can be filed anytime before **April 20**, and similarly, the 3B return for the month of February can be filed anytime before **March 20**.

GSTR-1 Return: Due Dates For February And March Tax payers with an annual turnover that amounts to **Rs. 1.5 crore** or less are obligated to file their GSTR-1 returns quarterly. The due date for such taxpayers is 30th of the month following the end of respective quarter. For the March (**Jan 1 to March 31**) quarter, for instance, the deadline would be **30th of April**.

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After the 26th GST Council meet here, Union Finance Minister ArunJaitley **on Saturday** said electronic way or e-way bill for movement of goods between states will be implemented from **April 1**. However, for intra-state movement, the e-way bill would be rolled out in a phased manner starting **April 15**, and will cover all the states by **June 1**.



E-WAY Bill Rules

(As amended by Notification No.12/2018 – Central Tax, 07/03/2018)

“138. Information to be furnished prior to commencement of movement of goods and generation of e-way bill.- (1) Every registered person who causes movement of goods of consignment value exceeding fifty thousand rupees—

- (i) in relation to a supply; or
- (ii) for reasons other than supply; or
- (iii) due to inward supply from an unregistered person,

shall, before commencement of such movement, furnish information relating to the said goods as specified in Part A of FORM GST EWB-01, electronically, on the common portal along with such other information as may be required on the common portal and a unique number will be generated on the said portal:

Provided that the transporter, on an authorization received from the registered person, may furnish information in Part A of FORM GST EWB-01, electronically, on the common portal along with such other information as may be required on the common portal and a unique number will be generated on the said portal:

Provided further that where the goods to be transported are supplied through an ecommerce operator or a courier agency, on an authorization received from the consignor, the information in Part A of FORM GST EWB-01 may be furnished by such e-commerce operator or courier agency and a unique number will be generated on the said portal:

Provided also that where goods are sent by a principal located in one State or Union territory to a job worker located in any other State or Union territory, the e-way bill shall be generated either by the principal or the job worker, if registered, irrespective of the value of the consignment:

Provided also that where handicraft goods are transported from one State or Union territory to another State or Union territory by a person who has been exempted from the requirement of obtaining registration under clauses (i) and (ii) of section 24, the e-way bill shall be generated by the said person irrespective of the value of the consignment.

Explanation 1.– For the purposes of this rule, the expression “handicraft goods” has the meaning as assigned to it in the Government of India, Ministry of Finance, notification No. 32/2017-Central Tax dated the 15th September, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1158 (E) dated the 15th September, 2017 as amended from time to time.

Explanation 2.– For the purposes of this rule, the consignment value of goods shall be the value, determined in accordance with the provisions of section 15, declared in an invoice, a bill of supply or a delivery challan, as the case may be, issued in respect of the said consignment and also includes the central tax, State or Union territory tax, integrated tax and cess charged, if any, in the document and shall exclude the value of exempt supply of goods where the invoice is issued in respect of both exempt and taxable supply of goods.

(2) Where the goods are transported by the registered person as a consignor or the recipient of supply as the consignee, whether in his own conveyance or a hired one or a public conveyance, by road, the said person shall generate the e-way bill in FORM GST EWB-01 electronically on the common portal after furnishing information in Part B of FORM GSTEWB-01..

E-WAY Bill Rules

E-WAY Bill Rules

(2A) Where the goods are transported by railways or by air or vessel, the e-way bill shall be generated by the registered person, being the supplier or the recipient, who shall, either before or after the commencement of movement, furnish, on the common portal, the information in Part B of FORM GST EWB-01:

Provided that where the goods are transported by railways, the railways shall not deliver the goods unless the e-way bill required under these rules is produced at the time of delivery.

(3) Where the e-way bill is not generated under sub-rule (2) and the goods are handed over to a transporter for transportation by road, the registered person shall furnish the information relating to the transporter on the common portal and the e-way bill shall be generated by the transporter on the said portal on the basis of the information furnished by the registered person in Part A of FORM GST EWB-01: Provided that the registered person or, the transporter may, at his option, generate and carry the e-way bill even if the value of the consignment is less than fifty thousand rupees:

Provided further that where the movement is caused by an unregistered person either in his own conveyance or a hired one or through a transporter, he or the transporter may, at their option, generate the e-way bill in FORM GST EWB-01 on the common portal in the manner specified in this rule:

Provided also that where the goods are transported for a distance of upto **fifty kilometers** within the State or Union territory from the place of business of the consignor to the place of business of the transporter for further transportation, the supplier or the recipient, or as the case may be, the transporter may not furnish the details of conveyance in Part B of FORM GST EWB-01.

Explanation 1.– For the purposes of this sub-rule, where the goods are supplied by an unregistered supplier to a recipient who is registered, the movement shall be said to be caused by such recipient if the recipient is known at the time of commencement of the movement of goods.

Explanation 2.- The e-way bill shall not be valid for movement of goods by road unless the information in Part-B of FORM GST EWB-01 has been furnished except in the case of movements covered under the third proviso to sub-rule (3) and the proviso to sub-rule(5)

(4) Upon generation of the e-way bill on the common portal, a unique e-way bill number (EBN) shall be made available to the supplier, the recipient and the transporter on the common portal.

(5) Where the goods are transferred from one conveyance to another, the consignor or the recipient, who has provided information in Part A of the FORM GST EWB-01, or the transporter shall, before such transfer and further movement of goods, update the details of conveyance in the e-way bill on the common portal in Part B of FORM GST EWB-01:

Provided that where the goods are transported for a distance of upto fifty kilometers within the State or Union territory from the place of business of the transporter finally to the place of business of the consignee, the details of the conveyance may not be updated in the e-way bill.

(4) Upon generation of the e-way bill on the common portal, a unique e-way bill number (EBN) shall be made available to the supplier, the recipient and the transporter on the common portal.

(5) Where the goods are transferred from one conveyance to another, the consignor or the recipient, who has provided information in Part A of the FORM GST EWB-01, or the transporter shall, before such transfer and further movement of goods, update the details of conveyance in the e-way bill on the common portal in Part B of FORM GST EWB-01:

Provided that where the goods are transported for a distance of upto fifty kilometers within the State or Union territory from the place of business of the transporter finally to the place of business of the consignee, the details of the conveyance may not be updated in the e-way bill.

(5A) The consignor or the recipient, who has furnished the information in Part A of FORM GST EWB-01, or the transporter, may assign the e-way bill number to another registered or enrolled transporter for updating the information in Part B of FORM GST EWB-01 for further movement of the consignment:

Provided that after the details of the conveyance have been updated by the transporter in Part B of FORM GST EWB-01, the consignor or recipient, as the case may be, who has furnished the information in Part A of FORM GST EWB-01 shall not be allowed to assign the e-way bill number to another transporter.

(6) After e-way bill has been generated in accordance with the provisions of sub-rule (1), where multiple consignments are intended to be transported in one conveyance, the transporter may indicate the serial number of e-way bills generated in respect of each such consignment electronically on the common portal and a consolidated e-way bill in FORM GST EWB-02 may be generated by him on the said common portal prior to the movement of goods.

(7) Where the consignor or the consignee has not generated the e-way bill in FORM GST EWB-01 and the aggregate of the consignment value of goods carried in the conveyance is more than fifty thousand rupees, the transporter, except in case of transportation of goods by railways, air and vessel, shall, in respect of inter-State supply, generate the e-way bill in FORM GST EWB-01 on the basis of invoice or bill of supply or delivery challan, as the case may be, and may also generate a consolidated e-way bill in FORM GST EWB-02 on the common portal prior to the movement of goods:

Provided that where the goods to be transported are supplied through an e-commerce operator or a courier agency, the information in Part A of FORM GST EWB-01 may be furnished by such e-commerce operator or courier agency.

(8) The information furnished in Part A of FORM GST EWB-01 shall be made available to the registered supplier on the common portal who may utilize the same for furnishing the details in FORM GSTR-1:

Provided that when the information has been furnished by an unregistered supplier or an unregistered recipient in FORM GST EWB-01, he shall be informed electronically, if the mobile number or the e-mail is available.

(9) Where an e-way bill has been generated under this rule, but goods are either not transported or are not transported as per the details furnished in the e-way bill, the e-way bill may be cancelled electronically on the common portal within twenty four hours of generation of the e-way bill:

Provided that an e-way bill cannot be cancelled if it has been verified in transit in accordance with the provisions of rule 138B:

Provided further that the unique number generated under sub-rule (1) shall be valid for a period of fifteen days for updation of Part B of FORM GST EWB-01.

(10) An e-way bill or a consolidated e-way bill generated under this rule shall be valid for the period as mentioned in column (3) of the Table below from the relevant date, for the distance, within the country, the goods have to be transported, as mentioned in column (2) of the said Table:-

Sr. no	Distance	Validity Period
1.	Upto 100 km	One day in cases other than Over Dimensional Cargo
2.	For every 100 km or part thereof thereafter	One day in cases other than Over Dimensional Cargo
3.	Upto 20 km	One day in case of Over Dimensional Cargo
4.	For every 20 km. or part thereof thereafter	One additional day in case of Over Dimensional Cargo:

Provided that the Commissioner may, on the recommendations of the Council, by notification, extend the validity period of an e-way bill for certain categories of goods as may be specified therein:

Provided further that where, under circumstances of an exceptional nature, including trans-shipment, the goods cannot be transported within the validity period of the e-way bill, the transporter may extend the validity period after updating the details in Part B of FORM GST EWB-01, if required.

Explanation 1.—For the purposes of this rule, the “relevant date” shall mean the date on which the e-way bill has been generated and the period of validity shall be counted from the time at which the e-way bill has been generated and each day shall be counted as the period expiring at midnight of the day immediately following the date of generation of e-way bill.

Explanation 2.— For the purposes of this rule, the expression “Over Dimensional Cargo” shall mean a cargo carried as a single indivisible unit and which exceeds the dimensional limits prescribed in rule 93 of the Central Motor Vehicle Rules, 1989, made under the Motor Vehicles Act, 1988 (59 of 1988).

(11) The details of the e-way bill generated under this rule shall be made available to the- (a) supplier, if registered, where the information in Part A of FORM GST EWB-01 has been furnished by the recipient or the transporter; or (b) recipient, if registered, where the information in Part A of FORM GST EWB-01 has been furnished by the supplier or the transporter, on the common portal, and the supplier or the recipient, as the case may be, shall communicate his acceptance or rejection of the consignment covered by the e-way bill.

(12) Where the person to whom the information specified in sub-rule (11) has been made available does not communicate his acceptance or rejection within seventy two hours of the details being made available to him on the common portal, or the time of delivery of goods whichever is earlier, it shall be deemed that he has accepted the said details.

(13) The e-way bill generated under this rule or under rule 138 of the Goods and Services Tax Rules of any State or Union territory shall be valid in every State and Union territory.

(14) Notwithstanding anything contained in this rule, no e-way bill is required to be generated—

(a) where the goods being transported are specified in Annexure;

(b) where the goods are being transported by a non-motorised conveyance;

(c) where the goods are being transported from the customs port, airport, air cargo complex and land customs station to an inland container depot or a container freight station for clearance by Customs;

(d) in respect of movement of goods within such areas as are notified under clause (d) of sub-rule (14) of rule 138 of the State or Union territory Goods and Services Tax Rules in that particular State or Union territory;

(e) where the goods, other than de-oiled cake, being transported, are specified in the Schedule appended to notification No. 2/2017- Central tax (Rate) dated the 28th June, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 674 (E) dated the 28th June, 2017 as amended from time to time;

(f) where the goods being transported are alcoholic liquor for human consumption, petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas or aviation turbine fuel;

(g) where the supply of goods being transported is treated as no supply under Schedule III of the Act;

(h) where the goods are being transported—

(i) under customs bond from an inland container depot or a container freight station to a customs port, airport, air cargo complex and land customs station, or from one customs station or customs port to another customs station or customs port, or

(ii) under customs supervision or under customs seal;

(i) where the goods being transported are transit cargo from or to Nepal or Bhutan;

(j) where the goods being transported are exempt from tax under notification No. 7/2017-Central Tax (Rate), dated 28th June 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 679(E) dated the 28th June, 2017 as amended from time to time and notification No. 26/2017-Central Tax (Rate), dated the 21st September, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1181(E) dated the 21st September, 2017 as amended from time to time;

(k) any movement of goods caused by defence formation under Ministry of defence as a consignor or consignee;

(l) where the consignor of goods is the Central Government, Government of any State or a local authority for transport of goods by rail;

(m) where empty cargo containers are being transported; and

(n) where the goods are being transported upto a distance of twenty kilometers from the place of the business of the consignor to a weighbridge for weighment or from the weighbridge back to the place of the business of the said consignor subject to the condition that the movement of goods is accompanied by a delivery challan issued in accordance with rule 55.

Explanation. - The facility of generation, cancellation, updation and assignment of e-way bill shall be made available through SMS to the supplier, recipient and the transporter, as the case may be.

Sr No.	Description of Goods
1	Liquefied petroleum gas for supply to household and non domestic exempted category (NDEC) customers
2	Kerosene oil sold under PDS
3	Postal baggage transported by Department of Posts
4	Natural or cultured pearls and precious or semi-precious stones; precious metals and metals clad with precious metal (Chapter 71)
5	Jewellery, goldsmiths' and silversmiths' wares and other articles (Chapter 71)
6	Currency
7	Used personal and household effects
8	Coral, unworked (0508) and worked coral (9601)";

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PAST EVENT

IT Bar jointly with Raipur Branch of CIRC of ICAI have conducted the following programs:

Date	Topics	Speaker
01.03.2018	Holi Milan	-
10.03.2018 Full Day Seminar	Recent updates on Search, Seizure and IT Assesment	CA Bhupendra Shah, Mumbai
	Brushing of Finance Act, 2017	CA Sashikant Chandrakar
	Overview of Penalty Provisions under IT Act	CA Sakshi Gopal Aggarwal
16.03.2018 Lecture Meeting	Critical Analysis of Section 142 (1) of IT Act	ADV. Rohit Narula
	GST on Civil Construction & Recent Updates	CA Vikash Golechha
19.03.2018 Training Program	Training Program - How to file ITR fro Salary Income	CA Jaiprakash Chopra CA Ashish Rambani



सर्च, सीजर, पेनाल्टी एवं फाइनंस एक्ट 2017 पर सेमिनार अघोषित आय पर सरचार्ज-पेनाल्टी के साथ एजुकेशन सेस भी

रायपुर. कालेघन एवं मनी लॉन्डिंग पर हर प्रकार से अंकुश लगाने का प्रयास हो रहा है. विमुद्रीकरण, आईएस, पीएमजी के वायू जैसे विविध योजनाएं सरकार के द्वारा लागू की गईं. आयकर विभाग को जैसे-जैसे डाटा फिल्टर होकर मिल रहे हैं या अन्य माध्यम से सूचनाएं मिल रही हैं, सर्वे, सर्च, सीजर के माध्यम से लगातार कार्यवाही की जा रही है. आयकर बार एसोसिएशन के अध्यक्ष सीए वियज मालु ने स्वागत भाषण में कहा कि आयकर अधिनियम में भी हाल के एक-दो वर्षों में केश ट्रांसजेक्शन एवं सर्च सीजर के प्राधान्यों में विभिन्न महत्वपूर्ण एवं कड़े बदलाव किए गए हैं. रायपुर सीए वियज मालु ने कहा कि वर्तमान में सर्वे, सर्च एवं सीजर की कार्यवाही बहुत तेजी से चल रहा है, इसलिए इस विषय पर बार-बार सेमिनार एवं मीटिंग्स किये जाने की जरूरत है, ताकि सभी मੈम्बर इससे अपडेट रह सकें. कार्यक्रम के प्रथम सेशन के स्पीकर सीए साक्षी गोपाल अग्रवाल ने बताया कि पेनाल्टी लगाने की शुरुआत करने का अधिकार सिर्फ कर निर्धारण अधिकारी, आयकर आयुक्तअपील एवं आयकर आयुक्तको होता है, और वे सिर्फ अपने द्वारा जोड़ी गई आय पर ही पेनाल्टी लगा सकते हैं. द्वितीय सेमिनार में बताया कि फाइनंस एक्ट 2017 के संशोधन प्रस्ताव 1 अप्रैल 17 से लागू हो गए, जिसका ध्यान सीए को करदाताओं को अपना एसेसमेंट डेडलाइन 31 मार्च तक आयकर रिटर्न भरते समय, ऑडिट करते एवं कराते समय एवं अन्य कार्य करते समय रखना है.

द्वितीय सेशन के स्पीकर मुम्बई रे आए प्रसिद्ध सीए प्रभुदेव शह ने अपने वक्तव्य में बताया कि विमुद्रीकरण के समय दिसम्बर 2016 में आयकर अधिनियम की धारा 115 बीबीई में संशोधन किया गया, जिसके अन्तर्गत यदि किसी करदाता के कुल आय में कोई असह अनुपस्थापित आर धारा 68 एवं 69 के अन्तर्गत पाई जाते हैं, तो उस पर उसे 60 प्र.श. आयकर 25 प्र.श. सरचार्ज एवं पेनाल्टी एजुकेशन सेस इतक 77.25 प्र.श. या 83.25 प्र.श. टोटल टैक्स प्रदान होगा. यह प्रस्ताव सिर्फ विमुद्रीकरण के समय के लिए लागू गया था, लेकिन इसे अभी भी नहीं हटाया गया है. सर्वे एवं सीजर के समय अभी भी 77.25 प्र.श. आयकर लग रहा है. सभी का संचालन आयकर बार एडवोकेटस एसोसिएशन के सर्विस सीए योगेश पुरोहित ने किया.

आयोजन 115 बीबीई से करदाताओं के ऊपर भार, इसे हटाने पर विचार करना चाहिए

सम्बन्धित शिखर न्यूज
रायपुर। आयकर बार एसोसिएशन, रायपुर एवं रायपुर सीए वियज मालु के संयुक्त संवर्धन में आयकर अधिनियम के अंतर्गत सर्वे, सीजर, पेनाल्टी एवं फाइनंस एक्ट 2017 पर सेमिनार आयोजित किया गया।



रायपुर। आयकर बार एसोसिएशन के अध्यक्ष सीए वियज मालु ने स्वागत भाषण में कहा कि वर्तमान में सर्वे, सर्च एवं सीजर की कार्यवाही बहुत तेजी से चल रहा है, इसलिए इस विषय पर बार-बार सेमिनार एवं मीटिंग्स किये जाने की जरूरत है, ताकि सभी मੈम्बर इससे अपडेट रह सकें. कार्यक्रम के प्रथम सेशन के स्पीकर सीए साक्षी गोपाल अग्रवाल ने अपने वक्तव्य में बताया कि पेनाल्टी लगाने की शुरुआत करने का अधिकार सिर्फ कर निर्धारण अधिकारी, आयकर आयुक्तअपील एवं आयकर आयुक्तको होता है, और वे सिर्फ अपने द्वारा जोड़ी गई आय पर ही पेनाल्टी लगा सकते हैं. द्वितीय सेमिनार में बताया कि फाइनंस एक्ट 2017 के संशोधन प्रस्ताव 1 अप्रैल 17 से लागू हो गए, जिसका ध्यान सीए को करदाताओं को अपना एसेसमेंट डेडलाइन 31 मार्च तक आयकर रिटर्न भरते समय, ऑडिट करते एवं कराते समय रखना है.

आयकर एवं जीएसटी पर मंथन



सम्बन्धित शिखर न्यूज
रायपुर। आयकर बार एसोसिएशन, रायपुर सीए वियज मालु के संयुक्त संवर्धन में आयकर अधिनियम के अंतर्गत सर्वे, सीजर, पेनाल्टी एवं फाइनंस एक्ट 2017 पर सेमिनार आयोजित किया गया।

रायपुर। आयकर बार एसोसिएशन के अध्यक्ष सीए वियज मालु ने अपने स्वागत भाषण में कहा कि वर्तमान में सर्वे, सर्च एवं सीजर की कार्यवाही बहुत तेजी से चल रहा है, इसलिए इस विषय पर बार-बार सेमिनार एवं मीटिंग्स किये जाने की जरूरत है, ताकि सभी मੈम्बर इससे अपडेट रह सकें. कार्यक्रम के प्रथम सेशन के स्पीकर सीए साक्षी गोपाल अग्रवाल ने अपने वक्तव्य में बताया कि पेनाल्टी लगाने की शुरुआत करने का अधिकार सिर्फ कर निर्धारण अधिकारी, आयकर आयुक्तअपील एवं आयकर आयुक्तको होता है, और वे सिर्फ अपने द्वारा जोड़ी गई आय पर ही पेनाल्टी लगा सकते हैं. द्वितीय सेमिनार में बताया कि फाइनंस एक्ट 2017 के संशोधन प्रस्ताव 1 अप्रैल 17 से लागू हो गए, जिसका ध्यान सीए को करदाताओं को अपना एसेसमेंट डेडलाइन 31 मार्च तक आयकर रिटर्न भरते समय, ऑडिट करते एवं कराते समय रखना है.

आयकर अधिनियम फाइनंस एक्ट पर सेमिनार



रायपुर, 15 मार्च (देखभू). आयकर बार एसोसिएशन के अध्यक्ष सीए वियज मालु ने स्वागत भाषण में कहा कि वर्तमान में सर्वे, सर्च एवं सीजर की कार्यवाही बहुत तेजी से चल रहा है, इसलिए इस विषय पर बार-बार सेमिनार एवं मीटिंग्स किये जाने की जरूरत है, ताकि सभी मੈम्बर इससे अपडेट रह सकें. कार्यक्रम के प्रथम सेशन के स्पीकर सीए साक्षी गोपाल अग्रवाल ने अपने वक्तव्य में बताया कि पेनाल्टी लगाने की शुरुआत करने का अधिकार सिर्फ कर निर्धारण अधिकारी, आयकर आयुक्तअपील एवं आयकर आयुक्तको होता है, और वे सिर्फ अपने द्वारा जोड़ी गई आय पर ही पेनाल्टी लगा सकते हैं. द्वितीय सेमिनार में बताया कि फाइनंस एक्ट 2017 के संशोधन प्रस्ताव 1 अप्रैल 17 से लागू हो गए, जिसका ध्यान सीए को करदाताओं को अपना एसेसमेंट डेडलाइन 31 मार्च तक आयकर रिटर्न भरते समय, ऑडिट करते एवं कराते समय रखना है.

अनिवार्य होगा यदि आय समय पर आयकर रिटर्न नहीं भरते तो आपको एव 18-19 से 10000 तक पेनाल्टी देनी पड़सकती है। हालांकि यदि कुल आय 5 लाख से कम हो तो इसके लिए पेनाल्टी 1000 से अधिक नहीं होगी। यदि सर्वे में 50 लाख से अधिक मूल्य की अघोषित आय एवं सम्पति पाई गई तो आयकर विभाग पिछले 10 सालों के रिकॉर्ड खंगाल सकता है, पहले वे 6 साल के बहीखाते खंगाल सकते थे।
द्वितीय सेशन के स्पीकर मुम्बई रे परभोरे अध्यक्ष सीए प्रभुदेव शह ने अपने वक्तव्य में बताया कि विमुद्रीकरण के समय दिसम्बर 2016 में आयकर अधिनियम की धारा 115 बीबीई में संशोधन किया गया, जो 1 अप्रैल 2016 से लागू होगा, जिसके अंतर्गत यदि किसी करदाता के कुल आय में कोई असह अनुपस्थापित आर धारा 68 एवं 69 के अन्तर्गत पाई जाते हैं, तो उस पर उसे 60 प्र.श. आयकर 25 प्र.श. सरचार्ज एवं पेनाल्टी एजुकेशन सेस इतक 77.25 प्र.श. या 83.25 प्र.श. टोटल टैक्स प्रदान होगा। यह प्रस्ताव सिर्फ विमुद्रीकरण के समय के लिए लागू गया था, लेकिन इसे अभी भी नहीं हटाया गया है। सर्वे एवं सीजर के समय अभी भी 77.25 प्र.श. आयकर लग रहा है। इसलिए सरकार को इसे जल्द से जल्द हटाना चाहिए। कार्यक्रम में मुख्य रूप से सीए सुब्रमण्यम, सीए वी. सुब्रमण्यम, सीए रमिक चोपड़ा, सीए परमेश्वर जैन, आयुक्त प्रवीण शर्मा एवं सीए मयूर जैन, सीए अमितभद्र दूबे, सीए अमित धर्मनानी, सीए किशोर बरडिया उपस्थित थे।

115 बीबीई से करदाताओं के ऊपर भार, इसका हटाने पर विचार करना चाहिए

आयकर के अंतर्गत सर्वे, सीजर, पेनाल्टी एवं फाइनंस एक्ट 2017 पर सेमिनार सम्म



रायपुर। आयकर बार एसोसिएशन, रायपुर एवं रायपुर सीए वियज मालु के संयुक्त संवर्धन में आयकर अधिनियम के अंतर्गत सर्वे, सीजर, पेनाल्टी एवं फाइनंस एक्ट 2017 पर सेमिनार आयोजित किया गया।

रिटर्न फाइल करने वेतन भोगियों को मिलेगी निःशुल्क सहायता

नवभारत रिपोर्टर। रायपुर. आयकर वेतनभोगी वर्माचारियों को आयकर रिटर्न तैयार करने निःशुल्क सहायता प्रदान कराएगा. यह सुविधा आयकर सेवा केन्द्र में उपलब्ध होगी. आयकर विभाग की ओर से जय शासन के कर्मचारियों के लिए गोमयार को आयकर रिटर्न फाइल करने एक प्रशिक्षण शिविर का आयोजन किया गया. संयुक्त आयकर कमिश्नर रेजवन शोशल शास्त्र वर्मा ने आयकर धन भवन भवन लदान के सभागार में दोघर 30 बजे से आयोजित प्रशिक्षण शिविर में आयकर रिटर्न के फायदे

करने वालों की समस्याओं को भी सुना और उनके निदान के भी उपाय बताए. रिटर्न फाइल करने के तरीकों से भी अवगत कराया गया. निजी एवं शासकीय संस्थाओं में कार्यरत वेतनभोगियों को भी आयकर सेवा केन्द्र में रिटर्न फाइल करने के लिए निःशुल्क सहायता उपलब्ध कराएगी के भी व्यवस्था की गई है. सेवा केन्द्र में 10 लाख रूप से कम वेतन वाले वेतनभोगियों को रिटर्न फाइल करने में मदद की जाएगी. विभागीय टीम के साथ ही विशेष प्रकरणों के लिए आयकर बार एसोसिएशन के सदस्यों के माध्यम से भी निःशुल्क सहायता प्रदान की जाएगी.



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