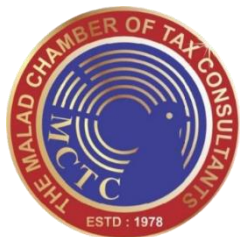


MCTC

BULLETIN

AUG 24



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THE MALAD CHAMBER OF TAX CONSULTANTS

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NOTES

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For Queries & Submission of Forms for Membership/Seminar please contact any of the following Office Bearers:

Name	Designation	Contact Nos.	E-mail
Adv. Jaideep P. Sonpal	President	9892005352	sonpalconsultants@gmail.com
Adv. Rinav Khakhar	Vice President	9920022323	rinavkhakhar@gmail.com
CA Khushbu Shah	Hon. Treasurer	9920936558	ca.shahrk@gmail.com
Shri Bhavin Mehta	Hon. Secretary	9224208781	bhavinjmehta@yahoo.com
CA Kavit Gadhia	Hon.Jt.Secretary	9967404304	cakavitgadhia@gmail.com

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• **Editor : Shri Kishor Vanjara**



PRESIDENT'S COMMUNIQUE

My Dear Professional Colleagues,



I am deeply grateful to the Members for electing me as the 45th President. I feel very privileged to lead and serve our chamber in this capacity. I am also grateful to my past presidents who have been my torch bearers under whom I have been working for last 4 years, I shall try to reflect the glimpse of vision & leadership which I inherit from them. I abide by the trust that you have placed in me and to deliver on the expectations that you have as Members.

I congratulate to CA Khyati Vasani, my dynamic & visionary predecessor and her team on successfully concluding her game changer tenure where her vision took our chamber's outreach to global level by initiatives like organising sessions on career opportunities for professionals in different countries, our online Budget publication flipbook version which reached readers from various countries and new dynamic MCTC website launch (www.mctconline.org). I thank her for showing me how a dynamic leader can lead through innovation to new highs. I expect her continuous support and guidance. I am also thankful to all the Past Presidents who have worked relentlessly to build the Chamber to its current strength of 1300+ Professional Members and I request them to be my torch bearers as I resume on this journey.

I consider myself fortunate to have a very hardworking, dynamic and tech savvy team who have innovative ideas for an eventful year. In addition to our ongoing activities like Study Circle meetings, Seminars, Budget meeting, Monthly bulletins etc., the Managing committee intends to activate our own payment gate and channelize our life membership data, and this will provide convenience for payments to our members for membership and paid programs.

The Managing Committee's focus this year is to have more physical meetings which has lost charm after covid era and induct more Members and to increase our social media presence to encourage youth participation. The Chamber will continue to be active on Facebook, LinkedIn, WhatsApp and on Instagram. The Managing Committee applauds the generous Donation of Rs.1,00,000/- by CA Rasik Thakkar.

We are happy to announce that our MCTC office premises society- New Star Manor CHS has successfully completed Deemed Conveyance procedure and favourable Deemed Conveyance order has been received. Society has also recently filed consent with registrar under section 79A for appointment of developer for redevelopment process.

We are pleased to announce that The Dr. Bharat D. Vasani Inaugural Study Circle of the year will be held on Sunday, 25th August 2024 on the topics of Critical Reporting under Audits by Speaker CA. Ashok Mehta & Recent Amendments in GST by Speaker CA. Sunil Ghabhawala.

I also extend my heartiest congratulations to CA Mahesh Madkholkar for being elected as President of GSTPAM, CA Vijay Bhatt for being elected as President of The Chamber of Tax Consultants and CA Anand Bathiya for his election as the youngest President of Bombay Chartered Accountant's Society for the year 2024-25. I look forward to a fruitful collaboration with sister organisations throughout the year.

I Wish you all you a very Happy Janmashtami, Paryushan Parwa and Ganesh Chaturthi and best wishes for Audit Season.

Adv, Jaideep P. Sonpal
President

Glimpses of Annual General Meeting on 4th August 2024



Immediate Past President honored
for her excellent tenure



Generous doner CA Rasik Thakkar
handing over cheque at AGM



Best Committee Award – CA Khushbu Shah



Best Committee Award – CA Rima Shah



Members attending AGM



BRIEF REPORT OF 45th ANNUAL GENERAL MEETING

At the 45th Annual General Meeting held on 04th August 2024, Sunday, at Shri. Lohana Mahajan Wadi, Mini Hall, 3rd floor, S.V. Rd, Kandivali west at 10.45 am, the following business was transacted:

1. The minutes of last AGM were approved.
2. The Annual Report for the year 2023-24 was approved and adopted.
3. The Audited Accounts for the year ended 31st March 2024 were adopted.
4. P B Agrawal & Co., Chartered Accountants, were reappointed as the auditors for the year 2024-25 and they will hold office till the next AGM.
5. The results of the election for the year 2024-25 were declared by the election officer, Past President Shri Janak Rawal and Past President Shri Ramesh Gandhi. The results were as follows:

Adv. Jaideep P. Sonpal was elected as President for the year.

The following members were elected to the managing committee:

Adv. Rinav Khakhar	Shri Jitendra Fulia	CA Mohit Cholera
CA Khushbu Shah	CA Rima Shah	CA Pratik Satyuga
Shri Bhavin Mehta	CA Rupal Shah	Shri Jignesh Shah
CA Kavit Gadhia	CA Zankhana Desai Dobaria	Adv. Chetan Joshi

TEAM 2024-25

In the 1st Managing Committee Meeting held on 10th August 2024 at Mandpeshwar Civic Federation Gymkhana, Gymkhana Road, Prem Nagar, Borivali West, Mumbai at 05.30 pm, the following Members were elected as office bearers for the year 2024-25:

1. Adv. Rinav Khakhar – Vice President
2. CA Khushbu Shah – Hon. Treasurer
3. Shri Bhavin Mehta – Hon. Jt. Secretary
4. CA Kavit Gadhia - Hon. Jt. Secretary

The following Past Presidents were co-opted to the Managing Committee for the year 2024-25:

1. Adv. Janak D. Rawal
2. CA Yatin Rangwala
3. CA Manish Chokshi
4. Shri Kishor Vanjara
5. CA Viresh Shah

Various Sub-Committees were formed as per details printed on page no. 10 and 11



New Committee for 2024-25



Official handover to Incoming President



**First Managing Committee Meeting
for FY 2024-25**



MANAGING COMMITTEE: 2024-2025

Name	Office No.	Mobile No.	E-mail
<u>PRESIDENT</u>			
Adv. Jaideep Sonpal		9892005352	sonpalconsultants@gmail.com
<u>VICE PRESIDENT</u>			
Adv. Rinav Khakhar		9920022323	rinavkhakhar@gmail.com
<u>HON. TREASURER</u>			
CA Khushbu Shah	-	9920936558	ca.shahrk@gmail.com
<u>HON. JT. SECRETARIES</u>			
Shri Bhavin Mehta	49633454	9224208781	bhavinjmehta@yahoo.com
CA Kavit Gadhia	-	9967404304	cakavitgadhia@gmail.com
<u>IMM. PAST PRESIDENT</u>			
CA Khyati Vasani	28998888	9833288584	khyativasani@yahoo.com
<u>COMMITTEE MEMBERS</u>			
Shri. Jignesh Shah	40134277	9821456206	shajignesh@gmail.com
Shri. Jitendra Fulia	8369470117	8369470114	jitendradfulia@rediffmail.com
CA Pratik Satyuga		9819512962	pratiksatyuga@gmail.com
CA Zankhana Desai Dobaria		9892008091	cazankhana@zddcompany.com
Adv. Chetan Joshi		9869718237	info@advchetanjoshi.in
CA Mohit Cholera	-	7208797161	camohitcholera@gmail.com
CA Rima Shah	47501096	9920641513	carima@bdvasani.com
CA Rupal Shah	26827601	9833920148	ca.rupaldshah@gmail.com
<u>CO-OPTED MEMBERS</u>			
Shri Janak D. Rawal	6631 1268	93243 39014	janakdrawal@gmail.com
CA Yatin P. Rangwala	-	98201 50280	yprco1@yahoo.co.in
Shri Manish R. Chokshi	2875 9997	98202 68122	manishchokshi@hotmail.com
Shri Kishor D. Vanjara		98201 86480	kvanjara51@gmail.com
CA Viresh B Shah	28018520	9820780070	vireshbshah9@gmail.com



LIST OF PAST PRESIDENTS

No.	YEAR	Name	Mobile	E-Mail Address
1	1978-1980	Late Shri Rasik Shah	-	-
2	1980-1981	Late (CA) Rajendra Chokshi	-	-
3	1981-1982	Late Shri Vadilal Shah	9324892028	-
4	1982-1983	Adv. Sanmukh Kelwadi	-	ssklaw@vsnl.com
5	1983-1984	Shri Vasudev Goyal	9821029010	nv_goyal@vsnl.net
6	1984-1985	Adv. Janak Rawal	9324339014	janakdrawal@gmail.com
7	1985-1986	Late Adv. Purshottam Rangwala	-	-
8	1986-1987	Shri D M Jaithwar	9301051240	-
9	1987-1988	CA Ramesh Gandhi	9892527212	sachin23gandhi@yahoo.co.in
10	1988-1989	CA R. B. Patel	-	-
11	1989-1990	Late (CA) Ramesh Majethia	-	-
12	1990-1991	CA Narendra Mehta	9869037228	narendramehta@hotmail.com
13	1991-1992	CA Mahipat Shah	9820030806	mgshahca@hotmail.com
14	1992-1993	Late (CA) Jitendra Salot	-	-
15	1993-1994	CA Ramesh Reshamwala	9323997396	ramesh_reshamwala@rediffmail.com
16	1994-1996	CA Govind Goyal	9869000228	goyalgovind@rediffmail.com
17	1996-1997	Shri Dhanesh Parikh	9819728609	dnparikh@rediffmail.com
18	1997-1998	CA Yatin Rangwala	9820150280	yprco1@yahoo.co.in
19	1998-1999	CA Atul Ruparelia	9820132016	apruparelia@gmail.com
20	1999-2000	CA Chetan Jatania	-	jatanias@rediffmail.com
21	2000-2001	CA Govardhandas Modi	9833884272	modiswapnil@mtnl.net.in
22	2001-2002	Late Shri Pravin Shah	9821476817	shahraj87@yahoo.com
23	2002-2003	CA Manish Chokshi	9820268122	manishchokshi@hotmail.com
24	2003-2004	Adv. Ashvin Acharya	7208005055	ashvin_acharya@yahoo.com
25	2004-2005	Shri Rajesh Pathak	9892128521	pathaksmitta@hotmail.com
26	2005-2006	Shri Kishor Vanjara	9820186480	kvanjara51@gmail.com
27	2006-2007	CA Janak Vaghani	9869081906	janakvaghani2004@yahoo.com
28	2007-2008	CA Hiten Shah	9867759489	hitenca@gmail.com
29	2008-2009	Shri Dilip Parekh	9324640352	info@ddpcl.com
30	2009-2010	CA Manilal Simaria	9833392155	mgsimariaco@gmail.com
31	2010-2011	Shri Ashwin Tanna	9821123418	ashwintanna@yahoo.com
32	2011-2012	CA Brijesh Cholera	9821405200	brijeshcholera@gmail.com
33	2012-2013	Shri Sachin Gandhi	9821482020	sachin23gandhi@yahoo.co.in
34	2013-2014	CA Vishal Shah	9869147065	vishalshahassociates@yahoo.com
35	2014-2015	Late Shri Kishor Hapani	9820438125	kishor_hapani@rediffmail.com
36	2015-2016	CA Jayprakash Tiwari	9820496297	jmt@jmtco.in
37	2016-2017	CA Adarsh Parekh	9869105103	asparekhca@yahoo.co.in

THE MALAD CHAMBER OF TAX CONSULTANTS

Bulletin – Aug 2024



No.	YEAR	Name	Mobile	E-Mail Address
38	2017-2018	CA Vipul Somaiya	9223418790	vipul@somaiyaco.com
39	2018-19	CA Vaibhav Seth	9619721743	sethvaibhav@hotmail.com
40	2019-20	CA Viresh Shah	9820780070	cavireshshahandcompany@gmail.com
41	2020-21	CA M D Prajapati	8850285716	prajapati.ca@gmail.com
42	2021-22	CA Jignesh Savla	9820260070	cajigneshsavla@gmail.com
43	2022-23	CA Ujwal Thakrar	9819946379	ujwalthakrar@gmail.com
44	2023-24	CA Khyati Vasani	9833288584	khyativasani@yahoo.com



Past presidents, seniors & other dignitaries gracing the occasion



Sub-Committees for the Year 2024-2025

Committee	Publications & Public Meeting	Law & Representation	RRC	Seminar/Workshop & Intensive Study Circle Meetings
Chairman	CA Yatin Rangwala	Atul Ruparelia (Direct Tax)	Sachin Gandhi	CA Janak Vaghani
Co-Chairman	Sachin Gandhi Ujwal Thakrar	Ashwin Tanna (Indirect Tax)	Adarsh Parekh	CA Viresh Shah
Ex- Officio	Jaideep Sonpal	Jaideep Sonpal	Jaideep Sonpal	Jaideep Sonpal
Office Beares	Khushbu Shah	Khushbu Shah	Bhavin Mehta Rinav Khakhar	Kavit Gadhia
Convenors	Rupal Shah Mohit Cholera	Rupal Shah Rima Shah	Pratik Satyuga	Jitendra Fulia Zankhana Dobaria
Past President	Manish Chokshi Kishor Vanjara Janak Vaghani Sachin Gandhi Jayprakash Tiwari	Ashvin Acharya Janak Vaghani Dilip Parekh Sachin Gandhi Adarsh Parekh	Janak Rawal Manish Choksi Brijesh Cholera Jayprakash Tiwari Viresh Shah Ujwal Thakrar	Ramesh Gandhi Kishor Vanjara Hiten Shah Viresh Shah
Members	Nitin Bhuta Ketan Jatania Haseet Bathiya	Haresh Kenia CA Avinash Ravani Bharat Vasani Nitin Bhuta	Tejas Shah Rajen Vora Bharat Vasani Gunja Thakrar	Ketan Vajani Nidhi Khakhar Kishor Thakrar Rajen Vora Jaimin Trivedi
Editors	Atul Ruparelia Rahul Hakani Ajay Singh Ketan Vajani Vipul Joshi Ramkrishna Lingsur Haresh Kenia Nitin Bhuta			



Sub-Committees for the Year 2024-2025

Membership & Public Relation	Digital E-Committee	Redevelopment Committee	Statutory Compliance Committee
Ujwal Thakrar	Khyati Vasani	Jayprakash Tiwari	Kishor Vanjara
Rajen Vora	CA Rupal Shah	Khyati Vasani	Sachin Gandhi
Jaideep Sonpal	Jaideep Sonpal	Jaideep Sonpal	Jaideep Sonpal
Kavit Gadhia	Rinav Khakhar Khushbu Shah	Bhavin Mehta	Rinav Khakhar Kavit Gadhia
Jignesh Shah Rima Shah	Mohit Cholera Zankhana Dobaria	Jitendra Fulia Chetan Joshi	Adv. Chetan Joshi
Kishor Vanjara Brijesh Cholera	Yatin Rangwala Jayprakash Tiwari	Kishor Vanjara Janak Vaghani Sachin Gandhi Ujwal Thakrar	Janak Vaghani Jayprakash Tiwari Khyati Vasani
Virag Shah Gunja Thakrar Viral Shah	Rajendra Shah Rajen Vora	Dr. Bharat Vasani Deepak Thakkar Rajen Vora Natwar Thakrar Haseet Bathiya	Gunja Thakrar Dr. Bharat Vasani



FORTHCOMING EVENTS 2024

Dr. Bharat D. Vasani Inaugural Study Circle

Day & Date	Sunday, 25 th August, 2024
Time	9.00 am to 1.00 pm
Topic & Speakers	1. Critical Reporting under Audits - By CA. Ashok Mehta 2. Recent GST Amendments- By CA. Sunil Gabhawala
Venue	6th Floor, Room 623, Durgadevi Saraf Institute of Management Studies, Opp. Bajaj Hall S.V.Road, Malad West, Mumbai – 400 064.

DIRECT TAX CASE LAWS

Compiled by Rupal Shah

(Partner at RHDB & Co LLP)



Mumbai Postal Employees Co-operative Credit Society Ltd. vs. ITO.

Citation: ITA No.628/Mum/2024 (ITAT Mumbai)

Allowability of deduction under section 80P(2)(d) of Income tax Act to co-operative societies on interest earned from co-operative banks

Facts of the case:

Background:

The case involves the Mumbai Postal Employees Co-operative Credit Society Ltd., which is registered under the Maharashtra Cooperative Society Act, 1960. The society's membership is restricted to employees of the India Post within Maharashtra.

The society filed its income tax return for the Assessment Year (A.Y.) 2017-18, declaring a total income of Rs. 19,21,62,128 and claiming a deduction under Section 80P of the Income Tax Act, 1961.

Scrutiny and Disallowance:

The Assessing Officer (AO) scrutinized the return and noticed that the society had credited interest income of Rs. 1,52,42,308 and dividend income of Rs. 45,37,500, both from cooperative banks, into its profit and loss account.

The AO disallowed the deduction under Section 80P(2)(a)(i) and Section 80P(2)(d), amounting to Rs. 1,97,79,808. The disallowance was based on the reasoning that earning interest and dividends from investments in cooperative banks was not part of the society's business objective and, therefore, was not eligible for the said deductions.



Legal Provisions and Dispute:

Section 80P(2)(a)(i) allows deductions for income from business activities related to providing credit facilities to its members.

Section 80P(2)(d) allows deductions for income in the form of interest or dividends from investments in other cooperative societies.

Section 80P(4), introduced by the Finance Act, 2006, excludes cooperative banks from being considered cooperative societies for the purpose of deductions under Section 80P.

Appeal and Arguments:

The society appealed to the Commissioner of Income Tax (Appeals) [CIT(A)], who upheld the AO's decision.

The society then filed an appeal with the Income Tax Appellate Tribunal (ITAT), arguing that they were entitled to deductions either under Section 80P(2)(a)(i) or Section 80P(2)(d). They cited previous ITAT rulings in similar cases to support their claim.

Judgment:

Tribunal's Review:

Hon'ble ITAT reviewed the facts and examined the legal provisions, particularly Section 80P and the amendments introduced by Section 80P(4). The Tribunal considered whether the interest and dividend income from cooperative banks could be treated as business income eligible for deductions under Section 80P(2)(a)(i) or as income eligible for deductions under Section 80P(2)(d).

Relevant Cases Referenced:

Kaliandas Udyog Bhavan Premises Coop Society Ltd. vs. ITO (ITA No. 6547/Mum/2017): This case clarified that cooperative banks, despite the amendment in Section 80P(4), continue to be considered cooperative societies under the Cooperative Society Act. Hence, income from such banks should be eligible for deductions under Section 80P(2)(d).

Mittal Park Cooperative Housing Society Ltd. vs. ADIT: It was held that interest income earned from deposits with cooperative banks is eligible for deduction under Section 80P(2)(d).

Other referenced cases included decisions in favor of cooperative societies claiming deductions on similar grounds.

Final Ruling:

The ITAT concluded that although Section 80P(4) disallows cooperative banks from claiming deductions under Section 80P, a cooperative society can still claim a deduction for income from investments in a cooperative bank under Section 80P(2)(d).

The Tribunal allowed the appeal by the Mumbai Postal Employees Co-operative Credit Society Ltd. and directed the AO to grant the deduction under Section 80P(2)(d) for the interest and dividend income earned from cooperative banks.



Conclusion

The ITAT's ruling in favor of the Mumbai Postal Employees Co-operative Credit Society Ltd. is consistent with previous interpretations of Section 80P. It emphasizes that cooperative societies are entitled to deductions on income earned from cooperative banks, despite the amendments in Section 80P(4). The case underscores the importance of precedent in tax law and clarifies the scope of Section 80P(2)(d) in the context of cooperative banks and societies.

Income-tax Officer vs. Cornerstone Property Investments (P.) Ltd.

Citation: [2024] 164 taxmann.com 464, Supreme Court

Section 68 additions quashed by High Court upheld and SLP dismissed due to delay in filing

Facts:

The case involves **Cornerstone Property Investments (P.) Ltd.** and the Income Tax Officer (ITO). The dispute revolves around the applicability of Section 68 of the Income-tax Act, 1961, which concerns unexplained cash credits. The assessment year in question is 2008-09.

The issue arose when the assessee, Cornerstone Property Investments (P.) Ltd., filed its return of income. During processing, it was noted that the assessee had issued shares to its director at ₹10 per share while allotting shares to another company, WPIPL, at a premium of ₹990 per share.

The assessing officer questioned the nature of the funds received from WPIPL, leading to the reopening of the assessment.

The assessee defended its position by submitting various documents, including:

- **Bank statements of WPIPL:** Demonstrating that WPIPL had substantial funds.
- **Share certificates:** Showing the investments.
- **Annual return filed with the Registrar:** Confirming the company's financial status.
- **Assessment order under Section 143 read with Section 153C:** Supporting the financial credibility of WPIPL.
- **Balance sheet of WPIPL:** Indicating substantial reserves, surpluses, and investments in mutual funds, national savings schemes, equity shares, including the investment with Cornerstone.

Judgment by High Court:

The High Court ruled in favor of the assessee, stating that the company had successfully proven the identity and creditworthiness of the investor (WPIPL) and the genuineness of the transactions. Consequently, the addition made under Section 68 was set aside by the High Court.



The Income-tax Department then filed a Special Leave Petition (SLP) before the Supreme Court, challenging the High Court's decision. However, the SLP was filed with a significant delay of 325 days, and the explanation provided for this delay was deemed unsatisfactory by the Court.

Supreme Court's Decision:

The Supreme Court, comprising Justices B.V. Nagarathna and Dipankar Datta, dismissed the SLP on the grounds of delay. The Court observed that the reasons offered for the delay were neither satisfactory nor legally sufficient to condone it. As a result, the application for condonation of delay was rejected, and the SLP was dismissed.

Cases Referred:

The case references the Karnataka High Court judgment in **Cornerstone Property Investments (P.) Ltd. v. ITO**, which was upheld by the Supreme Court by dismissing the SLP.

Conclusion:

This judgment underscores the importance of timely filing appeals and the requirement for adequate justification when seeking condonation of delays. It also reinforces the necessity for assesseees to thoroughly document and prove the identity, creditworthiness, and genuineness of transactions to avoid additions under Section 68 of the Income-tax Act.



Direct Taxes Circulars and Notifications, crucial updates issued by CBDT/Ministry of Finance Compiled by *CA Nitin Bhuta*

Part I – Circulars

A. Circular No 08/2024 dated 05.08.2024

This is a significant update. It provides a much-needed relief for deducting TDS at rates in force instead of deducting at higher rates as per Circular No 06/2024, dated 23.04.2024. This modification of Circular No 3/2023, dated 28.03.2023, about payments to the deceased persons who are unable to link their PAN with Aadhar as per Rule 114AAA of the Income Tax Act, 1961, brings a sense of reassurance to the taxpayers.

The Circular No. 08/2024, dated 05.08.2024, addresses a significant issue. The CBDT received numerous grievances regarding the demise of the deductee/collectee during the period specified as per circular No 06/2024 on or before 31.05.2024.

In response to these grievances, the Board has taken significant steps to alleviate the situation. It has modified circular no 03/2023, stating that for the transactions entered up to 31.03.2024 to provide relief in the cases where the deceased could not link their PAN Number on or before 31.05.2024 and thus, accordingly there shall be no liability on the



deductor/collector to deduct/collect the tax u/s 206AA/206CC, as the case may be. Instead, the deduction/collection, as mandated in other provisions of Chapter XVII-B or Chapter XVII-BB of the Act, shall be applicable, providing much-needed relief and support to the affected parties.

The Circular No. 06/2024 stated that PAN would be treated as valid if such PAN is linked with Aadhar on or before 31.05.2024, there shall be no liability on the deductor/collector to deduct/collect the tax u/s 206AA/206CC, as the case may be.

The Circular No. 03/2023 stated that PAN would be inoperative from 1 July 2023 until it becomes operative. This new circular significantly alters that provision, providing a clear understanding of the implications of the PAN becoming mandatory and ensuring that the audience feels well-informed.

Readers, should the benefit of the above circular be available only concerning transactions about the financial year ending 31st March 2024? If the Deductor/collector has paid such additional tax demands and revised their returns to discharge such tax demands raised as per Circular No 03/2023 dated 28.03.2023, then the benefit of such a circular may not be available.

Tax Auditor should exercise apt care while reporting the details/information of TDS/TCS under clause 34 of Form 3CD appropriately by considering the above beneficial circular and appropriate observations to be included in Form 3CA/3CB and/or Notes to accounts forming part of Tax Audited Financial Statements as per the provisions of the Income Tax Act, 1961 and Income Tax Rules framed thereunder.

Part II – Notifications

A. Notification No 44/2024 dated 24.05.2024

This notification specifies the Cost Inflation Index as “363” for AY 25/26 to determine capital gain u/s 45 of the Income Tax Act, 1961.

B. Notification No 46/2024 dated 27.05.2024

Via this notification, RBI has been referred to as a notified person for the purpose of compliance with Section 206AB (**Special provision for deduction of tax at source for non-filers of income tax return.**) of the Income Tax Act, 1961.

C. Notification No 48/2024 dated 04.06.2024

Via this notification, in Form 27Q, in the annexure, under the heading “verification.” in the notes after Note No. 7, the following note is inserted, namely:



'7A. Write "P" if lower deduction or no deduction is in view of notification issued under sub-section (1F) of section 197A.

D. Notification No 01/2024-2025 dated 24.06.2024

The following forms have been notified via this notification, which needs to be uploaded electronically as per Rule 131(2)(1) of Appendix II of Income Tax Rules, 1962 w.e.f 27/06/2024.

Notified forms are as follows:

Sr No	Form No	Description
1	3CN	Application for notification of affordable housing project as specified business under section 35AD of the Income-tax Act
2	3CS	Application for notification of a semiconductor wafer fabrication manufacturing unit as specified business under section 35AD of the Income Tax Act
3	3CEC	Application for a Pre-filing meeting
4	3CDFB	Application for Opting for Safe Harbour in respect of Specified Domestic Transactions
5	59	Application for approval of issue of public companies under section 80C(2)(xix) the Income-tax Act
6	59A	Application for approval of Mutual funds investing in the eligible companies under section 80C(2)(xx) of the Income-tax Act

E. Notification No 54/2024 to 92/2024 dated 18.07.2024

Via this multiple notification issued by the Central Government, the date specified u/s 10(23FE) (b)/(c) under explanation 1 has been amended from 31.03.2024 to 31.03.2025.

This would extend timelines applicable to a specified Sovereign wealth fund or specified pension Fund governed by the provisions of section 10(23FE) of the Act.

F. Notification No 93/2024 dated 19.07.2024

Via this notification issued by the Central Government hereby notifies the pension fund u/s 10(23FE) of the Act, namely, AIMCo India Infrastructure Limited (PAN: AAZCA0927A) (hereinafter referred to as "the assessee") as the specified person for the purposes of the said clause in respect of the eligible investment made by it in India on or after the date of publication of this notification in the Official Gazette but on or before the 31st day of March 2025 with several stipulations and conditions as mentioned in such notification.



G. Series of Notification to notify several organizations/associations u/s 10(46) -

any specified income arising to a body or authority or Board or Trust or Commission (by whatever name called) other than those covered under clause (46A), or a class thereof which—

- a. has been established or constituted by or under a Central, State or Provincial Act, or constituted by the Central Government or a State Government, with the object of regulating or administering any activity for the benefit of the general public;
- b. is not engaged in any commercial activity; and
- c. is notified by the Central Government in the Official Gazette for the purposes of this clause.

Explanation. - For the purposes of this clause, "specified income" means the income of the nature and to the extent arising to a body or authority or Board or Trust or Commission (by whatever name called) other than those covered under clause (46A) [, or a class thereof] referred to in this clause, which the Central Government may, by notification in the Official Gazette, specify in this behalf;

Sr No	Notification No and date	Name of the Organisation/Associations
1	43/2024 dated 22.05.2024	'Tamil Nadu Water Supply and Drainage Board, Chennai' (PAN: AAALT0834F), a Board constituted under the Tamil Nadu Water Supply and Drainage Board Act, 1970 (Tamil Nadu Act of 1971) u/s 10(46) of the Income Tax Act 161 from AY 24/25 to AY 28/29 with specific stipulations as notified.
2	47/2024 dated 29.05.2024	'The Mathura Vrindavan Development Authority (hereinafter referred to as "the assessee"), an authority constituted under the Uttar Pradesh Urban Planning Development Act, 1973 (President's Act 11 of 1973) u/s 10(46A) (b) of the Income Tax Act 161 from AY 24/25.
3	48/2024 dated 06.06.2024	'Real Estate Appellate Tribunal, Punjab' (PAN AAALR2230D), a body constituted by the Government of Punjab u/s 10(46) of the Income Tax Act 161 from AY 23/24 to AY 27/28 with specific stipulations as notified.
4	51/2024 dated 12.06.2024	'Kerala Co-operative Deposit Guarantee Fund Board' (PAN: AANFK3180E), a Board constituted by the Govt. of Kerala u/s 10(46) of the Income Tax Act 161 from AY 19/20 to AY 23/24 with specific stipulations as notified.



Sr No	Notification No and date	Name of the Organisation/Associations
5	52/2024 dated 09.07.2024	The Central Government hereby specifies the Agriculture Production Commissioner (APC) & Secretary to Government, Agriculture & Co-operation Department, Government of Telangana, for the purpose of section 138(1)(a) (ii) of the Income Tax Act, 1961.
6	53/2024 dated 15.07.2024	'Uttaranchal Board of Technical Education, Roorkee' (PAN: AAALU0281D), a Board constituted by State Government of Uttaranchal u/s 10(46) of the Income Tax Act 161 for AY 23/24 with specific stipulations as notified.
6	94/2024 dated 24.07.2024	'Punjab Skill Development Mission Society, Chandigarh' (PAN: AAAAE8085G), a Society constituted by Government of Punjab u/s 10(46) of the Income Tax Act 161 from AY 21/22 to AY 25/26 with specific stipulations as notified.
7	95/2024 dated 24.07.2024	'Himachal Pradesh State Load Despatch Centre, Shimla', (PAN-AAAAH7757E), a body established by the Government of Himachal Pradesh u/s 10(46) of the Income Tax Act 161 from AY 21/22 to AY 23/24 with specific stipulations as notified.
8	96/2024 dated 24.07.2024	'Society for Applied Microwave Electronics Engineering & Research (SAMEER), Mumbai' (PAN: AALAS5825K), a Society constituted by Central Government u/s 10(46) of the Income Tax Act 161 from AY 21/22 to AY 25/26 with specific stipulations as notified.
9	97/2024 dated 07.08.2024	'Kalyan Karnataka Region Development Board' (PAN AAAGH0732F), a Board constituted by the Government of Karnataka u/s 10(46) of the Income Tax Act 161 from AY 22/23 to AY 23/24 with specific stipulations as notified.
10	98/2024 dated 07.08.2024	'Karnataka State Natural Disaster Monitoring Centre' (PAN: AAATD2434P), a body constituted by the State Government of Karnataka u/s 10(46) of the Income Tax Act 161 from AY 21/22 to AY 25/26 with specific stipulations as notified.
11	99/2024 dated 12.08.2024	'West Bengal Transport Workers' Social Security Scheme' (PAN AAALW0133G), a body established by the Government of West Bengal u/s 10(46) of the Income Tax Act 161 from AY 21/22 to AY 25/26 with specific stipulations as notified.



Sr No	Notification No and date	Name of the Organisation/Associations
12	100/2024 dated 12.08.2024	"Unique Identification Authority of India' (PAN AAAGU0182Q), a statutory Authority established under the provisions of the AADHAAR Act, 2016 by the Government of India u/s 10(46) of the Income Tax Act 161 from AY 24/25 to AY 28/29 with specific stipulations as notified.

ANALYSIS OF NEWLY INSERTED SECTION 128A N THE CGST ACT, SGST ACT AND UGST ACT

Compiled by **Bhavin Mehta**



Finance Act, 2024, has inserted section 128A in the GST Act, which will come into effect from the date notified (thru notification) by the Central Government in the official gazette. For immediate reference section 128A is reproduced below:

"128A. (1) Notwithstanding anything to the contrary contained in this Act, where any amount of tax is payable by a person chargeable with tax in accordance with,—

(a) a notice issued under sub-section (1) of section 73 or a statement issued under sub-section (3) of section 73, and where no order under sub-section (9) of section 73 has been issued; or

(b) an order passed under sub-section (9) of section 73, and where no order under sub-section (11) of section 107 or sub-section (1) of section 108 has been passed; or

(c) an order passed under sub-section (11) of section 107 or sub-section (1) of section 108, and where no order under sub-section (1) of section 113 has been passed,

*pertaining to the period from **1st July, 2017 to 31st March, 2020**, or a part thereof, and the said person pays the full amount of tax payable as per the notice or statement or the order referred to in clause (a), clause (b) or clause (c), as the case may be, on or before the date, as may be notified by the Government on the recommendations of the Council, no interest under section 50 and penalty under this Act, shall be payable and all the proceedings in respect of the said notice or order or statement, as the case may be, shall be deemed to be concluded, subject to such conditions as may be prescribed:*

Provided that where a notice has been issued under subsection (1) of section 74, and an order is passed or required to be passed by the proper officer in pursuance of the direction of the Appellate Authority or Appellate Tribunal or a court in accordance with the provisions of sub-section (2) of section 75, the said notice or order shall be considered to be a notice or order, as the case may be, referred to in clause (a) or clause (b) of this sub-section:

Provided further that the conclusion of the proceedings under this sub-section, in cases where an application is filed under sub-section (3) of section 107 or under sub-section



(3) of section 112 or an appeal is filed by an officer of central tax under sub-section (1) of section 117 or under sub-section (1) of section 118 or where any proceedings are initiated under sub-section (1) of section 108, against an order referred to in clause (b) or clause (c) or against the directions of the Appellate Authority or the Appellate Tribunal or the court referred to in the first proviso, shall be subject to the condition that the said person pays the additional amount of tax payable, if any, in accordance with the order of the Appellate Authority or the Appellate Tribunal or the court or the Revisional Authority, as the case may be, within three months from the date of the said order:

Provided also that where such interest and penalty has already been paid, no refund of the same shall be available.

(2) Nothing contained in sub-section (1) shall be applicable in respect of any amount payable by the person on account of erroneous refund.

(3) Nothing contained in sub-section (1) shall be applicable in respect of cases where an appeal or writ petition filed by the said person is pending before Appellate Authority or Appellate Tribunal or a court, as the case may be, and has not been withdrawn by the said person on or before the date notified under sub-section (1).

(4) Notwithstanding anything contained in this Act, where any amount specified under sub-section (1) has been paid and the proceedings are deemed to be concluded under the said sub-section, no appeal under sub-section (1) of section 107 or sub-section (1) of section 112 shall lie against an order referred to in clause (b) or clause (c) of sub-section (1), as the case may be."

On perusal of section 128A, it appears the taxpayer can claim the benefit of waiver of interest and penalty for the period from 01.07.2017 to 31.03.2020 in following cases:

1. Regular or periodical notice is issued under section 73 but remains to be adjudicated;
2. Order-in-original (OIO) passed u/s 73(9) and appealed u/s 107 but Appeal Order is not passed;
3. OIO passed u/s 73(9) is reviewed either by department or the taxpayer u/s 108 but Revision Order is not passed;
4. First Appeal Order passed u/s 107(11) but Second Appeal Order (Appellate Tribunal) is not passed, irrespective of whether the corresponding OIO is passed u/s 73 or u/s 74;
5. Revision Order passed u/s 108 but Second Appeal Order is not passed.
6. Where the department has filed appeal before the Appellate Authority or Appellate Tribunal or Court or has revised the order, wherein the tax payable is increased, the applicant can availed the benefit of this section, provided they have paid the additional amount within 3 months from the date of such order.
7. On appeal before Appellate Authority or Appellate Tribunal can be made against the proceeding concluded under section 128A.

The benefit of section 128A would not be available in following cases:

1. Any amount payable on account of erroneous refund;
2. Appeals are pending before First Appellate Authority or Second Appellate Authority (Tribunal) or Court and the same is not withdrawn before the notified date;



3. Writs filed before Court but same is not withdrawn before the notified date.

ISSUES

1. **Whether benefit of section 128A would be available to cases of notice issued u/s 74 or the order adjudicated u/s 74?**

Comments: Unlike clause (a) and clause (b), clause (c) of section 128A (1) does not specify the section under which notice is issued or the order is passed. Section 75(2) of the Act pertains to conversion of notice issued u/s 74 (fraud, suppression, willful mis-statement) to notice u/s 73. The first proviso of section 128A provides for such notice or order, which has been converted from section 74 to section 73, in respect of clause (a) and clause (b) alone. It does not refer to clause (c), which implies clause (c) would cover even notice or order passed u/s 74. Therefore, it can be derived that even where the notice is issued u/s 74 or order is passed u/s 74; the taxpayer can take the benefit of waiver of interest and penalty provided the First Appeal order is passed but no order is passed in the second appeal.

2. **The wording used in clause (c) is “..... where no order under sub-section (1) of section 113 has been passed”. Taking clue from clause (a) and clause (b), it would imply filing of second appeal before Appellate Tribunal is pre-requisite under clause (c). However, the formation of Appellate Tribunal is announced recently and the date from which 3 months’ time period of filing of appeal is yet to be notified. In such circumstance, whether it would be mandatory to file the appeal before Appellate Tribunal to avail the benefit of waiver of interest and penalty under clause (c) above?**

Comments: Theatrically, a tax payer may file the second appeal and file the application u/s 128A for waiver of interest and penalty. Sub-section (3) of section 128A provides for mandatory withdrawal of appeal before the notified date. The time period to file the appeal before Appellate Tribunal is yet to be notified. It does not serve any purpose of filing the appeal and then withdrawing the said appeal to take benefit of section 113. Therefore, considering the contextual meaning of the wordings “no order under sub-section (1) of section 113 has been passed” it can be derived that passing of first appeal order under clause (c) of section 128A (1) would be sufficient to claim the benefit of waiver of interest and penalty.

3. **Where a notice or order involves multiple issues, whether the taxpayer can avail partial relief for some issue and continue the litigation for other issue/s?**

Comments: The relevant portion of Section 128A (1) is extracted below:

“..... pertaining to the period from 1st July, 2017 to 31st March, 2020, or a part thereof, and the said person pays the full amount of tax payable as per the notice or statement or the order referred to in clause (a), clause (b) or clause (c), as the case may be, on or before the date, as may be notified by the Central Government

The above provision talks about full amount of tax payable as per notice or statement or order. It nowhere refers to partial payment as per notice or statement or order. Therefore, it can be concluded that section 128A does not provide to partial relief qua notice or order.

Glimpses of President Inaugural Celebration



CA Vitang Shah (Treasurer) &
Shri Kishor Vanjara (Past President)
from Chamber of Tax Consultants



Dr. CA Mayur Nayak Chairman & Editor - BCAJ
and Past President of BCAS



CA Priti Savla (Central Council Member, ICAI) gracing the occasion