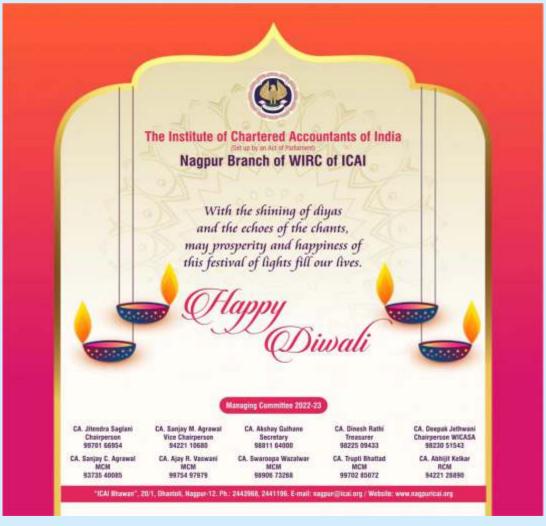


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E-NEWSLETTER OCTOBER 22











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

Email: nagpur@icai.org | Website: www.nagpuricai.org



Chairperson's Message



CA. Jitendra Saglani

"Happiness doesn't result from what we get, but from what we give."

— Ben Carson

My guru says and I quote that it's good to be nice but its nice to be good. The statement at the first instance seems not very meaningful but has an in-depth meaning when we understand the things in right context. While writing you this communique, I realize the significance of words and how they have the power to change the world.

Just to give you a few examples of how life has changed with impact of words, think of instances from our holy scriptures of Mahabharata when queen Draupadi says some casual words to prince Duryodhan which hurts his ego and ignites the battle of Kurushetra which has been imprinted in the history. In the current times, the German ruler Adolf Hitler who infuriated the World War II had in the background been shackled by words in his childhood so much that his entire thought process was full of hatred which laid the foundation one of the most devastating wars in the world's history. The instance of Bhagwan Krishna making Arjuna stand by his sermons is yet another marvelous example of how words impacted the world history and we saw the battle of Kurushetra happening and pandvas winning and in turn the world getting one of the holiest scriptures of Bhagwat Gita.

Friends, the impact of words and books on our lives is distinctly unscalable and unmeasurable. When we realise this, we become weightier about the use of jargons not just while we speak or draft but also in our thought process and further, we become more sensitive to the company in which we dwell as words which shape our attitude matter in the course of designing our destiny.

While releasing this edition of the newsletter for the month of October wherein we will experience the grandeur of festivities of Dusshera & Deepawali, I feel extremely elated that the members and students activities had been reaching all together a new level and there has been a significant involvement of members as well as students post covid in the activities of the branch. This increase in participation keeps us motivated in organizing more and more events for the benefit of the stakeholders.

I am grateful to the contributors of this edition, who had been very much inclined towards knowledge sharing and had been doing it out of sheer passion for giving back to the profession and membership. I am also thankful to the readers that is you all who had been guiding us with your invaluable feedback and had been extremely responsive when it comes to providing us insights on the coverage and contents. I wish everyone a very happy festive season and hope you all experience happiness with joy of giving.

Happy Learning.





From The Desk of Joint Editor



CA. Yash Verma

So here we are... in the middle of great Indian Festival Season. And same is the case with us, the chartered accountants. We have enjoyed season of income tax return filing and tax audits. Further to be followed by filing of income tax returns tax audit assesses, filing of time barring income tax returns and filing of form 9/9C under GST laws.

Keeping Sound Health-

"Every human being is the author of his own health or disease." - Lord Buddha.

This quote is important at this point of time because we all are busy with our respective tax audit/transfer pricing audit/GST audit assignments. We tend to ignore our health and focus more on our professional commitments. But as mentioned above, we must equally focus on our health in this healthy season.

Master Circulars by RBI-

For my collegues who are in banking industry or are conducting bank audit assignments, we need to study various types of master circulars and master directions issued by RBI during past 6 months. Infact, RBI has issued around 22 master circulars and around 4 master directions (till 30th September, 2022). These include circular/direction on important topics like Basel III Capital Regulations, Credit Facilities to Minority Communities, Investments by Primary (Urban) Co-operative Banks, Prudential Norms on Capital Adequacy for Urban Co-Operative Banks, etc. we must update ourselves by going through relevant circulars/master directions.

Filing of Form 10A (Income Tax)-

Recently, CBDT has issued circular No. 22/2022 specifying the procedure for obtaining condonation of delay u/s 119(2)(b) in filing of Form 10A. The CBDT has condoned the delay upto 25.11.2022 in filing Form No. 10A under sub-clause (i) of clause (ac) of sub-section (l) of section 12A/clause (i) of first proviso to clause (23C) of section 10/clause (i) of first proviso to sub-section 5 of section 80G/fifth proviso to sub-section 1 of section 35 of the Act, which was required to be made electronically on or before 31.03.2022.

Further, vide circular no. 23/2022, CBDT has issued explanatory notes to the provisions of Finance Act, 2022. I request my fellow colleagues to kindly go through relevant portion of this circular as well and update respective knowledge.

Implementation of mandatory mentioning of HSN codes in GSTR-1-

As per Notification No. 78/2020 – Central Tax dated 15th October, 2020, it is mandatory for the taxpayers to report minimum 4 digit or 6 digit of HSN Code in table-12 of GSTR-I on the basis of their Aggregate Annual Turnover (AATO) in the preceding Financial Year. To facilitate the taxpayers, these changes are being implemented in a phase-wise manner on GST Portal.





From The Desk of Joint Editor

Part I & Part II of Phase 1 has already been implemented from 01st April 2022 & 01st August 2022 respectively and is currently live on GST Portal.

From 01st November, 2022, Phase-2 would be implemented on GST Portal and the taxpayers with up to Rs 5 crore turnover would be required to report 4-digit HSN codes in their GSTR-1. My fellow colleagues are requested to read the notification for indebt understanding of this amendment.

To Sum Up-

I am reminded of a famous quote by father of our nation, Mahatma Gandhi, which reads as under -

"The future depends on what we do in present"

Therefore, if we do our present work of various types of audits and annual returns properly, we will be free from future hassles like defective notices, scrutinizes, assessments, etc.

Seasons greetings from the editorial board to all the members and their families!!!

Congratulations

for newly elected President & Secretary of Goods and Services Tax Bar Association



CA Lalit Singh Chauhan President



CA. Sushil L. Chandwani Vice President







Should students pay GST on Hostel rent?

CA. Pritam Mahure

FOR small town students, tier-I/ tier-II cities provide better opportunities for education. However, for such students, the first hurdle is to find a place to stay, at cheapest cost, in such cities.

Colleges provide hostels but the same are not enough to meet the ever-rising demand. Also, residential apartments are available, however, majority of students can't afford the same. So, most are left with hostels(mostly run by charities, welfare institutions etc).

What is the issue of GST on hostels?

Sr. No. 14 of Not. No. 12/2017-CTR provided for Nil tax rate to Services of heading 9963 viz. "Services by a hotel, inn, guest house, club or campsite, by whatever name called, for residential or lodging purposes, having value of supply of a unit of accommodation below or equal to one thousand rupees per day or equivalent"

Aforesaid Sr. No. 14 was omitted vide Not. No. 3/2022-CT (R) w.e.f. 18.07.2022.

Resultantly, most students who seek such hostel facilities are confused as to whether they are required to pay GST to hostels.

What GST law says in this regard?

Although aforesaid sr. no. 14 is withdrawn, yet insofar as student's hostel accommodation is concerned, another exemption entry can be explored i.e. sr. no. 12 of Not. No. 12/2017-CT (R).

Sr. no. 12 of Not. No. 12/2017-CT (R) provides Nil tax rate to services of heading 9963 or heading 9972 viz. "Services by way of renting of residential dwelling for use as residence except where the residential dwelling is rented to a registered person".

It can be observed that exemption under aforesaid sr. no. 12 is available subject to fulfilment of following two conditions:

- a. Property should be a 'residential dwelling'
- b. It should be used for 'residence' [but not by a registered person]

What is meant by 'residential dwelling'?

It may be noted that the term 'residential dwelling' is not defined in the GST Legislation.

The term 'Residential' is stated to mean 'reside', 'residing, 'residence' etc. Further, as regards the term 'Dwelling', it refers to inhabit; to reside; to remain; (Concise Law Dictionary – P Ramanatha Aiyer – 3rd editio)

Thus, as students 'reside' in a hostel, the hostel can be said to qualify as a 'Residential dwelling'.

Even the CBIC in its erstwhile Service Tax Educational Guide clarified that, 'the phrase 'residential dwelling' has not been defined in the Act. It has, therefore, to be interpreted in terms of the normal trade parlance as per which it is any residential accommodation, but does not include hotel, motel, inn, guest house, camp—site, lodge, house boat, or likep laces meant for temporary stay'.

Is hostel for a 'temporary stay'?

It may be noted that, ordinarily, students stay in a hostel for around a year or more till completion of their course and the rental charges for hostels are mostly collected annually in advance.

Typically, in a hostel, student pays and stays for the duration of his course. Thus, hostel accommodation, which is for around a year, can be

stated as not a temporary stay. It needs mention that rental agreements for 'residential apartments' (which qualify as 'residential dwelling') are, typically, for eleven months and extendable.

Given the aforesaid, as the students 'reside' in a hostel for a year or more, the exemption under 'residential dwelling' can be stated as available.

Prayer for clarity!

Although the aforesaid analysis makes it clear that the exemption for such hostel facilities continues under a different entry in the notification,

yet, for benefit of students and their parents, a suitable clarification by CBIC would be a godsend!







All About FORM ITR-U Indian Income Tax UPDATED Return u/s 139(8A)

CA. Namita Sharma

Due date for filing of ITR for AY 2022-23 has been over but still we can file ITR for aforesaid assessment year. The option for filing of ITR is still available through ITR-U with specified conditions which is called as updated returns. The Finance Bill 2022 has inserted a new section, Section 139(8A) in Income Tax Act. This new section provides for facilitating filing of 'Updated Return' by the taxpayers. A new Form ITR-U which shall be required to be filed along with the respective ITRs (ITR-1 to ITR-7). This section has effect from 1st April 2022. So, let's discuss at a glance—

The option of updated return can be opted only once for one assessment year.

Duration for filing of Updated Returns:-

A taxpayer can file this return at any time within 2 years or a period of 24 Months from the end of the relevant Assessment Year. Thus, a taxpayer can now file an updated return for period from AY 2020-21. Updated return can be filed irrespective of the fact that whether the original return was filed by the taxpayer or not.

Applicability for Filing of Form ITR-U:-

This opportunity is available if Taxpayer has to disclose any additional income, which was missed / omitted earlier, and pay the additional tax thereon reasons could be previous returns not filed and tax payable, missed reporting certain incomes, wrong heads of income chosen, reduction of carry forward losses, reduction of unabsorbed depreciation, reduction of tax credit under Section115JB/115JC, or wrong rate of tax, among others.

Non applicability of New Section 139(8A):-

The new proposed provision of Sec 139(8A) will not apply in case of the updated return-

- 1. If it Is a return of a loss, Nil Return
- 2. Holds the effect of decreasing the total tax liability find on the grounds of the return filed u/s 139(1), (4) or (5)
- 3. Results in refund or hikes the refund due on the grounds of the return filed u/s 139(1), (4) or (5)
- 4. Also, it cannot be filed if search, survey, or prosecution proceedings are initiated for the said AY. Further, in case of assessment, reassessment, revision, or re-computation is pending or completed for the said AY, then it cannot be filed.

Updated income tax return can only be filed condition it rises tax liability.

Tax Liability on Filing of Form ITR-U:-

If you wish to opt this facility, you would be required to pay, apart from the normal tax, an additional tax along with interest as follows-

- 1. In case the return is filed within 12 months from the end of the relevant AY, then you will be required to provide an additional tax of 25%.
- 2. On the other hand, if you file the return after 12 months but before 24 months from the end of the relevant AY, the additional tax liability would rise to 50%.
- 3. While filing an updated return, the proof of payment of additional income tax & interest thereon shall have to be submitted by the



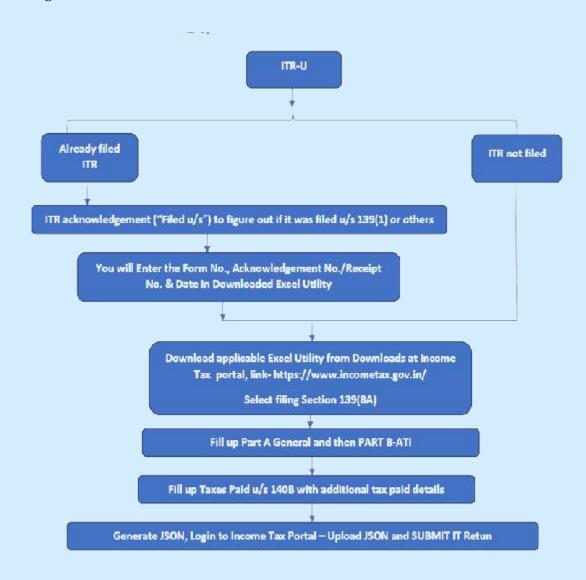


taxpayer.

In a Nutshell: You can file Form ITR-U only if you

Process for filing Form ITR-U:

have at least some tax liability because this return will be held invalid if you don't pay any Additional Tax along with ITR-U.



Benefits of Filing of Form ITR-U:-

Although the additional income tax along with the interest thereon constitutes in higher tax liabilities and appears as a burden on a taxpayer, this facility of filing an updated return can also be viewed as an opportunity to disclose the earlier missed income and save oneself from any legal proceedings and prosecutions.

The first and foremost benefit is that you can save yourself from scrutiny assessment under Section 143(3), best judgement assessment under Section 144, and income escaping assessment under Section 147. Also, you could avoid the hassle of survey and seizure proceedings, litigations, penalties, and prosecution.

In case of under-reporting of income, a penalty as high as 50% of the tax payable could be levied & for misreporting of income could lead to a levy penalty as high as 200% of the taxpayable on the misreported income. Thus, the provision of filing of Updated Return is the biggest opportunity to Taxpayers, as I initially denoted this facility as an opportunity to Taxpayers.



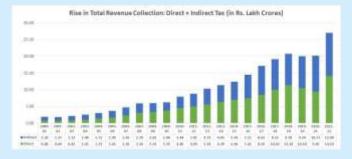




Tax Revenues in India Mark a Record High in a Post-Pandemic Economy

CA. Atul Bhaiyya

As a remarkable testimony to the rapid recovery of the Indian economy following successive waves of COVID-19, India reported revenue collections of Rs. 27.07 lakh crore (as per the pre-actual figures) in the financial year 2021-22. This figure is almost Rs. 5 lakh crore above the estimates of the Union Budget 2021-22, which stood at Rs. 22.17 lakh crore. This marks a growth of 34% over last year's revenue collection of Rs. 20.27 lakh crore, led by growth of 49% in direct taxes and supported by 20% growth in indirect taxes.



The trend of total revenue collection, including both direct and indirect tax, is clearly depicted in Figure 1. The decrease in tax collection the two years 2019-20 and 2020-21 is due to the disruption in economic activity in wake of COVID, but the rise in tax collection in the financial year 2021-22 is evidence of a sharp rebound and an economy that is back on track.

The surge in tax revenues has lifted India's tax-GDP ratio for the year 2021-22 to 11.7%. This includes a direct tax to GDP ratio at 6.1% and indirect tax to GDP ratio at 5.6%. This significant revenue growth has been propelled by robust economic recovery following the onslaught of the global pandemic, supported by one of the largest immunization programme of the world run by the Government. This was also supplemented with better compliance efforts in taxation. The trend in tax-to-GDP

ratio, characterised by a marked rise in recent years, is illustrated in below Figure 2.



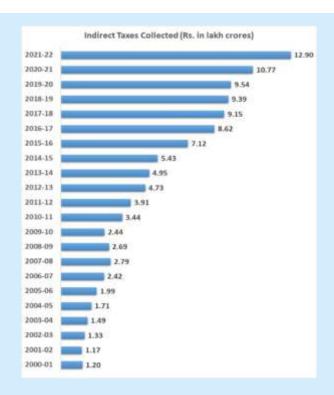
Various measures have been taken by tax administration on direct as well indirect taxes to nudge higher compliance through use of technology and artificial intelligence.²

Several initiatives taken by the Government under its mission to push for a Digital India have laid the foundation for modern, convenient and transparent taxation system. These include the Faceless Assessment System, the e-filing portal and rolling out of the new Annual Information Statement (AIS) for easier filing of income tax returns, and the generation of e-way bills under the GST system, among others.

The Goods and Services Tax is a revolutionary taxation system that was rolled out on the midnight of 1 July 2017. In the words of Prime Minister Narendra Modi, the Goods and Services Tax (GST) is "a path-breaking legislation for New India". The enactment of GST has fuelled a notable growth in indirect tax revenues. This has been the result of the reduced tax rates, doubled tax base, faster movement of goods, quicker refunds and enhanced compliance made possible through the GST ecosystem.3 Total amount of direct and indirect tax revenues collected since the year 2000 has been graphically represented in Figure 3 and Figure 4, respectively.





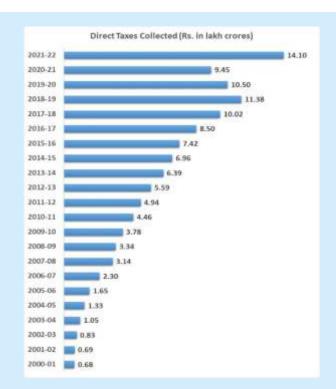


The Central Government's focus on making India a global economic powerhouse and the host of measures adopted towards this commitment has directly reflected in India's GDP growth in recent years. This has translated into increased revenue collection for the exchequer while keeping India well on the track towards achieving a USD 5 trillion economy in line with Prime Minister Narendra Modi's vision.

Some of the measures that have significantly helped in fuelling revenue collection are elaborated below:

Faster processing of Returns to Facilitate Higher Income Tax Revenues

- During the year, Income tax department gave refunds of Rs. 2.24 lakh crore. A total of 2.4 crore refunds were issued.
- 22.4% returns were processed on the same day and around 75% returns were processed in less than a month's time in the course of the year 2021-22 (as detailed in Table 1).
- The average processing time for returns during 2021-22 was 26 days.



 During the year, 7.14 crore returns were filed as compared to 6.97 crore last year (as illustrated in Figure 5).



Time taken from verification of ITR to processing	ITR Processed Total	% of total processed
<1 day	1,28,00,344	22.43%
1-7 days	1,47,00,236	25,76%
8-15 days	72,57,603	12.72%
16-30 days	70,56,919	12.37%
>30 days	1,52,40,728	26.71%
Total	5,70,55,830	100%

 This has been made possible due to the faster processing of returns through the new e-filing portal





which was launched in June 2021. This taxpayer friendly portal is integrated with immediate processing of Income Tax Returns (ITRs) to issue quick refunds to taxpayers, thereby offering them a convenient, seamless experience and ensuring better compliance.⁴

Another feature that has improved voluntary compliance is the faceless hand-holding of the taxpayers, provided by the new Annual Information Statement (AIS), to e-file their income tax returns quickly and correctly. The improved Form AIS carries details on taxpayers' financial transactions as specified in the Statement of Financial Transactions (SFTs) in various categories. Apart from acting as a ready reckoner for financial transactions, Form AIS would help honest taxpayers with updated financial transactions while filing their returns, while desisting those taxpayers who inadvertently omit financial transactions in their returns.⁵

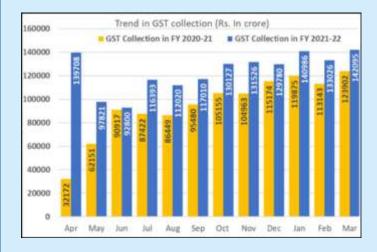
Goods and Services Tax: A Landmark Reform fuelling Indirect Tax Revenues

- GST has seen an exemplary growth during 2021-22 despite two waves of COVID-19 pandemic.
- Central GST (CGST) revenues increased from Rs.
 4.6 lakh crore last year to Rs. 5.9 lakh crore in 2021-22.6
- The average monthly gross GST revenue in 2021-22 was Rs. 1.23 lakh crore as compared to Rs. 94,734 in 2020-21 and Rs. 1.01 lakh crore in 2019-20.7
- The GST ecosystem has appreciated the invoicebased discipline in GST, which not only benefits GST revenues but also contributes to overall formalization in the economy.8
- March 2022 witnessed an all-time high GST collection of Rs. 1,42,095 crore, breaching earlier

record of Rs. 1,40,986 crore collected in the Month of January 2022. The revenues for the month of March 2022 are 15% higher than the GST revenues in the same month last year and 46% higher than the GST revenues in March 2020.9

• The value of e-Way Bills generated in February 2022 was Rs. 25,66,869 crore, up from Rs. 16,89,545 crore in January 2021.

Figure 6 shows trends in monthly gross GST revenues during the current year.¹⁰



Faceless –E-Assessment Scheme: Providing Ease of Doing Business to Taxpayers

- Faceless Income Tax scheme was launched in August 2020 as a step towards Minimum Government, Maximum Governance. Faceless assessments have been initiated for the purposes of making assessment of total income or loss of the assessee under section 143(3) or 144 of the Income tax Act, 1961. 11 The objective is to impart greater efficiency, transparency and accountability by eliminating the interface between the Assessing Officer and the assesses.12
- In September 2020, the Income Tax Department launched Faceless Income Tax Appeals. Under Faceless Appeals, all Income Tax appeals will be

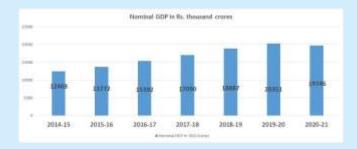




finalised in a faceless manner with the exception of appeals relating to serious frauds, major tax evasion, sensitive & search matters, international tax and Black Money Act.¹³

• The initiative has been instrumental in saving precious time, effort and also money of taxpayers, as cost of filing will be dramatically reduced. This is turn has been facilitating tax compliance, translating to a boost in tax revenues.14

Vision for USD 5 Trillion Economy: Giving an Impetus to Tax Revenue



• Tax collection has a direct positive correlation with GDP growth. 2021-22 marks the highest tax-GDP ratio of 11.7%, as previously highlighted. The tax buoyancy (which is a measure of growth in tax revenues as compared to GDP growth) is at a very healthy figure of 1.9, with 2.8 for direct taxes and 1.1 for indirect taxes. The ratio of direct to indirect taxes recovered from 0.9 in 2020-21 back to 1.1 in 2021-22.

- Apart from a brief setback owing to COVID-19, the Government of India has maintained the nominal GDP growth above 10% in recent years. GST, a simplified way of collecting indirect taxes has been a revolutionary step propelling India's GDP.
- With a big push to Capex in the Union Budget of 2022-23, the coming years are going to see a surge in domestic manufacturing as well as growth in employment. These in turn will directly boost tax contribution to the exchequer.
- The gross corporate taxes during 2021-22 was Rs. 8.6 lakh crore against Rs. 6.5 lakh crore last year, which shows that the new simplified tax regime with low rates and no exemptions has lived up to its promise, enhancing Ease of Doing Business for the corporate sector, stimulating India's economy and increasing tax revenues for the Government.
- Corporate tax returns filed by businesses have jumped by 43,000 to over 986,000 for AY 21-22. This jump in corporate tax returns is the highest in recent years. The remarkable aspect of this particular jump in returns is that it has come with respect to a year marked by a pandemic-induced contraction in the economy, further underscoring the role played by compliance enforcement. 15





TDS on Rentals: Section 194 I, Section 194 IB and Section 194 IC

CA. Rahul Sharma

Section 194 I: Any person excluding Individual and HUF (However if they have 1 Cr. Turnover in case of Business and 50 Lacs in case of Profession, provision also applies to them) on payment of Rental Income of more than Rs. 2,40,000 to resident is required to deduct Tax at Source.

Definition of Rent: "rent" means any payment, by whatever name called, under any lease, sub-lease, tenancy or any other agreement or arrangement for the use of (either separately or together) any,—

- (a) land; or
- (b) building (including factory building); or
- (c) land appurtenant to a building (including factory building); or
- (d) machinery; or
- (e) plant; or
- (f) equipment; or
- (g) furniture; or
- (h) fittings,

whether or not any or all of the above are owned by the payee;

Rate of Tax: (a) two per cent for the use of any machinery or plant or equipment; and

(b) ten per cent for the use of any land or building (including factory building) or land appurtenant to a building (including factory building) or furniture or fittings:

To widen the coverage and bring in those individual or HUF who pay big amount of rent but are still not liable to audit, Section 194 IB was introduced in Budget 2017.

Section 194 IB: Any Individual or HUF not liable for TDS under Section 194 Ion payment of rental income to a resident more than Rs. 50,000 per month is required to deduct tax at source on that payment.

Rate of Tax: Tax to be deducted at the rate of 5%

Difference between Section 194 I and Section 194 IB

Particulars	Section 1944	Section 194 B
Person responsible for TDS	Any person (4acluding Individual and HUF whose turnover exceeds Rs. 1 Cr. In business and 50 lacs in profession)	4adividual and HUF except on whom Section 194 I applies
Monetary Limit	Rs. 2,40,000 per annum	Rs. 50,000 per month
Applicable on which assets	Land, Building, Plant and Machinery, Equipments, Furniture or Fitting etc.	Land and Building
Tax rate	10% on Land, Building, Furniture and Fitting 2% on Plant and Machinery	5% on Land and Building
Time Limit of TDS	At the time of credit or payment whichever is earlier	At the time of credit for the rent of last month / last month of tenancy or at the time of payment whichever is earlier
Time Limit for payment of TDS	Within 7 days from end of the month in which deducted	30 days from end of the month in which tax deducted
TAN Required	Yes	No
Form to be filled	26Q	26QC

Section 194 IC: Notwithstanding anything contained in section 194-IA, any person responsible for paying to a resident any sum by way of consideration, not being consideration in kind, under the specific agreement, shall at the time of credit of such sum to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct an amount equal to ten per cent of such sum as income-tax thereon.

"specified agreement" means a registered agreement in which a person owning land or building or both, agrees to allow another person to develop a real estate





project on such land or building or both, in consideration of a share, being land or building or both in such project, whether with or without payment of part of the consideration in cash;

Some Issues:

Section 194I provides that a person who is responsible for paying to any person any income by way of rent shall deduct income tax thereon at the rate prescribed therein. Explanation (i) to section 194 I defines rent to mean any payment by whatever name called, under any lease, sub-lease, tenancy or any other agreement or arrangement for the use of any land or building together with furniture or fixtures. In case assessee has acquired a right to display advertisement on hording than that is different from rent for Land Building etc., There has to be a link between rent income and use of any Land, Building etc. It was pleaded in the case that circulars are not in any way binding on the appellate authorities and assessee, circulars are binding on Income tax Autorities. [ITO Vs Roshan Publicity Pvt. Ltd. (2005) 4 SOT 105 (Mum)]

The contract for putting up a hoarding is in the nature of advertising contract and provisions of section 194C would be applicable. It may, however, be clarified that if a person has taken a particular space on rent and thereafter sub lets the same fully or in part for putting up a hoarding, he would be liable to TDS under section 194-I and not under section 194C of the Act. [Circular No. 715, dated 08.08.1995]

- 2. Payments made by persons, other individuals and HUFs for hotel accommodation taken on regular basis will be in the nature of rent subject to TDS under section 194-I. [Circular 715 dated 08.08.1995]. However a difference has been established between rate agreement and accommodation on regular basis. To constitute accommodation on regular basis there has to be an obligation on the part of hotel provided a room from specified set of during the period of agreement [Circular 5/2002 dated 30.07.2002]
- 3. The tax is to be deducted from actual payment and there is no need of computing notional income in respect of a deposit given to the landlord. If the

- deposit is adjustable against future rent, the deposit is in the nature of advance rent subject to TDS.[Circular 715 dated 08.08.1995].
- 4. The tax is to be deducted from rent paid, by whatever name called, for hire of a property. The incidence of deduction of tax at source does not depend upon the nomenclature, but on the content of the agreement as mentioned in clause (i) of Explanation to section 194-I.[Circular 715 dated 08.08.1995]
- 5. Clarification regarding deduction of tax at source from payment of rent (Circular 718 dated 22.08.1995)

Query No. 2 Whether tax is required to be deducted at source where a non-refundable deposit has been made by the tenant?

Answer In cases where the tenant makes a non-refundable deposit tax would have to be deducted at source as such deposit represents the consideration for the use of the land or the building, etc., and, therefore, partakes of the nature of rent as defined in section 194-I. If, however, the deposit is refundable, no tax would be deductible at source. It is further clarified that if the deposit carries interest, the tax to be deducted on the amount of interest will be governed by section 194A of the Income-tax Act.

Query No. 3 Whether the tax is to be deducted at source from warehousing charges?

Answer The term 'rent' as defined in Explanation (i) below section 194-I means any payment by whatever name called, under any lease, sub-lease, tenancy or any other agreement or arrangement for the use of any building or land. Therefore, the warehousing charges will be subject to deduction of tax under section 194-I.

Query No. 4 On what amount the tax is to be deducted at source if the rentals include municipal tax, ground rent, etc.?

Answer The basis of tax deduction at source under section 194-I is "income by way of rent". Rent has been defined, in the Explanation (i) of section 194-I, to mean any payment under any lease, tenancy, agreement, etc., for the use of any land or building. Thus, if the municipal taxes, ground rent, etc., are borne by the tenant, no tax will be deducted on such sum.

Query No. 5 Whether section 194-I is applicable to





rent paid for the use of only a part or a portion of any land or building?

Answer Yes, the definition of the term "any land" or "any building" would include a part or a portion of such land or building.

- 6. If the composite arrangement is in essence the agreement for taking premises on rent, the tax will be deducted under section 194-I from payments thereof. [Circular 715 dated 08.08.1995]
- 7. Representations have been received from the various quarters regarding applicability of the provisions of section 194-I of the Income-tax Act to the sharing of the proceedings of film between film distributor and a film exhibitor owning a cinema theatre. The matter has been examined by the Board and the Board are of the view that the provisions of section 194-I are not attracted to such payment because:
 - (i) The exhibitor does not let out the cinema hall to the distributor;
 - (ii) Generally, the share of the exhibitor is on account of composite services; and
 - (iii) The distributor does not take cinema building on lease or sub-lease or tenancy or under any agreement of similar nature.

[Circular 736 dated 13.02.1996]

8. Assessee was paying rent to the holding company as reimbursement for last many years. This position had been accepted by the department all through and it has been never disputed even after insertion of section 194-I and amendment in section 40(a)(ia). There was no material change in the facts and law during the year under consideration. The holding company had also not debited the whole of rent to its books of account. It had only debited the rent which pertained to the part of the premises occupied by it. Therefore, there was no lessor and lessee relationship between the holding company and assessee where the provisions of section 194-I were attracted. Therefore, the addition made under section 40(a)(ia) was to be deleted.

[ACIT Vs Result Services (P) Ltd.]

9. Landing and Parking Charges paid by the assessee to airlines Airport Authority of India were rent with

- in the meaning of Section 194 I Singapore Airlines Ltd Vs ITO (2006) 7SOT 84 (Chennai)
- 10. Storage tanks in question did not qualify either as land or as building within the meaning of Section 194I, what is attached to the land belongs to the land is a principle not applicable to India. Therefore, structure though erected on land, could not be regarded as part of the land. [Gulf Oil India Ltd Vs ITO (2000) 75 ITD 172 (mum)]
- 11. Rent paid to Co Owners separately will not partake the character of rent paid to AOP [CIT Vs Lally Motors (2009) 311 ITR 29 (P&H)]
- 12. A perusal of the above terms of the agreement clearly reveals that the agent not only stores the goods but also renders certain other professional services like inventory management on behalf of the appellant, packing the goods in required quantity according to the requirement of the stockist/dealers, follow up collection, maintain bank accounts of the sale proceeds. It cannot be said that the dominant purpose of the agreement is only warehousing. The agreement, terms of which we have set out above, cannot be said to be a composite arrangement which is in essence an agreement for taking premises on rent. The appellant does not have any interest whatsoever over the various places where his goods are stored. The agreement between the appellant and the agents cannot also be said to be a warehousing agreement. Section 194 I not Applies.

[Eli Lilly & Co. (India) Ltd. Vs. DCIT (2006) TTJ 461 (Del.)]





TXLENT =



CA. Ashish Nehra



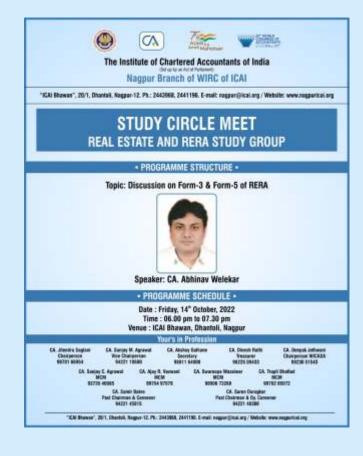
Photo of Pench Lake





Gist of Past Events of Nagpur Branch of ICAI











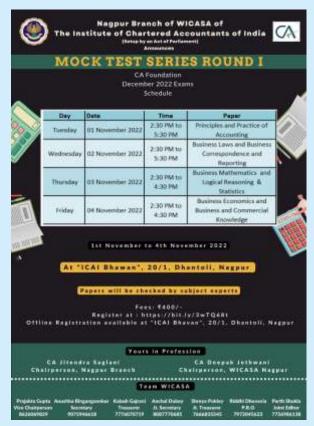


Gist of Past Events of Nagpur Branch of ICAI













Glimpses of Past Events



Career Counseling Program at G.S. College 01-10-2022



Career Counseling Program at G.S. College 01-10-2022



Mega Tree Plantation 02-10-2022



WICASA One Day Seminar Cum Revision 10-10-2022



WICASA One Day Seminar Cum Revision 10-10-2022



Investor Awareness Program 18-10-2022





Glimpses of Past Events



Felicitation of General Manager of CANARA Bank 20-10-2022



Virtual Outreach Program on E-Verification-Features and Aspects 22-10-2022



Industrial Visit 28-10-2022



Family Picnic for Members 29-10-2022





Nagpur Branch of ICAI in News

ई-सत्यापन पर वर्चुअल आउटरीच कार्यक्रम- विशेषताएं और पहलू

आयकर विभाग के साथ आईसीएआई का कार्यक्रम

क्यूप्त व्यवस्थान की क्यूप्त कर्मा के साथ के स्थान में साथ के कि नाम कर में के साथ में कि नाम कर में कि मों के मों कि मो मार्थे प्राप्तक विभाग के तो त्र कामार्थ में आवाक विभाग के तो त्र कामार्थ जुझे स्थान स्थान और वहीं में हुई गारिक का त्रावार होना भी कामी है का समय है का आईड़े आर दक्षिण कामें त्रीका विभाग की निर्माण की अर्थ मार्थ का कामार्थ का का कुछ महिल्लीका की को स्थान का का कुछ महिल्लीका की का स्थान का का कुछ महिल्लीका की की स्थान का का कुछ महिल्लीका की स्थान का का कुछ महिल्लीका की स्थान अर्थ का कुछ की की है और इसस्ता





सारी हैंक और वोनाहत हंगा है कर अगरेंद्र किया बार आहिए, दिकांचे रिपाल होंने का नेरिया और पुनवारी नहीं हैं कीर कर मुख्यानकों के अनुसारक बाद कर में कोर्न हों दी भी हुआ कीर कामना कामना ने कान्यकर किया कर्मक तीर दिवेश राजी बोनाया है कर कीर सुआर में अगर मुक्ता कांग्रिक हुएं द्वाराव्य अगर की कीर कार्य कांग्रिक हुएं द्वाराव्य अगर की कीर कार्य कार्यकर कीर कुमार की कार्यकर के कार्यकर कार्यकर कार्यकर कीर कार्यकर कीरों की करोंद्र करोंच्या और वार्यकर केंग्रिक कार्यकर कार्यकर आहं कीरोंच्या और कार्यकर केंग्रिक

The Hitavada

Nagpur City Line | 2022-10-21 | Page-6 ehitavada.com

Invest wisely to lead financially independent life: CA Julfesh Shah



NAGPUR Branch of WIRC of ICAI and WICASA Nagpur in association with Mirae Asset Management Company Ltd organised an investor awareness programme at Chitnavis Centre on 'Make your money work harder than you'.

The chief guest CA Julfesh Shah, Past Vice Chairman of WIRC of ICAI and President of COSIA, Nagpur said, "Being smart with your money and investing wisely to lead a financially independent was the mantra.

Jitendra Saglani, Chairperson Nagpur Branch of ICAI, welcomed CA Julfesh Shah and expert speakers CA Dr Tejinder Singh Rawal and Siddhant Agrawal and recognised the efforts of Pankaj Adhia and Sanket Shahkar, Team of Mirae AMC at Nagpur,

The session witnessed participation of more than 80 people and concluded with a question-and-answerround which made it a interactive session.

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The Hitavada

Nagpur City Line | 2022-10-23 | Page- 6 ehitavada.com

ICAI Ngp Branch holds session with I-T Deptt





Dr Kaumudi Patil

Mahua

NAGPUR Branch of WIRC of Institute of Chartered Accountants of India (ICAI) along with Income Tax Department (I-T Deptt) hosted a session on 'E-verification -Features and Aspects' recently wherein Mahua Sarkar, Director of Income Tax (I&CI), Nagpur and Dr Kaumudi Patil, Additional Director of Income Tax (I&CI). Nagpur were the key note speakers. CA Jitendra Saglani. Chairperson Nagpur Branch of ICAI, said that these are the times when everything has gone electronic from filing of ITRs to processing and the notices and orders from the department.

Mahua Sarkar shared various real-life examples as to what challenges are being faced by the assesses as well as the department and what could be the way forward to address these new issues.

Dr Kaumudi Patil covered the procedural aspects in her presentation and highlighted that assesses profile should be updated with correct email and mobile number failing which notice and intimations are not delivered and that is the basic reason of non-compliance.

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Nagpur Branch of ICAI in News

लोकमत समाचार

भगवान को अर्पित किया १५०० व्यंजनों का भोग

मंदिर में बुधवार को अनकूट महोत्सव मनावा गया रम दौरान मंदिर में कोठारी मुनिदर्शन स्वामी के मार्गदर्शन में भगवान स्वामीनारायण को १५०० से अधिक व्यजनों के भोग अर्पित किए गए.

इस अवसर पर संतों और श्रद्धालुओं ने भक्तिमाच पूर्ण थालगान किया. उसके पश्चात गोवधेन पूजा एवं आरती की गईं. मुख्य रूप से नितिन खारा एवं एस.के. गुप्ता उपस्थित थे. मंदिर के महंत प्रेमप्रकाशदास स्वामी

शुभकामनाएं दी. हजारों की संख्या में अनकृट प्रसाद का लाग लिया.

प्रमुख स्वामी महाराज शताब्दी महोत्सव तथा नागपुर मंदिर के दशाब्दी महोत्सव के अवसर पर मंदिर में लाहर एंट साएंट भी का भी आयोजन किया गया. दिवाली के दूसरे दिन भारतीय सनातन परंपत के अनुसार नूतन वर्ष के प्रारंभ के प्रथम दिन भगवान के सामने हजारों व्यंजनों का संदर भौग लगाया गया. भगवान श्रीकृष्ण ने अनकट की शरुआत

गोवधंन पर्यंत के समक्ष की थहै. उसी प्राचीन परंपरा को जारी रखते हुए बीएपीएम स्वाधित्तरयण संस्था विरव भर में अपने सारे मंदिरों में आज के दिन भवा और दिव्य अन्तकुर महोत्सय मनाती है. आज नागपुर स्थित बीएपीएस स्वामीनारावण मंदिर में भी संतों एवं स्वयंसेवकों के कठिन पुरुषार्थ से 1500 से भी अधिक व्यंजनों का भीग भगवान के समक्ष लगाया गया. इस अवसर पर शहर के नागरिक तथा गणमान्य बड़ी संख्या में उपस्थित हो.



बीएपीएस स्वामीनारायण मंदिर में भगवान को अर्पित वेदरा रागा १६०० में अधिक त्यानंनों का भीग

Apna Nagpur Page No. 2 Oct 27, 2022 Powered by: emlego.com

लोकमत समाधार

आईसीएआई के कार्यक्रम में शाह ने कहा

अच्छे जीवन के लिए बुद्धिमानी से निवेश करें

लोकमत समाचार सैवा

नामपुर : अपनी रकम के साथ स्मार्ट वने और आर्थिक रूप से स्वतंत्र एवं वेहतरीन जीवन जीने के लिए बुद्धिमानी से निवेश करें. यह सलाह दि इंस्टीट्यूट ऑफ चार्टर्ड अकाउटेन्ट्स ऑफ इंडिया (आईसीएआई) की वेस्टर्न इंडियन रीजन कौसिल के पर्व उपाध्यक्ष एवं कोसिया नागपुर के अध्यक्ष सीए जुल्फेश शाह ने सीए विद्यार्थियों को दी. वे आईसीएआई नागपुर शाखा और विकासा नागपुर की ओर से मिरे एसेट मेनेजमेंट कंपनी के साथ मिलकर 'अपने पैसे को आपसे ज्वादा मेहनत कराएं विषय पर हुए निवेशक जागरुकता कार्यक्रम में बतौर मुख्य अतिकि बोल

सिविल लाइन्स स्थित चिटणवीस सेंटर में हुए इस कार्यक्रम में सीए सदस्य, विद्यार्थी और आम निवेशक वरी संख्या में उपस्थित थे. इस दौरान शाह ने आर्थिक विश्व के ताजा घटनाक्रम की जानकारी देते हुए अपडेट रहने की मी सलाह दी. आईसीएआई नागपुर शासा के अध्यक्ष सीए जितेंद्र सगलानी ने मुख्य अतिथि सीए जुल्फेश शाह, विशेषज्ञ वक्ता सीए



कार्यक्रम के दौरान मंबासीन सीए जितेंद्र सगलानी, सीए जुल्फेश शाह व अन्य.

डॉ. तेजिंदर सिंह रावल और सीआईईएल के प्रमाणित प्रशिक्षक सिद्धांत अप्रवाल का स्वागत किया.

पंकत्र अधिया और संकेत शहाकर ने मार्गदर्शन किया. डॉ. तेजिंदर सिंह रावल नै निवेश मनोविज्ञान पर प्रकाश डाला. सिद्धांत अप्रवाल ने बाजार के प्रदर्शन के सांख्यिकीय आंकड़े पेश कर निवेशकों का मार्गदर्शन किया. आईसीएआई नागपुर

शास्त्रा के उपाध्यक्ष सीए संजय एम् अग्रवाल, सचिव सीए. अक्षय गुल्हाने, मीए दिनेश राठी, विकासा चेयरपर्सन सीए दीपक जेठवानी, सीए स्वरुपा वजलवार, सीए तृप्ति मट्टड और सीए संजय सी. अग्रवाल, पूर्व अध्यक्ष सीए मिलिट पटेल. सीए खेताली ठाकरे सीए आर.डी.पारख, सीए आदित्व गुप्ता आदि

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लोक्तमत

तमच्या पैशांबाबत स्मार्ट व्हा



नामपूर : तुमच्या पैशांबाबत स्मार्ट व्हा आणि आर्थिकदृष्ट्या स्वतंत्र श्रीवन जगण्यासाठी हुशारीमे मृतवणूक करा, असा मोलाचा सल्ला डब्ब्यआयआरसी आयसीएआयचे माजी उपाध्यक्ष आणि कोसिया विदर्भाचे अध्यक्ष सीए झूल्पेश शाह यांनी सीएच्छा विद्यार्थ्यांना दिला. सीए नागपुर शास्त्रा आणि 'विकासा' नागपुर यांच्यावतीने आणि मिरे असेट मॅनेजमेंट कंपनी लिमिटेडच्या संयुक्त विद्यमाने चिटणवीस सेंटर, सिव्हील लाइन्स येथे 'तुम्ही तुमस्या पैशासी फायद्याची गूंतवणूक कशी कराला' यावर गुंतवणूकदार जागरकता कार्यक्रमाचे आयोजन करण्यात आले. यावेळी सीए संस्थेचे सभासद आणि विद्यार्थी मोठवा संख्वेने उपस्थित होते. शाह यांनी आर्थिक जगतातील ताज्या घडामोडींवर माहिती दिली आणि अद्ययावत राहण्याच्या गरजेवर भर दिला, इस्तिटी, कर्ज, रिअल इस्टेट, सोने इत्यादी नालमतांचे योग्य आकलन आवश्यक आहे आणि या दिशेने हा एक अतिशय योग्य कार्यक्रम आहे. नागपुर शाखेचे अध्यक्ष सीए जितेंद्र सागलानी यांनी सीए जुल्फेश शाह, सीए डॉ. तेजिंदरसिंग रावल आणि सिद्धांत अववाल यांचे स्वागत केले. पंकल अधिया आणि संकेत शहाकर यांनी मार्गदर्शन केले. डॉ. तेजिदर रावल यांनी गुतवणुकीचे मानसशास्त्र, भविष्यातील गूंतवणुकीच्या मूलभूत गोश्टी, गूंतवणूक का व कथी करावी, यावर महिती दिली.

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Nagpur Branch of ICAI in News

अपने पैसे के साथ स्मार्ट बनें : जुल्फेश शाह

के सुनित का कार को समाने करिया है के कार कार की समाने के कार की सुनित के कार के कार की सुनित के कार के कार की सुनित के की सुन



स्थानीय

आयकर विभाग के साथ ई-सत्यापन पर वर्चुअल आउटरीच कार्यक्रम आयोजित



स्थानीय

विदर्भ की बात 5

स्वतंत्र जीवन जीने के लिए बुद्धिमानी से पैसों का निवेश करें - सीए शाह





तरुण≗भारत

Apla Nagpur | 2022-10-29 | Page-5 epaper.tarunbharat.net



सीएच्या विद्यार्थ्यांसाठी संशोधन वर्ग

नागपूर, २८ ऑक्टोबर

द इन्स्टिटबूट ऑफ बार्टर्ड अकाउंटर्स ऑफ इंडियातर्फे सीए इंटरमिजिएट विषयाच्या विद्यार्ध्यांसाठी संशोधन वर्गाचे आयोजन करण्यात आले. प्रारंभी परिषदेचे अध्यक्ष दीपक जेठवानी यांनी स्वागतपर भाषणात सत्राचे वक्ते राहुल गर्ग, पुणे आणि समितीची ओळख करून दिली, संशोधन वर्गात विद्याध्यांना कमीत कमी वेळेत जास्तीत जास्त अध्यासक्रम पूर्ण करण्यास आणि विद्यार्थ्यांना वांगले गुण मिळविण्यात कशी मदत करतो पाचीही त्यांनी माहिती दिती.

नागपूर शाखेचे अध्यक्ष जितेद सगतानी म्हणाले, संघटनेच्या मार्गदर्शनाखाली परिषद विविध कार्यक्रमांचे आयोजन करीत असन. जास्तीत जास्त विद्यार्थ्यांना या उपक्रमात सहभागी करून घेण्याचा प्रयत्न सुरू आहे.

विद्यार्थ्याच्या फायद्यासठी असे उपयुक्त संशोधन वर्ग आयोजित केल्पाबद्दल त्यांनी नागपुर परिषदच्या प्रयत्नांचे कीतुक केले. सत्राचे अध्यक्ष राहुल गर्न यांनी सत्रात सर्व मुद्यांवर प्रकाश टाकला. त्यांनी केवळ

विषयाची उजळाणीच करवून घेतली नाही, तर जवळपास ८ तास चाललेल्या या सत्रात १३१ हन अधिक उपस्थितांसह परीक्षा उतीर्ण करण्याच्या ट्रिक्स आणि तर्कशास्त्रही विद्यार्थाना सांगितले.

परिषदेच्या नागपूर शाखेद्वारे अशी उपपुक्त शैक्षणिक तसेच गैर-रीक्षणिक सत्रे साळत्याने आयोजित केली जातात. नुकतीच नोव्हेंबर २०२२ च्या परीक्षेशाठी मॉक टेस्ट मालिका देखील पशस्वीरित्पा आयोजित करण्यात आती होती ज्यामध्ये १०० हुन अधिक विद्यार्थ्यांनी सहमाग घेतता होता. आगामी सींप परीक्षेसाठी विद्यार्थ्याच्या चांगत्या तपारीसाठी आपसीएआप भवन येथे रीडिंग रूमची सुविधा देखील उपतब्ध करून देण्यात आली आहे ज्याचा विद्यार्थी लाभ घेऊ शकरील.

प्राजका गुप्ता, अनुध्का रिंगमगावकर, कलश गजराणी, आंबल दुबे, श्रेया पोकले, रिद्धी धुवाविया आणि पार्थ शुक्ता यांचा समावेश असलेल्पा टीम परिषदद्वारे कार्यक्रमाचे आयोजन आणि संचालन केले गेले. (तमा वससेवा)

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अपने पैसे को आपसे ज्यादा मेहनत कराएं

Norgolau van egistronig in engoegischen it in gel ekster in de moude ellere, wenge werk par eileffert, sook epoor wert if, pelik



Main Edition





Celebrating 75 years of India's Independence

Credit Scheme for MSMEs

Assistance to Re-energize capital Investments by SMEs

(ARISE)

5.50% to 6.80% p.a. for first year with reset applicable thereafter (as per internal rating)

- MSMEs engaged in high growth sectors (including sunrise sectors)
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- · Submission of minimal papers
- E-signing facility for document execution
- Quicker sanction
- TL up to ₹700 Lakh to existing / brownfield entities, subject to maximum of 80% of the project cost
- 100% financing for loans upto ₹3 crore, based on FD upto 25% (interest bearing)
- Facility of TL/FCTL available

Digital Technology Enabled uick Sanction

Attractive nterest Rate



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(STHAPAN)

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- MSMEs in identified sectors under Production Linked Incentive Scheme. other high growth sectors etc.
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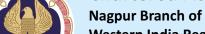




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