



NAGPUR BRANCH OF WIRC OF ICAI

E-Newsletter
June 2017



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CHAIRMAN's MESSAGE

CA. SANDEEP JOTWANI

Chairman, Nagpur Branch of WIRC of ICAI

Dear Colleagues,

With the increase in the temperature, the pressure on professionals is also increasing because of the increasing number of compliances not only under Direct Taxes with regard to filing the SFT returns but also under GST for understanding the Law and helping our clients to migrate them successfully under GST.

Filing of Representation for Extension of Due Date of Filing SFT Returns

As you all are aware a new requirement is introduced under Direct Taxes to report all the specified transactions through SFT Returns. The due date for filing the same was 31st May, 2017. As this is introduced for the first time and various traders were not aware of the same and also were not ready for the same, Nagpur Branch of ICAI met Shri Suresh Battini, Director of Investigation, Income Tax and submitted written submission to him requesting him to forward our request to extend the due date to the Central Board of Direct Taxes, which was duly done and finally due to his support, we got the date extended by a month.

GST Seva Kendra

It's our responsibility to provide all possible support to help the Government in successful implementation of GST. As a social contribution, Nagpur Branch has inaugurated the GST Seva Kendra at the hands of Shri Nitinji Gadkari, Hon. Union Minister. Our members will be providing free professional services to common public on GST related issues through this GST Seva Kendra.

Various Programs for Trade & Industry

GST is all set to be implemented from 01st July, 2017. In this short span of time, it's our responsibility to not only educate our members and students but also it is important to create awareness amongst the public. Nagpur Branch is organizing various programs along with the trade & industry to provide all possible support for the acceptability of the law.

Cash Less Branch

Our Hon. Prime Minister, Shri Narendra Modi always promote that we should all move towards a cashless economy. As a part of this economy, we Chartered Accountants have to play a major role in this attempt of moving towards cashless India. Understanding our responsibility and to support the view of our Hon. Prime Minister and with an attempt to bring more transparency, Nagpur Branch wishes to go cashless from 1st July. To avoid any problem, we have made all arrangements for accepting the payments like debit card, credit card, Pay TM, Bhim App so that nobody should face any problem. A strong support from our members will be required to make this attempt a successful one.

A request to all members to please contribute your views and suggestions to organize programs for the benefit of members and students.

“आओ वलें एक साथ – Lets Illuminate”

With Kindest Regards,

CA. Sandeep Jotwani

CHAIRMAN

NAGPUR BRANCH OF WIRC OF ICAI



JOINT EDITOR's MESSAGE

CA. DEEPAK JETHWANI

Joint Editor

Dear Professional Colleagues,

It's a pleasure to communicate with the members through this 3rd Edition of the Journal. In this issue we have tried to bring the attention of the members on our non core area but the same has lots of professional opportunities. In this issue coverage is on the various Government Schemes available to new and expansion units. Members may develop their practice in this area also.

Month of July is going to witness new era in Taxation, GST is proposed to be implemented from 1st July 2017. To help members in smoothly cope with the new law we are coming with the GST focused edition next month I request all GST experts to kindly contribute their articles on the topics which can helpful for the members in this transition phase.

Keep Sharing...

Awaiting your feedback and suggestions on the newsletter...

CA. Deepak Jethwani

Joint Editor



JOINT EDITOR's MESSAGE

CA. ASHISH AGRAWAL

Joint Editor

After relaxing summers now it's time to fasten our seat belts and gear up as we are heading to our professional season. It's time for filing various returns as all the due dates of filing returns are approaching, In this July month mainly the pressure would be for filing income tax returns. Nagpur branch is always enthusiastic for arranging different programs, which includes professional as well as social programmes. In June month a mega conclave on GST was organized which receive a good response, Nagpur branch is also organizing a flagship event "Ek Shyam CA ke Nam" for celebrating our foundation day.

We have tried to cover certain topics which are not regularly encountered by members and such articles will be handy ready reckoner for all of us. A government scheme is one such topic covered in this issue. I sincerely request for suggestions from members so that in future we can add required contents and deliver better.

With Warm Regards

CA Ashish Agrawal

Joint Editor



ARTICLE

DAIRY ENTREPRENEURSHIP DEVELOPMENT SCHEME - CA. YASHWANT BHOJWANI

India is the highest milk producer in the entire globe. India is well known as 'Oyster' of the global dairy Industry, with the opportunities galore for the entrepreneurs globally. The dairy Industry in India has been witnessing rapid growth with liberalization.

Indian central government launched a scheme through National Bank for Agriculture and Rural Development (NABARD) with an objective to bring structural changes in the unorganized sector of dairy farming. It also aims to setting up of modern dairy farms and providing employment opportunities for individuals. This time government has come up with more financial assistance.

The important features and specifications of this scheme:

Objective:- the objective of Dairy Entrepreneurship Development Scheme is to generate self-employment and develop infrastructure for the dairy sector in India. The scheme also aims to help entrepreneurs setup modern dairy farm, infrastructure for production of clean milk and encourage heifer calf rearing for conservation and development of a good breeding stock.

Outlay of the Scheme:- There is budget provision of Rs.240.00 crore during the year 2017-18, which includes Rs.181.12 crore for general component, Rs.38.88 crore for SC component and Rs.20.00 crore for north eastern region.

Eligibility:-

- Farmers, individuals, self-help groups, companies etc. can apply for this scheme.
- An individual entrepreneur is eligible for one time assistance on all the components.
- More than one family member can be assisted under this scheme provided that they set up different dairy unit parted by at least 500 m distance.

Financial Assistance:-

Financial assistance will depend upon the type of dairy farming which has been described below:-

1. Establishment of small dairy unit with 2-10 cattle (cows and buffaloes)

Investment	Subsidy
Rs. 6 Lakh for 10 animal units – minimum unit size is 2 animals with an upper limit of 10 animals	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy. Subsidy shall be restricted on prorated basis to a maximum of 10 animals subject to a ceiling limit of Rs. 15,000 per animal (Rs.20,000 for SC/ST farmers) or actual w.e.l

2. Rearing of heifer calves - cross bred, indigenous descript milch breeds of cattle and of graded buffaloes - upto 20 calves

Investment	Subsidy
Rs 5.30 lakh for 20 calf unit - with an upper limit of 20 calves	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy. Subsidy shall be restricted on prorated basis to a maximum of 20 calf subject to a ceiling limit of Rs. 6,600 per calf (Rs.8,800 for SC/ST farmers) or actual w.e.l



3. Vermi compost with milch animal unit (To be considered with milch animals and not separately)

Investment	Subsidy
Rs. 22,000	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy subject to a ceiling limit of Rs. 5,500 (Rs. 7,300 for SC/ST farmers) or actual w.e.l

4. Purchase of milking machines/ milk testers/ bulk milk cooling units (up to 5000 lit capacity)

Investment	Subsidy
Rs. 20.00 lakh	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy subject to a ceiling limit of Rs. 5.00 lakh (Rs. 6.67 lakh for SC/ST farmers) or actual w.e.l

5. Purchase of dairy processing equipment for manufacture of indigenous milk products

Investment	Subsidy
Rs. 13.20 lakh	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy subject to a ceiling limit of Rs. 3.30 lakh (Rs. 4.40 lakh for SC/ST farmers) or actual w.e.l

6. Establishment of dairy product transportation facilities and cold chain

Investment	Subsidy
Rs. 26.50 lakh	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy subject to a ceiling limit of Rs. 6.625 lakh (Rs. 8.830 lakh for SC/ST farmers) or actual w.e.l

7. Cold storage facilities for milk and milk products

Investment	Subsidy
Rs. 33.00 lakh	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy subject to a ceiling limit of Rs. 8.25 lakh (Rs. 11.00 lakh for SC/ST farmers) or actual w.e.l

8. Establishment of private veterinary clinics

Investment	Subsidy
Rs. 2.60 lakh for mobile clinic and Rs. 2.00 lakh for stationary clinic	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy subject to a ceiling limit of Rs. 65,000 and Rs. 50,000 (Rs. 86,600 and Rs. 66,600 for SC/ST farmers) respectively for mobile and Stationary clinic or actual w.e.l

9. Dairy marketing outlet / Dairy parlor

Investment	Subsidy
Rs. 1.00 lakh	25% of the project cost (33.33% for SC / ST farmers) as back ended capital subsidy subject to a ceiling limit of Rs. 25,000 (Rs. 33,300 for SC/ST farmers) or actual w.e.l



Funding pattern:-

1. Entrepreneur contribution (margin) – 10 % of the project cost (minimum).
2. Back ended capital subsidy - as indicated above.
3. Effective Bank Loan - Balance portion [subject to any revision in RBI Guideline]

Eligible financial institutions:-

- a. Commercial Banks
- b. Regional Rural Banks
- c. State Cooperative Banks
- d. State Cooperative Agriculture and Rural Development Banks: and
- e. Such other institutions, which are eligible for refinance from NABARD

Stages to get NABARD Subsidy for Dairy Farming:-

- Decide which farm activity you will be establishing.
- Register your company
- Make a detailed business project plan for the dairy farm (include a bank loan request too in the proposal and very much of your loan getting sanctioned depends upon this draft).
- Submit your request to any bank which is eligible for refinance from NABARD.
- Once Bank loan is sanctioned, implement the project using promoter contribution and bank loan
- On disbursement of 1st installment of loan, bank would have to apply to NABARD for sanction and release of subsidy
- NABARD would release the subsidy to the bank. Bank would hold the subsidy in an account classified as “Subsidy Reserve Fund A/c” with no interest.
- On satisfactory servicing of the loan obligation by the promoter, the subsidy amount in the Subsidy Reserve Fund A/c would be adjust against the last few repayment of the bank loan.



ARTICLE

SPECIAL CREDIT LINKED CAPITAL SUBSIDY SCHEME (SCLCSS OR SC/ST MICRO & SMALL ENTERPRISES (GOVT. OF INDIA) - CA SANJAY MADHRANI, NAGPUR

1. APPLICABILITY -

The Scheme shall remain valid for the new as well as existing SC/ST owned MSEs for upgradation or expansion proposals / projects, where term loans have sanctioned after the date of notification of the scheme i.e. 17-05-2017 till 31-3-2020. Further continuation of the Scheme shall be subject to review/ evaluation.

2. OBJECTIVES OF THE SCHEME -

- To facilitate purchase of plant & machinery by providing 25 percent upfront capital subsidy to the existing as well as new SC/ST owned Micro and Small Enterprises.
- To ensure sustained industrial growth.
- To procure limit of at least 4% of its total annual procurement requirement of Plant & Machinery from SC/ST owned MSEs.
- To promote new enterprises, Make in India Scheme and support the existing enterprises in their expansion for enhanced participation in the public procurement.

3. SCOPE OF THE SCHEME -

- Cover existing SC/ST MSEs for upgradation or expansion as well as new SC/ST MSEs.
- Cover purchase of all plants & machinery without any restriction on the technologies but subject to Consent/NOC from Pollution Control Board.

But it excludes

- Industries covered under RED category as per the Classification of industries for consent management (Schedule- VIII, rules 3(2) and 12 of Ministry of Environment & Forests, Govt. of India) shall not be eligible for subsidy under above scheme.
- The plant & machineries that are ineligible for term loan from PLIs.

4. ELIGIBILITY CRITERIA -

a) Eligible Organizations –

1. SC/ ST Entrepreneurs of MSE Sector engaged in the manufacturing activities in any form i.e.
 - Sole Proprietorships,
 - Partnerships,
 - Co-operative societies,
 - Private or Public limited companies are eligible for seeking assistance under this scheme.

i) Provided that it meets the percentage shareholding criteria as specified in the definition.

Definition of SC/ST Enterprises :

- a. In case of proprietary MSE, proprietor shall be SC/ST
- b. In case of partnership MSE, the SC/ST partners shall be holding at least 51% shares in the unit
- c. In case of private limited companies, at least 51% shares shall be held by SC/ST promoters.

ii) The existing enterprises should have obtained registration under Udyog Aadhaar Memorandum as well as have enrolled in the MSME Data Bank.



2. Cases covered under National Equity Fund (NEF) Scheme, which are otherwise eligible under that scheme can also be covered under this scheme. Besides, SC/ST MSEs which are availing financial incentives/subsidy under any other scheme from the Government would be eligible for subsidy under this scheme.

b) Eligible Plant & Machineries-

- a. In respect of Proposals/Projects, where Term Loans have been sanctioned by the PLIs after notification of this scheme. The sanctioning authority should consider Promoters' contribution, security, debt-equity ratio, up-front fee, etc. will be determined by the lending agency as per its existing norms.
- b. SC/ST Units graduated from small scale to medium scale are eligible for subsidy under SCLCSS for a period of three years from the date of graduation.
- c. Industry graduating from small scale to medium scale on account of sanction of additional loan under this scheme shall be eligible for assistance.

c) Eligible Amount of Plant & Machineries-

Amount of Plant & Machineries excludes :

- a. The cost of equipments such as tools, jigs, dies, moulds and spare parts for maintenance and the cost of consumable stores;
- b. The cost of installation of plant & machinery;
- c. The bank charges /service charges paid to the State Small Industries Corporation;
- d. The cost involved in procurement or installation of cables, wiring, bus bars, electrical control panels (not those mounted on individual machines), oil circuit breakers or miniature circuit breakers which are necessarily to be used for providing electrical power to the plant & machinery or for safety measures;
- e. Transportation charges (excluding of sales-tax and excise) for indigenous machinery from the place of manufacturing to the site of the factory;
- f. Charges paid for technical know-how for erection of plant & machinery;
- g. Cost of such storage tanks which store raw materials, finished products only and are not linked with the manufacturing process; and
- h. Cost of fire-fighting equipment

d) Ceiling Limit-

- 25% capital subsidy is limited to maximum of Rs. 25 lakh is provided to the SC/ST Micro and Small Enterprises on institutional finance availed of by the eligible SC/ST Enterprises for purchase of Plant & Machinery in the form of Term Loan. The maximum eligible loan under this scheme is Rs. 1 Crore for capital investment in Plant & Machinery.
- SC/ST owned MSEs who have already availed subsidy under the existing CLCSS, before the date of notification of this scheme, cannot claim additional subsidy on account of difference in the rate of subsidy which is now permissible under this scheme.

5. PROCEDURAL ASPECTS -

- a) All the eligible PLIs (excluding the nodal banks / agencies as mentioned below) will have to execute a General Agreement (GA) with either of the nodal agencies for availing capital subsidy under the scheme, irrespective of the fact whether refinance is availed by them or not.

The Nodal Agencies approved for CLCSS scheme would also act as Nodal Agencies for SCLCSS. These includes :

1. State Bank of India
2. Canara Bank
3. Bank of Baroda
4. Punjab National Bank
5. Bank of India
6. Andhra Bank
7. State Bank of Bikaner & Jaipur



8. Tamil Nadu Industrial Investment Corporation
9. Small Industries Development Bank of India (SIDBI)
10. National Bank for Agriculture and Rural Development (NABARD)

- b) After sanction of the assistance, the eligible PLI will get an agreement executed with the concerned SC/ST MSE on behalf of Government of India (GoI).
- c) The PLI would obtain application for assistance under the scheme.
- d) The PLI would release the subsidy amount with each instalment of loan in a manner proportionate to the amount of term loan disbursed (on pro- rata basis), subject to the ceiling of the term loan/ subsidy amount as per applicable guidelines of the scheme provided eligible claim should reach upto the end of next quarter. For example, if reference date i.e. date of release of last installment fall between 1st January, 2018 to 31st March, 2018 the claim should be forwarded latest by 30th June, 2018 to Ministry of MSME.
- e) The PLI shall be responsible for ensuring eligibility for sanction of subsidy to the SC/ST MSE in terms of establishing category and its status with documentary support under this scheme and also for disbursal and monitoring of the assisted units.

6. MANNER OF DISBURSEMENT -

Subsidy is to be kept in the form of Term Deposit Receipt (TDR) for 3 years by PLI after release by the Ministry of MSME in the concerned unit's account and interest amount on the term loan shall be reduced accordingly. The beneficiary unit shall remain in commercial production for a period of at least three years after installation of eligible plant & machinery on which subsidy under SCLCSS has been availed. If the unit fulfils the condition of regular payment of loan instalments, the TDR will be transferred to unit's account after three years.

7. RESTRICTION ON SUBSIDY UTILISATION -

- a) The subsidy availed cannot be utilised for the purposes other than for which it has been sanctioned.
- b) In case, it is found that capital subsidy from the Government has been availed on the basis of any false information, the industrial unit shall be liable to refund the Government the capital subsidy availed, along with interest to be charged from the date of disbursal to the date of refund. The rate of interest shall be the prime lending rate of the PLIs concerned at the time of invoking this penal clause.
- c) The eligible PLI shall, therefore, incorporate suitable conditions in respect of point at (b) above in their security documents entered into with the unit, which would give necessary authorisation to proceed legally in such eventualities.
- d) The credit risk under the Scheme will be borne by the eligible PLI and as such, they will have to make their own commercial judgement while appraising the project. The credit decision of the eligible PLI will be final.
- e) There shall not be any binding obligation on the part of the nodal banks/ agencies to obtain sanction from Ministry of MSME for the government assistance in respect of the proposals which are covered under this scheme.
- f) Both the SIDBI and the NABARD shall have the right to inspect the books of eligible PLI and the loan accounts irrespective of whether refinance is availed or not from the Nodal Agency(ies) under this Scheme and/ or call for any other information as may be required by from time to time.
- g) Both the SIDBI and the NABARD shall have the right to recall from eligible PLI the entire amount of the capital subsidy in respect of their assisted units irrespective of whether or not the eligible PLI have recovered the said subsidy from their units, if they come to the conclusion that any of the accounts do not conform to the policies, procedures and guidelines laid down under the SCLCSS guidelines and as stipulated by the Ministry of MSME/the Nodal Agencies from time to time.



h) The Beneficiary unit shall remain in operation for atleast three years after installation of P&M for which subsidy availed

7. ONLINE SYSTEM OF APPLICATION -

For effective implementation and transparency, Online Application and Tracking System is adopted for submission of online application by concerned Nodal Banks. However, no individual SC/ST MSE can directly apply for subsidy but banks will forward the application to Ministry of MSME.

8. MONITORING & REVIEW -

This scheme shall be monitored by the Ministry of MSME on regular basis. Any proposal for changes/amendments in this scheme shall be placed before Empowered Project Approval Committee for approval



ARTICLE

RECENT IMP JUDICIAL PRONUNCMENTS IN DIRECT TAXES - CA. MAHAVIR ATAL

LANDMARK JUDGMENT OF SUPREME COURT

M/S Palam Gas Services Vs CIT (SC) 03/05/2017

Supreme Court puts end to paid and payable Controversy vis-à-vis section 40(a)(ia). (disallowance of expenditure where TDS is not deducted)

40(a)(ia) covers not only those cases where the amount is payable but also where it is paid. The contrary interpretation that s.

40(a)(ia) applies only to cases where amounts are "payable" will result in defaulters going scot free.

RECENT CASE LAWS ON BOGUS PURCHASES

CIT Vs Ashish International (Bom)(HC)(2017)

Bogus purchases: A statement by the alleged vendor that the transactions with the assessee are only accommodation entries and that there are no sales or purchases cannot be relied upon by the AO unless the assessee is given the opportunity to cross-examine the vendor.

Non-affording an opportunity to assessee was considered Fatal by the High Court and entire addition was struck down.

H.R. Mehta Vs ACIT (Bom)(HC)(2017)

S. 68: The assessee is bound to be provided with the material used against him apart from being permitted to cross examine the deponents. The denial of such opportunity goes to root of the matter and strikes at the very foundation of the assessment order and renders it vulnerable.

RECENT CASE LAWS ON ADDITIONS OF SHARE PREMIUM

CIT Vs M/s Gagandeep Infrastructures Pvt Ltd (Bom)(HC) (2017)

In the present case share premium received by the company was added under section 68 by the Assessing Officer. Additions have been made raising concerns about genuineness of transaction and high share premium. Additions were made for A.Y. 2008-09 (i.e.) before amendment to section 68 (Finance Act 2012).

RECENT CASE LAWS ON PENALTY

CIT Vs Advaita Estate Development Pvt Ltd (Bom)(HC)(2017)

No penalty under section 271(1)(c) once quantum appeal is admitted by High Court. If quantum appeal is admitted by the High Court, it means that the issue is debatable and penalty cannot be levied.

Samsom Maritime Ltd Vs CIT (Bom)(HC) (2017)

Withdrawal of claim for deduction or exemption withdrawn after issue of scrutiny notice will not absolve assessee from rigour of penalty under section 271(1)(c)

A disclosure of income, or withdrawal of claim for deduction, by the assessee after a specific s. 142(1)/ 143(2) notice is issued cannot be said to be a "voluntary disclosure" so as to avoid the levy of penalty. The argument that the earlier non-disclosure of income/ wrong claim for expenditure was due to "mistake" is not an acceptable defense (Mak Data 358 ITR 593 (SC) followed, Price Waterhouse Coopers 348 ITR 306 (SC) distinguished).



RECENT CASE LAWS ON ASSESSMENT PROCEEDINGS

Larsen & Turbo Ltd Vs State of Jharkand (SC) (2017)

S. 147: Entire law on reopening of assessments pursuant to audit objections explained. If AO disagrees with the information/ objection of the audit party and is not personally satisfied that income has escaped assessment but still reopens the assessment on the direction issued by the audit party, the reassessment proceedings in such cases are without jurisdiction and deserves to be knocked down.

CIT Vs Abacus Distribution System India (Pvt) Ltd (Bom)(HC)(2017)

S. 143(2)/ 292BB: The issue of a notice u/s 143(2) bearing the wrong (old) address of the assessee does not amount to a valid service of the notice u/s 282 r.w.s. 27 of the General Clauses Act. The non-service of a notice u/s 143(2) before the expiry of 12 months from the end of the month in which the return was filed renders the assessment void. As the assessee objected to the same before completion of proceedings, the assessment order is not saved by s. 292BB.

RECENT CASE LAWS ON STAY OF DEMAND

Flipkart India Pvt Ltd Vs ACIT (Kar)(HC)(2017)

S. 220(6) stay of demand: CBDT Circular dated 29.2.2016 does not supersede Instruction No.1914 but modifies it. Both have to be read together. The AO and CIT cannot straightaway demand payment of 15% of the dues but have to grant complete stay if the assessment is "unreasonably high pitched" or the demand for depositing 15% of the disputed demand leads to "genuine hardship" to the assessee".



ARTICLE

UPDATES ON INDIRECT TAXES - CA. AMIT S. AGRAWAL

'Cargo' denotes goods ready for transportation, 'packaging the goods' is a stage prior to the goods becoming cargo - **Signode India Ltd V CCE&C-II – 2017-TIOL-126-SC-ST.**

Payment which has been made during past audit objection, for an earlier period cannot be utilized to reject the application under VCES for subsequent period - **Pace Setter Business Solutions Pvt Ltd V UOI - 2017-TIOL-670-HC-MUM-ST.**

Colour Television Sets cleared in SKD condition classifiable under Entry 8528 & attract levy of excise duty - **Vewvox Systems V CCE - 2017-TIOL-163-SC-CX.**

Conversion of paddy into rice is not a distinct operation and being in natural form, fails the test of manufacture as per Sec.2(f) of CEA, 1944 - **CCE V Dunar Foods Ltd etc - 2017-TIOL-155-SC-CX.**

Notice sent by 'speed post' and affixing copy of same on notice board of Customs House is not treated as valid service of notice, hence request for releasing goods seized on account of no notice within six months is therefore allowed - **Iqbaal Hussain V . UOI - 2017-TIOL-502-HC-DEL-CUS.**

Chairman, CBEC is directed to appear before the High court to explain reason for inadequate facilities provided at Central Revenue control laboratory - **HLG Trading V UOI - 2017-TIOL-579-HC-P&H-CUS.**

Jumbo electric operated platform truck used on factory and not on road is a capital good even if movable - **CCE V Jindal Steel & Power Ltd - 2017 (347) ELT 407 (Chattisgarh).**

In case of recalling of appeals which was earlier transferred to call book till decision of appeal in identical matter pending before Tribunal, the petitioner can file appropriate application for re transfer to call book - **Toshniwal Hyvac Pvt Ltd V CCE 2017 (347) ELT 261 (MAD).**

Denial of deemed export benefit and recovery of drawback based on the observation of the Policy Committee is ultravires and inconsistent with the provisions of Foreign Trade Policy and held as void and illegal - **NCC Ltd & Ors V UOI - 2017 TIOL-677-HC-MUM-CUS.**

Electricity consumption based on Dr.N.K.Batra report alone cannot be adopted as a basis for demand – **Om Shanti Steel & Castings Pvt Ltd V UOI - 2017 (347) ELT 441 (JHAR).**

In absence of clear legal stipulation, no recovery proceedings can be permitted against heirs and legal representatives of sole proprietor/proprietres after their death - **Gaurav Agarwal V DC & Anr - 2017-TIOL-664-HC-MUM-CX.**

Gases coming in tankers and their repacking/relabeling did not amount to manufacture and mixing of gases and making them available to consumers in small cylinders, did not make gases marketable - **Commissioner of Central Excise, Vadodara V Vadilal Gases Ltd - 2017 346 E.L.T. 161 SC.**

Denial of request of cross examination of witnesses in a cursory manner without assigning any reason, not sustainable in view of guidelines of Apex Court in **2015(324) E.L.T. 641(S.C.) – Hindustan Mint & Agro Products P. Ltd. V UOI - 2017 346 E.L.T. 206 ALL.**



Endorsement of postal authorities that 'there is nobody in the factory' does not amount to refusal or be read as factory is closed. Fresh steps ought to be taken for service in manner prescribed under law - **Pioneer Glass Industries V Commissioner of Central Excise - 2017 48 S.T.R. 409 All.**

Definition of goods includes currency and hence seized currency can be released on payment of redemption fine - **Commr of Customs V Rajinder Nirula - 2017 346 ELT 9 (Bom.)**

Single application in respect of two show cause notice can be filed before Settlement commission when the notices are in pursuance of common cause of action - **Door Deco Industries V CESTAT - 2017 346 ELT 323 (Del.)**

Finding of Fact by Settlement commission not open for examination either by Highcourt or Supreme Court - **Standard Shoe Sole and Mould (I) Ltd V CCE 2017 346 ELT 5 (Mad HC.).**

Sale of coffee and tea through vending machines installed at customer's premises would not fall within ambit of Outdoor Catering Service - **Perfect Vending India Pvt Ltd V CESTAT - 2017 TIOL 442 HC MAD ST.**

CA certificate regarding unjust enrichment and other documents on oath should normally be believed unless there are grounds and reasons to disbelieve same - **Hero Motocorp Ltd V Commr of Customs 2017 48 STR 225 (Del)**

Refund due to assessee cannot be withheld merely because Department has filed SLP before Supremecourt against order in favour of assessee - **Shiva Shankar Minerals Pvt Ltd V GOI - 2017 48 STR 346 A.P HC**

Principle of unjust enrichment is not applicable when amount deposited during investigation is shown in balance sheet under 'other Current assets' - **CCE Vs. UT Ltd - 2017 48 STR 437 (AIL HC)**

Merely because site formation activity is undertaken on land recorded as agricultural land does not mean that service relating to agriculture has been performed - **NKG Infrastructure Limited V UOI - 2017 346 ELT 109 (All HC)**

Activity of filling gases from tanker to cylinder and mixing more than one gases in specified proportion, does not amount to manufacture - **CCE vs. Vadilal Gases Ltd - 2017-TIOL-34-SC-CX.**

If the purpose behind requirement of a matter to be heard by a bench of not less than two judges is to be achieved, in event of two judges being unable to agree either on facts or on law, matter should be heard by bench of larger strength instead of referring to third member - **Pankajakshi V Chandrika - 2017 345 ELT 438 S.C.**

SC upholds Tribunal decision that 'External Hard Disks' are classifiable under Heading 8471 7030 & not under 8471 7020 as Hard disc drive - **Fortune Marketing (P) Ltd V CCE., Mumbai - 2017-TIOL-39-SC-CUS.**

Change in management of company and present management unaware of liabilities cannot be reason for seeking exemption from liability to pay confirmed demands against old company - **Vikas Hire Purchase Co. Ltd V CCE - 2017 48 STR 4 Ker.**

Submission of documents as ARE 1 are only procedural and hence merely on ground of non submission of said documents, rebate claim shall not be rejected - **Raj Petro Specialities V UOI - 2017 345 ELT 496 (Guj.)**

Documentary evidence has far greater weightage against oral evidence when there is a contradiction between both - **Santogen Textiles Mills Ltd V CCE - 2017-TIOL-219-HC-MUM-CX.**

Period of limitation for filing rectification application before CESTAT starts running from date of dispatch of order and not from date of actual passing of order - **Liladhar T Khushlani V Commr of Customs - 2017 TIOL 241 HC AHM CUS.**

Section 11AC cannot have retrospective effect and hence not applicable for show cause notice issued subsequent to date of enforcement of Section 11AC proposing penalty for period prior to said date - **CCE Vs. OTIS Elevator Co. Pvt. Ltd - 2017 345 ELT 509 (Bom.)**



EVENT CLICKS

STUDY CIRCLE MEET



**CA Mahendra Jain and
CA Jaykumar Poptani**



Shri Tejinder Singh Renu



**CA Abhijeet Kelkar
Regional Council Member**



CA Yash Verma



CA Swapnil Agrawal



EVENT CLICKS

INTENSIVE STUDY COURSE ON GST FOR BEGINNERS : द्वितीय

**S Shivmathan**

Director Finance, Maharashtra Metro Rail Corp. Ltd.

**CA Shailendra Jain****CA Hemant Rajandekar****CA Ritesh Mehta****CA Milind Patel****CA Satish Sarda****CA Pritam Batra****CA Varun Vijaywargi**



EVENT CLICKS

HALF DAY SEMINAR ON GAAR & DTAA



CA Siddharth Banwat



EVENT CLICKS

SEMINAR ON UNDERSTANDING COMMODITY MARKET AND IT'S ACCOUNTING (INVESTOR EDUCATION PROGRAM)



CA Rajesh Modi



Karan Singh



Imran Khan



EVENT CLICKS

INTENSIVE STUDY COURSE ON COMPANIES ACT



CS Rohit Jain



CS Allhad Mahabal



CS Amit Rajkotiya



CS Ram Thakkar



CS Tushar Pahade



CA Nitin Alshi



EVENT CLICKS

INAUGURATION OF GST SEVA KENDRA



Shri Nitin Gadkari
Hon. Minister of Road Transport & Highways of India

SUBMISSION OF REPRESENTATION FOR EXTENSION OF DUE DATE OF FILING SFT RETURN



Shri Suresh Battini
Hon. Director of Investigation I&CI



EVENT CLICKS

WICASA



**BRANCH LEVEL
ELOCUTION CONTEST
NATIONAL TALENT HUNT**

**THREE DAY
REFRESHER COURSE
ON GST
FOR BEGINNERS**



**STUDY CIRCLE MEET -
'ADHYAYAN-
ENLIGHTENING MINDS'**

**ONE DAY
REVISIONARY CLASS**

