



E-Newsletter of the Guwahati Branch of EIRC of
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Guwahati@ICAI

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From the Chairman's Desk

Dear Members,

It's a matter of pride and privilege for me to take charge of this dynamic Branch of ICAI. Excellence is the gradual result of always striving to do better and our Branch has passionately excelled in the years and has a distinguished identity across India. I feel proud to be associated with this Branch of ICAI. We at ICAI are rapidly moving towards globally competitive and are partners in nation building. Our efforts and contribution towards economic development, implementation of GST, taxation, Corporate Governance, ethical standards has been well recognized and established. We are diversifying from the conventional areas of practice to future directions and accepting the challenges. We are adapting to the technology and marching ahead with time. In line with the Government's "Look East Policy" our expertise and role as Chartered Accountant of this region will certainly get an edge over others and we are going to play a pivotal role in development of this region.

So, let's spread our wings and grab this opportunity. Our Branch mobile app is available both for Android and IOS, so please use the same for better communication and updates. I would take this opportunity to urge you all to focus on all round development and solicit your valuable inputs for better performance because at the end "it's performance that matters". We at the Managing Committee will always try to keep the flag flying high. I welcome you all for a rewarding and enriching academic and professional experience.

Regards,

CA. Sharad Agarwalla
Branch Chairman



OUR TORCH BEARERS FOR THE TERM 2020-21



CA. Atul Kumar Gupta
ICAI President

CA. Nihar Niranjan Jambusaria
ICAI Vice President



Articles

Some Important Advance Rulings under GST



CA. Manoj Nahata

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ISSUE	DECISION
1. Whether parking lot services provided by a contractor appointed by the Market Committee is exempt?	<p>Held: No.</p> <p><i>M/s Pushpa Rani Pabbi-AAR Punjab</i></p> <p>The Authority ruled that it has been consistently held that any statutory authority which works on business principals, the fees collected by it cannot be considered as statutory fee except where the fees collected is towards sovereign functions and deposited with Govt. In the instant case, the parking fees collected by the committee does not fall under the definition of sovereign functions. Hence, the parking lot services provided by a contractor appointed by the Market Committee is taxable under GST.</p>
2. What will be the nature of supply where a tender has been issued, for several works, in a consolidated manner but bid is filed with value of individual works and tender document categorically mentions individual works with specific remunerations for each work?	<p>Held: Individual supply (not a Composite supply)</p> <p><i>M/s Kalyan Toll Infrastructure Ltd.-AAR Madhya Pradesh</i></p> <p>The Authority stated that though the tender document is a consolidated contract, it specifically mentions each service along with respective remuneration awarded for each service. So, it will not be correct to treat the individual supplies to be naturally bundled.</p>



Articles

Some Important Advance Rulings under GST

Contd....

ISSUE	DECISION
	<p>Each such service is disjoint in character and cannot be termed as naturally bundled services provided in the ordinary course of business. It also stated that the issue of MPPGCL being a government entity have been dealt in detail in the Order passed by the same authority in the matter of <u><i>M/s. Shreeji Infrastructure India Pvt. Ltd.</i></u> In terms of the above order, it becomes clear that MPPGCL is a Government Entity for the purpose of the purpose of GST Act.</p> <p>In view of the above discussions, it is held that the contract awarded to the applicant by MPPGCL cannot be termed as composite supply and thus entire work entitled to the applicant will not be entitled to the concessional rate of 12% under GST.</p>
<p>3. Whether expenses incurred by a company in order to comply with the requirements of Corporate Social Responsibility (CSR) under the Companies Act, 2013 qualify as being incurred in the course of business and eligible for ITC in terms of section-16 of the CGST Act, 2017?</p>	<p>Held: Yes.</p> <p><i>M/s Dwarikesh Sugar Industries Limited -AAR Uttar Pradesh</i></p> <p>The Authority ruled that since that the applicant is mandatorily required to undertake CSR activities in order to run its business and accordingly, it becomes an essential part of business. Therefore, the said CSR activities are to be treated as incurred in the course of business and accordingly eligible to avail ITC under section-16 of the CGST Act.</p>



Articles

Some Important Advance Rulings under GST

Contd....

ISSUE	DECISION
<p>4. Whether recipient of security services registered as TDS deductor under GST is liable to pay tax under reverse charge?</p>	<p>Held: No if they are registered as TDS deductor only u/s 51</p> <p><i>Hemchand Yadav Vishwavidyalaya-AAR Chhattisgarh</i></p> <p>The Authority ruled that the applicant being only registered as a Tax deductor under section 51 of the CGST and CGGST Act holding GSTIN-22AAAJH0647Q1DD till 24-6-2019 and having no other GSTIN as supplier of goods or services, would not be liable for GST under reverse charge, in view of the exclusions as stipulated under proviso to Notification No. 29/2013-Central Tax (Rate), dated 31-12-2018. The liability to GST in such case would be with the service provider viz. the security agency under Forward charge. However, with effect from 25-6-2019, the applicant having been registered as a regular dealer and normal taxpayer, holding another GSTIN-22AAAJH0647Q1Z4, would be liable to GST under Reverse charge being the recipient of supply of Goods or Services or both under sub-section (3) or sub-section (4) of Section 9, or under sub-section (3) or sub-section (4) of Section 5 of the Integrated Goods and Services Tax Act. It is also noteworthy to mention here that the applicant is not engaged in providing services by way of pre-school education and education up to higher secondary school or equivalent.</p>

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Contd....

ISSUE	DECISION
<p>5. Whether the Deposit Work undertaken by an electricity distribution State Transmission Utility is an integral part of supply of services of transmission or distribution of electricity? If taxable, then whether ITC is available to the applicant in undertaking "Deposit Works" i.e. creating infrastructure for electricity transmission?</p>	<p>Held: Not an integral part of services supplied and not eligible to claim ITC</p> <p><i>M/S Uttar Pradesh Power Transmission Corporation Ltd.-AAR Uttar Pradesh</i></p> <p>The Authority ruled that it becomes clear that deposit work undertaken by the applicant are not an integral part of the supply of services of transmission or distribution of electricity and the applicant is not eligible to avail the exemption from levy of GST under Entry No. 25 of Notification 12/2017-Central Tax (Rate), dated 28-6-2017 bearing description "<u>Transmission or distribution of electricity by an electricity transmission or distribution utility</u>" with respect to the non-tariff charges recovered from their customers. Also, the applicant is not eligible to claim ITC as the immovable property created by the applicant does not falls under the category of "<u>plants and machinery</u>" under section-17(6) of the CGST Act, 2017. Hence, the applicant is not eligible to claim Input Tax Credit.</p>

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BRANCH ACTIVITIES



Live viewing of Union Budget and Panel Discussion on 1st February, 2020 with CA Sanjay Mody and CA Ratan Kumar Agarwal as speakers.



CPE Seminar on Union Budget on 08th February, 2020



Visit of CA Atul Kumar Gupta, Vice President, ICAI on 08th February, 2020



New Managing Committee of the Branch Formed for the year 2020-21.



The Branch attended the interaction program with Hon'ble Union Finance Minister, Hon'ble Chief Minister of Assam, Hon'ble Finance Minister of Assam at Administrative Staff College, Khanapara. The branch was represented by managing committee members and other members of the branch.



MANAGING COMMITTEE

MANAGING COMMITTEE OF GUWAHATI BRANCH OF EIRC OF ICAI FOR THE PERIOD 2020-2021



CA. Sharad Agarwalla
Chairman



CA. Kamal Mour
Vice Chairman



CA. Gaurab Garodia
Secretary



CA. (Dr.) Ayush Saraf
Treasurer



CA. Dhiraj Jain
Past Chairman



CA. Mantu Kumar Agarwalla
EICASA Guwahati
Chairman



CA. Saurabh Choudhary
CPE Committee Chairman



CA. (Dr.) Debashis Mitra
Central Council Member
ICAI



CA. Ravi Kumar Patwa
Regional Council Member
EIRC, ICAI

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