

NEWS LETTER

Vol. No. 4 | Issue No. 9 | November 2016

AHMEDABAD BRANCH OF WIRC OF ICAI



OFFICE BEARERS

CHAIRMAN

CA. Vikash Jain
93277 15892

VICE CHAIRMAN

CA. Chintan Patel
90999 21163

SECRETARY

CA. Nirav Choksi
98254 91291

TREASURER

CA. Harit Dhariwal
99789 42299

MEMBERS

CA. Bishan Shah
CA. Fenil Shah
CA. Ganesh Nadar
CA. Rajiv Ravani

EX. OFFICIO MEMBERS

CA. Dhinal Shah, CCM
98250 29950
CA. Purushottam Khandelwal, RCM
98250 20844
CA. Aniket Talati, RCM
98255 51448
CA. Priyam R. Shah, RCM
98240 96112

NEWSLETTER COMMITTEE

CHAIRMAN : CA. Fenil Shah
CO-CHAIRMAN : CA. Hersh Jani
CONVENER : CA. Harshid Patel

MEMBERS

CA. Nimesh R. Hariya
CA. Antim Parikh
CA. Rohan Thakkar
CA. Jitendra Teelani
CA. Manisha Shah
CA. Maulik J. Vora



CHAIRMAN'S MESSAGE CA. VIKASH JAIN

Dear Professional colleagues,

This has been a fantastic journey since I have taken over as the Branch Chairman along with the New Managing committee. After the Diwali vacations before the members hardly resumed their offices there was a big change in the Economic and Financial scenario of India. The bold step taken by the Government of India, led by Hon'ble Prime Minister of India, Shri Narendrabhai Modi in the form of Demonetization has caused lot of change in the mind set of the country as a whole. This is bringing lot of intangible changes along with the other changes. I am sure this will help our country to become a true Economic super power in the times to come.

Demonetisation was announced on 8th November, 2016 and on 9th November, 2016 we organized a seminar on the subject with the best speakers including Hon'ble Past President of ICAI CA Sunilbhai Talati, Adv & CA Saurabhbhai



Soparkar and Central Council Member CA Dhinalbhai Shah. The program was attended by Twelve Hundred Chartered Accountants. The program was very much appreciated by the members at large. This program was also web casted for the benefit of the maximum members and students.

This month was also a milestone for our Ahmedabad branch when we launched the GST Workshops. Back to Back four batches of GST workshops were launched on the same day. The workshops are planned with the idea of reading line by line and clause by clause of the entire modern law on GST. The design and concept of the workshop was liked and adopted by many other branches of ICAI. This pioneer concept of Ahmedabad branch is appreciated across the country.

We also organized two workshops on personality Development including “How to create the Brand You” for our members and one workshop exclusively for lady members. One more program on HUF from formation to tax planning, Constitution of India and Dos and Don'ts in Assessment proceedings was also organised by the Branch.

A new opportunity in the form of Insolvency and Bankruptcy code is knocking the door. Chairman of the Insolvency Board Mr. M.S. Sahoo was present in the seminar conducted on this new subject.

Joint program with WIRC – “Western Region Law Summit” was organized for the first ever time in Ahmedabad in Hotel Crowne Plaza. The Hon'ble President of ICAI CA M. Devaraja Reddy ji also graced the occasion. This program received good participation from all over western region. Variety of subjects were selected for this two days seminar like NCLT, RERA, IPR, FEMA, GST etc.

One unique program of Train the Trainer was also hosted in Ahmedabad which was focused on grooming and developing faculties in the field of GST. The faculties themselves were imparted training on GST and other aspects of lecture deliveries.



Not only in the Professional domain but Ahmedabad branch equally consider the other aspects of the human life including fellowship and networking. We organised second Night Cricket Tournament in the year and this was also a huge success. Our members were requesting for the third tournament as the saying goes "Dil maange more".

We also organised a Health check up camp for our members in association with the renowned Doctors from the city.

Post Diwali we organised a Get Together for our members at Rajvadu Restaurant. This program help the members good fellowship and bonding.

In our constant endeavor to arrange more and more Post qualification programs for our members, this month we were able to launch new batches of Post Qualification courses on ISA & Concurrent Audits. Two new batches of FAFD & International Taxation will be launched in the month of December. We plan for couple of other courses in the month of January, 2017.

We have also planned for a never before New Year DJ Party on 30th December at Fire & Flames, Alpha mall, Vastrapur namely Dine and Dance.

For our students we organised two rounds of CPT Mock tests. The participation was very good and will help our students to improve their scores. We also organised Revisionary Lecture series for our students, Educational visit to CEPT and English Speaking workshop for our students in WICASA.

For making our course more popular in the students we organised various career counseling programs which included one in Anand Niketan school, Satellite.

Before I sign off I would share one Beautiful quote "If you think positively sound become music, movement becomes dance, smile becomes laughter, mind becomes meditation and life becomes a celebration"

With Warm Regards

CA Vikash Jain

Chairman

Ahmedabad Branch of WIRC of ICAI



Editorial

CA. Fenil Shah

Dear Professional Colleagues,

After receiving a very positive response to the Newsletter of September 2016, it gives me immense pleasure to publish the **Newsletter of November 2016 on the Theme "Demonetisation"**.

Hereby I take this opportunity to thank the contributors of updates till now and sparing time for the Profession. Let me also admit that in order to make this newsletter more resourceful, your support by way of contributing Updates, useful tips, etc. is required. We request you to send your contributions on the topics of Direct & Indirect Tax, Corporate Law, VAT, Information Technology, Economics and other interesting topics. **Kindly mail your contributions, achievements, etc. on ahmedabad@icai.org** The Editorial Team will publish the best contribution at its own discretion. I extend thanks to the Editorial Team for their hard work to publish this Newsletter.

With regards,

CA. Fenil Shah,

Chairman of Newsletter Editorial Board.



Service Tax Updates

(Contributed by CA. Rahul Maliwal)

Circular NO 202/12/2016- Service Tax dated 9th November, 2016

Withdrawal of exemption from service tax on cross border B2C OIDAR services provided online/electronically from a non-taxable territory to consumers in taxable territory in India-reg.

- ➔ Before 1st December 2016 services received in taxable territory in India from outside the taxable territory by Government, a local authority, a governmental authority or an individual in relation to any purpose other than commerce, industry or any other business or profession were exempted [cross border B2C (business to consumer) services provided in taxable territory].
- ➔ On the other hand, services received by other persons in taxable territory from non-taxable territory [cross border B2B (business to business) services] are taxable under reverse charge i.e. service recipient in taxable territory pays tax.
- ➔ But as notification No. 46/2016-ST, 47/2016-ST, 48/2016-ST and 49/2016-ST all dated 9th November, 2016 with effect from 1st December 2016, whereby service tax would be chargeable on online information and database access or retrieval [OIDAR] services provided by any person located in non-taxable territory and received by Government, local authority, governmental authority, or an individual in relation to any purpose other than commerce, industry or any other business or profession [cross border B2C (business to consumer) OIDAR services provided in taxable territory]. Online information and database access or retrieval [OIDAR] services have been re-defined in Service Tax Rules, 1994 to include electronic services.



- Circular No 202/12/ 2016 is issued to clarify this aspect, the key notes are as under:-

Service recipient in taxable territory receiving cross border B2C services.	Service	Taxable/ Exempted	Taxing Mechanism	Person liable to pay tax
Government, a local authority, a governmental authority or an individual in relation to any purpose other than commerce, industry or any other business or profession	OIDAR	Taxable [w.e.f. 01.12.2016]	Forward charge	Service provider in non-taxable territory
Government, a local authority, a governmental authority or an individual in relation to any purpose other than commerce, industry or any other business or profession	Other than OIDAR	Exempted	Exempted	Exempted
Other than Government, a local authority, a governmental authority or an individual in relation to any purpose other than commerce, industry or any other business or profession	All including OIDAR	Taxable	Reverse Charge	Service recipient in taxable territory

- Will the cross border B2B OIDAR services provided in taxable territory in India to a business entity be taxed under forward charge or reverse charge?
- Cross border OIDAR services provided in taxable territory in India to a business entity will be taxed under reverse charge i.e. the business entity receiving the services will pay tax under reverse charge.



Company Law Update

(Contributed by CA. Chintan Patel)

- **Publication/uploading of notice of hearing of amalgamation/arrangement etc on the website of ministry.**

Issue date: 21st November, 2016

Hon'ble Company judge in the high court of Delhi has directed that:

- ➔ Notice of hearing of amalgamation should be uploaded on the website of the MCA and
- ➔ Petitioner will supply the copy of advertisement on the website of MCA.

http://www.mca.gov.in/Ministry/pdf/Notice_24112016.pdf

- **Expert group to look into the issues of Audit firm : Date Extended**

Issue date: 2nd December, 2016

Date extended till 15/01/2017 to look after the issues stated in circular dated 30th September, 2016.

Issues are as stated below:

- ➔ Whether there is an adverse impact on Indian audit firms from restrictive shareholder covenants?
- ➔ Whether there is an adverse impact on Indian audit firms through the manner in which audit rotation is being implemented by companies?
- ➔ Whether joint audit could be introduced in cases where there are restrictive covenants and/or in other specified cases where there is a multi-national audit firms the auditor?
- ➔ If joint audit is to be implemented, then the legal and regulatory steps towards the same.
- ➔ Practices in other large emerging market economies in relation to domestic audit firms/joint audit.
- ➔ India, as a global power in services, should aspire to have its own audit



firms at international level. What measures can be taken to promote creation of international-level Indian audit firms which provide services outside India, particularly in developing countries, in competition with multi-national accounting firms.

http://www.mca.gov.in/Ministry/pdf/notice_05122016.pdf

● **Filing of offline challans with IEPF (Investor education and protection fund)**

Issue date : 5th December, 2016

- ➔ All the companies transferring the amount to IEPF account should follow the procedure of: (circular dated 05-09-2016)
 - Generate challan online only;
 - File form IEPF-1 mentioning the SRN. No of challan.

- ➔ If above procedure is not followed i.e. challans not generated on MCA 21 portal will not be accepted after 15-12-2016.

http://www.mca.gov.in/Ministry/pdf/GCircular_06122016.pdf

● **Transfer of Pending Proceedings**

Issue date: 7th December, 2016

- ➔ ***Transfer of pending proceedings relating to cases other than Winding up.***—All proceedings under the Act, including proceedings relating to arbitration, compromise, arrangements and reconstruction, other than proceedings relating to winding up on the date of coming into force of these rules shall stand transferred to the Benches of the Tribunal exercising respective territorial jurisdiction: Provided that all those proceedings which are reserved for orders for allowing or otherwise of such proceedings shall not be transferred.
- ➔ ***Pending proceeding relating to Voluntary Winding up:*** All applications and petitions relating to voluntary winding up of companies pending before a High



Court on the date of commencement of this rule, shall continue with and dealt with by the High Court in accordance with provisions of the Act.

→ ***Transfer of pending proceedings of Winding up on the ground of inability to pay debts.—***

(1) All petitions relating to winding up under clause (e) of section 433 of the Act on the ground of inability to pay its debts pending before a High Court, and where the petition has not been served on the respondent as required under rule 26 of the Companies (Court) Rules, 1959 shall be transferred to the Bench of the Tribunal established under sub-section (4) of section 419 of the Act, exercising territorial jurisdiction and such petitions shall be treated as applications under sections 7, 8 or 9 of the Code, as the case may be, and dealt with in accordance with Part II of the Code:

Provided that the petitioner shall submit all information, other than information forming part of the records transferred in accordance with Rule 7, required for admission of the petition under sections 7, 8 or 9 of the Code, as the case may be, including details of the proposed insolvency professional to the Tribunal within sixty days from date of this notification, failing which the petition shall abate.

(2) All cases where opinion has been forwarded by Board for Industrial and Financial Reconstruction, for winding up of a company to a High Court and where no appeal is pending, the proceedings for winding up initiated under the Act, pursuant to section 20 of the Sick Industrial Companies (Special Provisions) Act, 1985 shall continue to be dealt with by such High Court in accordance with the provisions of the Act.

→ ***Transfer of pending proceedings of Winding up matters on the grounds other than inability to pay debts. –*** All petitions filed under clauses (a) and (f) of section 433 of the Companies Act, 1956 pending before a High Court and where the



petition has not been served on the respondent as required under rule 26 of the Companies (Court) Rules, 1959 shall be transferred to the Bench of the Tribunal exercising territorial jurisdiction and such petitions shall be treated as petitions under the provisions of the Companies Act, 2013 (18 of 2013).

➔ **Transfer of Records.**—Pursuant to the transfer of cases as per these rules the relevant records shall also be transferred by the respective High Courts to the National Company Law Tribunal Benches having jurisdiction forthwith over the cases so transferred.

➔ **Fees not to be paid.**—Notwithstanding anything contained in the National Company Law Tribunal Rules, 2016, no fee shall be payable in respect of any proceedings transferred to the Tribunal in accordance with these rules.

http://www.mca.gov.in/Ministry/pdf/CompaniesTransferofPending_08122016.pdf

● Relaxation of additional fees and extension of last date of in filing

Issue date: 7th December, 2016

Keeping in view the request received from various stakeholders stating that curfews/strikes and disturbances from past more than four months in the state of Jammu and Kashmir. It has been decided to relax the additional fees payable by the companies' having registered offices in the State of Jammu and Kashmir on e-forms AOC-4, AOC (CFS), AOC-4 XBRL and e- Form lvcT-7 up to 31.12.2016, wherever additional fees is applicable.

http://www.mca.gov.in/Ministry/pdf/General_Circular_14-2016_07122016.pdf

● Following provisions of Companies Act 2013 shall be applicable from 15-12-2016

Issue date: 7th December, 2016

1. Clause (23) of section 2
2. Clause (c) and (d) of sub-section (7) of section 7



3. Sub-section (9) of section 8
4. Section 48
5. Section 66
6. Sub-section (2) of section 224
7. Section 226
8. Section 230 [except sub-section (11) and (12)], and Sections 231 to 233
9. Sections 235 to 240
10. Sections 270 to 288
11. Sections 290 to 303
12. Section 324
13. Sections 326 to 365
14. Proviso to section 370
15. Sections 372 to 373
16. Sections 375 to 378
17. Sub-section (2) of section 391
18. Clause (c) of sub-section (1) of section 434

VAT Updates (Contributed by CA Monish S Shah)

Amendments Circular & Notification

- (GHN-69) VAT 2016 S. (11)(6) (6)TH DATED 10/11/2016 the government adds serial no 4 to the schedule saying that any Pan Masala Aerated Carbonated Beverages Mobile Phone and Goods to which total rate applies @ 20% excluding cigarette made from tobacco is sold/resold in the course of interstate or commerce then the input credit to the extent to which the amount of tax exceeds two percent on the taxable turnover of purchases within the state for which tax credit is admissible such amount of input tax credit shall be reduced. It further states in entry 5 that if the goods are consigned or dispatched for branch transfer then whole of tax wouldn't be available as tax credit.



- The deadline for filling form 203A has been raised from 30 days to 45 days vide circular Guj Vat -15/16-17/Javak 189/164 dated 25/11/2016
- The deadline to file September month return in case of monthly and quarterly dealers has been extended to 14th December 2016 is that by one month vide circular no Guj Vat -15/16-17/Javak 188/163 dated 21/11/2016
- The govt looking at the demonetization of money had decided to accept manual chalan in old notes for all taxes due even above Rs. 50000/-. To support the same VAT Department has extended the time line for accepting such manual chalan for VAT & CST till 15th December 2016. Such payments made would have to get receipt from VATIS Department. This was passed vide Guj Vat -15/16-17/Javak 190/165 dated 26/11/2016
- (GHN-70) VAT 2016 S. (11)(6) (7)TH DATED 28/11/2016 the government adds serial no 6 Natural Gas to the schedule saying that whole of input tax credit will be reduced when sold/resold in the course of interstate trade or commerce or consigned or dispatched for BT or agent outside the state.

PANEL DISCUSSION ON GREAT CASH CLEAN UP FROM INDIA - 09/11/2016



**CA. Vikash Jain-Chairman presenting Flowers to
Adv. Saurabh Soparkar (Speaker)**



**CA. Sunil Talati (Speaker)
Past Chairman (ICAI AHMEDABAD)**



SEMINAR ON HOW TO CREATE THE BRAND YOU - 11th & 12/11/2016



Seen L to R CA. Hersh Jani, Ms. Suchika Agrawal (Faculty)
& CA. Harit Dhariwal-Treasurer

SEMINAR ON DOS AND DON'TS IN ASSESSMENT PROCEEDINGS - 12/11/2016



Seen L to R CA. Neerav Agrawal, CA. Vikash Jain-Chairman, CA. Bharat Popat,
CA. Purushottam Khandelwal-RCM & CA. CA. Hersh Jani

Dental & Eye Camp for Members & Family Members - 13/12/2016



Dr. Juhi Shah
(Faculty)



Dr. Parimal Desai
(Faculty)



NIGHT CRICKET CARNIVAL - 2016 FROM 15/11/2016 to 20/11/2016



**Winning Team
(NIGHT CRICKET CARNIVAL - 2016)**



**CA. Vikash Jain-Chairman
presenting Medals**

SEMINAR – INSOLVENCY AND BANKRUPTCY - 17/11/2016



**Seen L to R Shri Piyush Mishra, CA. Vikash Jain-Chairman,
Dr. M. S. Sahoo, CA. Dhinal Shah, Shri Pulkit Gupta &
CA. Purushottam Khandelwal-RCM**

TWO DAY TRAIN THE TRAINER PROGRAMME ON GST - 19/11/2016



**Seen L to R CA. Bishan Shah,
Mr. Mihir Mehta & CA. Punit Prajapati**



**CA. V Raghuraman,
(Faculty)**



AHMEDABAD BRANCH OF WIRC OF ICAI DIWALI GET TOGETHER -19/12/2016



Information Systems Audit Practical Training (PT) - 19/11/2016



WESTERN REGION LAW SUMMIT 2016 - 26 & 27/11/2016

