AHMEDABAD BRANCH OF WICASA

# E-NEWSLETTER FOR THE MONTH OF



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WICASA AHMEDABAD OFFICIAL

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### MESSAGE FROM CHAIRMAN, AHMEDABAD BRANCH OF WIRC OF ICAI

### Dear Students,

"Always believe something amazing and wonderful is about to happen."

Greetings. So we are entering in the last month of Calendar Year 2020, December. In the mid of increasing cases of COVID 19, still Branch is serving all the students and happy to share that Ahmedabad Branch successfully co-ordinate



and manage the Examination of CA November 2020. I extend my deepest gratitude to Shri Vijaybhai Rupani, Chief Minister of Gujarat; Shri Nitin Patel, Deputy Chief Minister of Gujarat; Shri Pradipsinh Jadeja, Home Minister of Gujarat; Shri Bhupendrasinh Chudasama, Education Minister of Gujarat; Dr. Rajiv Kumar Gupta, IAS, Gujarat; Shri Sanjay Shrivastav, Ahmedabad Police Commissioner; Shri Mukesh Patel, Deputy Chief Commissioner of Ahmedabad Police, CA. Aniket Sunil Talati, CCM, ICAI & CA. Jainik Vakil Past Chairman of Ahmedabad Branch for extending all support & cooperation for smooth conduct of examination even during curfew situation in Ahmedabad.

In my vision to serve the Members and Students, I am arranging various Webinars and we are getting the overwhelming response to it. We also had a 7 Sessions Series on **HOW TO DO RESEARCH**, Sessions on Health named "**CHARTERED HEALTH ORBIT**", **Dil wali Diwali** celebrations which was a blend of creativity & spirituality. Heartiest congratulations to all the winners. We had a part of Charity we distributed Stationary kit to needy children as a part of our support to Sarva Siksha Abhiyan and also distributed sweets & clothes during celebration days of Deepawali. Colleagues we have launched various initiatives at WICASA Ahmedabad for the benefit of the students namely the Series of **PARAMARSH** – overall development of Students, Revision Lectures & also Mock Test.

**OPPORTUNITY to contribute ARTICLE**: We invite the Articles on The Industrial Relations Code, 2020 on/before 10.12.2020; Analysis of Corporate Social Responsibility Provisions as per Companies Act, 2013 on/before 13.12.2020 & Detailed Analysis of Companies (Amendment) Act, 2020 on/before 15.12.2020. The paper or Article is to be mailed to Mail to ahemdabad@icai.org on/before the respective deadline. Selection, The Best 3 Articles will be selected by the Panel of Jury Members and that Articles will be circulated to all the Members & Students of Ahmedabad Branch as a Knowledge Flash and will be awarded a Certificate of Appreciation.

**Waiver of Condonation/Late fee**: I further wish to inform that considering the hardship faced by the students, article assistants, members and firms due to COVID-19 pandemic, ICAI has further extended the waiving-off of the condonation fee for late filing of various application forms relating to students, articled assistants, members and firms till December 31, 2020.

Ahmedabad Branch has also initiated the **Plasma Donation Drive** which is also helping various members to get the Plasma when they or their family members are in need. Register as *Donor and /* 

*or Volunteer*: http://tiny.cc/ICAIPlasmaDetails and the Background Material for ICAI Plasma Donation Drive: http://tiny.cc/ICAIPlasmaInformation.

**VIRTUAL AHMEDABAD BRANCH GST HELPDESK**: Any person can lodge the grievance and it will be redressed by an GST HELP DESK COMMITTEE consisting of experts. In case of any grievance you can Submit your details on this LINK https://forms.gle/3m3eyqiSvMG6iXiz7.

During this times Ahmedabad Branch is also to come up with more Webinars & other Initiatives to ensure that Students remain in-tune with the updates and can make the best of this time to sharpen their knowledge and skills base. Till then I request all students to remain at home.

Stay Home. Stay Safe. Stay Updated. Stay Happy.

Thanks & Regards, CA. Fenil Shah Chairman, Ahmedabad Branch of WIRC of ICAI

### MESSAGE FROM CHAIRPERSON, AHMEDABAD BRANCH OF WICASA OF ICAI

### Dear Students,

#### Greetings of the Day!!

The last month of the year 2020 –December, but Unfortunately, the second wave of Covid-19 has started across the world and situation of Ahmedabad is very worry some. But the good part to note for the students is ICAI is successful in conducting the exams in our city despite curfew and grim situation. The arrangements done by ICAI is more than



expected with all safety measures and till date, it's the best exam in the country. We Appreciate the outstanding efforts of our torch bearers and the whole team. WICASA Ahmedabad also appreciates the good attendance of students in exam and the overwhelming attendance in MOCK Test conducted before exams.

#### "When you possess light within, you see it externally-Anas Nin"

WICASA newsletter is adding new features every month and I would like to congratulate all the contributors of the newsletter to give their best and A big congratulations to all the Winners of various events and every participant to make the event possible and successful.

WICASA Ahmedabad gives platform to each and every student to explore themselves on every front of their Life-Co-curricular and extra-curricular activities along with CSR activities which in fact leads to the overall development of the student. We are also grateful to all of the students who made contribution for the society during Diwali by spreading smiles, happiness and positivity to their lives.

We have also announced forthcoming programs in the Newsletter-Rankers talk, Elocution competition and one-day seminar. So stay connected with us and lets all together face these difficult situations by being in touch with each other.

Wishing all Happy New year 2021!

"Be HAPPY with what you have, while WORKING for what you want"

STAY SAFE, HAPPY N BLESSED!!!

Thanking you, Dr. CA. Anjali Choksi Chairperson, Ahmedabad Branch of WICASA of ICAI

### MESSAGE FROM VICE-CHAIRMAN, WICASA AHMEDABAD

### Hello Companions!

What a beautiful month it was! November! We Celebrated the festival of lights will all love in our hearts along with same, some of our friends also Celebrated a festival called Exams.

Hats off to my friends who gave this attempt courageously and also my wishes to them who were not able to appear for this attempt and instead will appear in Upcoming exams.



But, apart from all these we all are going through rough times where it has been very necessary to cope up with ourselves!

The Stress to complete day to day Targets have affected our lives so much that we have forgotten to realize the reason of our being.

Being a Student of a Professional Degree we can't afford to keep aside our Goals. To be self aware and self enhancing this month let's be active in our lives again. WICASA Ahmedabad is always Happy to be part of your lives and embrace it.

I invite you to come up and know your association and know the real power of unity and well-being.

Develop you inner self along with your CVs. Excel in your Life along with every interview.

Keep Smiling ! Keep Growing !

Regards, Jayprakash Motwani Vice-Chairman, Ahmedabad Branch of WICASA of ICAI

## MESSAGE FROM CHIEF EDITOR, WICASA AHMEDABAD

### Dear Readers,

### Greetings!

One more year is about to conclude and the year of 2020 have been challenging for everyone. During the year we had physical lockdown but that doesn't mean to mental lockdown. Many ups & downs came but as a student we never stopped learning and always contributed something in many ways. I would like to congratulate all the contributors of the newsletter who have given their best, also congratulations to the winners and kudos to all the participants for making every event of WICASA Ahmedabad possible.



It would be also appreciated if every student take active participation in academic as well as in cocurricular activities. Last month we continued our *Paramarsh series* and came up with *Diwali event* which enhanced everyone's creativity, knowledge and also made contribution for the society by spreading smiles, happiness and positive vibes on faces.

As always **something exciting to explore is on the way**, so stay tuned with WICASA Ahmedabad for upcoming events which will surely make addition in your growth & development. If you want your article to be in the Newsletter, students can mail us on our official mail id.

Let's share knowledge by learning a simple formula; Knowledge Shared = Knowledge<sup>2</sup>

"Gaining knowledge, is the first step to wisdom. Spreading it, is the first step to humanity."

Wishing You Happy Learning and Merry Christmas!

Thanks & Regards, Divya Jain, Chief Editor, Ahmedabad Branch of WICASA of ICAI

### **OFFICE BEARERS OF** AHMEDABAD WICASA 2020-21



CA. Fenil Shah Chairman Ahmedabad Branch of WIRC of ICAI



CA. Anjali Choksi Chairperson Ahmedabad Branch of WICASA of ICAI



Mr. Jayprakash Motwani **Vice Chairman** Ahmedabad Branch of WICASA



Ms. Khushi Chakravorty Secretary



Mr. Akshat Shah Treasurer Ahmedabad Branch of WICASA Ahmedabad Branch of WICASA



Ms. Divya Jain **Managing Committee Member** Ahmedabad Branch of WICASA



Ms. Radhika Dhanuka **Managing Committee Member** Ahmedabad Branch of WICASA



Mr. Vraj Choksi Managing Committee Member Ahmedabad Branch of WICASA

## **EDITORIAL BOARD**



Ms. Divya Jain Chief Editor Ahmedabad Branch of WICASA



Mr. Maulik Kesariya Co-Editor Ahmedabad Branch of WICASA

## SPECIAL THANKS



CA. Jignesh Parikh

### **IMPORTANT ANNOUNCEMENT FOR NEWSLETTER**

#### **Best Article of Month**

- Every month from the articles published in newsletter, one article shall be announced as Best Article of the Month.
- The photo and details of candidate whose article has been awarded as best article of the month shall be published in next month newsletter.
- During the year all the Best articles of month will be deemed nominated for Best Article of the Year.

#### **Best Article of the Year**

- Three articles amongst nominated articles shall be declared as Best Articles of the year at the end of year.
- The photo and details of candidate whose article has been awarded as best article of the year shall be published in newsletter of August 2021.

### **RULES & FORMAT FOR ARTICLE**

- Candidates shall submit their Articles on official mail id i.e. wicasaahmedabad@icai.org.
- Last Date of Submission of articles: 20<sup>th</sup> of the month.
- Subject of Mail shall be "Article for the Newsletter".
- Every candidate is required to mention Name, Registration No., Stage of CA curriculum pursuing, Name of the Firm (if pursuing articleship) and topic of Article in the body of mail.
- Every candidate is required to attach PDF **and** WORD File of the Article.
- Candidates are advised to use Font: **Calibri** because newsletter shall contain the same font and font size should remain **12**.
- Formatting of the article may change in order to bring the uniformity in newsletter.
- Best Article of the Month and Best Article of the Year will be announced as and when required.
- Format of the Article should be like as below:
  - 1. Title: The name of the subject of the article, or the topic of the Article. It must be short.
  - 2. Introduction: Present the background of your study, introduce your topic and aim, and give an overview of the Article.
  - 3. Definitions: Difficult terms needs to be defined for better understanding of the topic (suggested).
  - 4. Purpose: What you exactly want to convey through the Article should be mentioned as purpose.
  - 5. Main Body: This comprises of the main content of the topic that means more details about the topic.
  - 6. Analysis: Try to demonstrate your critical thinking ability and throw light on important points. Mention your key take away or findings.
  - 7. Conclusion: Give the essence of every paragraph in short and discuss them to the point.
  - 8. Reference: If the information is taken from somewhere then source of the same needs to be mention in the Article.
  - 9. Student Details: Students are required to send their Name, Registration No., Stage of CA Curriculum pursuing, Name of the Firm (if pursuing Articleship) and a Student's Photo.
- Students can send their creative writing for mind wizard section as well. We will include the best one in the Newsletter.

### **INVERTED TAX STRUCTURE**

#### **INTRODUCTION:**

Tax Structure arises when the rate of tax paid on Inputs (Purchases) is more than the rate of tax collected on Outputs (Sales).

This leads to the blockage of funds/working capital of the Supplier of goods/services. Eg.- if Mr. A, a supplier/manufacturer of goods which requires Inputs that are taxed at 12% and the rate of tax on the finished products is 5%, in this case the supplier will have to pay taxes at a higher rate and will collect tax from purchaser at lower rates due to which his funds will be blocked.

Excess ITC will be shown in the Electronic Credit Ledger of the Supplier.

To avoid this inconvenience caused to the Supplier, the Government has allowed the supplier to claim refund of this excess credit, directly into the Bank Account registered with GST Portal.

### Formula: {(T/o of Inverted Rated Supplies) \* Net ITC ÷ Adjusted total T/o} - Tax Paid on such Inverted Rated Supplies

Here:

- Net ITC= ITC availed on inputs during the relevant period except the ones for which refunds is claimed under (4A) and/or (4B)

- Adjusted Total T/o= T/o of Goods in a state/UT, excluding:

i) the T/o of any supplies for which refund is claimed under rule (4A) and/or 4(B)

### **Declarations:**

-Declaration under second and third proviso to section 54(3)

-Declaration under section 54(3)(ii)

- Undertaking in relation to sections 16(2)(c) and section 42(2)
- Statement 1 under rule 89(5)
- Statement 1A under rule 89(2)(h)

- Self-declaration under rule 89(2)(I) if amount claimed does not exceed two lakh rupees, certification under rule 89(2)(m)

Supporting Documents to be Additionally Uploaded

- Copy of GSTR-2A, GSTR-3B and GSTR-1 of the relevant period
- Statement of Invoices (Annexure-B)
- All the Declarations mentioned above

- Reconciliation Statement, if any

### How to check whether Refund under Inverted Tax Structure arises or not?

To check the above, we will need to break the formula into two parts:

#### Part A:

Inverted Tax Turnover/Total Turnover \* Total Eligible ITC.

This will give us the amount of Total ITC in proportion for Inverted Sales Turnover.

### Part B:

Total Tax paid on the Turnover that is due to the Inverted Tax Structure.

### **Results:**

Thus combining the results of both part A and B, we get the Total amt. of eligible Refund Refund = Total ITC on Purchases in proportion for Inverted Sales T/O -

Total Tax paid on the Inverted Supplies

Refund under Inverted Tax Supplies will not arise, in case where the proportionate ITC for Inverted Sales (Part A) is less than Total Tax paid on Inverted Supplies (Part B)

### i.e., A > B = Refund arises

### A < B = No Refund arises

In the Latter case, Refund does not arise because we have already adjusted/exhausted the ITC on purchase against our Output Tax Liability.

### **Required Statements:**

### Calculation/Reconciliation Sheet:

To ease the process of Refund, an additional Calculation sheet should be attached, containing data regarding Sales, Purchases and I/C/SGST according to Books, data entered in GSTR-1 And GSTR-3B. If there is any difference between data as per Books and the returns, the reasons for the same should be mentioned.

Common reasons for differences between GSTR-1, 3B and Books:

- Credit Notes may not have been given effect in either the returns or books

- Effect of Reverse charge mechanism may not have been given: RCM paid on services shall be deducted from GSTR-3B, as refund under Inverted Tax Supplies is allowed only for Input Goods and RCM is generally paid on Purchase of Services and this RCM is shown in eligible ITC in column 4 of GSTR-3B, hence it needs to be substracted.

### Annexure-B:

In Annexure-B, details of the total purchases have to be mentioned. The need behind Annexure-B, arises as it gives us the details regarding all the GST purchases made. It gives us the total amount of ITC. Although, refund under the Inverted Tax Supplies is allowed only for purchase of Input Goods, therefore a separate column for bifurcation of Input Goods, Input Services and Capital Goods is given, so that only Purchase regarding Input Goods is considered to claim Refund.

Earlier invoices which were not mentioned in the GSTR-2A of the party, were also allowed to be included, only if their physical invoices were attached. But with the inclusion of sub-rule (4) to rule 36 of the CGST Rules, 2017 vide notification No. 49/2019-GST dated 09.10.2019, it has been decided that the refund of accumulated ITC shall be restricted to the ITC as per those invoices, the details of which are uploaded by the supplier in FORM GSTR-1 and are reflected in the FORM GSTR-2A of the applicant. Accordingly, para 36 of the circular No. 125/44/2019-GST, dated 18.11.2019 stands modified to that extent.

Further, seeing to the need for arising for proper distinction of ITC on capital goods and/or input services out of total ITC, it has been recommended that a column relating to HSN/SAC Code should be added in the statement of invoices relating to inward supply as provided in Annexure–B of the circular No. 125/44/2019- GST dated 18.11.2019 so as to easily identify between the supplies of goods and services.

Hence it has been decided vide Circular No.135/05/2020 – GST, to modify Annexure-B of the circular No. 125/44/2019-GST, dated 18.11.2019.

#### RFD-01:

Also offline utility for Statement RFD-01 should be downloaded from the GST Portal and should be filled accordingly and once validated shall be converted to json file. The format in which data needs to be filled has to be paid special attention to, especially. Turnover of Inverted Rated Supplies should only be mentioned in this statement, and Purchases should be mentioned from GSTR-2A.

Also for mentioning Credit notes in this statement, select Credit Note, hence the amount will automatically be subtracted from the respective columns.

#### Other points: Additions from Circular No.135/05/2020 - GST

It has been brought to the notice of the Board that some of the applicants are seeking refund of unutilized ITC on account of inverted duty structure where the inversion is due to change in the GST rate on the same goods. This can be explained through an illustration. An applicant trading in goods has purchased, say goods "X" attracting 18% GST. However, subsequently, the rate of GST on "X" has been reduced to, say 12%. It is being claimed that accumulation of ITC in such a case is also covered as accumulation on account of inverted duty structure and such applicants have sought refund of accumulated ITC under clause (ii) of sub-section (3) of section 54 of the CGST Act.

It may be noted that refund of accumulated ITC in terms clause (ii) of sub-section (3) of section 54 of the CGST Act is available where the credit has accumulated on account of rate of tax on inputs being higher than the rate of tax on output supplies. It is noteworthy that, the input and output being the same in such cases, though attracting different tax rates at different points in time, do not get covered under the provisions of clause (ii) of sub-section (3) of section 54 of the CGST Act. It is hereby clarified that refund of accumulated ITC under clause (ii) of sub-section (3) of section 54 of the CGST Act would not be applicable in cases where the input and the output supplies are the same.

Name: Nandini Rai Registration No.: WRO0566588 Articleship: Krushang and Associates CA FINAL STUDENT



## **ZIPPY ZONE - RIDDLES**

### **Rules for Riddles**

- Solution of the Riddles shall be submitted by 10<sup>th</sup> of the month.
- Only one mail from candidate shall be allowed. Repetitive mails from single candidate will amount to disqualification.
- Solution shall be sent on Official Mail ID wicasaahmedabad@icai.org.
- Subject line of such mail shall be "Solution of Riddle".
- Solution shall be either hand written in paper and then photo of such solution shall be shared through e-mail or it can be solved on digital devices like Laptop, Mobile phones and like devices then screenshot of such solution shall be shared on mail.
- Image or screenshot as may be applicable shall be clear and visible.
- Along with image or screenshot candidate is required to mention Full Name, Registration No., and Stage of CA curriculum in the mail.
- Candidates are also required to mention all the answers to the riddles in the body of mail.
- Winner shall be selected on basis of first come first basis whose solution is correct.
- Winner shall be announced in next month newsletter.
- Winner shall be given Certificate / Medal / Memento as may be decided.



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## SOLUTION OF PREVIOUS MONTH RIDDLES



### **PASSION- FIRE IN YOUR BACK**



Many a times we might have came across with the word "Passion", but what exactly passion is? It's the desire to achieve something. It's the starting point of all the achievements we want. Often we feel that we are missing some spark in our life and yes my friends it the passion, the desire that we are missing.

Edwin C Barnes had the burning desire to become a business associate with the greatest inventor Thomas A Edison. He made his way through railroad tracks; he climbed down the freight train to reach Edison's office in Orange, New Jersey. Despite being poorly dressed and looking more like an outcast than a man of achievement, the Midwesterner walked into the Edison's laboratory full of confidence. There, he told the gamed inventor that he had come to form a partnership with him. Nearby members of Edison's staff were amused and started laughing at him but Edison didn't, he saw the passion in his eye to work with him so, he gave him the most minimal work, as a floor sweeper! Barnes accepted the offer without hesitation.

Months passed by, and, to unobserved, nothing special seemed to be happening. In the mind Barnes, however, something very big was blossoming- he was learning what made Edison trick, and he was setting the stage to attract the opportunities his way.

Five years passed before the chance he had been seeking made appearance. Edison had invented a dictating machine, a recorder which could capture and playback the human voice. However, when members of Edison's sales force looked over his new invention most of them doubted that it would be a commercial success, and they expressed little interest in trying to sell.

Barnes realizing an opportunity of lifetime had landed at his feet, he wasted no time working out a marketing plan for selling Edison's dictating machine. He took his plan straight to the inventor and sold him on his desire to market and distribute his recording device across America. Edison was so impressed with Barnes proposal he gave him exclusive rights to sell and distribute his new device in Chicago and other territories.

Within months of securing an agreement with Edison, Barnes had sold thousand of "talking" devices. Sales, in fact, had grown so rapidly, he established his own firm, Edwin C. Barnes & Brothers. It was his burning desire which took him this far, his burning desire to become a business associate with the great inventor. When he went to Orange, he didn't say to himself, "I will try to induce Edison to give me a job of some sort." He said, "I will see Edison and put him to notice that I have come to go into business with him."

He didn't say, "I will work there for a few months and if I get no encouragement, I will quit and get a job somewhere else." He did say, "I will start anywhere. I will do anything Edison tells me to do, but before I am through, I will be his associate."

He didn't say, "I will keep my eyes open for another opportunity, in case I fail to get what I want in the Edison's organization." He said, "There is but ONE thing in this world that I am determined to have and that is business association with Thomas A. Edison. I will burn all the bridges behind me and stake my ENTIRE FUTURE on my ability to get what I want."

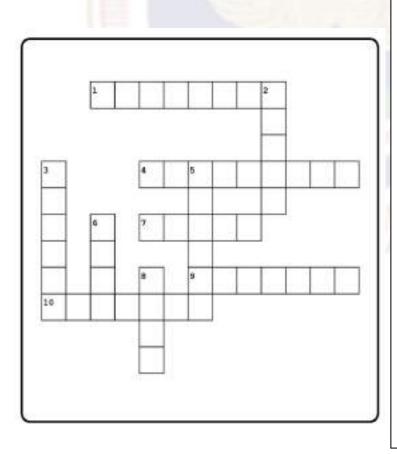
To know your passion is very important and I believe passion is the key to all the success and achievements we desire.



## **ZIPPY ZONE - CROSSWORD**

### **Rules of Crossword**

- Solution of the Crossword shall be submitted by 10<sup>th</sup> of the month.
- Only one mail from candidate shall be allowed. Repetitive mails from single candidate will amount to disqualification.
- Solution shall be sent on Official Mail ID <u>wicasaahmedabad@icai.org</u>.
- Subject line of such mail shall be "Solution of Crossword".
- Solution shall be either hand written in paper and then photo of such solution shall be shared through e-mail or it can be solved on digital devices like Laptop, Mobile phones and like devices then screenshot of such solution shall be shared on mail.
- Image or screenshot as may be applicable shall be clear and visible.
- Along with image or screenshot candidate is required to mention Full Name, Registration No., and Stage of CA curriculum in the mail.
- Also Answers to questions of crossword shall be mentioned in e-mail with corresponding question No. divided in two categories Up and Down.
- Grammatical mistake and spelling mistakes while mentioning in mail will be considered and may amount to disqualification of answer.
- Winner shall be selected on basis of first come first basis whose solution is correct.
- Winner shall be announced in next month newsletter.
- Winner shall be given Certificate / Medal / Memento as may be decided.



### Across

1. What was the first company that used Santa Claus in advertising?

4. Where was baby Jesus born?

7. In Home Alone, where are the Mc Callisters going on vacation when they leave Kevin behind?

9. Which country did eggnog come from?10. Which country started the tradition of putting up a Christmas tree?

#### Down

2. What do people traditionally put on top of a Christmas tree?

3. Popular Christmas beverage is also called "Milk Punch"?

5. In which modern-day country was St. Nicholas

born in?

6. How many ghosts show up in A Christmas Carol?

8. The movie Miracle on 34th Street is based on a real-life department store. What is it?

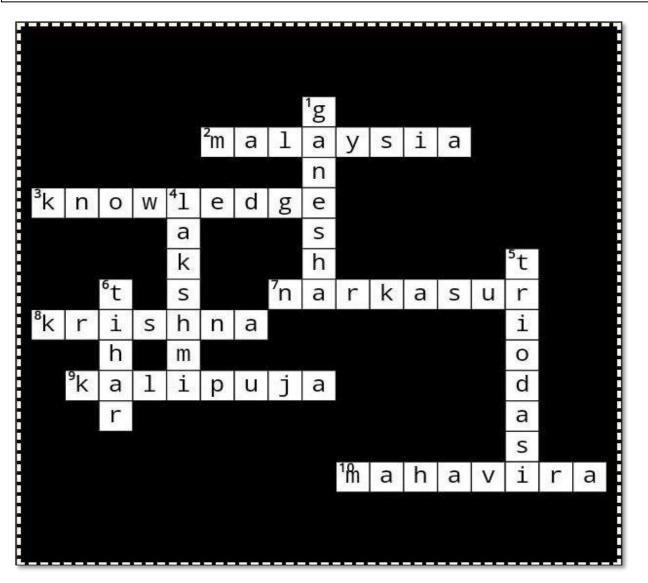
## SOLUTION OF PREVIOUS MONTH CROSSWORD

### Across

- 2. Hari dipavali is celebrates in .....
- 3. Lamp Or deep is symbol of?
- Narak chaturdasi commemorates the killing of this demon
- 8. The eight Aavtar of Vishnu
- 9. Diwali of Kolkata
- on the day of Diwali the.... God attained his moksha.

### Down

- 1. The God is remover of obstacles
- 4. Goddess of wealth and fortune
- The first day of Diwali is called Dhanvantari Dhan Teras Or...
- 6. In nepal Diwali is known as?



### TAXABILITY OF STIPEND RECEIVED BY CA STUDENTS DURING ARTICLESHIP

"Learning is a treasure that will follow its owner everywhere."

The value of this treasure is truly invaluable. Yet, the value of this treasure is increased by the amount of the stipend received by the learned.

So, while the learners need to be more concerned about the level of learning, the taxation of such stipend also is a point of concern for the learners. Hence, it becomes pertinent to analyse into depth the taxability of such stipend.

The word 'stipend' is not defined in the Income Tax Act, 1961 ('the Act'), and hence, the common meaning of stipend needs to be looked upon at. A well-known dictionary defines stipend as a periodic payment, especially a scholarship or fellowship allowance granted to a student. While another dictionary defines stipend as a fixed, regular payment, usually meant to pay for something specific. A few dictionaries also define stipend to be a form of salary paid to temporary employees.

Owing to the differences in the understanding of the term 'stipend', the classification of 'stipend' into the heads of income and the taxability of income becomes a point of debate.

Now, as pointed out above, there could be different views that can be taken as regards the taxability of stipend. However, there could be only three possible views regarding taxability and classification of stipend as stated below:

- 1. Taxability of Stipend as Salary u/s 17 of the Act
- 2. Taxability of Stipend as Scholarship, i.e. Exempt u/s 10(6) of the Act
- 3. Taxability of Stipend under the head 'Income from Other Sources'

Let us analyse the aforesaid options one by one:

#### 1. As Salary

As per Section 17(1) of the Act, "salary" includes—

- (i) wages;
- (ii) any annuity or pension;
- (iii) any gratuity;
- (iv) any fees, commissions, perquisites or profits in lieu of or in addition to any salary or wages;
- (v) any advance of salary;
- (va) any payment received by an employee in respect of any period of leave not availed of by him;
- (vi) the annual accretion to the balance at the credit of an employee participating in a recognised provident fund, to the extent to which it is chargeable to tax under rule 6 of Part A of the Fourth Schedule;
- (vii) the aggregate of all sums that are comprised in the transferred balance as referred to in sub-rule (2) of rule 11 of Part A of the Fourth Schedule of an employee participating in a

recognised provident fund, to the extent to which it is chargeable to tax under sub-rule (4) thereof; and

(viii) the contribution made by the Central Government or any other employer in the previous year, to the account of an employee under a pension scheme referred to in <u>section</u> <u>80CCD</u>;"

As seen from above, 'stipend' is not explicitly covered under the definition of 'Salary' u/s 17(1). Further, it is well established that for the taxability of a certain amount under the head 'Income from Salary', there needs to be an employer-employee relationship between the payer and the payee and for the existence of this relationship, an essential element is whether there is a 'contract of service'.

In most of the cases, the payment of Stipend to Doctor, MBA/Engineering & Other Graduates are taxable under the head 'Income from Salary', since there might exist an 'employer-employee relationship' in such cases.

When we analyse this relationship from the viewpoint of the recipient of stipend (i.e. CA Article trainee for the purposes of this article), this element of 'contract of service' is absent in the relationship between the payer and the payee of stipend since stipend is usually paid not as a consideration for the services of such payee but more as an incentive to learn.

Accordingly, it could be reasonably concluded that 'stipend' should not be taxed under the head 'Income from Salary'.

#### 2. As Scholarship

Scholarship, as ordinarily understood, means anything which makes education free of charge or at a concessional rate of fees.

Under Section 10(16) of the Act, scholarship received for the purpose of education is exempt under the Act. Section 10(16) of the Act is reproduced hereunder:

### '(16) scholarships granted to meet the cost of education;'

As seen above, in Section 10(16) of the Act, scholarship is not used in the general sense. It is stretched generously to include the positive payment made to a scholar for pursuing the education. It has been interpreted copiously, so as to include within its scope and ambit, amounts of fellowships, stipends, grants for travel and incidental expenses, etc. received for acquiring education. In short, the meaning of word "Scholarship" differs from the popular of dictionary view of "Scholarship".

Central Board of Direct Taxes (CBDT) has suitably clarified the non taxability of amount granted under different schemes to research fellows. If the amount proposed to be offered to as stipend is towards support & furtherance of education and not as an employee then considering the broader meaning & interpretation extracted by CBDT from time to time, amount would be exempt u/s 10(16). However, the stipend paid to CA article trainee has not been explicitly classified by the CBDT within the meaning of scholarship, hence further analysis is necessitated.

There are few more interesting facts about the tax treatment of scholarship as under:

- i. All Education Scholarships are tax free, whether Government sponsored or not.
- ii. The tax treatment would remain unchanged even if the scholarship is received for pursuing a course of education not leading to a degree. [A. Ratnakar Rao vs. CIT (1981) 6 Taxmann 14 (Kar.)]
- iii. The essence of scholarship is that it should pay for the educational enterprises of a man's pursuit after knowledge. The claim for exemption u/s 10(16) will be correct even if some of the amount is saved. [CIT vs. V.K. Balachandran (1984)147 ITR 4 (Mad.)]

Hence, in case of CA Article trainees, the main question that arises is, 'whether stipend is paid to CA students to meet the cost of their education?'.

This question was answered in affirmative by the Hon'ble Jaipur ITAT in the case of *Sudhir Kumar Sharma Vs. ITO (1983) 15 Taxman 100*, wherein it was held that the stipend received by an Articled Clerk from a Chartered Accountant is exempt under Section 10(16) as the same is was paid to meet the cost of books, coaching fees, examination fees, and so on. Hence, a view may be taken that the stipend paid to CA Article trainees is in the form of a scholarship and hence, is exempt u/s 10(16).

But different view is possible as well; it may be considered that the stipend paid by a CA firm is not for meeting the expenses of education but for maintaining the cost of living, etc. If this view is adopted by any other court, then stipend will not get the shelter under Section 10(16). This view may be taken when the article assistant receives higher amount of Stipend in cases viz. Industrial Training or when an article assistants Completes Final Examination before completion of the training as they would be receiving the stipend even after completion of Education. In such cases, amount received could not be considered as for meeting the cost of education & it would be taxable as 'Income from Other Sources'.

#### 3. <u>Under the head 'Income from Other Sources'</u>

In case a safer view is to be adopted, and in other cases, when stipend is not in the nature of meeting the cost of education (say, in case of Industrial Training, as mentioned above), the stipend may be taxed under the head 'Income from Other Sources' in absence of 'employer-employee' relationship.

To conclude, Stipend received by CA Students can be treated as 'scholarship' and consequently can be considered as exempt u/s 10(16) pursuant to judicial precedent mentioned above. However, the possibility of different inference could not be ruled out and in case a conservative view is to be adopted, the stipend may be treated as 'Income from Other Sources'.

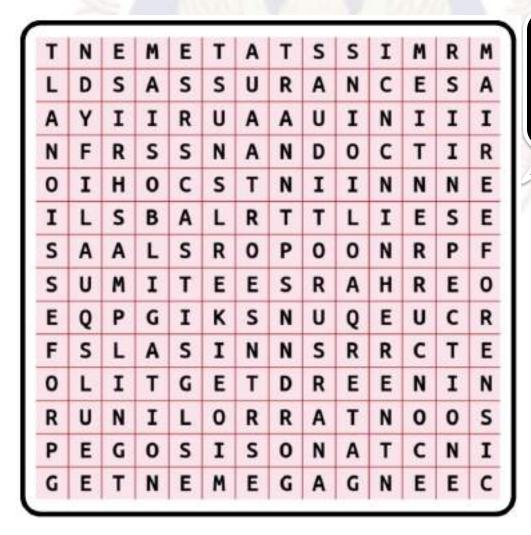
Name: Divesh Harpalani Registration No.: WRO0622753 Articleship: Deloitte Ahmedabad CA FINAL STUDENT



## **ZIPPY ZONE– WORDSEARCH**

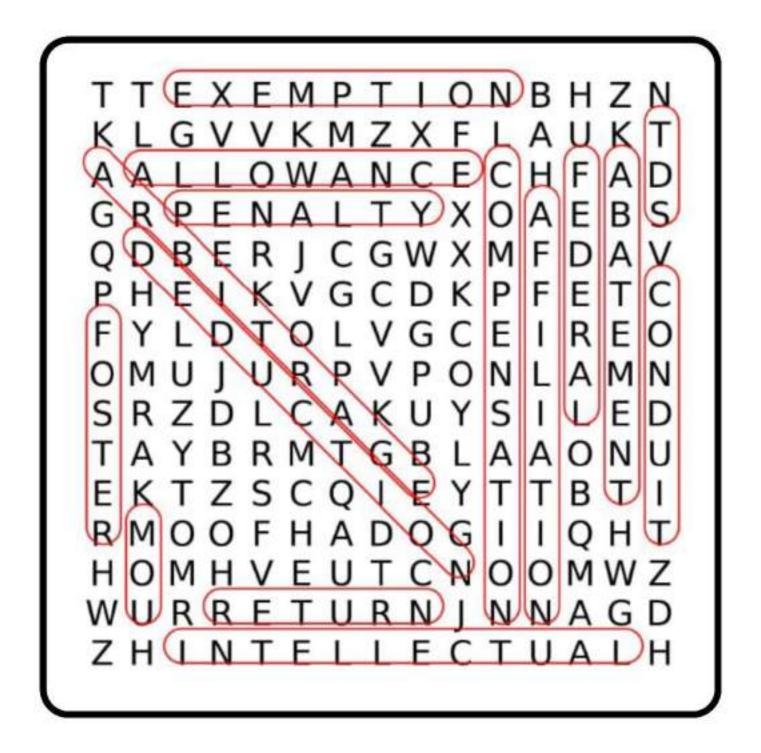
### **Rules for Word Search**

- Solution of the Word Search shall be submitted by 10<sup>th</sup> of the month.
- Only one mail from candidate shall be allowed. Repetitive mails from single candidate will amount to disqualification.
- Solution shall be sent on Official Mail ID wicasaahmedabad@icai.org.
- Subject line of such mail shall be "Solution of Word Search".
- Solution shall be either hand written in paper and then photo of such solution shall be shared through e-mail or it can be solved on digital devices like Laptop, Mobile phones and like devices then screenshot of such solution shall be shared on mail.
- Image or screenshot as may be applicable shall be clear and visible.
- Along with image or screenshot candidate is required to mention Full Name, Registration No., and Stage of CA curriculum in the mail.
- Candidates are also required to mention all the words that he/she found in the body of mail.
- Winner shall be selected on basis of first come first basis whose solution is correct.
- Winner shall be announced in next month newsletter.
- Winner shall be given Certificate / Medal / Memento as may be decided.



Find words as many as you can related to Audit.

# SOLUTION OF PREVIOUS MONTH WORDSEARCH



### MIND WIZARD

### **Cooperation**

Cooperation is a trait of growth, Many of us don't believe it though.

Vibhishan's cooperation with Ram saved his life, It was coz of Hanuman's cooperation that Ram found his wife.

Without cooperation of hands one can't clap, And its difficult for a child to survive without a mother's lap.

With siblings a person can easily learn cooperation, Coz from sharing toys to sharing secrets there won't be any hesitation.

Like humans, animals do cooperate. Otherwise how it have been possible for fish, frog and crocodile to live in the same lake.

It is an important trait for survival, That one needs to have friends more than rivals.

If we people cooperate with each other, No one can divide us on the basis of caste, creed and colour.

Today we need to cooperate with doctors and health workers out there, If we really want this pandemic to end and bring back our lives to normal atmosphere.

Name: ©Mahima Rally Registration No.: CRO0558460 CA FINAL STUDENT



## **ZIPPY ZONE - SUDOKU**

### **Rules for Sudoku**

- Solution of the Sudoku shall be submitted by 10<sup>th</sup> of the month.
- Only one mail from candidate shall be allowed. Repetitive mails from single candidate will amount to disqualification.
- Solution shall be sent on Official Mail ID wicasaahmedabad@icai.org.
- Subject line of such mail shall be "Solution of Sudoku".
- Solution shall be either hand written in paper and then photo of such solution shall be shared through e-mail or it can be solved on digital devices like Laptop, Mobile phones and like devices then screenshot of such solution shall be shared on mail.
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# SOLUTION OF PREVIOUS MONTH SUDOKU

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## **LEXICON**



Compiled by- Ms. Divya Jain

WALL OF FAME

### **BEST ARTICLE OF NOVEMBER-2020**



Name: Krishna Dipeshbhai Shah Registration No.: WRO0527142 CA FINAL STUDENT

WINNER OF ZIPPY ZONE-RIDDLES OF NOVEMBER-2020



Name: Pruthvi Dharmesh Mehta Registration No.: WRO0630962 CA FINAL STUDENT

WINNER OF ZIPPY ZONE-WORDSEARCH OF NOVEMBER-2020



Name: Shrey Dipeshbhai Shah Registration No.: WRO0696084 CA INTERMEDIATE STUDENT

#### WINNER OF ZIPPY ZONE-CROSSWORD OF NOVEMBER-2020



Name: Jenilkumar Shah Registration No.: WRO0655927 CA FINAL STUDENT

WINNER OF ZIPPY ZONE-SUDUKO OF NOVEMBER-2020



Name: Akshat Shah Registration No.: WRO0589247 CA FINAL STUDENT









## PAST ACTIVITIES







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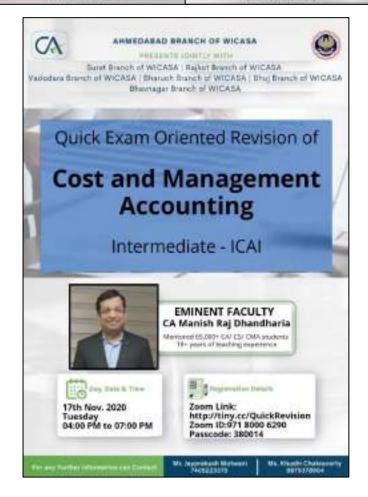




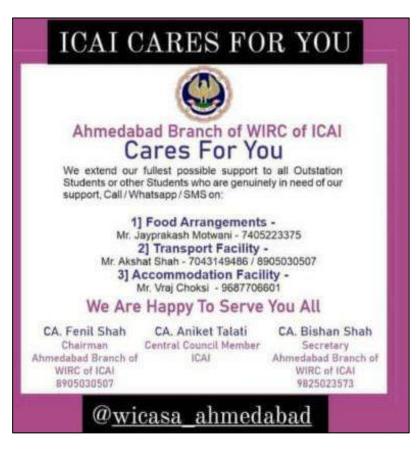




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## **FUTURE ACTIVITIES**

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### WALL OF GRATITUDE

