



EIRC NEWSLETTER

VOL. 44 ISSUE: 9 1st NOVEMBER 2018 ₹ 10/-

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
(Set up by an Act of Parliament)

EASTERN INDIA REGIONAL COUNCIL

EXUBERANTLY INNOVATING WITH RADIATING COGNITION



Happy
Diwali





NSDLgst
Your trusted GST partner



BE FUTURE READY WITH **NSDLgst** & GEAR UP FOR THE NEW GST RETURN FORMATS

GSTR1

Annexure of Outward Supplies to the main GST Return. Invoices for import of Goods / Services and import of goods from SEZ are to be submitted in GSTR 1.

GSTR2A

Annexure of Inward Supplies to the main GST Return. This will be auto populated at the common portal from the data received in Annexure of outward supplies, GSTR 5 and GSTR 6.

Missing Invoices

Invoices not uploaded by supplier and on which recipient has availed ITC will be called 'Missing invoices'. ITC availed on missing invoices shall be recovered from recipient.

Auto Population of GSTR3B

GSTR 3B will be auto populated from GSTR 1 and GSTR 2A.

Reconciliation feature of NSDLgst will assist you in identifying the missing invoices now and you can have complete control by the time the new formats are implemented

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Editorial Board writes

Dear Professional Colleagues,

Season's Greetings. This is to wish each one of you, your family, your near and dear ones, peace, prosperity, happiness and good health round the year. The Editorial Board takes this opportunity to wish all its members, students and their families a very happy Diwali. The joyfulness of festival must be very fresh and to add to this, the great festival of lights awaits us to illuminate our lives and rejuvenate us with new rays of hope.

With the ensuing ICAI Elections in the year end, on 7th & 8th December 2018 at Kolkata and on 8th December 2018 at other places in the Eastern Region. All the polling booths will remain open from 8am to 8pm on the respective date(s). We request you to visit the ICAI website for Election related announcements of which some important ones are also published in this current issue of EIRC Newsletter.

The ICAI Council Election 2018 at Central and Regional level is an important event and all eligible members must exercise their franchise to elect their leaders who shall take the Institute's flag to greater height at its 70th year and further.

May we remind all of you that a better future is where we are trusted with decisions about the future and remain highly prized for our judgement and rigour. As such, we need to show and prove to the world that we are extending our core expertise and adding value to the decisions the organisation and government entities make for a sustained future. Let us prove our worth as an indispensable "complete business solution provider" of the modern day business.

We conclude by wishing all a Happy & sparkling Diwali. May the blessings of the Almighty bestow upon us. With the gleams of the Diyas and echo of the chants, may happiness and contentment fill our lives.

With warm regards

Editorial Board of EIRC Newsletter

6TH SEPTEMBER 2018

NOTIFICATION (Chartered Accountants)

No. 54-EL(1)/2/2018: In pursuance of sub-rule (2) of rule 4 of the Chartered Accountants (Election to the Council) Rules, 2006 specified under the Chartered Accountants Act, 1949 read with sub-regulation (10) of regulation 134 of the Chartered Accountants Regulations, 1988, the Institute of Chartered Accountants of India is pleased to notify the following important dates relating to the next elections of members to its Council and Regional Councils:-

Sl. No.	Stages of Election	Dates Fixed
1	The last date and time for receipt of nominations	27.9.2018 – 6.00 P.M.
2	(i) Date(s) and place of scrutiny of Nominations; and (ii) Last date for scrutiny of nominations	1.10.2018 to 9.10.2018 (New Delhi)
3	The last date and time for withdrawal of nominations	19.10.2018 – 6.00 P.M.
4	The date or dates of polling - (i) Ahmedabad, Bengaluru, Chennai, Delhi/New Delhi, Gurgaon, Hyderabad, Indore, Jaipur, Kolkata, Mumbai, Pune, Surat and Thane (ii) Other cities / towns	7 & 8.12.2018 8.12.2018
5	The last date for receipt of applications for permission to vote by post under rule 28 of the Chartered Accountants (Election to the Council) Rules, 2006	5.10.2018
6	The last date and time for receipt by post of ballot papers back	17.12.2018 – 5.00 P.M.
7	Dates of Counting of Votes	19.12.2018 to 7.1.2019
8	The date of declaration of results	9.1.2019* (latest)

The date to be reckoned for the purpose of determining the limitation period for filing election dispute application shall be the date on which the declaration of results is eventually notified in the Gazette of India

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(V Sagar), Returning Officer and Secretary

Forthcoming Programme

DAY AND DATE	KNOWLEDGE SESSION	RESOURCE PERSON *	COORDINATOR	VENUE	DURATION	CPE HOURS	DELEGATE FEES ₹
Saturday 10th November 2018	Seminar on Emerging Landscape of IBC	Eminent Speakers Visit : www.iiipcaai.in/regpayments (for Registration)	IIP of ICAI & EIRC	Park Hotel	10.00am to 5.15pm	6	800 + GST (For IIP/ICA Members) 1000 + GST (Others)
Monday 12th November 2018	Issues in preparation of GSTR FORM 9 AND 9C - Annual Return and Annual Audit	CA Ankit Kanodia CA Jay Agarwal	EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Wednesday 14th November 2018	Insolvency- Practice at NCLT & Decoding IBC	CS Akash Sharma	EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Thursday 15th November 2018	Recent amendment under the Companies Act	CS Hansraj Jaria	EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Friday 16th November 2018	E-assessment: Analysis & Practical Issues and FEMA	CA Manoj Tewari, CA Vivek Newatia	EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Tuesday 20th November 2018	LLP Conversion & Mergers & Acquisition	CA Mohit Bhuteria, CS Mohan Ram Goenka	EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Thursday 22nd November 2018	Interactive Session on Assessment Procedure including Reassessment	CA Ramesh Patodia	EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Tuesday 27th November 2018	Opportunities in Valuation	CS Pankaj Harlalka	EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Thursday 29th November 2018	Fraud Prevention and Detection by Internal Audit	Eminent Speakers	IASB & EIRC	R Singhi Hall EIRC Premises, Russell Street	5.30pm to 8.30pm	3	100 + GST Spot 150
Friday 30th November 2018	GST Annual Return & GST Annual Audit	CA Bimal Jain, New Delhi, CA Abhishek Tibrewal, CA Subham Khaitan & others	EIRC	National Library, Alipore, Kolkata (to be confirmed)	2.00pm to 8.00pm	6	400 + GST Spot 700

* Confirmation awaited.

Note: 1. Please note Online registration closes 1 days before the day of the Seminar.

3. Out of the Registration Fees collected for each programme Rs.10 per person would be contributed to Chartered Accountant Benevolent Fund.

5. *Resource Person may change without prior information.

2. Spot Registration will be taken subject to availability of seats at the venue.

4. Spot Fees is inclusive of GST if not mentioned separately.

6. GST to be charged is 18%

Certificate Courses

Name	Date	Time	Venue	Fees	Online Registration
Certificate Course on GST at Kolkata	16th to 25th November 2018 (10 days)	10.00 am to 5.00 pm	To be decided	Rs.20000/- plus 18% GST	idtc.icai.org
Certificate Course on GST (Weekend Batch) at Kolkata	Saturday'10th November 2018 to Sunday'16th December 2018 (Saturday & Sunday only) (except 8th & 9th December 2018)	10.00 am to 5.00 pm	EIRC Russell Street	Rs.20000/- plus 18% GST	idtc.icai.org
ISA -PT Batch at Kolkata	Nov'18- 24,25 Dec'18 -1,2,15,16,22,23,29 & 30, 2018	9.30 am to 5.30 pm	EIRC Russell Street	Rs.20000/-	pqc.icai.org
Certificate Course on Concurrent Audit of Banks at Kolkata	Saturday'5th January'2019 to Sunday'20th January'2019 (Saturday & Sunday only)	9.30 am to 5.30 pm	ICAI Bhawan, 382/A, Prantik Pally, Rajdanga, Kasba	Rs.17,700 (Rs.15,000 per participant +18% GST) Rs.14,160 (Rs.12,000 per participant +18% GST)	http://ccm.icai.org/?progid=2070 http://ccm.icai.org/?progid=2069
Certificate Course on FAFD at Kolkata	Saturday'5th January'2019 to Sunday'27th January'2019 (Saturday & Sunday only) (Except 26th Jan'19- Holiday)	9.30 am to 5.30 pm	ICAI Bhawan, 382/A, Prantik Pally, Rajdanga, Kasba	Rs.20000/- plus 18% GST	pqc.icai.org

6TH SEPTEMBER, 2018

NOTIFICATION (Chartered Accountants)

No. 54-EL (1) / 10/ 2018 : In pursuance of rules 21 and 29 of the Chartered Accountants (Election to the Council) Rules, 2006 specified under the Chartered Accountants Act, 1949 read with Schedule 6 thereof and sub-regulation (10) of regulation 134 of the Chartered Accountants Regulations, 1988, it is hereby notified that 7th and 8th December 2018 have been appointed as the dates for the recording of votes for elections to the Twenty Fourth Council and Twenty Third Regional Councils of the Institute of Chartered Accountants of India for Ahmedabad, Bengaluru, Chennai, Delhi/ New Delhi, Gurgaon, Hyderabad, Indore, Jaipur, Kolkata, Mumbai, Pune, Surat and Thane. At all other places, 8th December, 2018 has been appointed as the date for recording of votes.

All polling booths will remain open from 8.00 a.m. to 8.00 p.m. on the respective date(s).

(V Sagar), Returning Officer and Secretary

No. 54-EL (1) / 4/ 2018 : The number of persons to be elected from each Regional Constituency is shown below in column (3) against the respective Constituency:

SI No.	Name of the Regional Constituency	No. of persons to be Elected
(1)	(2)	(3)
1	Western India Regional Constituency The States of Goa, Gujarat and Maharashtra and the Union Territories of Dadra & Nagar Haveli and Daman & Diu	11
2	Southern India Regional Constituency The States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Telangana and the Union Territories of Lakshadweep and Pondicherry	6
3	Eastern India Regional Constituency The States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, West Bengal and the Union Territory of Andaman & Nicobar Islands	3
4	Central India Regional Constituency The States of Bihar, Chattisgarh, Jharkhand, Madhya Pradesh, Rajasthan, Uttarakhand and Uttar Pradesh	6
5	Northern India Regional Constituency The States of Haryana, Himachal Pradesh, Jammu & Kashmir and Punjab and the Union Territories of Chandigarh and Delhi	6

The number of persons to be elected to each Regional Council is shown below in column (3) against the respective Regional Council :

SI No.	Name of the Regional Council	No. of persons to be Elected
(1)	(2)	(3)
1	Western India Regional Council	22
2	Southern India Regional Council	12
3	Eastern India Regional Council	6
4	Central India Regional Council	11
5	Northern India Regional Council	13

Election 2018 Announcement

12th September, 2018

In terms of Rule 16 of the Chartered Accountants (Election to the Council) Rules, 2006, the Election Code of Conduct has been issued, to be effective from 6th September 2018.

In case any member wishes to inform non-adherence to the said Election Code, by any candidate or his/her authorized representative, the same can be informed to the Returning Officer by the member concerned specifying the non-adherence to the provision in the Code of Conduct alongwith documentary evidence in the following manner :-

Particulars of the Informant (Name, Membership No. and Contact Details)	Particulars of the Candidate about whom non adherence to the Code of Conduct to be informed (Name, Membership No. and Region)	Particulars of Non adherence	Relevant Clause from the Code of Conduct alleged to have been infringed	Evidence attached
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The above details duly signed by the informant in writing be sent at the following address or scanned copies through email at electioncode2018@icai.in

V. Sagar, Secretary and Returning Officer

The Institute of Chartered Accountants of India

ICAI Bhawan, Indraprastha Marg, New Delhi - 110 002

V. Sagar, Secretary and Returning Officer

EIRC GST Helpdesk

Chartered Accountants engaged in GST Annual Audit and filing of GST Annual Return may contact the EIRC GST Helpdesk in case of any queries. Members may mail their queries at eirc@icai.in

Queries will be answered in best possible manner by the Panel of experts. However EIRC does not take any Professional Liability on their advise. The answer to the queries will be send to concerned member by mail only.

GST NOTIFICATION

Compiled by : CA Pradip Kumar Kar
Email : pradipkumar@gmail.com

ANALYSIS ON 28TH GST COUNCIL MEETING AND CONSTITUTIONAL Amendment (contd. from October issue)

(51) Modification in the name of CBEC to CBIT.

Clause. 2 of the CGST(compensation to states) amendment act,2018.

Affected provision, S7(4)(b)(ii) of GST(compensation to states) act.

The definition of 'Board' which was earlier named ' Central Board of Excise and Custom', has been replaced with ' Central board of Indirect tax and customs'.

(52) Distribution of unutilised Cess in the Fund.

Change : clause.3 of CGST (compensation to State) amendment act ,2018

Affected provision , S.10(3) of GST (compensation to States) act .

The new provision has been inserted. The proposed amendment provides for distribution of Cess remaining unutilised in the Fund on adhoc basis among Centre and States on the recommendation of the council.

(53) Manner and order of utilisation of UTGST credit.

Change : Clause.4 of UTGST amendment act, 2018.

Affected provision , S.9A & S.9B of UTGST act, 2017.

The proposed amendment provides for distribution of UTGST remaining unutilised on an adhoc basis among Centre and States on the recommendation of Council.

Conclusion : These constitutional amendment envisage a step forward for simplification and streamline the entire GST laws after one year of operation to overcome the dead lock , where it is found that some of the provisions are either contradictory or superfluous to the actual thoughts when originally drafted , or adequate precautionary measure were not taken to protect the interest of the revenue or registered taxable persons. The new amendment also in some cases overrule the right and interest of registered taxable person which can be Appealable for justice for withdrawing the benefit by the authority.

The Effective due date of Notification have not yet been published by the Government for majority of changes . Very few have been notified and made operational, those actually needed to make the provisions of the act functional or to overcome the deadlock.

28th GST Council Meeting, Key Decision, Highlights and its Comprehensive review

CA PRADIP KUMAR KAR

More than one year has elapsed , since GST law was passed and rolled out . We witnessed lot of changes made in different Council meetings made from time to time after reviews, through Notifications and Circulars within this short period . It is indeed surprising to say that the bulk of Notifications /Circulars the Government has published under this law, had never been done previously in the case of any other law . The Total number of Notifications / Circulars including press releases for amendments or changes made under this law, have exceeded the original provisos included in the Act . This has been a clear indicator that the Authority, without having even preliminary preparation , had launched GST hurriedly. Originally, Returns and other compliance mechanism, which were framed and published in a sequential and time - bound manner, in order to have a good check and balance system over the Registered persons for their correct and timely compliance through different Return Forms submission, have been recast due to subsequent changes. But still nobody will deny the intention of the Government, that it had been framed for a noble purpose.

Initially when the system was developed for its implementation through GST network portal, a well-planned thought was placed for compliance - procedure, in regard to submission of Returns and Forms, in such a manner that the system was perceived to be a full proof system. All registered persons who would make any type of taxable supply, will automatically be detected through the system, in case of attempted Tax evasion. However, after facing of hindrances and resistances from different forums, some of the forms and Returns have been held in abeyance till further notices. This actually will mean a doubtful situation for the authenticity of those records, that have been furnished and filed till date by Taxable persons.

The 28th GST Council meeting was held on 27.07.2018 at New Delhi under the Chairmanship of Honourable Finance Minister Sh. Piyush Goyal. This was the first meeting where the council has decided to amend the act. Till this date in all previous council meetings, changes have been made through Notifications and publishing circulars. Highlights of the 28th meeting are as below :

a) GST Return Filing process further simplified :

All regular registered taxable person now with a Turnover up to Rs.5.00 crores can opt to file GST return on quarterly basis as against earlier limit of Rs.1.50 crore rupees. There will be only one page return format clearly depicted in fields, to be filled. Tax payer will have to pay tax on monthly basis filling through a challan. Return can be either :

a) Sahaj :- B2C supply , or b) Sugam :- B2B & B2C supply respectively.

In this meeting new resolution was accepted, for Amendment to any

return where mistake would be detected, and be allowed through filing of return called Amendment Return, which was not allowed earlier. Payment if any will be made through return itself. It is proposed that nil return filers to file return through sending SMS.

Implication : This new return filing is a welcome move. Compliance will be made easy. The filing burden will be reduced, about 93% tax payers in the country will be exempted from filing monthly return, as turnover limit has been hiked from Rs.1.50 crore to Rs.5.00 crore.

b) Upper limit turnover for Composite dealer to be raised :

All composite dealer's turnover limit has been increased from RS.1.00 crore to RS.1.50 crores. This will definitely help MSME sector and small traders burden of tax collection but also filing monthly returns.

c) Supplier of services ,other than restaurant services , can opt composition service and provide service up to a value not exceeding 10% of turnover in preceding financial year or RS.5.00 lakhs which ever is higher.

Composite dealers can now get covered for the supply of services. The limit will be equal to or below 10% of turnover for service rendered or RS.5.00 lac, which ever is higher, fixed for opting into the scheme. Restaurant services are not to be included.

Implications : Move to include those dealers providing subsidiary services must boost the service industry.

d) All registered Taxable person may opt for multiple GST registration within a state or union territory in respect of multiple place of business located within that state or union territory

Tax payers may opt for multiple registration within a state or union territory in respect of multiple places of business located within the same state and union territory. Earlier it was restricted to multiple business in separate state. But separate registration under different business verticals in the same state or union territory were being allowed under the single PAN.

e) GST registration :

E-commerce Operator who were required compulsory registration U/S 24 of CGST Act, are now only get registered in case they are required to collect tax at source. They need to have compulsory GST registration only on non exempt goods.

f) Threshold limit of six states which were earlier declared under special category state will be increased from RS. 10.00 lac to RS.20.00 lac. Those states are Assam, Meghalaya, Uttara Khand, Himachal Pradesh, Arunachal Pradesh & Sikkim.

Due to wide spread demand and public opinion threshold limit of six states have been increased for applying for registration.

g) Reverse charge mechanism to be deferred for a year till 30th September,

2019.

Levy of GST on reverse charge mechanism on receipt of supplies from unregistered supplies, to be applicable only on specified goods in case of certain notified classes of Registered persons who receive supplies from those unregistered supplies. This provision has been given in Sec. 9(4) of CGST Act which was earlier deferred till 30.06.2018.

h) Creation of GST Appellate Tribunal :

Like tribunal set up under different law, GST tribunal has to be set up, with National bench to be set up at New Delhi . Three state bench or regional bench to come up in Mumbai, Chennai and Kolkata with several area benches . Amount of pre deposit payable for filing appeal before Appellate authority and Appellate tribunal is to be kept at RS.25.00 lac and RS.50.00 lac respectively.

i) Transporters to take note of heighten e-way bill compliances :

RFID readers or Tags to be implemented within six month which will relieve transporters from wait at check post . Standard operating procedure to be adopted to help transporter from unnecessary hardship at the check points. This is also suggested that violation of this rule will have a uniform penalty for defaulters .

j) Relief to Taxpayers up to 31.08.2018 to complete registrations :

Those tax payers having with provisional ID could not complete process of registration, or any person who is yet to be registered under GST , will be allowed to complete the process within 31.08.2018 . Time extension has been allowed . Late fees and any other penalty payable for delayed return filing is decided to be waived.

Tax payers who filed part-A of form GST REG-26 but not part-B of the said form are requested to approach jurisdictional Central tax / State tax nodal officers with necessary details on or before 31-08-2018. The nodal officer shall forward details to GSTN.

Suggestions were made as, initially taxpayer to pay late fee and then same to be reversed in cash ledger under Tax head.

k) Rate rationalisation :

Consumer segment of goods which have mass consumption and use, get node for rate reduction, example : i) sanitary napkin, Fortified milk are now totally exempt from tax, ii) Ethanol, used as reagent by sugar cane farmer and many other micro, small and medium size organisations rate reduction definitely will boost their profitability. iii) Lithium ion battery which are used in all type of electronics devices like mobile phone, charger etc, rate reduction will help mass consumer. Total rate reductions have been allowed for forty five numbers of goods and two numbers of services. Rates will be reduced to zero, 5%, 12% and 18% from 5%, 12%, 18% and 28%.

Most consumer durable goods which were earlier charged at 28% GST, will be brought down at 18% GST. Those items are i) Vacuum cleaner ii) Food Grinder iii) Mixer iv) Water Cooler v) Refrigerator vi) Electrical heater vi) storage water heater vii) Electrical Irons viii) Shavers ix) Perfume x) Varnish etc.

For services rate changes have been proposed for two cases.

l) Benefit to exporters :

Extension of exemption by another year up to 30.09.2019 is granted on outward transportation of goods by air, sea as relief to export of goods. Export to Nepal and Bhutan in rupees term are fully exempted.

Services provided to banking sector, IT services has been provided relief by exempting services supplied by an establishment of a person in India to any establishment of that person outside India.

m) Certain transactions are kept out Supply.

Following transactions will not be treated as supply, hence no tax will be payable on these

- ▶ Supply of goods from a place in the non taxable territory to another non taxable territory without such goods being entered in to India.

- ▶ Supply of ware house goods to any person before clearance for home consumption.
- ▶ Supply of goods in case of high sea sales.

l) Consolidated Credit and Debit Note :

It has been suggested that instead of issuing credit or debit note for each and every transaction for adjustment in invoice value a consolidated credit or debit note has to be issued giving effect to the consolidated value of debit and credit note or debit note at the end of the tax period.

- n) Textile industries will get advantage with allowability of refund of accumulated ITC, on Fabric materials, as rate on inputs is 12% against that output rate is 5%.

Currently Raw materials is charged at higher GST rate as compared to final apparel. ITC on Fibre material was not being able to utilised that charged 12% GST rate. But Fabric that was made out of this Fibre attracted GST at 5%. On account of inverted duty structure being currently prevailed in this industry, council has proposed for provision, for allowing refund of accumulated ITC giving prospective effect from 27th July 2018 .

o) Scope of ITC is further widen

ITC credit will be allowed under the following activities which were not allowed previously.

- ▶ To include further in its scope most of activities specified or transactions specified in Schedule –III,
- ▶ Motor vehicle for transportation of person with sitting capacity of more than 13 (including driver). Credit will be allowed in case of air craft carrier and vessel also.
- ▶ Motor vehicle used for transportation of money for or by a Banking or Financial Institution company .
- ▶ Service of general insurance ,repair and maintenance, in respect of motor vehicle and vessel and air craft , on which credit is available.
- ▶ Goods or services which are obligatory for employer to provide to its employees, under any law for the time being in force.

Proposals have been accepted for the followings :

- 1) Big relief for hotel industry , as GST rate of 28% would not apply, if actual tariff value is less than RS.7500.00 ., even though published tariff may be more than that.
- 2) In case of failure on the part of recipient to pay to supplier against any invoice within 180 days from the date of issue of invoice as per sec.16 of CGST act , ITC availed will have to be reversed . But liability to pay interest will be done away with.
- 3) Commissioner to be empowered to extend the time limit for return of Inputs and Capital Goods send on a Job work up to period of one year and two years respectively.
- 4) Cross utilisations of input credit to be rationalised.

Conclusion : GST council in its successive meetings has tried to simplify all deadlock, to make it widely acceptable among the people. Till today lot of provisions remain ambiguous or unexplained, which creates confusion and doubt about its applicability. The rules are still not clear for which honest Tax payers are facing problems for compliances. Hopefully issues will gradually be sorted out when the Council faces real challenge.

Rationalisation of GST rates, and bringing items down to lower slabs, especially those that are widely used by common people is a positive step. But this has to be done by keeping a check and balance, aiming at revenue collection from GST. The last revenue collection showing a downward trend, would definitely be a grave concern for the Government . Our industrial scenario reflects that 5% to 10% industries set up in large scale sector contributes 90% share of the revenue, against 95% to 90% industries set up in MSME, are only contributing 10%. But still, it is the responsibility of the Government to look into the benefit of under- privileged section of society and their upliftment, as a social obligation.

GST NOTIFICATION

Compiled by : **CA Raginee Goyal**
Email : raginee@gmail.com

Notification No. & Date of Issue	Subject
Central Tax	
36/2018-Central Tax, Dated 24-08-2018	Seeks to extend the due dates for filing FORM GSTR-3B for the months of July, 2018 and August, 2018
37/2018-Central Tax, Dated 24-08-2018	Seeks to prescribe the due dates for furnishing of FORM GSTR-1 for those taxpayers with aggregate turnover of more than Rs. 1.5 crores for the months of July, 2018 and August, 2018
38/2018-Central Tax, Dated 24-08-2018	Seeks to prescribe the due dates for quarterly furnishing of FORM GSTR-1 for those taxpayers with aggregate turnover of upto Rs.1.5 crores for the quarter July, 2018 to September, 2018
39/2018-Central Tax, Dated 04-09-2018	Seeks to make amendments (Eighth Amendment, 2018) to the CGST Rules, 2017
40/2018-Central Tax, Dated 04-09-2018	Seeks to extend the time limit for making the declaration in FORM GST ITC-04
41/2018-Central Tax, Dated 04-09-2018	Seeks to waive the late fee paid for specified classes of taxpayers for FORM GSTR-3B, FORM GSTR-4 and FORM GSTR-6
42/2018-Central Tax, Dated 04-09-2018	Seeks to extend the time limit for making the declaration in FORM GST ITC-01 for specified classes of taxpayers
43/2018-Central Tax, Dated 10-09-2018	Seeks to extend the due date for filing of FORM GSTR - 1 for taxpayers having aggregate turnover up to Rs 1.5 crores.
44/2018-Central Tax, Dated 10-09-2018	Seeks to extend the due date for filing of FORM GSTR - 1 for taxpayers having aggregate turnover above Rs 1.5 crores.
45/2018-Central Tax, Dated 10-09-2018	Seeks to extend the due date for filing of FORM GSTR - 3B for newly migrated (obtaining GSTIN vide notification No. 31/2018-Central Tax, dated 06.08.2018) taxpayers [Amends notf. No. 21/2017 and 56/2017 - CT].
46/2018-Central Tax, Dated 10-09-2018	Seeks to extend the due date for filing of FORM GSTR - 3B for newly migrated (obtaining GSTIN vide notification No. 31/2018-Central Tax, dated 06.08.2018) taxpayers [Amends notf. No. 35/2017 and 16/2018 - CT]
47/2018-Central Tax, Dated 10-09-2018	Seeks to extend the due date for filing of FORM GSTR - 3B for newly migrated (obtaining GSTIN vide notification No. 31/2018-Central Tax, dated 06.08.2018) taxpayers [Amends notf. No. 34/2018 - CT]
48/2018-Central Tax, Dated 10-09-2018	Seeks to make amendments (Ninth Amendment, 2018) to the CGST Rules, 2017.
49/2018-Central Tax, Dated 13-09-2018	Notification amending the CGST Rules, 2017 (Tenth Amendment Rules, 2018)
50/2018-Central Tax, Dated 13-09-2018	Seeks to bring section 51 of the CGST Act (provisions related to TDS) into force w.e.f 01.10.2018
51/2018-Central Tax, Dated 13-09-2018	Seeks to bring section 52 of the CGST Act (provisions related to TCS) into force w.e.f 01.10.2018
52/2018-Central Tax, Dated. 20-09-2018	Seeks to notify the rate of tax collection at source (TCS) to be collected by every electronic commerce operator for intra-State taxable supplies
53/2018-Central Tax, Dated 09-10-2018	Seeks to make amendments (Eleventh Amendment, 2018) to the CGST Rules, 2017. This notification restores rule 96(10) to the position that existed before the amendment carried out in the said rule by notification No. 39/2018- Central Tax dated 04.09.2018
54/2018-Central Tax, Dated 09-10-2018	Seeks to make amendments (Twelfth Amendment, 2018) to the CGST Rules, 2017. This notification amends rule 96(10) to allow exporters who have received capital goods under the EPCG scheme to claim refund of the IGST paid on exports and align rule 89(4B) to make it consistent with rule 96(10).
55/2018-Central Tax, Dated 21-10-2018	Seeks to extend the last date for filing of FORM GSTR-3B for the month of September, 2018 till 25.10.2018 for all taxpayers.
56/2018-Central Tax, Dated 23-10-2018	Seeks to supersede Notification No. 32/2017-Central Tax, dated 15.09.2017
57/2018-Central Tax, Dated 23-10-2018	Seeks to exempt post audit authorities under MoD from TDS compliance
Central Tax (Rate)	
23/2018-Central Tax (Rate), Dated 20-09-2018	Seeks to insert explanation in an entry in notification No. 12/2017 – Central Tax (Rate) by exercising powers conferred under section 11(3) of CGST Act, 2017.
Integrated Tax Notifications	

Notification No. & Date of Issue	Subject
02/2018-Integrated Tax,Dated 20-09-2018	Seeks to notify the rate of tax collection at source (TCS) to be collected by every electronic commerce operator for inter-State taxable supplies
03/2018-Integrated Tax,Dated 22-10-2018	Seeks to supersede Notification No.8/2017 – Integrated Tax, dated 14.09.2017
Integrated Tax (Rate) Notifications	
24/2018-Integrated Tax (Rate) ,Dated 20-09-2018	Seeks to insert explanation in an entry in notification No. 9/2017 – Integrated Tax (Rate) by exercising powers conferred under section 6(3) of IGST Act, 2017
Union Territory Tax(Rate)	
23/2018-Union Territory tax(rate), Dated 20-09-2018	Seeks to insert explanation in an entry in notification No. 12/2017 – Union Territory Tax (Rate) by exercising powers conferred under section 8(3) of UTGST Act, 2017.
CIRCULARS/ ORDERS(CGST)	
Circular No.56/2018 Dated 24-08-2018	Clarification on removal of restriction on refund of accumulated Input Tax Credit on fabrics
Circular No.57/2018 Dated 04-09-2018	Scope of Principal-agent relationship in the context of Schedule I of the CGST Act.
Circular No.58/2018.Dated 04-09-2018	Recovery of arrears of wrongly availed CENVAT credit under the existing law and inadmissible transitional credit.
Circular No.59/2018 Dated 04-09-2018	Clarification on refund related issues.
Circular No.60/2018 Dated 04-09-2018	Processing of refund applications filed by Canteen Stores Department (CSD)
Circular No61/2018 Dated 04-09-2018	E-way bill in case of storing of goods in godown of transporter.
Circular No.62/2018 Dated 12.09.2018	Levy of GST on Priority Sector Lending Certificate-reg.
Circular No. 63/2018 Dated 14.09.2018	Clarification regarding processing of refund claims filed by UIN entitles
Circular No.64/2018 Dated 14.09.2018	Modification of the procedure for interception of conveyances for inspection of goods in movement, and detention, release and confiscation of such goods and conveyances, as clarified in Circular Nos. 41/15/2018-GST dated 13.04.2018 and 49/23/2018-GST dated 21.06.2018 - regarding
Circular No. 65/2018 Dated 14.09.2018	Guidelines for Deductions and Deposits of TDS by the DDO under GST
Circular No.66/2018 Dated 26-09-2018	GST on Residential programmes or camps meant for advancement of religion, spirituality or yoga by religious and charitable trusts
Circular No.67/2018 Dated 28-09-2018	Modification to the Guidelines for Deductions and Deposits of TDS by the DDO under GST as clarified in Circular No. 65/39/2018-DOR dated14.09.2018 - reg
Circular No.68/2018 Dated 05-10-2018	Notifications issued under CGST Act, 2017 applicable to Goods and Services Tax (Compensation to States) Act, 2017
Order No.-04/2018.-GSTDated 17-09-2018	Extension of time limit for submitting the declaration in FORM GST TRAN-1 under rule 117(1A) of the Central Goods and Service Tax Rules, 2017 in certain cases

RECENT JUDICIAL PRONOUNCEMENTS ON GST/ INDIRECT TAXES

1. **M/S NAPIN IMPEX PRIVATE LTD. vs. COMMISSIONER OF DGST, DELHI & ORS. - W.P.(C) 10287/2018 [HIGH COURT OF DELHI AT NEW DELHI]**

BRIEF FACTS: The petitioner is a registered dealer, which trades inter alia in PVC raisins and other food items such as beverages. The petitioner alleges that its premises were visited by the Revenue authorities on 29.08.2018 when the DGST officials directed production of books of accounts and other documents. Since the petitioner was not in possession of those, it sought 24 hours time for the same.

ISSUE INVOLVED: Apparently a temporary sealing of the premises was ordered. On the next date i.e. 30.08.2018, the premises were completely sealed. The petitioner's grievance is that the sealing of its business premises on behalf of the Delhi Goods and Services Tax (DGST), ostensibly under Section 67 of the Central Goods and Services Tax Act, 2017, is illegal.

It was contended that the DGST lacks statutory power and authorization to

indefinitely seal the premises in a manner it has proceeded to do so.

HELD THAT: Given the plain text of the statute i.e. especially Section 69(4), which merely authorizes the concerned officials to search the premises and if resistance is offered, break-open the lock or any other almirah, electrical device, box, etc. containing books and documents, the complete sealing of the premises, in the opinion of the court is per se illegal. Even if it were assumed that the respondents temporarily restrained the petitioner from using its premises, for a few hours, till the books of accounts are made available in order to secure the evidence available in the premises, that could not have assumed the life on "its own", at least indefinitely. In these given circumstances, this petition has to succeed.

Since the premises have been in the possession of the respondents for over a month, a direction is issued to remove the seal forthwith – within the next 12 hours and hand over the premises to the petitioner. This writ petition was allowed in the above terms.

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S. No.	Membership No.	Name and Address of the candidate [As published in the List of Voters]
1	302028	AGARWAL JITENDRA, FCA 10A ISWAR THAKUR LANE KOLKATA - 700006 (WEST BENGAL)
2	59869	AGARWAL RANJEET KUMAR, FCA METRO TOWER 4TH FLOOR 170 CENTRAL AVENUE NEAR MG ROAD METRO STATION KOLKATA - 700007 (WEST BENGAL)
3	53002	BHATTACHARYA PRASUN KUMAR, FCA 88/2A RAFI AHMED KIDWAI RD KOLKATA - 700013 (WEST BENGAL)
4	57534	GOYAL SUSHIL KUMAR, FCA 4 B B D BAGH EAST STEPHEN HOUSE 4TH FLOOR ROOM NO 64 KOLKATA - 700001 (WEST BENGAL)
5	55753	GUHA SUMANTRA, FCA 16/1 GIRISH VIDYA RATNA LANE KOLKATA - 700009 (WEST BENGAL)
6	60015	JAIN SONU, FCA 23 A GURUPADA HALDAR ROAD 1ST FLOOR KOLKATA - 700026 (WEST BENGAL)
7	53649	MITRA DEBASHIS, FCA HARABALA ROAD ULUBARI GUWAHATI - 781007 (ASSAM)
8	54822	PITTI ARJUN, FCA CE 147 SALT LAKE CITY SECTOR 1 NEAR TELEPHONE BHAVAN KOLKATA - 700064 (WEST BENGAL)
9	66409	RAI SUJIT KUMAR, FCA G B PANT BHAWAN 35 BELGACHIA ROAD KOLKATA - 700037 (WEST BENGAL)
10	50908	SHAH MAHESH, FCA 1/1 MONICA BUILDING 9B LORD SINHA ROAD KOLKATA - 700071 (WEST BENGAL)

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2	060848	BANDYOPADHYAY NETAI CHANDRA 10/2 NILRATAN MUKHERJEE ROAD SIBPORE HOWRAH - 711102 (WEST BENGAL)
3	057530	BINANI SUMIT COMMERCE HOUSE 4TH FLOOR ROOM NO 6 2A GANESH CHANDRA AVENUE KOLKATA - 700013 (WEST BENGAL)
4	060182	CHOUDHARI PRAMOD KUMAR 12 CROOKED LANE 1ST FLOOR BEHIND PARADISE CINEMA ESPLANADE KOLKATA - 700069 (WEST BENGAL)
5	052923	DASGUPTA PRADIP 10 GOVT PLACE (EAST) EZRA MANSION ROOM NO 21 ESPLANADE KOLKATA - 700069 (WEST BENGAL)
6	061755	DATTA SURAJIT SH NO 14 BLOCK F COMMERCIAL SUGAM PARK 195 N S ROAD NARENDRAPUR KOLKATA - 700103 (WEST BENGAL)
7	069862	DEY SANDIP M/S DUTTA GHOSH AND ASSOCIATES 4 RIPON STREET 2ND FLOOR KOLKATA - 700016 (WEST BENGAL)
8	061142	KEDIA PANKAJ KUMAR P 11 NEW HOWRAH BRIDGE APPROACH ROAD 2ND FLOOR KOLKATA - 700001 (WEST BENGAL)
9	304771	MADHOGARHIA ADITYA 27 MULLICK STREET 1ST FLOOR BURRABAZAR NEAR KALI GODAM KOLKATA - 700007 (WEST BENGAL)
10	066340	MORE NITESH KUMAR 31 GANESH CHANDRA AVENUE 6TH FLOOR KOLKATA - 700013 (WEST BENGAL)
11	056252	PARMANANDKA DILIP KUMAR 10/1 SYED SALLY LANE 1ST FLOOR KOLKATA - 700073 (WEST BENGAL)
12	301624	PATRA DEBAYAN NONA SHIBTALA NONA AREA C/O D N PATRA ULUBERIA - 711315 (WEST BENGAL)
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14	056068	SAHOO SUNIL KUMAR 150 SAHID NAGAR NEAR BISHNU MANDIR BHUBANESWAR - 751007 (ODISHA)
15	056783	SETHIA MANOJ KUMAR 3 BENTINCK STREET 2ND FLOOR KOLKATA - 700001 (WEST BENGAL)
16	063418	SINGH RAM NATH 30 GANESH CHANDRA AVENUE 2ND FLOOR FLAT NO 6 KOLKATA - 700013 (WEST BENGAL)

Information Session by representatives of CPA Australia on 19.9.2018



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