



*ya esha supteshujagartikamamkamampurushonirmimanah |  
tadevashukramtadbrahmatedevamritamucyate |  
tasmimllokahshritahsarvetadunatyetikashcana | etadvai tat |  
- II chapter, Katha Upanishad*



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*Write to us at*  
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*Feedback & suggestions  
eagerly awaited.*

**E Newsletter,  
Mysore Branch of SIRC of ICAI  
January 2018, Edition 19**



Message from  
Chairman

Dear Members & Students,

Wish you all and your families a very Happy, Healthy and Prosperous 2018 and a Blissful Sankranti Season!

The year gone by, 2017, was indeed quite eventful in many ways!

1. On the political front,

- a. The NDA not only increased its foot print by winning Goa, Uttarakand, UP, Manipur & HP elections, but also retained Gujarat, facing tough competition from the INC. It however lost Punjab due to anti-incumbency!
- b. The take away from Gujarat results is the thumping win for the BJP in Surat where traders were vehemently protesting against the GST!
- c. India also got a new President in Mr. Ramnath Kovind who took over from Mr. Pranab Mukherjee and the Vice President in Mr. Venkaiah Naidu who took over from Mr. Hamid Ansari.

2. On the Economic/Fiscal Front,

- a. The Railway Budget was scrapped and merged with the Union Budget that was presented on February 1st.
- b. Goods & Services Tax Regime was finally launched on July 1st amidst a lot of confusion and protests!
- c. The Moody's upgraded (first in the past 14 years) India's rating from Baa3 to Baa2 (from stable to positive) recognizing NDA's economic reform that has faced a lot of criticism within the country, especially from the political adversaries.
- d. The report of the World Bank also saw India move up to the top 100 countries, on Ease of Doing business ranking from 130!
- e. For five consecutive months, the PMI rose above the 50 point mark and in December scaled a five year record!
- f. The fiscal deficit, which is unlikely to be contained within 3.2% of the GDP and has already compelled the Government to borrow Rs. 50,000 crores is of a growing concern!
- g. The spate of extensions for filing of the GST Returns is continuing due to the sheer inability of the portal to handling the humongous load that now seems to have been grossly underestimated!! The hurdle free opening up of GSTR2 especially would give the impetus needed for GST tax system to catch on successfully and in bringing down prices and thereby controlling inflation.

3. On the Science & Technology front:

- a. ISRO successfully test fired a nuclear enabled ICM Agni IV,
- b. ISRO also set a world record in the history of Space exploration by sending 104 satellites from seven countries aboard its PSLV-C37!

Students:

1. Your Branch launched the next batches of ITTP and Orientation programmes during the month of December, and concluded them too.
2. Your branch also facilitated an online refresher course on GST for students with 19 enrolling.
3. The CPT exams were held in December at the new venue “Sri. K Puttaswamy First Grade College (inside the VVCE Campus)”, and about 400 students took the exams. Let us all wish the aspiring students all the very best. Let us also thank the two observers CA. Lavanya Polisetty and CA Mayuresh M for their support!
4. ICAI commerce Wizard – an initiative of the Career Counseling group of the Board of Studies of ICAI is being held “Online” on 21st & 22nd for students of X, XI, XII and B.Com, BBA, BMS and allied subjects, the details of which have already been circulated to our members for wide publicity and encouragement.

Members:

December also brought the 49th SIRC Conference “SHRESHTHATHA” on 22nd & 23rd that had about 3000 delegates. Mysore Branch had 35 of its members enrolled. Day one saw some very interesting topics such as “Future of Indian Economy” by Dr. Rajiv Kumar VC Niti Ayog, “Right to Privacy” by CA K R Pradeep & “Practical Impact of Benami Transactions” by CA Girish Ahuja!

We invite many more interesting articles from the members and students. Your feedback to [enews.camysore@gmail.com](mailto:enews.camysore@gmail.com) would help us in improving further the contents and utility of this E Newsletter to our members & students. Any suggestions for naming our newsletter would also be welcome!

**Regards,**



**CA C.K. Sabareeshan**

Chairman

Mysore Branch of SIRC of ICAI

## Events Erstwhile

Activities held in the month of December 2017	
01.12.2017	6th Orientation Course Valedictory Session held at Branch Premises
02.12.2017	7th Management Committee Meeting held at Branch Premises
07.12.2017	57th ITTP Course started with 37 students. Faculty : Mr. Pradeep S.S. and CA Mayuresh M
09.12.2017	CPE Seminar on "RERA - Introduction & Issues" held at Branch Premises Speaker - Sri. Dharendra Kumar R Mehta, Adv., Mysuru CPE : 3 Hrs. Timings : 4 pm to 7 pm
12.12.2017	7th Orientation Batch started with 48 Students
12.12.2017	57th ITTP Valedictory Session held at Mysore Branch
17.12.2017 To 31.12.2017	Refresher Course on GST and Ind AS for the Students of Intermediate (IPC) and Final Level held at Mysore Branch Premises 19 Nos. of CA Students participated in the Course
28.12.2017 To 30.12.2017	Series of CPE Programme on "Information Technology" held at Branch Premises. Speaker - Sri. Pradeep S.S. CPE : 9 Hrs. (3 days) Timings : 4 pm to 7 pm
29.12.2017	7th Orientation Valedictory Session held at Mysore Branch Premises
29.12.2017	8th Management Committee Meeting held at Branch Premises



## Companies (Amendment) Act, 2017- Analysis of few provisions

By CA. Raghuveera C.S. and CA. Pracheta M.

The much-awaited Companies Amendment Bill, 2017 was passed by the Rajya Sabha on 19th December 2017. The Bill received the assent of the President on 3rd January 2018 and the notification in the Gazette is awaited.

The statement of objects and reasons for the amendment bill provides that the proposed changes are aimed at:

- a. Addressing the difficulties in implementation owing to stringency of compliance requirements;
- b. Facilitating ease of doing the business in order to promote growth with employment;
- c. Rectifying omissions and inconsistencies in the Act;
- d. Harmonization with various statutes etc.

The Amendment Act proposes to amend around 93 sections of the Companies Act, 2013. In this article, we shall discuss some of the amendments:

### Issue of shares:

#### a. Issue of share at discount (section 53):

1. The word 'discounted price' has been replaced by the word 'discount'.

The usage of word discounted price appears to have been wrongly used in the Act. The usage of word discounted price in this section led to few interpretations that issue price cannot be below the valuation price. Hence, even in case of rights issue or ESOP, it was being interpreted that valuation was compulsory and the issue price cannot be less than valuation price. This anomaly has been now removed. The shares cannot be issued a discount i.e. below the face value; but can be issued at a price less the valuation price if the Act permits.

2. The Amendment Act, however, has provided one exception for the above prohibition. The shares can be issued at discount to its creditors when the debt is converted to shares under any statutory plan or debt restructuring plan specified by the Reserve Bank of India.

b. Private placement (section 42):

The whole section has been replaced. The highlights of the revised section are as follows:

1. Private placement can be made only to persons identified by the Board ('identified persons') and the number should not exceed 50 in a financial year. The rules may prescribe a higher number and conditions for the private placement. The number of 50 excludes the QIB (qualified institutional buyers) and employees under ESOP.
2. Private placement can be offered through an offer and application form. There is no right of renunciation for the identified persons.
3. The private placement subscription can be made only by identified persons by way of cheque, demand draft or any other banking channels.
4. The money cannot be utilized unless the Company allots the securities and the return of allotment (PAS-3) is filed with the Registrar of Companies
5. The return of allotment is to be filed within 15 days from the date of allotment (Presently, it is 30 days)
6. If any delay in filing the return of allotment, the Company and promoters shall be liable to a penalty of Rs. 1000/- for each day during which the default continues but not exceeding Rs.25 lakhs.
7. Allotment of shares to be made within 60 days of receipt of the application money.
8. The Company offering private placement shares cannot release any public advertisements on such issue.
9. If a company makes an offer or accepts without complying with the above provisions, the Company, its promoters and Directors are liable to a penalty which may extend to the amount raised or Rs. 2 crores whichever is less.

**Provisions relating to Auditors:**

a. Ratification:

Ratification of auditor's appointment at every Annual General Meeting has been removed (Section 139). There was no clarity on the consequences of non-ratification. Now, this has been eased out by removing the requirement of ratification.

b. Disqualification of auditors:

The Amendment Act has added another disqualification. The following person also cannot be appointed as the auditor of the Company:

A person who directly or indirectly renders any service referred to in section 144 of the Act (Management services) to

- Company
- Holding Company
- Subsidiary Company (Section 143)

c. Reduction in penalties (Sections 141 and 147):

1. The minimum penalty for non-filing of ADT-3 (form intimating resignation of Director) has been reduced to the remuneration of auditor or Rs.50,000/- whichever is less
2. For contravention of sections 139, 143, 144 and 145, the maximum penalty is restricted to 4 times of the remuneration or Rs. 5 lakhs whichever is less
3. Where the contravention of provisions is wilful, the maximum penalty is restricted to 8 times of the remuneration or Rs. 25 lakhs whichever is less
4. The liability of the auditor to pay damages for loss arising out of incorrect or misleading statement of particulars in his audit report is restricted to Company, statutory bodies or authorities, members and creditors (Presently, any person is covered)
5. In case of criminal liability, any liability other than fine is only on the concerned partner who acted in a fraudulent manner. All the partners shall not be liable in case of criminal liability other than fine.

**Loans to Directors:**

The section 185 has been completely substituted by the Amendment Act. The highlights of the amended section are given below:

- a. The section now divides the lending of loan etc., into three categories:

<b>Prohibited transactions</b>	<b>Restricted Transactions</b>	<b>Exempted Transactions</b>
a. Loan/Guarantee/Security to Director of Company b. Loan/Guarantee/Security to Director of Holding Company c. Loan/Guarantee/Security / to Partner of the Director/Director of Holding Company d. Loan/Guarantee/Security to Relative of Director/Director of Holding Company e. Loan/Guarantee/Security to any firm in which the Director/ Director of holding Company is partner	Loan/guarantee/security to a <u>person in whom the director is interested.</u>  Person in whom director is interested means: <ol style="list-style-type: none"> <li>a. Any private company of which any such director is a director or member</li> <li>b. Anybody corporate at a general meeting of which at least 25% of the total voting power may be exercised or controlled by any such director or two or more such directors together</li> </ol>	a. Loan given to managing director or whole time director as a part of the conditions of services extended by the company to all its employees or pursuant to any scheme approved by the members by a special resolution b. A Company which in the ordinary course of its business provides loans or gives guarantees or securities for the due repayment of any loan c. Loan/Security/Guarantee given by a holding Company to its wholly owned subsidiary Company d. Any guarantee given or security provided by a holding company in respect of loan made by any bank or financial institution to its subsidiary company

f. Loan/Guarantee/Security to any firm in which the relative of the Director/Director of holding company is partner	c. Anybody corporate, the Board of directors, managing director or manager whereof is accustomed to act in accordance with the directions or instructions of the Board or of any director or directors, of the lending company	
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- b. A Company may advance any loan, or give guarantee or provide security to Body corporates covered under section 185(2) by passing a special resolution provided that such loans are utilized by the borrowing company for its principal business activities. This is not allowed in the existing Section 185 of the Companies Act 2013.
- c. Exemption from Section 185 under Notification dated 5th June 2015 was available to only private limited companies. Now, public companies also can also give loan, guarantee or security to certain entities in which directors are interested by complying with the conditions mentioned in section 185(2).
- d. Existing Section 185 provided that Company which in the ordinary course of its business provides loans or gives guarantees or securities for due repayment of any loan and in respect of such loan interest is charged at a rate not less than the bank rate declared by the Reserve bank of India. New Section 185 provides that on such loans an interest is charged at a rate not less than the rate of prevailing yield of one year, three year, five year or ten year Government security closest to the tenor of the loan.
- e. Exemption was provided to private limited companies if the borrowings of such company from banks or financial institutions or anybody corporate is less than twice of it's paid up share capital or fifty crores rupees, whichever is lower and such company has no default in repayment of such borrowings subsisting at the time if making transaction under this section. It appears that these exemptions are taken away and private companies have to comply with the new provisions of Section 185(2), until and unless the Government comes out with fresh notification.

In a nutshell, it can be said that the provision of section 185 has been liberalized which will result ease of doing business. The Companies Amendment Act has brought in many changes pertaining to Deposits, Loans and Guarantees, special Annual return to small companies etc.







## Measuring Awareness and Attention -CA Roopa Venkatesh

Awareness and Attention, certainly should receive our serious consideration. If you look beneath the hood, you will find that in all actions that is primarily what we seek and desire.

In Kalidasa's "Shakuntala", the rishi Durvasa gets very upset because Kanva's daughter Shakuntala refuses to pay attention to him. She is too busy thinking of her beloved, Dushayanta. So Durvasa curses Shakuntala that her beloved will forget her. In the Tirumala Sthala Purana, even Vishnu is punished for not displaying awareness and not giving attention to a rishi. While he is the company of Lakshmi, he ignores Bhrigu who is so upset that he kicks Vishnu on the chest. In turn Lakshmi gets mad (because she resides in Vishnu's heart and therefore believes that Bhrigu has actually kicked her!!). She then stomps off in anger to Karavirapura and Vishnu has to make great reparations!!

While there are many such examples in the various Purana's it highlights the fact that everyone needs "attention". We go to temples, and see the Deity and say we had "Darshan" – sight-attention. You will notice that all Gods and Goddess have eyes which are wide open and therefore "see" and "notice" us. And it is not limited to the Purana's or temples. Even today, if you walk into a shop, and you are not "attended to" in a reasonable manner, you will choose to leave and take your business elsewhere. So, it is undeniable that we all need attention. We want people to be aware of us and provide attention to our presence, our needs.

Events where people feel slighted and ignored are lethal in the corporate world. We can lose a customer, a contract or even a job, in the absence of awareness and attention. But surprisingly these are not part of the modern management lexicon. Why? Because awareness and attention cannot be measured.

Modern management is based on the principle that only that which can be measured can be managed. Since emotions cannot be measured, modern management does not bother much with it. Of late attempts are being made to quantify emotions as suggested by concepts like 'Emotional Quotient' (EQ) but everyone knows that mathematical frameworks are woefully inadequate when it comes to quantifying matters of the heart.

Modern management has come up with a new strategy to cover this inadequacy. It is called 'being professional'. It basically means doing your job without indulging any emotions. You should not feel, you shouldn't think, you should just do. For behavior is the bottom-line. This creates stress. Because the natural behavior of human beings is to respond to another individual at an emotional level, but because of this pressure that we should be "professional", we shun emotions, bottle them up. So, we go to a job, which we love, but because of unnatural behavior expectation, we return stressed.

Processes are another attempt to overcome the lack of awareness or attention in employees. The job has to get done whether your mind is in it or not. So we create rules, and a system of rewards and recognition, to get people do what we want them to do, forcing them to act even if they are not aware or attentive. That is what creates the zombie like voice we hear in telemarketing and customer service calls, or the over-enthusiastic artificial smiles we see at airports and hotels. You know they don't see you. You can see it in those smiles which don't reach the eyes.

Indian thought places a great deal of value on awareness or attention. In Patanjali's yoga-sutra the steps dharana and dhyana of the 8-fold path refer to awareness and attention. Awareness is about perspective and attention is about focus. Both enable humans to connect with other humans. They enable us to enjoy the task at hand and be sensitive to the feelings of others.

Every human being wants to feel he matters. And he wants to be given attention. Customers love it when service-providers lavish them with attention. Bosses love it when subordinates make them feel important. Employees love it when management shows awareness of their issues and anticipates their concerns. To be in the field of awareness and attention is critical to feel valued and loved. One reason why we love dogs is because they give us unconditional attention.

Tragically, the only place corporates value awareness and attention is when there is need to monitor truants and catch thieves. So we have over-sensitive security systems and CCTVs that watch everything and everyone. These are used, not to recognize or celebrate successes but to identify and rectify failures. We have glorified corporate stalking in the name of corporate security for it protects shareholder value. Such awareness and attention born of a paranoid mind is creepy to say the least.

No CEO has an awareness dashboard. No annual general report will have any line item that talks about the quality of attention given by management to employees and employees to customers. We cannot force people to be aware and attentive. These are invisible intangible mental processes that are completely in human control. It can only be unleashed voluntarily. The corporate can force an employee to be behaviorally aligned, but it can never force an employee to be aware or grant attention.

This is the tool used by employees to exert revenge on their bosses. A good boss needs to be aware of its absence if he wants to create a sensitive, caring and attentive organization.

When a manager creates a culture of awareness and attention, he encourages his team to perform better, with lesser stress and better enjoyment. It is high time our Indian Managers took a leaf out of Indian Management thought to apply to organizations for success – in the “real” sense.



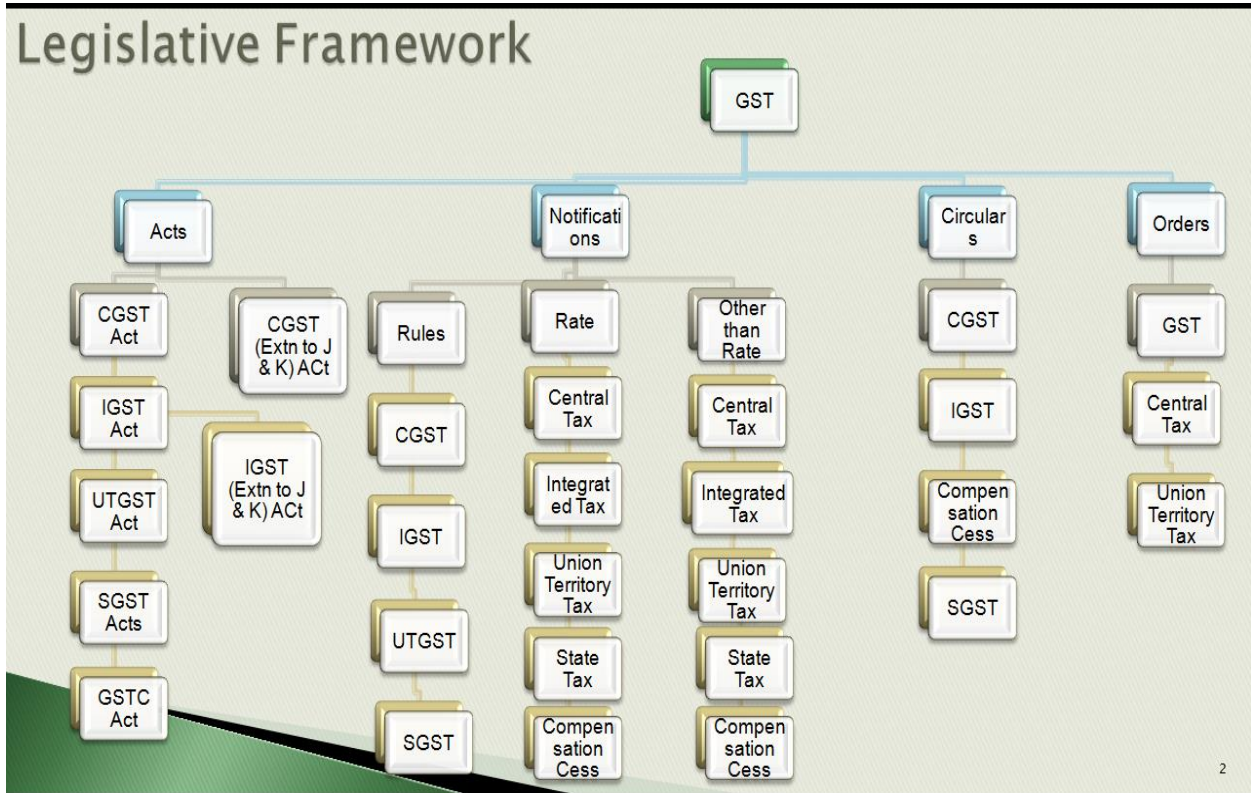
A big shout out to **Mirabai Chanu**, who won India’s first gold in 22 years in World Weightlifting Championships. She defeated the Thailand’s Thunya Sukcharoen in the women’s 48kg of World Weightlifting Championships. India’s last World Championships winner was Karnam Malleswari, who in 2000 became the country’s first female Olympic medalist in any sport.





NOTIFICATIONS, CIRCULARS & ORDERS – A  
MACRO PERSPECTIVE  
CA Annapurna Srikanth

Legislative Frame work of GST



## Notifications – Circulars – Orders

### Notifications-

- Notification – Section 2(80) “notification” means a notification published in the Official Gazette and the expressions “notify” and “notified” shall be construed accordingly;
- 2(87) “prescribed” means prescribed by rules made under this Act on the recommendations of the Council;
- Thus wherever the words Notification, notify or notified are used in the Act – in relevance to those provisions notifications may be issued.
- Further wherever the words prescribed is used in the Act, rules may be issued and they are generally issued by way of notification.

### Circulars-

It is in the nature of clarification in interpretation of certain provisions etc. There will no enabling provision to issue circular in the Act. However it must be in line with the law.

### Orders-

Section 11, 168, 172 empowers the issual of orders. The provisions of the Sections are as below

Section 11(2) – Where the Government is satisfied that it is necessary in the public interest so to do, it may, on the recommendations of the Council, by special order in each case, under circumstances of an exceptional nature to be stated in such order, exempt from payment of tax any goods or services or both on which tax is leviable.

Section 168 –The Board may, if it considers it necessary or expedient so to do for the purpose of uniformity in the implementation of this Act, issue such orders, instructions or directions to the central tax officers as it may deem fit, and thereupon all such officers and all other persons employed in the implementation of this Act shall observe and follow such orders, instructions or directions.

Section 172 – (1) If any difficulty arises in giving effect to any provisions of this Act, The Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made there under, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided, that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament. The Banking Sector serves as the financial nervous system of any country. The efficient & effective management of the Banking system would foster and contribute towards the upliftment & progression of the economy.

### Some Vital Statistics of GST Notifications, Circulars & Orders (Excluding issued by various States)

- Total 258 Notifications issued from 19-06-2017 to 09-01-2018 on 39 different dates
- Central Tax Rate & Union Tax Rate Notifications = 47 Notifications
- Similar 44 Integrated Tax Rate Notifications but there are 3 stand-alone notifications in Central Tax Rate & 6 stand-alone notifications in Integrated Tax Rate
- Total 31 Circulars & 13 orders were issued from 26-06-2017 to 09-1-2018 on 32 different dates. Out of the 13 orders issued till 06-01-2018, 11 orders are issued under section 168 (all being extension of due dates), 1 order under section 172 & 1 order under Section 26 of UTGST Act (similar to Sec 172 of CGST Act).

### Summary of GST Notifications, Circulars & Orders (Excluding issued by various States)

## Summary

Sl.No	Category	Number
1.	Central Tax	76
2	Central Tax Rate	47
3	Integrated Tax	12
4	Integrated Tax Rate	50
5	Union Territory	18
6	Union Territory Tax	47
7	Compensation Cess	1
8	Compensation Cess Rate	7
9	Circulars - GST -28 ; IGST - 2; Compensation Cess -1	31
10	Orders - GST -11; Central Tax - 1; Union Territory Tax -1	13
	<b>Total</b>	<b>302</b>

20

## Notifications, Circulars & Orders Classified according to their subject matter

### Notifications Classified

Sl.No	Classification	Total	Notifications	Circulars	Orders
1	Rates	52	52		
2	Exemptions	60	60		
3	RCM	18	18		
4	Rules	21	21		
5	Due dates & Extension	44	32	1	11
6	Refunds	21	18	3	
7	Exports	9	4	5	
8	Composition	8	6		2
9	Procedural	13	9	4	
10	Clarifications	15		15	
11	Miscellaneous	41	38	3	
	<b>Total</b>	<b>302</b>	<b>258</b>	<b>31</b>	<b>13</b>

25

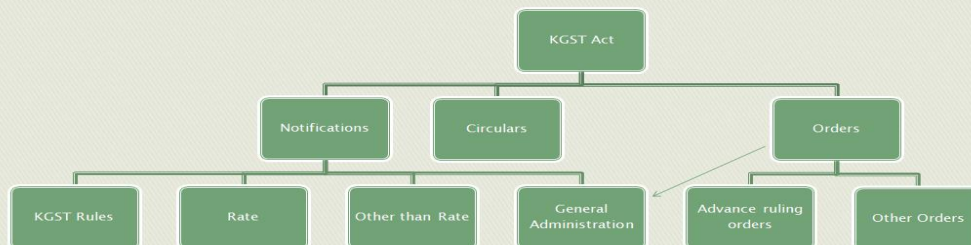
### DATE FROM WHICH CHANGES SHALL BE EFFECTIVE

- It may be noted that as per Sec. 11(1) of the Central Goods & Services Tax ('CGST') Act, 2017 Government has power to grant exemption effective from such date as "may" be specified in the notification.
- Stating effective date in the Notification is not mandatory since the word "may" has been used. Hence if a particular date is specified in the Notification, changes made shall apply from such specified date.

### A Glimpse of Karnataka GST

#### Karnataka GST

▶ <http://gst.kar.nic.in>



## STATISTICS of KGST

- ▶ Rate Notifications – 47
- ▶ Other than Rate Notifications– 71
- ▶ Circulars – 2
- ▶ Orders – 11

### Closing remarks of the author

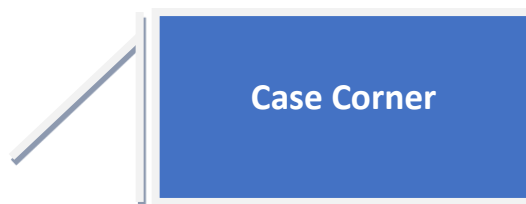
It has been a journey of 190 plus days in GST & there are 302 Notifications, Circulars & Orders issued. As professionals it is immensely important to keep abreast of all the latest developments along with the practical implications of the same in order to enable the assessee to ensure Compliances. Proper Consultation would go a long way in helping the assessee to avoid the penal consequences in future which may be quite rigorous.

*Disclaimer: The above are the views of the author of the article based on the Author's comprehension and interpretation of the Acts, Rules & Notifications available in the public domain.*

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## **DIGEST OF RECENT DECISIONS OF THE INCOME TAX APPELLATE TRIBUNAL**

**Compilation by**

**K.S. Satish**

**Chartered Accountant**

### **EXEMPTION UNDER SECTION 10(13A)**

In Mrs. Meena Vaswani v. ACIT (2017) 164 ITD 120 (Mum) where the facts were that the assessee, a Chartered Accountant, claimed exemption of house rent allowance received from her employer under section 10(13A) stating that she was staying with her mother in the flat belonging to the latter for which she was paying rent to her mother, it was found that she was staying in the flat jointly owned by her and her husband and not with her mother in the flat owned by her mother, there was no rental agreement, cheques were not issued to her mother towards rent and there were no cash withdrawals from her bank account to prove payment of rent to her mother, the Mumbai 'H' Bench took the view that the claim for exemption under section 10(13A) made by the assessee was totally wrong and deserved to be rejected.

### **NOT BUSINESS EXPENDITURE**

The Chennai 'A' Bench in Apex Laboratories (P) Ltd. v. ACIT (2017) 164 ITD 81 (Chn) has held that the expenditure of Rs. 5,19,37,891 incurred by the assessee, a manufacturer of pharmaceutical formulations, on gifting gold coins, laptops, television sets, refrigerators, etc., to doctors and medical practitioners was not allowable as a deduction from its business profits as distribution of gifts to doctors and medical practitioners is prohibited by the Medical Council (Professional Conduct, Etiquette and Ethics ) Regulations, 2002.

### **REVENUE EXPENDITURE**

Advertisement expenditure incurred by the assessee-bank in connection with the change of its name for bringing public awareness to the change in the name is allowable as a revenue expenditure opined the Ahmedabad 'A' Bench in Axis Bank Ltd. v. Addl. CIT (2017) 185 TTJ (Ahd) 722.

### **SECTION 41(1)**

The Mumbai 'K' Bench in Garware Polyester Ltd. v. DCIT (2017) 185 TTJ (Mum) 276 has expressed the view that waiver of the principal amount of the loan borrowed for the purpose of acquisition of a capital asset was not chargeable to tax under section 41(1).

### **DEDUCTION UNDER SECTION 10B**

In ITO v. Anthelio Business Technologies (P) Ltd. (2017) 185 TTJ (Mum) 698, the Mumbai 'L' Bench has held that the enhanced profit arising due to the disallowance made under section 40(a)(ia) is eligible for deduction under section 10B.

### **CAPITAL GAINS**

Exemption under section 54 is available even if the land which is appurtenant to the residential house is sold and it is not necessary that the whole of the residential house should be sold opined the Delhi Bench in Adarsh Kumar Swarup v. DCIT (2017) 164 ITD 188 (Del).

### **SECTION 68**

The Mumbai 'B' Bench has in Mehul V. Vyas v. ITO (2017) 164 ITD 296 (Mum) taken the view that where the assessee who did not maintain any books of account had made a cash deposit in her savings bank account in a bank, the Assessing Officer could not treat the cash deposit as unexplained cash credit under section 68 and bring it to tax as the bank account cannot be construed to be a book maintained by the assessee.

**CHAPTER VI-A**

In ITO v. Kuber Developers (2017) 185 TTJ (Rpr) (UO) 1 where the assessee-firm engaged in the business of developing and building housing projects built flats, the built-up area of some of which exceeded the specified limit, the Raipur Bench held that the claim of deduction under section 80-IB for the entire project cannot be denied for the reason that some flats have not complied with the conditions stipulated therein but the disallowance of deduction should be restricted proportionately in respect of transactions which have not complied with the conditions.

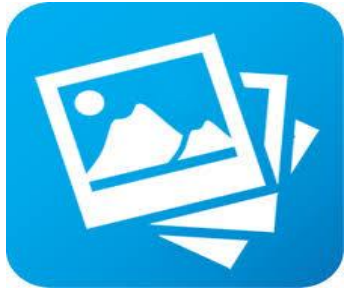
**BOOK PROFIT UNDER SECTION 115JB**

The Kolkata 'A' Bench has in DCIT v. Gloster Jute Mills Ltd. (2017) 185 TTJ (Kol) 339 expressed the view that profit on sale of fixed assets cannot be included as part of book profit for the purpose of section 115JB.

**TAX DEDUCTION AT SOURCE**

Where the assessee carrying on the business of civil construction paid wages to individual laborers who were working under his direct supervision, there existed employer-employee relationship between the assessee and laborers and the assessee was not liable to deduct tax at source under section 194C in respect of such wages paid ruled the Kolkata 'A' Bench in Tapas Paul v. ACIT (2017) 164 ITD 590 (Kol)





Picture Gallery



49<sup>th</sup> SIRC Conference "SHRESTATHA"





Speaker Sri Dhirendra Kumar R Mehta  
for the program on RERA



Audience during the program on RERA



6<sup>th</sup> Orientation Valedictory Session





7<sup>th</sup> Orientation Course





“Condemn none: if you can stretch out a helping hand, do so. If you cannot, fold your hands, bless your brothers, and let them go their own way”

— Swami Vivekananda

National Youth Day is celebrated in India on 12 January on the birthday of Swami Vivekananda. In 1984 the Government of India declared the day as the National Youth Day and since 1985 the event is celebrated in India every year. As the Government of India had quoted and realized that ' the philosophy of Swamiji and the ideals for which he lived and worked could be a great source of inspiration for the Indian Youth



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