



ANIL AGRAWAL AND COMPANY

Chartered Accountants



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Tax [Direct & Indirect] News

Important Due Dates

1. The last date of filing the ST-3 return for October 14 to March 15 is 25th April, 2015. Utility for e-filing Service Tax Return (ST-3) for the said period is now available in both offline and online version.
2. Extension to 15.05.2015 of last date for e-filing and filing paper copy of DVAT 16, DVAT 17 and DVAT 48 with annexure etc for Q4 of 2014-2015. [DVAT Circular 2 of 27.04.2015].
3. 30-04-2015 (Thursday) is last date to deposit TDS deducted during March 2015 by non-government deductors. All (including government) to file Q4 TDS/TCS returns by 15-05-2015.

Important Notifications/Circulars of CBDT.

- 1) Penalty u/s 271(1) (c) of the Income Tax Act not justified for unsustainable claim which was fully disclosed. [[CIT vs. S. M. Construction \(Bombay High Court\)](#)].
- 2) CBDT has notified the income computation and disclosure standards. This notification shall come into force with effect from 1st day of April, 2015. [Notification No. 32/2015 dated 31.03.2015]
- 3) CBDT has clarified that self assessment tax paid before date of filing of wealth tax return won't be subject to interest. [Circular No. 5/2015]
- 4) CBDT issued clarification that rollover of mutual funds beyond 36 months not capital gains. A tax of 20% will be charged at the time of redemption of plans. [Circular No. 6 of 2015 dated 09-April-2015].

5. AO was not justified in taking total investment for calculation of interest expenditure instead of investments attributable to exempt income as per rule 8D for disallowance u/s 14A of the Income Tax Act, 1961. [ABC India Ltd. vs. ACIT, Delhi High Court].
6. No interest or rebate u/s 80C on PPF contribution in excess of 1.50 lacs pa but it can be refunded to subscriber. [MOF (DEA) Letter F3 (1)-PD/70 of 24.9.1970].
7. Apply for PAN/ TAN of a company at the time of incorporation itself in form INC-7 of companies Act 2013. [CBDT notification No.38/2015 dated 10-4-2015].
8. As per CBDT circular dated 10.04.2015 regarding Companies intending incorporation (not yet incorporated) can now apply for Permanent Account Number (PAN) and Tax deduction & collection Account Number (TAN) in Form No. INC-7 prescribed under the Companies Act'2013.[Notification No. 38/2015 Dated: 10.04.2015].
9. CBDT has allowed companies to apply for the PAN and TAN registration while filing the incorporation form INC 7. [Notification dated 10th April 2015].

Further, as proof of date of birth the copy of the following documents if they bear the name, date, month and year of birth of the applicant, can be provided for PAN & TAN application purposes:

- a) birth certificate issued by the municipal authority or any office authorized to issue birth and death certificate by the Registrar of Birth and Deaths or the Indian Consulate as defined in clause (d) of subsection (1) of section 2 of the Citizenship Act, 1955 (57 of 1955); or
- b) pension payment order; or
- c) marriage certificate issued by the Registrar of Marriages; or
- d) matriculation certificate or mark sheet of recognised board; or
- e) passport; or
- f) driving licence; or

- g) domicile certificate issued by the Government; or
 - h) aadhar card issued by the Unique Identification Authority of India; or
 - i) elector's photo identity card; or
 - j) photo identity card issued by the Central Government or State Government or Central Public Sector Undertaking or State Public Sector Undertaking; or
 - k) Central Government Health Service Scheme photo card or Ex servicemen Contributory Health Scheme photo card; or affidavit sworn before a magistrate stating the date of birth.”;
9. CBDT notifies ITR1, 2 and 4S for A.Y. 2015-2016. Furnish details of all bank accounts including opened/ closed during year and Aadhar. [CBDT Notification of 15.04.2015].
10. Transport allowance increased from 800 pm to 1600 pm w.e.f 01.04.2015. For blind persons increased from 1600 pm to 3200 pm. [CBDT Notification 39 of 13.04.2015].
11. The government will likely roll back the new income tax return forms that require the disclosure of foreign travel details, among other personal information.
12. PAN of responsible person mandatory in TDS FVU 4.6. Deduction u/s 80CCE upto 1.50 lacs. AIN must for government deductor depositing TDS by transfer voucher.
13. Bank cannot simply defer deduction of tax at source on interest on deposits and keep on waiting for certificate under section 197 to be obtained by depositor; it is liable to deduct tax as per mandate of section 194A.
14. No TDS on payments made to corporations set up for welfare and economic upliftment of ex-servicemen, whose income is exempt u/s 10(26BBB). [Circular 7 of 23-04-2015].

15. TRACES advises against use of DSC of another person to submit online corrections etc after changing PAN of authorized person and then reverting back to old PAN.
16. CBDT has issued instruction dated 24th April 2015 to FIIs receiving income exempt from tax by availing benefit in Double Taxation Avoidance Agreements ('DTAAs'), since the issue involved in such cases is limited, so claims should be decided expeditiously.
17. Interest on delayed payment of interest u/s 244A on principal refund amount not allowed to the assessee. [CIT vs. IFFCO, High Court of Delhi].
18. No liability of tax consultant for claiming incorrect TDS in ITR on basis of fake TDS certificate provided. [Sudesh Sharma vs T D Gandhi. Punjab and Haryana High Court].

Tax [Direct & Indirect] News

Important Circular/ Notification Regarding Indirect Tax

1. W.e.f 01.05.2015, mandatory for ACP importers to file bill of entry with class III DSC. Optional for others and for other documents. [Circular 10/2015-Custom of 31.03.2015].
2. New rate of service tax @14% shall come into effect from a date to be notified by Central Government. Therefore, till that date rate 12.36% shall be effective also. No change in ST rate on abetment in serving food/beverages in AC restaurant etc. [CBEC vide Circular No. 183/02/2015-ST issued on 10th April 2015]
3. Importers may file refund claim of 4% SAD at the customs stations where imports are made. F.No.401/57/2014- Cus III. GOI, MOF. [Circular No. 12/2015-Customs, Dated- 9th April, 2015].
4. Period of limitation under Section 11B of the Excise Act will not apply in case of refund of service tax paid inadvertently where no such service tax liability exist. [Shravan Banarasilal Jejan vs. CCE, (Mumbai – CESTAT)].
5. If any member faces problem of system error while filing Delhi VAT return, the screen shot of the same be mailed to the e-mail ID of commissioner VAT i.e. ctt.delhi@nic.in with a copy to the Bar(Team STBA).
6. W.e.f 30.04.2015, DVAT and CST registration in 1 day under simplified process. Provisional RC to be available in dealer login. [Circular 3 of 27.04.2015].

Regulatory [ROC & RBI]

MCA Regulations

1. MCA has delegated the powers prescribed under section 94 (5) of Companies Act, 2013 to regional directors for carrying out inspection of registers, returns etc as maintained by the company. ([Circular dated 31.03.2015](#))
2. Cash flow mandatory for private companies also, with effect from financial year 2014-2015. Except, one person company, small (Paid up share capital up to Rs.50 lacs or turnover up to Rs.2 crore) and dormant company.
3. The tribunal was justified in extending the period of stay of demand beyond 365 days in case hearing could not be taken up for reason not attributable to assessee.[United Health Group Information Services Pvt. Ltd. vs. DCIT, Delhi High Court.]
4. Borrower cannot file FIR against authorities of financial institution with sole intent to avoid repayment of loan. [Supreme Court of India Mrs. Priyanka Srivastava vs. State of U.P].
5. New e-form INC-29, for filing application for registering a company instead of filing E- Forms DIN-3, INC-1, INC-7/2, INC-2 and DIR-12, scheduled to be introduced w.e.f. 1st May, 2015.
6. ICSI has issued Secretarial Standards-1 and 2 with the approval by MCA vide letter dated 10.04.2015 which is published in the official gazette on 23.04.2015 and the same shall take effect from 01.07.2015.

Regulatory [ROC & RBI]

RBI Regulation & Notifications

1. RBI Circular no. BP.BC.83/21.04.048/ 2014-2015 dated 01.04.2015 relating to provisioning pertaining to fraud accounts in Bank Audit whereby,
 - a. Security value is to be ignored in all fraud cases.
 - b. Provision for the entire amount is to be provided over a period of 4 quarters commencing with the quarter in which the fraud has been detected.
 - c. In case the fraud is reported to RBI with a delay beyond the prescribed period, the entire amount of fraud will have to be provided for immediately by the bank.
2. RBI has notified revised regulatory framework for NBFCs and all NBFC are required to have meticulous compliance of the revised framework. [DNBR (PD) CC.No. 002/03.10.001/2014-15]
3. Minimum age of independent / Non-executive directors in NBFCs also 21 years as per Companies Act 2013

SEBI Regulations

1. SEBI advised stock exchanges to impose the fine starting from 50,000/- which can extent up to 1,42,000/- + 5000/- per day from October 1, 2015 till the date of compliance on listed entities for non-compliance of appointment of woman director.
2. Companies listed in only non-operational stock exchanges to obtain listing in nation-wide stock exchanges in 18 months.[SEBI CIR/MRD/DSA/05/2015 of 17-4-15.]
3. Companies listed in only non-operational stock exchanges to obtain listing in nation-wide stock exchanges in 18 months.[SEBI CIR/MRD/DSA/05/2015 of 17-4-15.]

Regulatory [ROC & RBI]

Companies (Amendment) Act, 2014: Key Points

1. Refund by 01.06.2015, amounts received before 01.04.2014 but shares, bonds not allotted till 31.03.2015 or follow rules. Companies (Acceptance of Deposits) Amendment Rules, 2015.
2. Companies may accept deposits without insurance till 31.03.2016 (31.03.2015 earlier) or till insurance product are available. Companies (Acceptance of Deposits) amendment rules, 2015.
3. Deposit taking companies to obtain credit rating p.a. and send copy to ROC with return of deposits in revised form DPT-3. Companies (Acceptance of Deposits) amendment rules, 2015.
4. Companies can continue to pay managerial remuneration approved as per schedule XIII of companies Act 1956 even after 01-04-2014 for remaining term.[General Circular 7/2015 of 10-4-15].
5. The Union Cabinet gave its approval for amendments in the companies bill, 2014 - Doing away with the requirement for filing a declaration by a company before commencement of business and rationalizing the procedure for laying draft notifications granting exemptions to various classes of companies.

About Us

We are a partnership CA firm of repute in New Delhi established in year 2003 with extensive cross functional experience of dealing with both multinational and domestic entities. We provide specialized services relating to International and domestic Taxation, Regulatory (ROC and RBI) and Assurance. The firm has been founded by Mr. Anil Agrawal, FCA who is alumni of Ernst & Young and has more than 12 years of experience in the fields of International Taxation and Regulatory matters. Our client comprises of Subsidiaries of foreign cos, Joint Ventures, Indian Corporates, LLPs, Firms, NGOs & HNI's.

We have dedicated team of Chartered Accountants, Company Secretary, Semi qualified and adequate support staff who are competent people with sharp insight and unique skill set. Our Current area of operation is NCR region comprising of Delhi, Gurgaon, Manesar and Noida. Our present multinational clientele includes clients from Turkey, USA, Australia, Dubai, Japan and Netherland.

OUR SERVICE AREA

- Income Tax Assessment & Litigation
- Transfer Pricing Audit/Assessment & Documentation
- International & Domestic Tax Advisory & Compliance
- Assurance/ Auditing Service
- Expatriate Tax/ NRI Tax Advisory & Compliance

OUR SERVICE AREA

- Outsourcing of Accounting & Payroll
- DVAT/CST Advisory & Compliance
- Service Tax Advisory & Compliance
- Valuation Services
- FEMA/RBI regulations advisory & compliance
- Company law Advisory & Compliance

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