



STBA BULLETIN



MEMBER'S MONTHLY E-NEWSLETTER
SILIGURI TAXATION BAR ASSOCIATION

MARCH 2024



**"THE GREATEST GLORY IN LIVING LIES NOT IN NEVER FAILING,
BUT IN RISING EVERY TIME WE FAIL."**

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Disclaimer

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Dear esteemed members of Siliguri Taxation Bar Association,

It brings me immense pleasure to address the members at this point of time, especially considering that two-thirds of my tenure as the President has already passed, and we find ourselves nearing the conclusion of this financial year.

Over the past months, our association has been dynamic and vibrant, and I am pleased to share some significant highlights. The Mega Seminar on Income Tax and GST, focusing on joint development agreements and real estate, witnessed an outstanding participation of over 90 individuals. Your active engagement and enthusiasm during the sessions were truly commendable, reflecting the commitment of our members to staying abreast of the latest developments in taxation.

Following this success, our Workshop on Income Tax and GST drew an even larger audience, with 100 plus participants benefiting from the expertise of our distinguished speakers. My sincere appreciation goes to each speaker for contributing their knowledge, making the workshop an enriching experience for all attendees.

We also successfully conducted our second general meeting, providing a platform for open dialogue and constructive discussions. The active involvement of our members in shaping the agenda and direction of our association is truly heartening.

As we move forward into the month of March, I am excited to announce our agenda for this period. We are focusing on women's empowerment programs, recognising the valuable contributions of our female members. Additionally, we have planned a cultural evening, extending the invitation to both our members and their families. These events are not only an opportunity for professional networking but also a chance to celebrate the diversity and strength within our STBA community.

In closing, I want to express my gratitude for your continued support and active participation. As we approach the end of this financial year, I encourage each member to share their thoughts, suggestions, and ideas to further enhance the collaborative spirit of our association. Together, let us continue to strive for excellence and make STBA a driving force in the realm of taxation.

Thank you and I look forward to your continued engagement.

With heartfelt gratitude,

CA Sanjeev Agarwal

President

Siliguri Taxation Bar Association

MESSAGE FROM THE SECRETARY



Dear Members

As we celebrate Holi - The Festival of Colours, Siliguri Taxation Bar Association (STBA) has been constantly undertaking various initiatives to empower profession to ensure that the profession emerges as an enabler of economic growth.

In the spirit of continuous improvement, the Siliguri Taxation Bar Association remains committed to providing value to its members through professional development, knowledge sharing and networking opportunities. Our focus on embracing technological, advancements and staying abreast of industry trends ensure that we continue to be at the forefront of the legal profession. Our goal is to empower each member with the knowledge and skills necessary to navigate the evolving challenges of our professional successfully.

I encourage all members to take full advantage of the diverse range of programs and events that STBA will be organizing in coming months. Your active involvement not only enhances your professional growth but also contributes to the vibrant and supportive community that is the hallmark of the STBA.

Jai Hind!

Warm Regards

Vinit Agarwal, Advocate

Secretary

Siliguri Taxation Bar Association





Dear Readers,

Greetings from the editorial team of the STBA Newsletter! We hope this message finds you well and that you will enjoy the valuable insights and updates we will provide on taxation & other matters.

Taxation is a complex and dynamic field, with frequent updates, amendments, and interpretations. Our team of experts works diligently to stay abreast of these changes and distill them into practical, digestible information for our readers. We aim to cover a wide range of topics, including income tax, GST, Corporate Matters, Finance, Accounting & Audit, among others, to cater to the diverse needs of our readership.

We understand that each one of you has unique circumstances and requirements when it comes to taxation & related laws. While we endeavor to provide accurate and up-to-date information, we must emphasize that our newsletter should not be considered a substitute for professional advice. It is essential to refer to relevant laws or seek guidance from relevant authorities to address your specific concerns.

I request our members to please come forward and contribute your valuable insight by way of articles on various topics and areas related to our profession. Members can also send case studies on cases relating to Income Tax, GST & other areas, where they themselves attended before the appellate authorities. Case study may be submitted with fact of the case, grounds appealed for and outcome of the case. This would help our fellow members in enriching their practical knowledge.

Any suggestions, queries or articles on any matter may be mailed to us at manishslg@icai.org. Thank you for being a part of our community. We look forward to bringing you more informative content in the coming months.

Happy Holi !

With warm Regards

CA. Manish Agarwal

Editor & Chairman – Newsletter Committee

Siliguri Taxation Bar Association

Order	Case Name	Brief Details
Revenue Audit Objection Can Reopen Assessment (From 01.04.2022): Kerala HC	Sree Narayana Guru Memorial Educational And Cultural Trust Vs ACIT (Kerala High Court) Date: 19.02.2024	In a landmark judgment that has significant implications for income tax assessments in India, the Kerala High Court has ruled that revenue audit objections can indeed form a valid basis for reopening income tax assessments post-April 1, 2022. The case in question, Sree Narayana Guru Memorial Educational And Cultural Trust Vs. ACIT, delves into the nuances of the Income Tax Act, 1961, especially focusing on the amendments to Section 148.
Violation of Companies Act not turn share premium into taxable revenue receipt	Shendra Advisory Services P. Ltd. Vs DCIT (Bombay High Court) Date: 09.02.2024	Bombay High Court's decision in Shendra Advisory Services P. Ltd. Vs DCIT clarifies that receiving share premium, even if there's a potential violation of the Companies Act, doesn't translate to taxable income under the Income Tax Act. This judgment provides valuable guidance for companies dealing with share issuance and potential tax implications.
TDS credit Available in Year Income Reported, Cannot be Deferred to Other Years	DCIT Vs Cicon Engineers Private Limited (ITAT Bangalore) Date: 05.02.2024	The case underscores the importance of aligning TDS credit with income reporting under the Income Tax Act. While TDS credit should correspond to the year of income accrual, it should not result in undue deferral or double claiming of credits. The decision provides clarity on the legal framework surrounding TDS credit and income reporting.
ITAT applied Net Profit Rate of 0.50% instead of 8% Applied by AO	Dulichand Kundanmal Vs ACIT (ITAT Kolkata) Date: 19.06.2023	The ITAT Kolkata's decision to revise the net profit rate to 0.50% from the initially applied 8% by the AO is a testament to the tribunal's commitment to ensuring equitable and justified tax assessments. This ruling not only benefits Dulichand Kundanmal by reducing its taxable income significantly but also sets a benchmark for future cases where profit rates are estimated without substantial reasons. The tribunal's approach highlights the importance of fair play in tax administration and the need for authorities to consider an assessee's historical financial performance and compliance history before making arbitrary adjustments.

Order	Case Name	Brief Details
<p>GST Not Exempt on services for Loading and Unloading of Imported Pulses</p>	<p>In re Sona Ship Management Pvt Ltd (AAAR West Bengal) Date: 24.01.2024</p>	<p>The Appellate Authority for Advance Ruling (AAAR) West Bengal has deliberated on the exemption applicability under serial number 54(e) of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 for services related to the loading and unloading of imported unprocessed Toor, Whole Pulses, and Black Matpe. This ruling was sought by Sona Ship Management Pvt Ltd against an earlier decision by the West Bengal Authority for Advance Ruling (WBAAR).</p> <p>The AAAR concluded that the services related to the loading and unloading of imported unprocessed Toor, Whole Pulses, and Black Matpe do not qualify for exemption under the cited GST notifications. This decision underscores the nuanced interpretation of “agricultural produce” and “primary market” within the GST framework, especially in the context of imported goods.</p>
<p>Refund Appeal: HC allowed condonation of delay of 7 months</p>	<p>Prem Chand Vs Assistant Commissioner of CGST And Central Excise (Calcutta High Court, Jalpaiguri Circuit Bench) Date: 11.03.2024</p>	<p>In a significant ruling, the Hon’ble High Court, circuit bench at Jalpaiguri, intervened in the case of Prem Chand Vs Assistant Commissioner of CGST And Central Excise. This article delves into the details of the court’s decision, which favored the petitioner’s appeal for a refund claim, despite facing rejection and delay.</p> <p>The judgment in Prem Chand Vs Assistant Commissioner of CGST And Central Excise highlights the judiciary’s role in ensuring procedural fairness and upholding statutory rights. By granting condonation of delay and directing a rehearing with the inclusion of additional evidence, the court upheld the principles of natural justice and provided recourse to the petitioner. This decision serves as a precedent for similar cases, reinforcing the importance of procedural compliance and equitable redressal in matters of tax disputes under GST laws.</p>

UNDERSTANDING AND MANAGING INVESTMENT RISK

As an investor, managing risk is a crucial aspect of achieving your financial goals. Risk is an inherent part of investing. Everyone faces financial risk, whether he or she invests or not. Not investing your money has its own set of risks, and so does investing. No investment is without risk.

Even if you hire the best financial advisers, and do as he or she say, there is still risk. Unfortunately, to build wealth over time, investors need to accept a certain amount of risk. Leaving money in risk-free investments such as high yield savings accounts isn't investing at all as a matter of fact that's actually barely savings. By avoiding risk and keeping your money in a savings or fixed deposit account practically guarantees you'll lose purchasing power over the long term due to the rising costs of goods and inflation.

WALK BEFORE YOU RUN

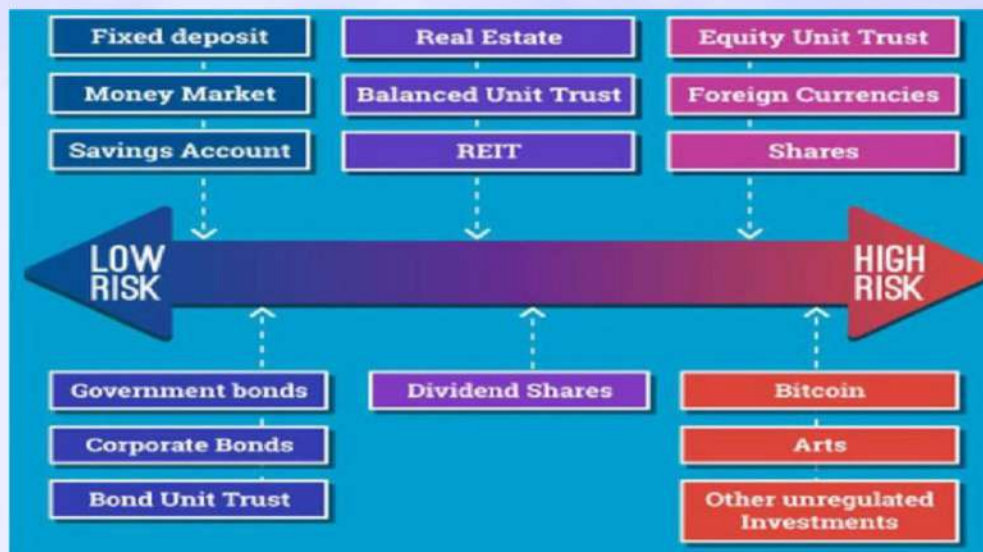
There are two main groups of investors at both extreme ends of the investing risk spectrum. On one end, there are investors who are risk averse are are afraid to lose money when investing. This group of risk adverse investors could have been burnt in their initial investment experience and they've decided to stop investing altogether.

On other end, there are investors who are risk takers who aim for high returns. This group of investors may have gotten lucky in their investment and are thirsty for bigger returns.

With a wider and more sophisticated range of products for consumers to choose from today, the second groups of investors are spoilt for choice.

"A lot of low risk investors try to conduct research on different investments, and after reading one or two Robert Kiyosaki's books or attending some investment seminars, they would jump from low risk to high risk products without proper understanding. As a result, they would get burnt by their investments.

So what should the risk-averse investors do? Stick to one investment product forever? Not quite. Here is a spectrum that gives investors an idea on the risk level of different investment products.






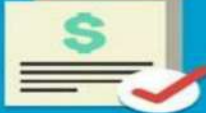


"New investors should not make a huge leap when they grow their investment portfolio. They need to contain their excitement before putting their money into a new investment."

Investors should know the investment products' level of risk for different investment products.

Then instead of making a leap, move in a linear movement, from low to high and do it step-by-step. By doing so will understand how risk increases in each level.

The first step of approaching risks the right way is to know and understand what you are up against. Here are some of the most common investment risks you will encounter.

COMMON TYPES OF INVESTMENT RISKS

<h3>Market risk</h3>  <p>Bearish market</p> <ul style="list-style-type: none">Market on a downtrend from correction/collapseRisk losing your investment capital	<h3>Default risk</h3>  <ul style="list-style-type: none">Risk of losing 100% of the capital.Examples: Collapse of bond issuerAlso unregulated alternative investments, such as land banking schemes, gold coins, bitcoins, oil palm, etc. can have high risks of defaulting.
<h3>Interest rate risk</h3>  <ul style="list-style-type: none">Buying a property when interest rates are low on variable interest.If interest rate doubles, loan repayments go up.Examples: Property investments with mortgages	<h3>Credit risk</h3>  <ul style="list-style-type: none">Exposure to loss due to non-payment by a borrower of a financial obligation when it becomes payable.Example: When a bond issuer fails to make payments, holders will lose money and the value of the bond will also drop.
<h3>Liability risk</h3>  <ul style="list-style-type: none">The risk of having to maintain your loan even when your investment goes down.This usually happens when you leverage on a loan for your investment, such as property or hedge fund.Example: Buy-to-let property with a home loan. When rental rate drops, you may have to top-up money to service the loan.	<h3>Currency risk</h3>  <ul style="list-style-type: none">This happens when Ringgit weakens against other currencies.Example: Investing in Japanese Yen with investment return of 10%, may not be enough to offset your loss if the Yen weakens against Ringgit.

CA Sourav Jain, an alumnus of St. Xavier's College Kolkata, specializes in fields related to Indirect Taxation and Assurance services. With technologies coming in such as Block chain, Artificial Intelligence (AI) and many more, the existing methods deployed for the above services will become redundant and hence he has been keenly focusing on modern age tools such as Cloud based Accounting, Business Process Reengineering and other Management tools. He can be reached at:

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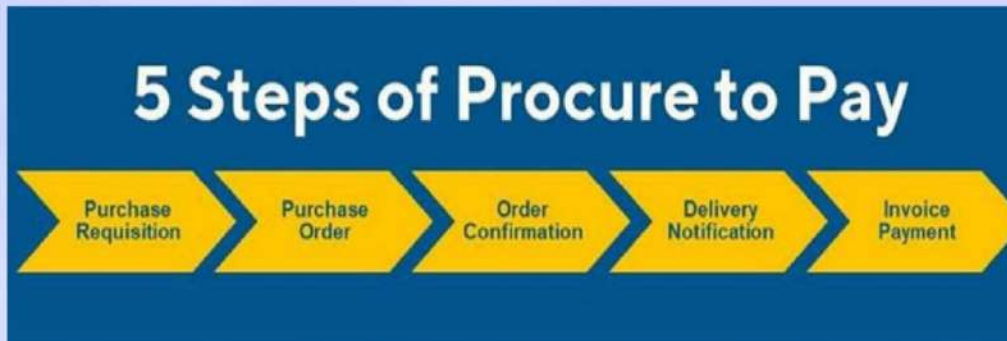
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INTRODUCTION

A P2P business process refers to the procurement process within an organization that involves the direct exchange of goods or services between two parties without the involvement of intermediaries or a central authority. In other words, it is a process in which a business directly purchases goods or services from another business, rather than going through a traditional supplier or distributor.

THE P2P BUSINESS PROCESS TYPICALLY INVOLVES THE FOLLOWING STEPS:



- **Identifying the need:** The first step is to identify the need for a particular product or service.
- **Requesting quotes:** The business then contacts potential suppliers or service providers directly to request quotes or proposals.
- **Negotiating terms:** Once the quotes have been received, the business can negotiate the terms of the transaction with the supplier, such as price, delivery time, and payment terms.
- **Placing an order:** Once the terms have been agreed upon, the business can place an order directly with the supplier.
- **Receiving the goods or services:** The supplier then delivers the goods or services directly to the business.
- **Making payment:** Finally, the business makes payment directly to the supplier, typically through an online payment system.

AUTOMATION IN P2P

P2P business processes can help businesses automate their operations by leveraging technology to streamline and optimize the procurement process.

Here are some ways P2P can help automate business operations:

Electronic procurement: P2P allows businesses to automate their procurement process by using electronic tools and systems to request quotes, negotiate terms, and place orders. This reduces manual labor and speeds up the process, leading to faster order fulfillment and reduced errors.

Invoice automation: P2P allows businesses to automate their invoice process by using electronic invoicing tools to receive and process invoices from suppliers. This helps to eliminate paper-based invoices, reduce errors, and speed up the payment process.

Supplier management: P2P systems allow businesses to automate supplier management by storing supplier information in a centralized database and using automation tools to track supplier performance, manage contracts, and monitor compliance.

Payment automation: P2P systems can automate payment processing by using electronic payment methods, such as credit cards or online payment systems, to make payments to suppliers. This can help to reduce payment processing times, lower costs, and improve accuracy.

Analytics and reporting: P2P systems can provide businesses with real-time analytics and reporting on procurement activities, supplier performance, and spend management. This allows businesses to make data-driven decisions and optimize their operations for maximum efficiency.

By automating their procurement process with P2P, businesses can save time, reduce costs, and improve their overall efficiency and productivity.

Bhavesh Agarwal is a Chartered Accountant who has been in practice since about 5 years and is currently a partner at M/s. BSA & Co., Chartered Accountants. He has done his graduation from St. Xavier's College, Kolkata and had qualified the CA Examinations having scored the highest marks in the North Bengal Region. Having worked both in Kolkata and Siliguri has given him exposure of diverse areas of work and has allowed him to deal with a wide range of clients He strongly believes that the future of the profession is completely dependent on technology and hence always remains aware of the emerging technologies that may be relevant to bring more efficiency and quality of deliverables. He actively works on problem solving assignments for organizations and gives consultancy to management on various issues and is specialized in the field of Internal Auditing. He has also been keenly studying Six Sigma for organizational growth and has undergone certified Black Belt training of the same. He can be reached at:

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Mobile: 8101056230

ICAI Membership No: 314351



MAIN SOCHTA HU

Main Sochta hu...kash duniya me koi gamm nahi hota
Pyari Khushiyo ke baad koi dukh bhara pal nahi hota...

Main Sochta hu...Dharam ke naam par log kyu ladte hai
Pichli ghati ghatnao ko Soch kar apas me kyu dange phasaad karte hai....

Main Sochta hu...Kash duniya me sab bache padh pate...
Chotisi umar me Kaam nahi...siksha ka deep jala pate...

Main Sochta hu...kaise log apne maa-baap ko bridya ashram chod aate hai...
Thora teharkar kyu nahi unki pidha aur dard samaj pate hai...

Main Sochta hu...kyu log nashe ki lat me padh jate hai...
Khud to dukh paate hi hai...apne parivaar ko vi dukhi kar jate hai...

Main Sochta hu...Kuch logo ko do waqt ki roti khane ko nahi mil pati hai
Na jane unki puri Zindagi kaise kat pati hai...

Main Sochta hu...kaise kuch log garv me hi apni beti ko maar dete hai
Pal bhar me hi us masum ka gala ghot kar kaise khush reh pate hai....

Kash hum apna thoda sa pyar...dusro ke dilo tak pahucha paye...
to sayad kitno ki Zindagi me khushiyo ki ek umeed jaga paye
mujhe to soch kar yehi lagta hai...

CA Niraj Jajodia is a practising Chartered Accountant by Profession & member of Siliguri Taxation Bar Association (STBA). He has more than twelve years of post-qualification experience as a chartered Accountant. He is the founder and partner in a CA Firm - NAS Jajodia & Associates based in Siliguri. He has also completed the course in Information System Audit, certificate course on concurrent Audit of Bank and certificate course on Forensic Accounting & Fraud Detection from ICAI. He is a regular faculty for the Orientation course for CA Students at ICAI Siliguri Branch for last 7 years. He can be reached at:

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Compliance Calendar for March 2024

Due dates in March 2024	Form to be filed	Period	Details
7	Challan No.281	Feb-24	Payment of Income Tax TCS collected in February 2024
7	Challan No.281	Feb-24	Payment of Income Tax TDS deducted in February 2024
10	GSTR 7	Feb-24	GSTR-7-Monthly Return by Tax Deductors for February 2024
10	GSTR 8	Feb-24	GSTR-8-Monthly Return by E-Commerce operators for February 2024
11	GSTR 1	Feb-24	Taxpayers having an aggregate turnover of more than Rs. 5 Crores or opted to file Monthly GSTR-1 Return
13	GSTR 6	Feb-24	GSTR-6 - Monthly Return of Input Service Distributor for February 2024
13	GSTR-1 / IFF	Feb-24	GSTR-1 / IFF – Optional for Taxpayers who have opted for QRMP
13	GSTR 5	Feb-24	GSTR 5 Return for Non-Resident Taxable Person for the month of February 2024
15	ESI Challan	Feb-24	ESI payment for February 2024
15	ECR	Feb-24	E-payment of Provident Fund for February 2024
15	Form 24G	Feb-24	Due date for furnishing of Form 24G by an office of the Government where Income Tax TDS/TCS for the month of February, 2024 has been paid without the production of a challan
15	Challan No 280	FY 23-24	Fourth Instalment of advance income tax for the Assessment Year 2024-25
15	GST-Annexure 5	FY 2024-25	If any transporter who is registered under GST law, he shall have to file a declaration for the financial year 24-25 on or before 15 March 2024. In the declaration he will tell whether he will pay tax in forward charge or RCM and if he opt for forward charge then which rate will be applicable. Two rates are applicable in forward charge: 5% without ITC and 12% with ITC. This declaration should not be submitted by those taxpayers who have submitted this declaration under this scheme in the last year and there is no change in their tax payment rates. If there is any tax payer who was paying tax in FCM in the last year and now wants to opt RCM, he will have to file this.
20	GSTR 3B	Feb-24	GSTR 3B Summary of Outward and Inward Supplies for the payment of Tax for February 2024
20	GSTR 5A	Feb-24	GSTR 5A Return for Non-Resident Taxable Person for the month of February 2024
21	PTAX	Feb-24	Monthly Employees Professional tax payment for February 2024 in WB
25	PMT-06	Feb-24	Payment of tax in PMT-06 by a registered person who has opted to file return under QRMP Scheme in PMT-06 – challan for February 2024
28	GSTR-11	Feb-24	Due date for filing GSTR-11- Statement for Inward supplies by persons having UIN for claiming GST Refund
30	Challan	Feb-24	Last date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA, 194-IB, 194M, 194S in the month of February 2024.
31	RFD-11	FY 2024-25	There is a provision in the GST law that if any registered tax payer exports or supplies to SEG Unit without payment of tax, then such tax payers are not required to pay GST tax but they shall have to file a letter of undertaking (LUT). Whose filing date is 31st March 2024 which can be used from 1st April 2024 to 31st March 2025.
31	CMP-02	FY 24-25	Composition Scheme option (CMP-02) for FY 2024-25
31	ITR-U	FY 2020-21	You have a chance to file the updated return for the financial year 2020-21 before 31st March 2024. You will have to pay additional tax and interest. If someone has not yet filed his return then he will have to pay a minimum penalty of Rs. 1000 and can file his income tax return.
31	N.A.	FY 23-24	Last date for completing Tax Saving Investments under Income Tax Old Regime

BECOME A MEMBER OF Siliguri Taxation Bar Association

Features:

- Open for Lawyers, Advocates, CA, CS, CMA & Tax Practitioners
- One time Admission Fee Rs 3,000/-
- Annual membership Fee Rs 2,000/-
- Regular Seminars, Study Circles & Conferences
- Updates on Income Tax, GST & other laws
- Networking with pool of other professionals

Visit our website for Admission form & more details

www.siliguritaxationbar.org

Get in touch with

Treasurer – CA Rahul Agarwal 98323 55580

Staff - Mr Mritunjoy Dhar – 89183 95245

BECOME A MEMBER OF Siliguri Taxation Bar Mutual Welfare Organization

Features:

- Open for members of STBA
- Term Insurance cover of Rs 5 Lacs
- Premium One time Rs 5,000/-
- Premium Yearly Rs 3,000/-



Members are requested to remit their premium by:

- Scanning the QR code
- UPI: MAB.037133000352513@AXISBANK
- RTGS / NEFT to: Axis Bank Ltd., UTIB0000035, 919010020911520
- Cheque in favour of Siliguri Taxation Bar Mutual Welfare Organization
- Cash against money receipt to Mr Mritunjoy Dhar – 89183 95245

For details connect with:

Vice President, STBMWO, Adv Bibhuti Kumar Thakur, # 94347 43394

Treasurer, CA Rahul Agarwal, # 98323 55580

Office Staff, Mr Mritunjoy Dhar , # 89183 95245

GLIMPSES OF PROTEST AGAINST GST DEPARTMENT'S VACATION NOTICE



Emergency General Meeting held at STBA office on 29.01.2024 for protesting against GST department's notice for vacation of STBA office at Central Revenue Building



Press Conference held at Siliguri Journalist Club on 30.01.2024 for protest against GST department's notice for vacation of STBA office at Central Revenue Building

कर अधिकारियों और कर वकीलों में टनी, एक कमरे पर विवाद
1989 में टनी मदन में मुक से हो रहा है **विवादों का कारण** अब आठवें मंजिल पर रहने पर टनी मदन की मीटिंग

बेकरी कारोबार के बेहतर भविष्य के लिए तकनीक के उपयोग पर जोर

चलो पार्लोई केंद्र सरकार का दिशा नारा, निकाली प्रतिवाद रेत

सीजीएमटी व अधिवक्ताओं में रूप को लेकर मन्ना घमासान
बनाए गए के विवाद का कारण टनी मदन की मीटिंग

जिएसटी भवन के घर छुड़ार निर्देश
निलंबित निर्माण, टनी मदन की मीटिंग

सेन्ट्रल रेवेन्यू बिल्डिंग से कार्यालय खाली करने के फरमान से बिफरा टैक्सेशन बार एसोसिएशन

कर अधिकारियों और कर वकीलों में टनी, एक कमरे पर विवाद
1989 में टनी मदन में मुक से हो रहा है **विवादों का कारण** अब आठवें मंजिल पर रहने पर टनी मदन की मीटिंग

Press Releases

PROGRAMS HELD IN THE MONTH OF FEBRUARY 2024



Tax Conclave – Mega Seminar on GST, Income & Union Budget held on 03.02.2024 at Montana Vista, Siliguri



Release of STBA Newsletter done on 03.02.2024 at Montana Vista, Siliguri



Release of STBA E-Directory done on 03.02.2024 at Montana Vista, Siliguri



Interaction with Shri Sonam Wangdi Bhutia IAS, Special Commissioner, SGST on 20.02.2024 at Matigara



Second General Meeting held on 24.02.2024 at Hotel Dolly Inn, Siliguri



Seminar on Income Tax & GST held on 24.02.2024 at Hotel Dolly Inn, Siliguri

