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30 नवम्बर 2018

मेवाड़ चेम्बर पत्रिका

(मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री का मासिक पत्र)

उदयपुर, चित्तौड़गढ़, डूंगरपुर, बाँसवाड़ा, प्रतापगढ़

राजसमन्द एवं भीलवाड़ा का सम्भागीय चेम्बर

मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री

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Hon'ble Vice President of India
Shri M. Venkaiah Naidu addressing
CITI Diamond Jubilee on 27.11.2018 at New Delhi



Mewar Chamber President Shri Dinesh Nolkha
addressing Textile Conclave during
Diamond Jubilee Function

GLIMPSES OF MEWAR CHAMBER'S DIWALI SNEH MILAN ON 08.11.2018



MEWAR CHAMBER OF COMMERCE & INDUSTRY

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AT THE INTERNATIONAL LEVEL

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AT THE NATIONAL LEVEL

Federation of Indian Chamber of Commerce & Industry, (FICCI) New Delhi
Indian Council of Arbitration, New Delhi

National Institute for Entrepreneurship and Small Business
Development (NIESBUD), New Delhi.

Confederation of All India Traders, New Delhi

AT THE STATE LEVEL

Rajasthan Chamber of Commerce & Industry, Jaipur.

The Employers Association of Rajasthan, Jaipur.

Rajasthan Textile Mills Association, Jaipur

REPRESENTATION IN NATIONAL & STATE LEVEL COMMITTEES

- All India Power loom Board, Ministry of Textile, Govt. of India, New Delhi
- National Coal Consumer Council, Coal India Ltd., Kolkata
- State Level Tax Advisory Committee, Govt. of Rajasthan, Jaipur
- State Level Industrial Advisory Committee, Govt. of Rajasthan, Jaipur
- Regional Advisory Committee, Central Excise, Jaipur
- Foreign Trade Advisory Committee, Public Grievance, Customs, Jaipur
- DRUCC/ZRUCC of North Western Railways

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दीपावली स्नेह मिलन

दिनांक 8 नवम्बर 2018 को मेवाड़ चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री की ओर से दीपावली महापर्व के अवसर पर स्नेह मिलन का आयोजन हुआ। मेवाड़ चेम्बर के अध्यक्ष श्री दिनेश नौलखा, वरिष्ठ उपाध्यक्ष श्री जे के बागडोदिया, मानद महासचिव श्री आर के जैन, संयुक्त सचिव श्री के के मोदी, कोषाध्यक्ष श्री विनोद मानसिंगका ने स्नेह मिलन में जन प्रतिनिधियों, स्वयं सेवी संगठनों के प्रतिनिधियों, शहर के प्रबुद्ध नागरिकों एवं मेवाड़ चेम्बर के सदस्यों का स्वागत किया एवं दीपावली की शुभकामनाएं दी। स्नेह मिलन में पूर्वाध्यक्ष श्री आर एल नौलखा, श्री ए के दुग्गड, श्री एस एन मोदानी, श्री वी के सोडानी, श्री एम डी गगराणी, डॉ पी एम बेसवाल, श्री जे सी लढ्ढा, श्री अनिल मानसिंहका, पूर्व मानद महासचिव श्री एस पी नाथानी, डॉ आर सी लोढा, पूर्व कार्यकारी निदेशक, सेन्ट्रल बैंक ऑफ इण्डिया, श्री अतुल सोमाणी, श्री दिलीप गोयल, श्री पुष्पेन्द्र बेसवाल, श्री राजीव मुखिजा, स्पिनर्स से श्री दीपक अग्रवाल, श्री आनन्द मंगल, श्री वरुण लढ्ढा, टेक्सटाइल ट्रेड फेडरेशन के श्री अतुल शर्मा, ऑटोमाइल्स मशीनरी डीलर्स एसोसियेशन के श्री श्याम डाड टेक्सटाइल एजेन्ट एसोसियेशन के श्री के सी प्रहलादका, दी क्लोथ मर्चेंट एसोसियेशन के श्री पी आर तोतला, वरिष्ठ सदस्य श्री शांतिलाल पोखरना, श्री रामस्वरूप अग्रवाल, श्री सुरेश पोद्दार, श्री जी सी जैन, श्री आर पी बल्दवा, श्री करण सिंह रांका, श्री डी एम भडकत्या सहित कई सदस्य एवं प्रबुद्ध नागरिकों ने भाग लिया।



मेवाड़ चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री, भीलवाडा कार्यकारिणी समिति की बैठक दिनांक 30.11.2018

मेवाड़ चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री की कार्यकारिणी समिति की बैठक दिनांक 30.11.2018 को मेवाड़ चेम्बर भवन में सायं 4.00 बजे आयोजित की गई। बैठक की अध्यक्षता अध्यक्ष श्री दिनेश नौलखा ने की।

1 मानद महासचिव श्री आर के जैन ने बताया कि 18.07.2018 को आयोजित कार्यकारिणी समिति की बैठक कार्यवाही विवरण चेम्बर पत्रिका के जुलाई 2018 के अंक में प्रकाशित किया गया है। उपस्थित सदस्यों ने दिनांक 18.07.2018 की बैठक की कार्यवाही विवरण की पुष्टि की।

2 निम्न सदस्यों ने अनुपस्थिति चाही जो स्वीकृत की गई –

श्री आर पी दसौरा	हिन्दुस्तान जिंक लिमिटेड
श्री राजेश कक्कड	बिरला कॉरपोरेशन लिमिटेड
श्री अनिल मानसिंहका	शारदा स्पनटेक्स प्रा लि
श्री अनिल शर्मा	ए इन्फ्रास्ट्रक्चर लिमिटेड
श्री रामेश्वर काबरा	रोलेक्स प्रोसेसर्स प्रा लि
श्री एस सी गर्ग	आरएसडब्ल्यूएम लिमिटेड
श्री श्याम डाड	भीलवाडा ऑटोमोबाइल मशीनरी डीलर्स एसोसियेशन
श्री के सी प्रहलादका	भीलवाडा टेक्सटाइल एजेन्ट एसोसियेशन
श्री सन्मति जैन	श्री गुड्स केरियर्स
श्री संजय पेडीवाल	सिन्थेटिक्स विविंग मिल्स एसोसियेशन

3 चेम्बर के Bye-Laws में आवश्यक संशोधन के विषय में – मानद महासचिव श्री आर के जैन ने बताया कि चेम्बर के Bye-Laws के सेक्शन 27 जो कि मेनेजिंग कमेटी की सदस्यता के बारे में है – में एसोसियेट्स सदस्य श्रेणी से 50 सदस्य मेनेजिंग कमेटी में लिये जाने का प्रावधान है। प्रथम 20 एसोसियेट्स सदस्य फोलियों नम्बर अनुसार स्वतः सदस्य होंगे। इसके बाद 20 सदस्य बाई रोटेशन-फोलियों नम्बर अनुसार एवं 10 सदस्य चुनाव से लिये जाने का प्रावधान है।

उन्होंने कहा कि जो 20 सदस्य बाई रोटेशन लिये जा रहे हैं हर वर्ष वह नये सदस्य ही बाई रोटेशन आते हैं। इन्हें चेम्बर की गतिविधियों का अनुभव भी नहीं होता है एवं मेनेजिंग कमेटी की बैठकों में इनकी भागीदारी भी नहीं होती है। अतः इस संबंध में विचार विमर्श किया जाना आवश्यक है।

सदस्यों ने इस विषय में गहन विचार विमर्श किया। पूर्व मानद महासचिव श्री एस पी नाथानी ने सुझाव दिया कि एसोसियेट्स श्रेणी से कुल 40 सदस्य ही लिये जाने के प्रावधान किया जाये, जिसमें प्रथम 20 एसोसियेट्स सदस्य फोलियों नम्बर अनुसार स्वतः सदस्य होंगे। इसके बाद 20 सदस्य चुनाव से लिये जाये एवं बाई रोटेशन की प्रणाली को समाप्त किया जाये। सभी सदस्यों

ने सर्वसम्मति से इस प्रस्ताव का अनुमोदन किया एवं Bye-Laws में आवश्यक संशोधन के लिये इसे आगामी वार्षिक आमसभा में रखने का निर्णय लिया गया।

मानद महासचिव श्री आर के जैन ने बताया कि वर्तमान प्रावधानों के अनुसार वर्ष में 31 मार्च तक सदस्यता शुल्क नहीं आने पर सदस्यता स्वतः समाप्त करने का प्रावधान है। इससे काफी सदस्य समय पर सदस्यता शुल्क जमा नहीं कराते हैं। इस संबंध में भी विचार विमर्श किया जाना चाहिए। इस बिन्दु पर विचार विमर्श के बाद यह निर्णय लिया गया कि वर्ष 2018-19 से मेनेजिंग कमेटी के चुनावों के लिए सदस्यता शुल्क प्राप्ति की अन्तिम तिथि हर वर्ष के लिए 30 सितम्बर रखी जाए अर्थात् जिन सदस्यों का 30 सितम्बर तक सदस्यता शुल्क प्राप्त होगा, वही मेनेजिंग कमेटी के चुनावों के लिए एवं मतदान के लिए अधिकृत होंगे एवं 31 मार्च तक सदस्यता शुल्क नहीं आने पर सदस्यता स्वतः समाप्त करने के प्रावधान को यथावत रखा जाए। यह निर्णय भी अनुमोदन के लिए आगामी आमसभा में रखने का निर्णय लिया गया।

4 नये सदस्यता प्रस्ताव –

मानद महासचिव श्री आर के जैन ने बताया कि निम्न नये सदस्यता प्रस्ताव प्राप्त हुए हैं, जो कि स्क्रिनिंग कमेटी से अनुमोदित किये गये हैं। इस पर विचार विमर्श के बाद निम्न सदस्यता प्रस्ताव सर्वसम्मति से स्वीकार किये गये :-

एसोसियेट्स श्रेणी

इकाई का नाम	प्रतिनिधि का नाम	कार्यक्षेत्र
1 श्री विशाल सुटिंग प्रा लि	श्री राजेन्द्र कुमार जैन	टेक्सटाइल ट्रेड
2 केल्वीनटेक्स वैंचोर्स प्रा लि	श्री संतोष सारडा	विविंग इकाई
3 राजस्थान इन्सुटेक रिफेक्ट्रीज प्रा लि	श्री मलिक अहमद	इन्सुलेसन ब्रिक्स
4 श्री सतगुरु देवाय टेक्सकॉन	श्री श्रवण समदानी	टेक्सटाइल स्पेयर्स
5 स्काईराइज एक्सपोर्ट	श्री राधा किशन सोमाणी	विविंग इकाई
6 जैन सुटिंग प्रा लि	श्री सुरेश सुराणा	विविंग इकाई
7 मोनालिसा सिन्थेटिक्स प्रा लि	श्री रमेश कोठारी	विविंग इकाई
8 टी24 एक्सपोर्टर्स	श्री प्रतीक नाबेडा	स्टोन एक्सपोर्ट
9 लक्ष्य इन्टरनेशनल मैरीन सर्विसेज प्रा लि	श्री बी एस पंवार	शिपिंग सर्विसेज
चित्तौड़गढ़ चेप्टर-एसोसियेट्स		
10 जिन्दल सेफ्टी कन्सल्टेन्सी	श्री सौरभ जिंदल	मार्बल
चित्तौड़गढ़ चेप्टर-साधारण		
11 बीकानेर वाला	श्री अनिल नाटानी	एफएमसीजी एजेन्सी
12 गुडलक इंजिनियरिंग वर्क्स	श्री मोहम्मद करीम	क्रेन सर्विस
13 श्रीराम इलेक्ट्रीकल्स	श्री शरद कुमार गुप्ता	इलेक्ट्रीकल्स
14 श्री गणपति बिल्डिंग मेटेरियल	श्री दीपक भट्ट	सीमेन्ट एवं बिल्डिंग मेटेरियल
15 पिछोलिया ज्वैलर्स	श्री किशन लाल पिछोलिया	ज्वैलरी

सदस्यता त्याग पत्र – मानद महासचिव श्री आर के जैन ने बताया कि निम्न सदस्यों से त्याग पत्र प्राप्त हुए हैं। उपस्थित सदस्यों ने इन पर विचार विमर्श के बाद त्याग पत्र स्वीकार किये गये

सदस्य का नाम	प्रतिनिधि का नाम	श्रेणी
1 नेचुरल इन्टरनेशनल ट्रेड प्रा लि	श्री नितिन मेहता	एसोसियेट्स
2 शुभ स्टील फेब इंजिनियर्स प्रा लि	श्री ओ पी जागेटिया	एसोसियेट्स
3 सनग्रेस इम्पेक्स	श्री दीपक दादलानी	एसोसियेट्स

नोट :- मेसर्स पोलिपिक थ्रैड्स प्रा लि की सदस्यता चालू रखवाने के लिए श्री सुरेश पोद्दार के द्वारा प्रयास किया जाएगा।

1 चालू वर्ष में सदस्यता शुल्क प्राप्त नहीं होने वाले नामों पर विचार – श्री आर के जैन ने बताया कि चालू वर्ष में अभी तक 12 सदस्यों का सदस्यता शुल्क प्राप्त होना बकाया है। सदस्यों ने इस संबंध में प्रयास करने का आश्वासन दिया।

2 अन्य बिन्दु अध्यक्ष महोदय की अनुमति से—

अ) मानद महासचिव श्री आर के जैन ने अध्यक्ष महोदय की अनुमति से चेम्बर की वेबसाइट का अपडेशन एवं कार्य में आईटी प्रणाली में अपडेशन किया जाने का प्रस्ताव रखा। उन्होंने बताया कि इस संबंध में उदयपुर के PHP Poets IT Solutions Pvt. Ltd. से इस हेतु प्रस्ताव प्राप्त हुआ है। विचार विमर्श के बाद वेबसाइट एवं आईटी प्रणाली के अपडेशन के लिए संबंधित फर्म से वार्ता करने, नये अपडेशन का प्रारूप तय करने एवं कार्य का मानदेय तय करने के लिए अध्यक्ष श्री दिनेश नौलखा एवं मानद महासचिव श्री आर के जैन को अधिकृत किया गया।

ब) मानद महासचिव श्री आर के जैन ने बताया कि पटेल नगर में सीए एवं सीएस भवन के पास एक भूखण्ड संस्थागत आंवटन के लिए आरक्षित किया हुआ है। मेवाड चेम्बर को भविष्य में विस्तार के लिए आंवटन के प्रयास करने चाहिए। विचार विमर्श के बाद सर्वसम्मति से मानद महासचिव श्री आर के जैन को इसके लिए आवश्यक आवेदन एवं अन्य कार्यों के लिए अधिकृत किया गया।

स) कोषाध्यक्ष एवं रेलवे के जेडआरयूसीसी के सदस्य श्री वी के मानसिंगका ने बताया कि भीलवाडा रेलवे स्टेशन पर गांधीनगर की ओर दूसरे गेट आदि का कार्य चल रहा है। इस तरफ चल रहे निर्माण कार्य में सार्वजनिक सुविधाओं यथा पेयजल, यात्रियों के बैठने के लिए बेंच आदि में रेलवे उद्योगों एवं अन्य संस्थानों से सहयोग की अपेक्षा करता है। इस पर यह निर्णय लिया गया कि श्री मानसिंगका विभिन्न सुविधाएं एवं उनकी अनुमानित लागत का चार्ट बनाकर चेम्बर कार्यालय में उपलब्ध करवा देगे, जिसे सदस्यों को प्रेषित कर उनसे सहयोग मांगा जा सके।

अन्त में बैठक सधन्यवाद समाप्त हुई।

(आर के जैन)

मानद महासचिव

कार्यकारणी समिति की दिनांक 30.11.2018 को उपस्थित सदस्यों की सूची निम्नानुसार है —

1	श्री दिनेश नौलखा	नितिन स्पिनर्स लिमिटेड
2	श्री जे के बागडोदिया	मंगलम यार्न एजेन्सीज
3	श्री आर के जैन	आर के जैन एण्ड एसोसियेट्स
4	श्री के के मोदी	मोडटेक्स टेक्सट्राइजर्स प्रा लि
5	श्री वी के मानसिंगका	
6	श्री जे सी लढ्ढा	सुदिवा स्पिनर्स प्रा लि
7	डॉ पी एम बेसवाल	रंजन सुटिंग प्रा लि
8	श्री एस पी नाथानी	नाथानी फार्म
9	श्री जी सी जैन	सम्यक सिन्थेटिक्स प्रा लि
10	श्री सुरेश पोद्दार	पोद्दार यार्न एजेन्सीज
11	श्री अतुल सोमाणी	ए के सोमाणी एण्ड एसोसियेट्स

PRESENTATION ABOUT BHILWARA'S INDUSTRIAL SCENARIO BY CNBC

CNBC TV team visited Mewar Chamber of Commerce & Industry on 23rd November 2018 to meet and interview office bearers of MCCI and leading entrepreneurs of Bhilwara in connection with their presentation about Bhilwara's Industrial Scenario.

Our Senior Vice President Shri J.K.Bagrodia, Hon'y Secretary General Shri R.K.Jain, Past President Dr. P.M.Beswal, senior members Dr R.S.Lodha, Former Executive Director, Central Bank of India, Shri R.L.Kabra, Shri Atul Sharma gave presentations about past, development, current industrial scenario.

CITI DIAMOND JUBILEE CELEBRATIONS - GLOBAL TEXTILES CONCLAVE 2018

CITI (Confederation of Indian Textile Industry, previously-Indian Cotton Mills Federation) has completed 60 years of its service to the industry and nation in the year 2018. To celebrate this important occasion, CITI is organizing CITI Diamond Jubilee Celebrations - Global Textiles Conclave on 27th and 28th November 2018 in New Delhi as part of its Diamond Jubilee Celebrations. The theme of the event is "Disruptions and Innovations for Sustainable Growth".

During this two-days long event, interactions with global T&C businessmen, buyer-seller meet, exhibitions, award function, launch of special publication and reports covering the entire journey of the CITI and T&C industry was showcased. In nutshell it covered the entire textile value chain from "FARM to FASHION".

The programme was inaugurated on 27th November 2018 at Vigyan Bhawan, New Delhi by Hon'ble Vice President of India Shri M. Venkaiah Naidu. Hon'ble Union Minister of Commerce & Industry & Aviation, Shri Suresh Prabhu and Hon'ble Union Minister of Textiles, Smt. Smriti Zubin Irani were also present.

Shri Dinesh Nolkha, President of Mewar Chamber of Commerce & Industry's (Managing Director of Nitin Spinners Ltd) addressed the Conclave on 27th November, 2018. Our Past President Shri S.N.Modani (Managing Director of Sangam India Ltd), Shri Rijju Jhunjhunwala (Managing Director, RSWM Ltd & Trustee of Mewar Chamber Development Trust) also participated in the event.

HIGHLIGHTS OF THE SESSIONS

- ❑ Global & Indian T&A Industry: Disruptions and Innovations for Sustainable Growth
- ❑ Changes in global consumption of Textiles and Apparel – far reaching implications
- ❑ Sustaining growth for T&A manufacturers in a world of slowing economic growth
- ❑ Domestic Indian Textiles and Apparel consumption – the big driver of future growth for India's Textiles Industry
- ❑ Stimulating Investments in Indian Textiles and Apparel Industry
- ❑ Improving profitability of India's Textiles and Apparel industry
- ❑ Giving a boost to Indian Textiles and Apparel Exports
- ❑ Disrupting current paradigms, and reimagining textiles supply chains to make them future ready
- ❑ Diminishing power of WTO in global T&A trade – the threat of increasing protectionism and emergence of new preferential trading blocks
- ❑ India's Fashion Apparel Market – exciting times ahead
- ❑ Sustainability to improve work environment, reduce footprint and improve costs of manufacturing
- ❑ Opportunities for Technical Textiles in India

NOTIFICATION

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

Government of India

Ministry of Finance (Department of Revenue)

Central Board of Indirect Taxes and Customs

Notification No. 61/2018 – Central Tax New Delhi, the 5th November, 2018

G.S.R. (E).— In exercise of the powers conferred by sub-section (3) of section 1, read with section 51 of the Central Goods and Services Tax Act, 2017 (12 of 2017), hereafter in this notification referred to as the said Act, the Central Government, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance, Department of Revenue No. 50/2018-Central Tax, dated the 13th September, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 868(E), dated the 13th September, 2018, namely:—

In the said notification, after the proviso, the following proviso shall be inserted, namely:— “Provided further that nothing in this notification shall apply to the supply of goods or services or both from a public sector undertaking to another public sector undertaking, whether or not a distinct person, with effect from the 1st day of October, 2018.”

[F. No. CBEC/20/06/16/2018-GST]

(Dr. Sreeparvathy S.L.)

Under Secretary to the Government of India

Note:- The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 868 (E), dated the 13th September, 2018 and subsequently amended vide notification No. 57/2018-Central Tax, dated the 23rd October, 2018, published vide number G.S.R 1057(E), dated the 23rd October, 2018.

REPRESENTATION

MCCI/TC/2018-2019/357

Dated: 15.11.2018

The Secretary Industries,
Government of Rajasthan
Jaipur

Sub : *Regarding establishment of Ready Made Garment Cluster in Bhilwara.*

Respected Sir,

Mewar Chamber of Commerce & Industry is the **Divisional Chamber** of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur.

Bhilwara is the largest textile manufacturing centre in Rajasthan, having presence in spinning, weaving, processing sectors but it is lagging in readymade garment manufacturing sector.

In spinning sector, there are 18 spinning mills with more than about 10 lacs spindles producing more than 2.5 lacs ton p.a. of all types of yarn-cotton, P/V, P/C, P/VC and other blended yarn.

In weaving sector, there are more 460 weaving units having latest technology shuttle less sulzer & airjet looms. The weaving sector produces about 85 crore meters of fabrics p.a., in varieties of range including cotton fabrics, denim, polyester/viscose, polyester/cotton etc. The weaving sector is highly developed and supplies fabric to readymade garment manufacturers all over India. Even, the big brand name like Raymond, Digjam, Vimal, Gwalior, Arvind etc get their branded fabrics manufactured at Bhilwara.

The processing sector is also highly developed, having 19 process houses with latest World class technology for processing of fabrics as per desired specifications.

Also, the textile sector is largest employment provider in the District. It employs approx. 65000 workers directly and approx. 35000 workers indirectly. The total turnover of textile sector is more than Rs 18000 crore p.a.

Still, Bhilwara is lagging in readymade garment industry. In spite of local availability of raw material i.e. fabrics and yarn, the readymade garment industry has not developed much here. We have about 10-12 small readymade garment manufacturing units spread over in the District. Due to availability of raw material, labour and conducive industrial environment, Bhilwara offers much opportunity for readymade garment industry.

Hence, we request that the State Government should take interest and necessary steps to establish and develop Ready Made Garment Cluster at Bhilwara. As the readymade industry is labour intensive, if such a cluster is developed at Bhilwara it will provide employment to thousands of people and especially to women.

We are sure that your good self will take imitative for development of Ready Made Garment Cluster at Bhilwara. The entire textile industry will be highly obliged for the same.

We look forward to your kind support and cooperation,

With Best Regards

(CS R K Jain)
Hon'y Secretary General



WAREHOUSE SAFETY AWARENESS PROGRAM

Confederation of Indian Industry's Institute of Logistics in association of Mewar Chamber of Commerce and Industry (Center of Excellence) organized Warehouse Safety Awareness Program on 28 November 2018 at Ranbanka Heritage Resort Bhilwara. The objective of the programme was to provide better awareness on Warehouse Safety and to benefit the industries and its workmen. Shri V.K.Mansingka, Treasurer of MCCI alongwith other members participated in the programme.

Hon'ble Shri Rajpal Singh ji Shekhawat,
 Hon'ble Minister for Industries
 Government of Rajasthan,
 Jaipur

Sub : SGST benefits under RIPS (Rajasthan Investment Promotion Scheme)

Respected Sir,

We are highly thankful to you for granting RIPS benefits previously based on VAT, on the basis of SGST payment by the beneficiary.

In this connection, we wish to bring one anomaly to your kind notice. The benefits under VAT regime were based on the basis of VAT paid by the beneficiary unit but they are now based on the **net** SGST paid by the unit (gross SGST collected minus input SGST paid).

Due to this reason, industries based in Rajasthan are now, procuring their inputs like Raw Material, Spare parts, packing material etc., from out of state, in spite of these locally available, so that their SGST liability is not reduced.

This has negatively affected the ancillary units which supply Raw Material, Spare parts, packing material etc. to the big industry. Though inputs like Raw Material, Spare parts, packing material etc. are available locally within radius of 10 to 50 kms people are buying inputs from out of state ranging from 250 to 1000 kms. This is leading to unnecessary movements of goods resulting in increase of consumption of fuel, increase in pollution also.

Hence, we humbly suggest that the RIPS benefits should be based on **gross** SGST collected by the beneficiary unit and not on the basis of net SGST paid. This will save the ancillary units already established and running in the State.

We are sure that your honour will kindly look in to this issue and will take necessary steps to amend RIPS benefits accordingly.

With Best Regards

(CS R K Jain)
 Hon'y Secretary General



The Secretary Industries,
 Govt of Rajasthan
 Jaipur

Sub : Key issues for development of MSME industry in Bhilwara.

Respected Sir,

Mewar Chamber of Commerce & Industry is the **Divisional Chamber** of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur.

Background

In Bhilwara District the main industries are in textile, insulation bricks, minerals, sandstone sectors. Though, the textile sector is well developed and has presence in all sectors of textile like spinning, processing, weaving, but most of the industries in these sectors are in large industry category. Previously, the weaving sector was in MSME category but as the new weaving units are coming up with airjet looms, the project costs are more than Rs 10 crore, accordingly, the new weaving units will be in large sector only.

Only sector in textile where MSME units can develop in Bhilwara shall be in Readymade Garment sector.

In other sectors like insulation bricks, mineral, sandstone etc the majority of units are in MSME sector.

The Key Issues

For Textile Sector

- 1 For development of readymade Garment industry as MSME units in Bhilwara, the basic problem is of availability of land. All the industrial areas are already full. Land is available only in Soniyana industrial area being developed by RIICO Ltd in adjoining Chittorgarh District. The rates declared by RIICO Ltd are about Rs 2000 Sq.Mtr. which is too high for MSME sector.

We suggest that a separate industrial cluster / park should be developed for readymade garment industry in Bhilwara District.

- 2 Power Rates- The power rates for industrial supply in Rajasthan are amongst highest in India. The industrial rates are more than Rs 7 per unit which is 2-3 rupees higher as compared to other states.

We suggest that for MSME units separate rate structure for power supply should be introduced.

For Insulation Bricks

Bhilwara District has about 37 insulation bricks manufacturing units, producing more than 5 crore units of bricks p.a. It is largest manufacturing cluster for insulation bricks in India. For further development of this industry, the key issues are as under:-

- 1 Water- Water is a raw material for insulation bricks industry. Most of the units draw water from underground sources by tube well. Now, as the Supreme Court/Central Pollution Control Board has made it mandatory to obtain permission to establish/operate tube well and the permission are not being granted, the industry is facing hardship for arrangement of water.

As submitted by Mewar Chamber earlier on various platforms, the above problem is based on old survey of underground water in Bhilwara District, which had put up most of the District in Dark Zone. Now, after supply of drinking water from Chambal in the District and normal rain falls during last many years, recycling of 90% water by textile processing industry, the scenario has changed. The dependability on underground water has decreased. Hence, for MSME industry, the use of tube well water up to a certain limit say 1-2 lacs litres per day should be allowed and CPCB should make necessary amendments.

- 2 Gas- Most of the units have oil fired furnaces, which is old technology also. Now as the gas pipe line has already been installed up to Bhilwara, the MSME units can be supplied gas from this pipeline (though it is not yet operational). The industry reluctant to use gas due to higher and fluctuating rates. The State Government should draw a plan to supply gas to such MSME units on subsidized rates.

For Mineral Industry

Bhilwara District has large mineral base. It is the largest producer of quartz, feldspar etc. There are more than 200 units engaged in grinding of these minerals, which is supplied to other states. Though recently, Government has put ban on export of quartz, feldspar ungrinded lumps, out of state, still the mining industry is exporting basic raw materials in lumps to other states which has forced the grinding units in Rajasthan (Bhilwara, Beawar, Kishangarh, Ajmer areas) to closure. The Government should put strict ban on export of raw material lumps without grinding.

Common Problems

Access to Finance-The MSME units mostly faces availability of timely and adequate finance for working capital. The Banks are reluctant to finance MSME sector due to zero collateral or limit years of operation of the new unit, hence, most of the MSME units arrange finance from internal source/local market where rate of interest is very high.

Also in case Bank finance, the problem of credit rating and high rate of Bank interest are there. We suggest that separate credit rating base / standards should be provided for MSME units and also interest rate subvention should be provided to MSME units.

We look forward to your kind support and cooperation,

With Best Regards

(CS R.K.Jain)

Hon'y Secretary General

Sub : Payment of IGST under EPCG Scheme under which exemption should be extended up to 31.03.2020.

Respected Sir,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur.

On behalf of our all members of Mewar Chamber of Commerce and Industry, we convey our heartiest gratitude to your honour for re-solving various issues of textile industry .We convey our heartiest gratitude for such relief to entire industry. We also appreciate the quick response of the Government of India, GST Council and your honour towards understanding and solving the various problems of Trade, Commerce and Industry.

In the pre-GST era, import of Capital Goods against EPCG Licence was allowed at zero percentage duty as no Custom Duty, Counter Vailing Duty (CVD) and Special Additional Duty (SAD) was payable. Under GST regime the IGST was made applicable on import of Capital Goods. **We would like to submit your honour that the Government of India has issued the Notification No. 66/2018 Cus-Tariff dt. 26.09.2018 and extended the date for exemption from payment of IGST under EPCG Scheme from 30.09.2018 to 31.03.2019.**

Decision regarding Capital Goods should be based on Long Term Policy Framework and such short term relaxation vide notifications make it very difficult for Industries to plan Long Term Projects. Hence, we request that import of Capital Goods of textile Machinery on Zero Duty under EPCG Scheme should be made permanent to promote investment in capital goods or should be atleast extended up to 31.03.2020 and necessary notification should be issued immediately so that power loom weavers can plan for import of capital goods, modern and latest loom etc.

We are sure that your good office would consider our humble request sympathetically and would extend suitable relief to the benefit of trade and industry.

We look forward to your kind support and cooperation.

With Best Regards

(CS R K Jain)
Hon'y Secretary General

Similar representation also sent to 1. Hon'ble Smt. Vasundhara Raje ji, Hon'ble Chief Minister, Government of Rajasthan, Jaipur, Rajasthan 2. Shri Rajpal Singh ji Shekhawat, Industries Minister, Government of Rajasthan, Jaipur 3. Shri Praveen Gupta Ji, Secretary Finance, Government of Rajasthan, Jaipur 4. Shri Alok Gupta Ji, The Commissioner, Commercial taxes, Government of Rajasthan, Jaipur

ARTICLES

ADVANCE RULINGS UNDER DIRECT TAX VS. INDIRECT TAX

In the Indian environment, the Authority for Advance Ruling (AAR) has emerged as an important quasi-judicial system providing important rulings in tax matters. But some people get really confused when they listen about the Authority for Advance Ruling as recently it had been very much talked about and all that because of GST. So, Is it only an authority for GST Law? Is it an Authority which also take up the cases of Direct taxes viz. Income tax? Well, all you need to do is just go through this article and you won't be confused anymore. So, Let's understand what is it:

1. WHAT IS ADVANCE RULING?

An advance ruling helps the applicant in planning his activities which are liable for payment of Taxes, well in advance. Any advance tax ruling is a written interpretation of tax laws. It is issued by AAR to corporations and individuals who request for clarification of certain tax matters. It also brings certainty in determining the tax liability, as the ruling given by the AAR is binding on the applicant as well as Government authorities. Further, it helps in avoiding long drawn and expensive litigation at a later date.

While in many countries, the concept of advance ruling has been introduced for existing tax payers, the idea was first pioneered in India in 1993, to offer a forum to non-residents for resolving questions pertaining to proposed transactions, and was limited to direct taxes only. It was only in 1999, that the concept of advance rulings was extended to Central Excise and Customs, and, in 2003, to Service Tax.

Important Amendment:

With a view to promote ease of doing business, it has been decided by the Government to merge the Authority for Advance Ruling (AAR) for income-tax, central excise, customs duty and service tax. Accordingly, necessary amendments have been made to Chapter XIX-B to allow merger of these AARs.

Thus, below are also added under definition of applicant by amendment carried out via Finance Act, 2017 in Section 245N:

- an applicant as defined in section 28E(c) of the Customs Act, 1962.
- an applicant as defined in section 23A(c) of the Central Excise Act, 1944.
- an applicant as defined in section 96A(b) of the Finance Act, 1994.

2. AUTHORITY FOR ADVANCE RULING (AAR) UNDER GST:

Chapter XVII of the CGST act, 2017 deals with the provision relating to Advance ruling.

Section 96 of CGST Act, 2017 prescribes the Authority for Advance Ruling (AAR). This section provides that the Authority for Advance ruling constituted under the provisions of a SGST ACT/UTGST ACT shall also be deemed to be the authority for advance ruling.

(1) When can one request for GST Advance Ruling?

Any taxpayer can request for advance ruling when he is uncertain of the provisions. Advance tax ruling is applicable on –

- (a) Classification of any goods and/or services under the Act
- (b) Applicability of a notification which affects the rate of tax
- (c) Determination of time and value of supply of goods/services
- (d) Whether input tax credit paid (or deemed to be paid) will be allowed
- (e) Determination of the liability to pay tax on any goods/services
- (f) Whether the applicant has to be registered under GST
- (g) Whether any particular thing done by the applicant regarding goods/services will result in a supply.

3. AUTHORITY FOR ADVANCE RULING (AAR) UNDER DIRECT TAX:

A resident taxpayer may have some taxation issues in respect of a transaction which has been undertaken or proposed to be undertaken with a non-resident. Similarly, a nonresident may have some taxation issues in respect of transaction which has been undertaken or proposed to be undertaken by him in India. In order to get clarification on taxation of those transactions, a person can make an application to the Authority for Advance Rulings ('AAR'). Provisions relating to advance ruling are provided in sections 245N to 245V.

Advance ruling means to determine the tax issues in relation to;

- Transactions** done or to be done By Non Resident Applicant;
- Tax Liability of a Non Resident** arising out of the transaction done or to be done by Resident Applicant with Such Non Resident.
- Tax Liability of a Resident** applicant notified by Central Govt. (i.e. Big Residents whose Tax Liability Involved in such txn. are 100cr. or more)
- Computation of Total Income** of Public Sector company (notified) in case of any issue which is Pending before Income Tax Authority or ITAT. [But it should not be pending before Court otherwise application would be rejected]

4. Summary Chart of Above Discussion: to have a quick grasp and better understanding let's understand it in Tabular way:

AUTHORITY FOR ADVANCE RULINGS (AAR)

Direct Tax Law Cases	Indirect Tax Law Cases
Applicants: All the 4 applicants as mentioned above i.e. <ul style="list-style-type: none">◆ Non Resident,◆ Resident (Dealing with Non Resident)◆ Resident involving tax liability of 100cr. or More◆ Public Sector Companies	Any taxpayer can request for advance ruling when he is uncertain of the provisions. e.g. Non Resident, Resident, Corporations, Individual etc.
Matters which can be taken for Advance Rulings under Direct Tax: As mentioned under Point No. 3 above.	Matters which can be taken for Advance Ruling under Indirect Tax: As Mentioned under Point No. 2 above

Note: Under indirect tax ARA can be sought for the transaction which is proposed to be undertaken. Although in Income tax Transaction undertaken or Proposed to be undertaken both can be taken for Advance ruling.

GST ANNUAL RETURN : A COMPREHENSIVE ANALYSIS

As per section 44(1) of the CGST Act, 2018, every registered person, other than an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person, shall furnish an annual return for every financial year electronically in such form and manner as may be prescribed on or before the thirty-first day of December following the end of such financial year.

PERSONS WHO ARE NOT REQUIRED TO FILE GSTR-9

All the registered taxable persons under GST must file GSTR 9 form. However, the following persons are not required to file GSTR 9

- Casual Taxable Person
- Input service distributors
- Non-resident taxable persons
- Persons paying TDS under section 51 of GST Act.

Forms for Filing of GST Annual Return

The forms w.r.t Annual Return as notified by the Council is based on certain category of the taxpayers which is denoted as under:

Category of Taxpayer	Form Prescribed
Regular Taxpayer paying taxes under Normal Scheme	GSTR-9
Taxpayer paying taxes under Composition Scheme	GSTR-9A
E-Commerce Operator (ECO)	GSTR-9B

As envisaged above, the Annual Return under GST stands due on or before December, 31 of the subsequent Financial Year. For the current Financial Year, the due date for filing the Annual Return is 31 December, 2018. However, in case the deadline is not met due to any exigencies, the law has prescribed the penalty for late filing in such scenario. The late fees is Rs. 100 per day per act up to a maximum of an amount calculated at a quarter percent of the taxpayer turnover in the state or union territory. However, IGST Act does not prescribe any late fees or penalty, therefore as per the general understanding and interpretation of law, it can be stated that the late fees shall be equal to Rs. 200 in total i.e. Rs. 100 under CGST Act and Rs. 100 under SGST Act for each day of default that prevails in not adhering to the deadline. Further, it is pertinent to note that the maximum fees that can be levied shall not exceed 0.25% of the total turnover in the respective state or union territory.

As per the functionality of other returns prescribed under the Act, the Annual Return also, does not come with the option to revise, and hence, to connote, the Annual Return is a one shot summarized return of consolidated figures for a particular Financial Year, with no recourse for revision. Therefore, the Annual Return is required to be dealt with utmost skepticism for the very reason that the same is the consolidated return based on the figures already stated in the erstwhile returns filed under this Act and will be cited by various stakeholders including auditors-both external and internal, tax authorities, etc. for taking reference in their dealings in matters relating to tax governance.

Sr.	Important parts/subparts of GSTR-9	Details to be specified / Remarks	Peculiarity (ies) Involved (if any)
1	Part-I Basic Details		
	Basic Details	The basic details of the taxpayer is required to be provided.	
	Part-II Details of outward and inward supplies declared during the Financial Year		
	Supplies made to unregistered persons(B2C) (Table No. 4A)	It shall include supplies on which tax has been paid and made to: (a) Consumers, or (b) Unregistered persons, or (c) Routed through ECO	B2C Supplies – xx (+) Dr. Notes – xx (-) Cr. Notes – xx XX Further, the amendments made in this respect and reported in the returns shall also form part of this table.

Sr.	Important parts/subparts of GSTR-9	Details to be specified / Remarks	Peculiarity (ies) Involved (if any)
	Supplies made to Registered persons (B2B) (Table No. 4B)	It shall include supplies on which tax has been paid and made to: (a) Registered Persons (including UINs), or (b) Routed through ECObut will not include supplies attracting reverse charge mechanism (RCM)	It is pertinent to note that B2B supplies unlike B2C supplies shall not be netted by Dr. / Cr. notes as the same is dealt separately under Table I and 4J. Further, the amendments made in this respect and reported in the returns shall not form part of this table and will be separately reported under Table 4K & 4L
	Unadjusted Advances (Table No. 4F)	It shall include all such advances on which tax has been paid in the current Financial Year but invoice has not been issued yet.	Note that: (a) the un-adjusted advances shall not be a part of Table 4A to 4E. (b) only those advances for which invoice is not been issued i.e. which remains unadjusted as at the end of the Financial Year are to be included.
	Inward Supplies liable to reverse charge mechanism (RCM) (Table No. 4G)	It shall include all inward supplies (including advances and import of services, if any) received from registered /unregistered persons on which tax is paid by the recipient on reverse charge basis.	Inward Supplies – xx (liable to RCM) (+) Dr. Notes – xx (-) Cr. Notes – xx XX Note that it shall also include supplies liable to RCM covered in section 9(4) i.e. all such supplies received from unregistered persons and for which payments above Rs. 5,000 is made till 12.10.2017.
	Debit/Credit Notes (Table No. 4I to 4L)	The original debit/credit notes in respect of supplies related to B2B, exports, SEZs and deemed exports shall be stated in Table 4I and 4J. However, any debit or credit note which was subject to any amendment(s) i.e. Amended Debit /Credit Note shall form part of Table 4K/4L.	
	Exempted/ Nil Rated /Non-GST Supplies (Table No. 5D to 5F)	It shall include: (a) Exempted Supplies (b) Nil-Rated Supplies (c) Non-GST Supplies	Note that the instructions prescribed in the Notification No. 39/2018- CT dated 04.09.2018 specifically states that the said table shall also include the value of “No Supply”. From this it can be reasonably implied that it shall include the value for those activities which are not considered as supply i.e. items which are specified under Schedule III of the CGST Act, 2018 like sale of land, etc. However, there is no specific table in the annual return to include such cases and is absolutely absurd to include the value of such activities in Table 5D to 5F. Therefore, ambiguity arises as to whether such transactions need to be inculcate in the stated tables or not which requires clarification by the Council.

Sr.	Important parts/subparts of GSTR-9	Details to be specified / Remarks	Peculiarity (ies) Involved (if any)
	Total Turnover (including advances) (Table No. 5N)	It shall include the sum total of : (a) all the supplies on which tax has been paid or not including amendments, if any (b) advances on which tax is paid but invoice is not issued in the current Financial Year. but shall not include the value of inward supplies on which tax has been paid under RCM.	
3	Part-III Details of ITC as declared in returns filed during the Financial Year		
	Inward Supplies (Table No. 6B to 6D)	Table 6B shall include : (a) All inward supplies other than RCM (b) Supply of services received from SEZs Table 6C shall include: (c) All inward supplies received from unregistered persons on which tax is paid under RCM excluding import of services Further, Table 6D shall include all inward supplies received from registered persons on which tax is payable under RCM.	
	Other ITC availed (Table No. 6M)	It shall include: (a) All such credit which is not specified in any other Table (b) ITC availed as per Forms ITC-01 and ITC-02 in the Financial Year (not relevant for migration cases)	
4	Part- IV Details of tax paid as declared in returns filed during the financial year	The details of tax payable and paid bifurcated into cash/credit utilization is required to be provided as is stated in the returns filed for the financial year.	
5	Part- V Particulars of the transactions for the previous Financial Year declared in returns of April to September of current Financial Year or up to the date of filing of annual return of previous Financial Year whichever is earlier		Note that the instructions prescribed in the Notification No. 39/2018- CT dated 04.09.2018 specifically states that the said table shall also include the value of “No Supply”. From this it can be reasonably implied that it shall include the value for those activities which are not considered as supply i.e. items which are specified under Schedule III of the CGST Act, 2018 like sale of land, etc. However, there is no specific table in the annual return to include such cases and is absolutely absurd to include the value of such activities in Table 5D to 5F. Therefore, ambiguity arises as to whether such transactions need to be inculcate in the stated tables or not which requires clarification by the Council.

Sr.	Important parts/subparts of GSTR-9	Details to be specified / Remarks	Peculiarity (ies) Involved (if any)
	Amendments (Table No. 10 & 11)	The details in relation to any amendments (addition/deletion) made in the returns filed for the current Financial Year which was pertaining to any supplies declared in the returns of the earlier Financial Year is required to be shown here. However, the same should be shown net of any debit or credit notes.	
6	Part-VI Other Information		
	Others (Table No. 15)	The said table No. 15 includes the details in relation to the refund claimed (which inter alia shall include the aggregate amount of refund filed during the Financial Year viz, sanctioned/ rejected/ pending for processing excluding provisional and non-GST refund claims).	
	HSN Summary (Table No. 17 & 18)	It shall include the rate-wise HSN summary of all inward and outward supplies during the Financial Year.	

COPYRIGHT REGISTRATION PROCESS ALONG WITH FAQ'S

Meaning of Copyright

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work. Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

Procedure for registration of a work under the Copyright Act, 1957

The **procedure for Copyright registration** is as follows:

- a) Application for registration is to be made on Form XIV (Including Statement of Particulars and Statement of Further Particulars) as prescribed in the first schedule to the Rules ;
- b) Separate applications should be made for registration of each work;
- c) Each application should be accompanied by the requisite fee prescribed in the second schedule to the Rules ;
- d) The applications should be signed by the applicant. The Power of Attorney signed by the party and accepted by the advocate should also be enclosed, if applicable.
- e) The fee is to be paid either in the form of Demand Draft or Indian Postal Order favouring “Registrar Of Copyrights Payable At New Delhi” or through **E payment** Each and every column of the Statement of Particulars and Statement of Further Particulars should be replied specifically.
- e) The fee is either in the form of Demand Draft, Indian Postal Order favoring “Registrar Of Copyright Payable At New Delhi” or through E payment Each and every column of the Statement of Particulars and Statement of Further Particulars should be replied specifically.

1. Ques : **What is copyright?**

Ans : Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work.

Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

2. Ques : **What is the scope of protection in the Copyright Act, 1957?**

Ans : The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works and cinematograph films and sound recordings from unauthorized uses. Unlike the case with patents, copyright protects the expressions and not the ideas. There is no copyright protection for ideas, procedures, methods of operation or mathematical concepts as such (Please see Article 9.2. of TRIPS).

3. Ques : **Does copyright apply to titles and names?**

Ans : Copyright does not ordinarily protect titles by themselves or names, short word combinations, slogans, short phrases, methods, plots or factual information. Copyright does not protect ideas or concepts. To get the protection of copyright a work must be original.

4. Ques : **Is it necessary to register a work to claim copyright?**

Ans : No. Acquisition of copyright is automatic and it does not require any formality. Copyright comes into existence as soon as a work is created and no formality is required to be completed for acquiring copyright. However, certificate of registration of copyright and the entries made therein serve as prima facie evidence in a court of law with reference to dispute relating to ownership of copyright.

5. Ques : **Where I can file application for registration of copyright for a work?**

Ans : The Copyright Office has been set up to provide registration facilities to all types of works and is headed by a Registrar of Copyrights and is located at Plot no. 32, Boudhik Sampada Bhawan, Sector 14, Dwarka, New Delhi-110075. The applications are also accepted by post. On-line registration through "E-filing facility" has been provided from 14th February 2014, which facilitates the applicants to file applications at the time and place chosen by them.

6. Ques : **What is the procedure for registration of a work under the Copyright Act, 1957?**

Ans : The procedure for registration is as follows:

- a) Application for registration is to be made on Form XIV (Including Statement of Particulars and Statement of Further Particulars) as prescribed in the first schedule to the Rules ;
- b) Separate applications should be made for registration of each work;
- c) Each application should be accompanied by the requisite fee prescribed in the second schedule to the Rules ;
- d) The applications should be signed by the applicant. The Power of Attorney signed by the party and accepted by the advocate should also be enclosed, if applicable.
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- e) The fee is either in the form of Demand Draft, Indian Postal Order favoring "Registrar Of Copyright Payable At New Delhi" or through E payment

Each and every column of the Statement of Particulars and Statement of Further Particulars should be replied specifically.

7. Ques: **What is the fee for registration of a work under the Copyright Act, 1957?**

Ans : Please go to the link fee details on the Home Page for details. One can pay fee in favor of 'Registrar of Copyrights' payable at 'new Delhi'. The fee is not reimbursable in case of rejection of the application.

8. Ques : **Can I myself file an application for registration of copyright of a work directly?**

Ans : Yes. Any individual who is an author or rights owner or assignee or legal heir can file application for copyright of a work either at the copyright office or by post or by **e-filing** facility from the copyright Office web-site www.copyright.gov.in

9. Ques : **What are the guidelines regarding registration of a work under the Copyright Act?**

Ans : Chapter XIII of the Copyright Rules, 2013, as amended, sets out the procedure for the registration of a work. Copies of the Act and Rules can be obtained from the Manager of Publications, Publication Branch, Civil Lines, Delhi or his authorized dealers on payment or download from the Copyright Office web-site www.copyright.gov.in

10. Ques : **Whether unpublished works are registered?**

Ans : Yes. Both published and unpublished works can be registered. Copyright in works published before 21st January, 1958, i.e., before the Copyright Act, 1957 came in force, can also be registered, provided the works still enjoy copyright. Two copies of published or unpublished work may be sent along with the application. If the work to be registered is unpublished, a copy of the manuscript has to be sent along with the application for affixing the stamp of the Copyright Office in proof of the work having been registered. One copy of the same duly stamped will be returned, while the other will be retained, as far as possible, in the Copyright Office for record and will be kept confidential. It would also be open to the applicant to send only extracts from the unpublished work instead of the whole manuscript and ask for the return of the extracts after being stamped with the seal of the Copyright Office.

When a work has been registered as unpublished and subsequently it is published, the applicant may apply for changes in particulars entered in the Register of Copyright in Form XV with prescribed fee.

The process of registration and fee for registration of copyright is same.

The cooperation of the applicant in providing necessary information is the key for speedy disposal the matter

11. Ques : **Whether computer Software or Computer Programme can be registered?**

Ans : Yes. Computer Software or programme can be registered as a 'literary work'. As per Section 2 (o) of the Copyright Act, 1957 "literary work" includes computer programmes, tables and compilations, including computer databases. 'Source Code' and "Object Code" have also to be supplied along with the application for registration of copyright for software products.

12. Ques : **How can I get copyright registration for my Web-site?**

Ans : A website may be understood as a webpage or set of interconnected webpages, hosted or stored on a server, and is made available online to members of public. Users can access the information and other underlying work on a website through various means such as scrolling webpages, using internal hypertext links or a search feature.

Website usually consists of different rudiments which may be copyrightable subject matter that falls within any one of the classes of works set forth in Section 13 of Copyright Act, 1957. The component parts of website can be in different form of digital files such as text, tables, computer programmes, compilations including computer databases ("literary works"); photographs, paintings, diagram, map, chart or plan ("artistic works"); works consisting of music and including graphical notation of such work ("musical works"); "sound recordings" and "cinematograph films".

Website as a whole is not subject to copyright protection. Generally, non-copyrightable content particular to websites may include but are not limited to ideas or future plans of websites, functional elements of websites, unclaimable material, layout and format or 'look and feel' of a website or its webpage; or other common, unoriginal material such as names, icons or familiar symbols.

Applicant is required to submit a separate application for each component work/content appearing on a website.

13. Ques : **How long I have to wait to get my work to get registered by the Copyright office?**

Ans : After you file your application and receive diary number you have to wait for a mandatory period of 30 days so that no objection is filed in the Copyright office against your claim. In case any objection is filed, the Registrar of Copyrights after giving an opportunity of hearing to both the parties, may decide to register the work or otherwise.

If no objection is filed the application is examined by the examiners. If any discrepancy is found the applicant is given ordinarily 45 days time to remove the same. Therefore, it may take around 2 to 3 months time for registration of any work in the normal course. The cooperation of the applicant in providing necessary information is the key for speedy disposal the matter.

14. Ques : **Is an opportunity for hearing given in all the cases pertain to rejection of registration?**

Ans : As per the rule 70(12) of the Copyright Rules, 2013, an opportunity of hearing must be given. However, only after hearing, it may be decided to register the work or to reject it. The applicant himself or his/her pleader may appear in the hearing.

As per section 72 of the Copyright Act, 1957 any person aggrieved by the final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the Intellectual Property Appellate Board (IPAB).

15. Ques : Whether certificates qualify to be copyrightable subject matter?

Ans : Originality is considered as 'the bedrock principle of copyright' and 'the very premise of copyright law'. A work to be a copyrightable subject matter is to be created by the exercise of labour, skill and judgment of the author. Also, such exercise of efforts on the part of the author should not be trivial in nature and thus should not be a mere exercise of the mechanical function of copying the work of another. Variation must be substantial in nature than merely trivial thus requirement of degree of originality is quantitative in nature.

Certificates may be considered as a formal document or written assurance which states an official fact and are generally used as evidence for certain purposes. Certificates are usually monotonous as it contains mere common words or formats which are generic in nature. Certificates are not considered as copyrightable subject matter as it falls under the narrow category of works in which the creative spark is utterly lacking or so trivial as to be virtually non-existent.

16. Ques : **How can I get Copyright registration for App?**

Ans : An **App** is a complete, self-contained computer program that is designed to perform specific tasks. Usually called 'Apps' for short, application programs are the most familiar forms of software and come in a very wide variety of types. An App usually has primarily dynamic content and is designed for user interaction. It may be used directly or indirectly in a computer or hand held electronic device.

An App may be registered as a computer program under literary works as provided under Section 2(o) of the Copyright Act, 1957. For this purpose applicant is required to submit an application for registration under software category, accompanied by the source and object code as provided under Rule 70 (5) of the Copyright Rules 2013.

It is important to note that the registration will cover any screen displays generated by that program, provided that the computer program (code) generating the screen display is submitted by the applicant. Mere snapshots of screen displays of an app are not eligible for copyright protection.

FINE V/S PENALTY – COMPANIES (AMENDMENT) ORDINANCE, 2018

The Companies (Amendment) Ordinance, 2018 promulgated on November 02, 2018 thereby amending some of the sections of the Companies Act, 2013.

One of the major highlight of the Companies (Amendment) Ordinance, 2018 (“CAO18”) is re categorisation of certain 'acts' punishable as compoundable offences to 'acts' carrying civil liabilities i.e. re-categorisation from Fine to Penalty. There are as many as 16 different sections amended via CAO18 whereby the punishment for non-compliance to be levied under the Companies Act, 2013 is re-categorised from “FINE” to “PENALTY”.

Let us first understand the basic meaning of Fine and Penalty and the difference, if any, between the two.

FINE	PENALTY
As per the definition provided in Oxford Dictionary: Fine is "a sum of money exacted as a penalty by a court of law or other authority."	As per the definition provided in Oxford Dictionary: Penalty is "a punishment imposed for breaking a law, rule, or contract." In general language a penalty is imposed by an appropriate authority when people have not complied with the law but have not committed any offence.

In other words, Fine is the amount of the money that a court can order to pay for an offence after a successful prosecution in a matter. Penalties do not require court proceedings and are imposed on failing to comply with a provision of an Act. In the context of Companies Act, 2013, with the re-categorisation of Fine to Penalty, ROC or MCA or any other authority as may be prescribed; may start levying penalty directly on the defaulting companies rather than filing application with NCLT and getting an order for payment of Fine by the defaulting companies.

Let us analyse one of such amendment to Section 92(5) of the Companies Act, 2013.

Provision of Section 92(5) before the amendment of Companies (Amendment) Ordinance, 2018 reads as follows:

(5) If a company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, the company shall be punishable with fine which shall not be less than fifty thousand rupees but which may extend to five lakhs rupees and every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees, or with both.”

Amended provision says:

“(5) If any company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, such company and its every officer who is in default shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of five lakh rupees.”

Prior to this amendment, when a Company does not file its eform MGT-7 (Annual Return) within the prescribed time limit, the Company was liable to pay a fine ranging from Rs. 50,000 to Rs. 5,00,000. This fine was levied by the NCLT after hearing all the parties. With the re-categorisation of this offence to PENALTY, now ROC/MCA, can levy PENALTY upto Rs. 50,000 directly without issuing notice or moving to NCLT for the same.

Effect:

This is a welcoming step from the government as it may reduce the burden of NCLT as after this re-categorisation, 24 offenses will not be looked after by NCLT. Hence for various non compliances a Company may need not to go to NCLT with compounding applications.

Prior to this amendment non compliance was made good by going to NCLT and paying the fine either after the defaulting companies receive notice from the ROC/MCA or .moving voluntarily to the NCLT. However, there are very rare instances where ROC/MCA had issued notices to the Companies for non compliance and asking them to pay fine. However, with re-categorisation of offence to penalty, ROC may start levying penalty immediately at the time of filing on mca portal, which may be in addition to the additional fees, which Companies are liable to pay at the time of late filing.



NATIONAL FINANCIAL REPORTING AUTHORITY: NEED, APPLICABILITY & ROLE

What is NFRA?

National Financial Reporting Authority (NFRA) is a single independent authority proposed in Companies Act, 2013 for the establishment and enforcement of accounting and auditing standards and oversight of the work of auditors.

Why the Need for NFRA?

- ❑ Restructuring or introducing new regulating authorities across the globe has been carried out in response to financial scams owing to the feeble regime of corporate governance and weak disclosure requirements in accounting and auditing. In India, the idea of floating the NFRA came about in the aftermath of the Satyam scam and its need was further highlighted after witnessing the more recent episodes involving Nirav Modi.
- ❑ The non-performing assets (NPA) situation arose since last decade put the question mark of auditors and auditing standards. Although banks are subject to different kinds of Audit yet NPAs are at increasing at alarming levels.
 - ◆ Tax evasion has played major roles in bringing the NFRA into existence.
 - ◆ Most of the major economies of the world have independent audit regulators and therefore, India also needs to match up with them as well.
 - ◆ Current regulator of auditors and auditing firms i.e ICAI had liberal approach against auditors involves in malpractices in past and this can be very well known to PM (He mentioned alongwith figures in his speech in CA day program in 2017)

Which Companies will be covered by NFRA?

The NFRA shall have power to monitor and enforce compliance with accounting standards, auditing standards, oversee the quality of service and undertake investigation of the auditors of the following class of companies and bodies corporate, namely:-

- ◆ Companies whose securities are listed on any stock exchange in India or outside India;

- ❑ Unlisted Public Companies having
 - ◆ Paid up Capital is Rs. 500 CR or More; OR
 - ◆ Turnover is Rs. 1000 CR or More; OR
 - ◆ Aggregate of Outstanding Loans, Debentures and Deposit is Rs. 500 CR or More in immediately preceding F.Y.
- ❑ Insurance companies, Banking companies, Companies engaged in the generation of supply of electricity;
- ❑ Companies governed by any special Act like
 - ◆ Reserve Bank of India under Reserve Bank of India Act, 1934;
 - ◆ State Bank of India under State Bank of India Act, 1955;
 - ◆ Life Insurance Corporation of India under incorporated under Life Insurance Corporation Act, 1956;
 - ◆ Unit Trust of India under The Unit Trust of India Act, 1963;
- ❑ Associate/subsidiary of the aforesaid company/body corporate incorporated outside India, income/net worth of which is more than 20% of the consolidated income/net worth of the aforesaid company/body corporate.
- ❑ Any Company, Body Corporate or Person referred to NFRA by the Central Government; Once a Company/Body Corporate covers under the NFRA Rules, will be covered by NFRA for 3 more years such Company/Body Corporate falls outside NFRA Rules in later stage.

Filing of NFRA-1

Accordingly, while three kinds of class of entities will be regulated by NFRA viz “companies”, “body corporates” and “persons”, however, only “body corporates” of such regulated entities will be required to do filing of NFRA-1 once within 30 days from the commencement of the Rules i.e within 13.12.2018; and thereafter within 15 days of appointment of the auditor.

Exemption from NFRA-1

Companies Covered under NFRA rules (Because they had already filled ADT-1) Private company or any other company which is not regulated by NFRA. (Because they are completely exempt from NFRA rules).

There is no logic of filing NFRA-1 by all companies appointing auditor because they will have to anyway file e-Form ADT-1 informing the details about the auditor.

Functions and Duties of NFRA

- ◆ Maintain details of particulars of auditors appointed in the companies and bodies corporate specified in rule 3;
- ◆ Recommend accounting standards and auditing standards for approval by the Central Government;
- ◆ Monitor and enforce compliance with accounting standards and auditing standards;
- ◆ Oversee the quality of service of the professions associated with ensuring compliance with such standards and suggest measures for improvement in the quality of service;
- ◆ Promote awareness in relation to the compliance of accounting standards and auditing standards;
- ◆ Co-operate with national and international organizations of independent audit regulators in establishing and overseeing adherence to accounting standards and auditing standards; and
- ◆ Perform such other functions and duties as may be necessary or incidental to the aforesaid functions and duties.

Annual return by Auditor:-

Every auditor covered under NFRA rules shall file a return with the NFRA on or before 30th April every year in such form as may be specified by the Central Government.

Role of ICAI

ICAI can give recommendations to NFRA on proposals for new accounting standards or auditing standards or for amendments to existing accounting standards or auditing standards on being asked and such recommendations are not binding to NFRA.

Still, Proprietorship concerns, Firms, LLPs, Charitable Trust, AOP/BOI, Societies, etc. along with Private Companies and Unlisted Public Companies which are not covered under rules would still be governed by ICAI and ICAI would have the sole discretionary power to provide rules and regulation for them.

Conclusion

Success of NFRA would depend upon the bureaucracy consist in it and powers vested in it otherwise it would be simply just transfer of the power from one authority to the other. Only time will tell whether NFRA will become a powerful independent body or just remain government department like SFIO.

NOTE ON NEW MSME NOTIFICATION FOR REPORTING WITH MCA

The Ministry of Micro, Small and Medium Enterprises issued a notification on November 2, 2018, which prescribe half-yearly reporting to Ministry of Corporate Affairs (MCA) for the Companies which receives services or goods from micro or small enterprises and whose payments to micro and small enterprises suppliers exceed 45 days.

The legal text of the notification is stated below for your reference:

In exercise of the powers conferred by Section 9 of the Micro, Small and Medium Enterprises Development Act, 2006, (the "Act") the Central Government hereby directs that all Companies who get supplies of goods or services from the micro and small enterprises and whose payments to micro and small enterprises suppliers exceed forty five (45) days from the date of acceptance or date of deemed acceptance of the goods or services as per the provisions of the Act, shall submit a half yearly return to the Ministry of Corporate Affairs ("MCA") stating the following:

(a) The amount of payments, and

(b) The reason of delay.

ANALYSIS OF AFORESAID LEGAL TEXT OF NOTIFICATION DATED NOVEMBER 2, 2018:

1. Definition of Micro Enterprises:

Section 2(h) of the Act provides that micro enterprise means an enterprise classified as such under **sub-clause (i) of clause (a) or sub-clause (i) of clause (b) of sub-section (1) of section 7.**

(a) sub-clause (i) of clause (a) of sub-section (1) i.e. section 7(1)(a)(i):

Micro Enterprise means an enterprise engaged in the manufacture or production of goods pertaining to any industry specified in the **First Schedule to the Industries (Development and Regulation) Act, 1951** and investment in plant & machinery doesn't exceed more than twenty-five lakh rupees.

(b) sub-clause (i) of clause (b) of sub-section (1) i.e. section 7(1)(b)(i):

Micro Enterprise means an enterprise engaged in providing or rendering services and investment in equipment doesn't exceed more than ten lakh rupees.

2. Definition of Small Enterprises:

Section 2(m) of the Act provides that small enterprise means an enterprise classified as such under **sub-clause (ii) of clause (a) or sub-clause (ii) of clause (b) of sub-section (1) of section 7.**

(a) sub-clause (ii) of clause (a) of sub-section (1) i.e. section 7(1)(a)(ii):

Small Enterprise means an enterprise engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 and investment in plant & machinery is more than twenty-five lakh rupees but doesn't exceed five crore rupees.

(b) sub-clause (ii) of clause (b) of sub-section (1) i.e. section 7(1)(b)(ii):

Small Enterprise means an enterprise engaged in providing or rendering services and investment in equipment is more than ten lakh rupees but doesn't exceed two crore rupees.

3. Definition of the Day of Acceptance:

Explanation (i) to Section 2(b) of the Act provides that day of acceptance means:

(a) the day of the actual delivery of goods or the rendering of services; or

(b) where any objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day on which such objection is removed by the supplier

4. Definition of the Day of Deemed Acceptance:

Explanation (ii) to Section 2(b) of the Act provides that day of acceptance means the day of the actual delivery of goods or the rendering of services, where no objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services.

From the above it is clear that we need to look at each and every aspect of the notification before finalizing reporting data. It is also highlighted here that MCA has not yet notified any form for aforesaid reporting and we will update you once any reporting mechanism is defined by the government.

PRIVATE PLACEMENT UNDER COMPANIES ACT 2013

Private Placement under Companies Act 2013, means any offer or invitation to subscribe or issue of securities to a select group of persons by a company (other than by way of public offer) through private placement offer cum application which satisfies the following conditions :-

1. The offer of securities or invitation to subscribe securities, shall be made to such number of persons not exceeding fifty or such higher number as may be prescribed, excluding Qualified Institutional Buyers, and Employees of the company being offered securities under a scheme of ESOS in a financial year and on such conditions (Including the form and manner of private placement) as may be prescribed. *(If a company listed or unlisted, makes an offer to more than fifty members then it shall be deemed to be public offer and all the provisions related to public offer under Companies Act, 2013, Securities Contracts (Regulation) Act, 1956 and the Securities Exchange Board of India Act, 1992 shall be applicable.)*
2. No fresh offer or invitation is to be made until and unless the allotment in respect to the offer is being completed, withdrawn or abandoned by the company.
3. All monies received on application under private placement shall be by way of Cheque or demand draft or other banking channels but not by cash.
4. Allotment of securities shall be made **within 60 days** from the date of the receipt of the application money. If allotment is not being made, application money is to be refunded **within 15 days** from the **closure of the 60 days**. If the company is unable to pay the application money **within 15 days** then it is liable to pay interest at the rate of **12% p.a.** from the **16th**.
5. All the monies received on application under this offer shall be kept under a separate bank account in a scheduled bank and the money shall be used for the adjustment against the allotment of securities or for the repayment of monies where the company is unable to allot its securities.
6. All the details of the persons to whom the offer is being made, is to be recorded by the company prior to the invitation to subscribe and shall be filed to the registrar **within 30 days** of circulation of relevant private placement offer letter.
7. No company offering securities through private placement shall make public advertisements or utilize any media, marketing or distribution channels or agents to inform public at a large about such an offer.
8. Whenever company makes allotment of securities it needs to file return of allotment in E-Form PAS-3 including the complete list of all security holders, with their full names, addresses, number of securities and such other information.
9. Any contravention can attract a penalty equal to the amount involved in the offer or Rs. 2 Cr. which is lower on promoters and directors. Further company shall repay all monies to subscribers within 30 days of the order imposing the penalty.

CIRCULARS / NOTIFICATIONS

Given below are the important Circulars and Notifications issued by the CBDT, CBEC and FEMA during the last month for information and use of members. Readers are requested to use the citation/website or weblink to access the full text of desired circular/notification

NOTIFICATIONS

1. *Notification of transactions in equity shares in respect of which the condition of chargeability to STT at the time of acquisition for claiming concessional tax treatment under section 112A shall not apply-Notification No. 60/2018, dated 01-10-2018*

The Finance Act, 2018 has withdrawn exemption under section 10(38) and has inserted new Section 112A in the Income-tax Act, 1961, to provide that long term capital gains arising from transfer of a capital asset being an equity share in a company or a unit of an equity oriented fund or a unit of a business trust, shall be taxed at 10% of such capital gains exceeding one lakh rupees. The said section, *inter alia*, provides that the provisions of the section shall apply to the capital gains arising from a transfer of long-term capital asset, being an equity share in a company, only if securities transaction tax (STT) has been paid on acquisition and transfer of such capital asset. However, to provide for the applicability of the concessional tax regime under section 112A to genuine cases where the STT could not have been paid, it has also been provided in Section 112A(4) that the Central Government may specify, by notification, the nature of acquisitions in respect of which the requirement of payment of STT shall not apply in the case of acquisition of equity share in a company.

In view of the above, *vide this notification*, it has been notified that the condition of chargeability to STT shall not apply to transactions of acquisition of equity shares entered into before 1.10.2004; or on or after 1.10.2004 which are not chargeable to STT, except certain specified transactions, namely, acquisition of existing listed shares in preferential issues of a company whose equity shares are not frequently traded in a recognised stock exchange in India; acquisition of existing listed equity shares in a company not entered through a recognised stock exchange of India; and acquisition of equity shares of company during the period of its delisting. However, to protect the interest of genuine investors, exceptions are also provided under the first two specified transactions, in respect of which the condition of chargeability to STT shall not apply.

The complete text of the above notification can be downloaded from the link below: <http://www.incometaxindia.gov.in/Pages/communications/notifications.aspx>

II. PRESS RELEASES/INSTRUCTIONS/OFFICE MEMORANDUM

1. *Exemption to interest income on specified off-shore Rupee Denominated Bonds – Press Release, dated 17-09-2018*

Interest payable by an Indian company or a business trust to a non-resident, including a foreign company, in respect of rupee denominated bond issued outside India before 1.7.2020 is liable for concessional rate of tax of 5%. Consequently, Section 194LC provides for the deduction of tax at a lower rate of 5% on the said interest payment.

Consequent to review of the state of economy on 14.9.2018 by the Prime Minister, the Finance Minister has announced a multi-pronged strategy to contain the Current Account Deficit (CAD) and augment the foreign exchange inflow. In this background, low cost foreign borrowings through off-shore rupee denominated bond have been further incentivised to increase the foreign exchange inflow.

Accordingly, it has been decided that interest payable by an Indian company or a business trust to a non-resident, including a foreign company, in respect of rupee denominated bond issued outside India during the period from 17.9.2018 to 31.3.2019 shall be exempt from tax, and consequently, no tax shall be deducted on the payment of interest in respect of the said bond under section 194LC.

Legislative amendments in this regard shall be proposed in due course.

GST

Central Goods and Services Tax (Amendment) Rules, 2018

The Central Government vide Notification No. 53/2018 –CT & Notification No. 54/2018 dated 9th October, 2018 has notified following rules further to amend the Central Goods and Services Tax Rules, 2017.

Substitution in sub-rule 10 of rule 96 [Refund of integrated tax paid on goods or services exported out of India]

For period from 23.10.2017 to 08.10.2018 (Notification No. 53/2018 -CT)

The persons claiming refund of integrated tax paid on export of goods or services should not have -

(a) received supplies by availing the following benefits :

- Notification No. 48/2017-CT, dated the 18th October, 2017: It covers domestic supplies made against advance authorisation, supply of capital goods against EPCG authorisation, supply of goods to EOU & supply of gold by a bank or PSU against advance authorisation.
- Notification No. 40/2017-CT (Rate), dated the 23rd October or Notification No. 41/2017-Integrated Tax (Rate), dated the 23rd October, 2017: This notification covers supplies made to merchant exporter at the rate of 0.1% in case of IGST or 0.05% each in case of CGST & SGST.

(b) availed the benefit under following notifications:

- Notification No. 78/2017-Customs, dated the 13th October, 2017: This notification provides exemption from Customs Duty & IGST under Customs on goods imported or procured from Public or Private Warehouse or from International Exhibition by Hundred per cent EOU, STP or EHTP units.
- Notification No. 79/2017- Customs, dated the 13th October, 2017: This notification provides exemption from Customs Duty & IGST under Customs on imports under EPCG, Advance Authorisation, Advance Authorisation for Annual Requirements, Advance Authorisation for Deemed Export, Advance Authorisation for export of Prohibited Goods and Narrow Woven Fabrics, etc.

Further, Notification No. 54/2018 dated 9th October, 2018 has been issued effective from 09.10.2018 to restrict the refund in case he has availed the benefits as mentioned aforesaid except so far it relates to receipt of capital goods by such person against Export Promotion Capital Goods Scheme.

Substitution in sub rule 4 of rule 89 [Application for refund of tax, interest, penalty, fees or any other amount- Notification No. 54/2018 dated 9th October, 2018] Refund of unutilised input tax credit on account of zero rated supplies without payment of tax shall be granted where a person has :

a) received supplies on which the following benefits of the Government of India has been availed:

- Notification No. 48/2017-CT, dated the 18th October, 2017
- Notification No. 40/2017-CT (Rate), dated the 23rd October or notification No. 41/2017-Integrated Tax (Rate), dated the 23rd October, 2017

b) availed the benefit under following notifications:

- Notification No. 78/2017-Customs, dated the 13th October, 2017
- Notification No. 79/2017- Customs, dated the 13th October, 2017

Hence in above cases, exporter has to export only under LUT and claim refund of unutilised ITC

Notifications issued under CGST Act, 2017 applicable to Goods and Services Tax (Compensation to States) Act, 2017 Section 9(2) of the Compensation Cess Act provides that for all the purposes of claiming refunds, except the form to be filed, the provisions of the CGST Act and the rules made thereunder, shall apply in relation to the levy and collection of Compensation Cess.

Keeping in view the above provision the Central Government vide Circular No. 68/42/2018-GST dated 5th October, 2018 has clarified that the Notification no. 16/2017-CT (R) dated 28th June, 2018 issued for notifying organisations for claiming refunds of taxes paid on notified goods shall be applicable to Goods and Services (Compensation to States) ACT, 2017.

Therefore, UN and specified international organisations, foreign diplomatic missions or consular posts in India, or diplomatic agents or career consular officers posted therein, having being specified under section 55 of the CGST Act, 2017, are entitled to refund of Compensation Cess payable on intra-state and inter-state supply of goods or services or both received by them subject to the same conditions and restrictions, mutatis mutandis, as prescribed in Notification No. 16/2017-CT(Rate) dated 28.06.2017.

[Circular No. 68/42/2018-GST dated 5th October, 2018]

Modification to the Guidelines for Deductions and Deposits of TDS by the DDO under GST

Central Government vide Circular No. 67/41/2018-DOR dated 28th September, 2018 made following modification to the Point 9(iv) of the Circular No. 65/39/2018-DOR dated 14/09/2018 which provides for the Guidelines for Deductions and Deposits of TDS by the DDO under GST:-

To enable the DDOs to account for the TDS bunched together (in terms of Option II), following sub-head related to the GST-TDS below the Head 8658.00.101-PAO Suspense has been opened.

Sr.	Major Head	Sub Head Description	Major Head Serial Code (8-digit reduced accounting code)	SCCD Code
1.	8658-00-101	08-GST TDS	86580344	367

[Circular No. 67/41/2018-DOR dated 28th September, 2018]

GST on Residential programmes or camps meant for advancement of religion, spirituality or yoga by religious and charitable trusts-reg.

Circular No. 66/40/2018-GST dated 26th September, 2018 clarified taxability of the services of religious and charitable trusts by way of residential programmes or camps meant for advancement of religion, spirituality or yoga in the light of the Chapter 39 “GST on Charitable and Religious Trusts” of Compilation of 51 GST Flyers available on CBIC website at the link <https://goo.gl/EgAJtA>

[Circular No. 66/40/2018-GST dated 26th September, 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

The Commissioner, in exercise of the powers conferred by Rule 117 of the Central Goods and Services Tax Rules, 2017 read with Section 168 of the Central Goods and Services Tax Act, 2017, vide Order No. 4/2018-GST dated 17th September, 2018 provides for extension in the period for submitting the declaration in FORM GST TRAN-1 till 31st January, 2019, for those registered persons who could not submit the said declaration by the due date on account of technical difficulties on the common portal.

[Order No. 4/2018-GST dated 17th September, 2018]

Insertion of an explanation in an entry in notification No. 12/2017 – CT (Rate)

Central Government vide Notification No. 23/2018- CT (Rate) dated 20th September, 2018 made insertion of following explanation in serial no. 41(3) of table of the said notification, namely:-

“Explanation. - For the purpose of this exemption, the Central Government, State Government or Union Territory shall have 50% or more ownership in the entity directly or through an entity which is wholly owned by the Central Government, State Government or Union territory.”

Similar Notification have been issued in Integrated Tax as well as Union Territory Tax laws vide Notification No. 24/2018-Integrated Tax (Rate) dated 20th September, 2018 and Notification No. 23/2018-Union Territory Tax (Rate) dated 20th September, 2018 respectively.

[Notification No. 23/2018- CT (Rate) dated 20th September, 2018; Notification No. 24/2018-Integrated Tax (Rate) dated 20th September, 2018; Notification No. 23/2018-Union Territory Tax (Rate) dated 20th September, 2018]

Rate of TCS to be collected by every electronic commerce operator for intra State taxable supplies and inter- State taxable supplies

Central Government vide Notification No. 52/2018

– CT dated 20th September, 2018 notifies that every electronic commerce operator, not being an agent, shall collect an amount calculated at a rate of half per cent of the net value of intra-state taxable supplies made through it by other suppliers where the consideration with respect to such supplies is to be collected by the said operator.

Further, Central Government vide Notification No. 02/2018 – Integrated Tax dated 20th September, 2018 notifies that every electronic commerce operator, not being an agent, shall collect an amount calculated at a rate of one per cent. of the net value of inter-state taxable supplies made through it by other suppliers where consideration with respect to such supplies is to be collected by the said operator.

Similar Notification have been issued in Union Territory Tax laws vide Notification No. 12/2018 – Union Territory Tax dated 28th September, 2018 and Notification No. 13/2018 – Union Territory Tax dated 28th September, 2018 respectively.

[Notification No. 52/2018 – CT dated 20th September 2018, Notification No. 02/2018 – Integrated Tax dated 20th September, 2018]

Customs

Cases where IGST refunds have not been granted due to claiming higher rate of drawback Or where higher rate and lower rate were identical –reg

Circular 37/2018-Customs dated 9th October, 2018 clarified that exporters are availing the option to take drawback at higher rate in place of IGST refund out of their own volition. Considering the fact that exporters have made declaration in the shipping bill while claiming the higher rate of drawback, it has been decided that it would not be justified allowing exporters to avail IGST refund after initially claiming the benefit of higher drawback.

[Circular 37/2018-Customs dated 9th October, 2018]

Advisory-circular for registration of beneficiaries on ICEGATE-regarding

Government vide Circular 35/2018- Customs dated 1st October, 2018 has introduced Single Window Interface for facilitating Trade (SWIFT) as part of ease of doing business initiative to integrate Customs and other Participating Government Agencies (PGAs) for seamless processing of import and export clearances. One of the component of SWIFT is e-SANCHIT. Under eSANCHIT, the system allows a trader to submit all supporting documents for clearance of consignments electronically with digital signatures, thereby making the entire process of consignment clearance faceless and paperless. It has been made mandatory for all the importers from 01st April, 2018 onwards. Shortly eSANCHIT facility will be extended to exports also, for which a pilot is underway.

Further, CBIC is embarking on a project under SWIFT to bring all the Participating Government Agencies (PGAs) under eSANCHIT wherein instead of importer/exporter the PGAs who issue Licences, Permits, Certificates and Other Authorisations (LPCOs), will upload the documents themselves.

Once the LPCO is uploaded by a PGA, a unique IRN (image reference number) will be generated by the system and the same will be communicated to the beneficiary. For availing this facility, the registered email id with ICEGATE will be used.

In future, a view facility will also be available, wherein a beneficiary will be able to view the documents uploaded by the PGAs during a given period.

A pilot is expected to be launched shortly for testing the eSANCHIT facility for PGAs with three PGAs. Thereafter on successful testing, the facility will be extended to all the PGAs. Once the facility of uploading the document on eSANCHIT by PGAs is implemented, the beneficiaries (importer/exporter) will not be allowed to upload such documents themselves

Further, a detailed procedure on registration is available at ICEGATE website under the path www.icegate.gov.in --> Downloads --> Registration Demo

[Circular 35/2018- Customs dated 1st October, 2018]



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