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Karnataka State Chartered Accountants Association (R)

NEWS BULLETIN

Direct Tax | Indirect Tax | RERA | IPR
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Since 1957

December 2022
Vol. 10, Issue 04
25/-

English Monthly
for Private Circulation only

JOINT DEVELOPMENT AGREEMENT

Create & Complement

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From the President

Dear Readers,

Let me wish you all members a very happy new year 2023 and merry Christmas.

The digital world is progressing to continue and the Reserve Bank of India launched the digital rupee on a pilot basis and will be offered by public and private banks in a few major cities initially, which can be used for both person-to-person and person-to-merchant transactions. The digital rupee is recognised as legal tender by the RBI, and thus must be accepted by everyone in the country as a medium of exchange. The concept is interesting to imagine and progressively futuristic. We will have to wait and watch the outcome of such an initiative.

The growth story of India continues to move positively. Morgan Stanley mentions in its outlook report that "we expect domestic demand to remain in the driver's seat for growth and reports that the domestic demand-oriented economies like India have been insulated from the weaker external demand conditions".

KSCAA conducted its Kreeda Habba – Sports and Cultural Meet 2022 in a grand way. Our interest was to include maximum number of participants from CA members, especially I welcome more women members in the participation of such events in subsequent events. The cricket which was conducted on 4th Dec 2022 was intense like every year and participants from Bellary, Udupi, Kundapura, Bagalkote and Kalburgi participated. The fun was not restricted only to members who are very athletic in their age, but box cricket was reserved only to members with more than 40 years. It was fun to watch our senior members play, enjoy, and participate in the event. We had KSCAA 'El-Pasio', a event for walking, the event was open from 14 days and it was surprising to know that total distance covered by total 120+ participants was more than 2,600 km and two members who crossed 250 km won the title. The badminton which was separately conducted, was intensely participated, and saw a true display of sportsmanship. The fun and frolic along with Kannada Rajyotsva continued on 11th Dec 2022 was presided by the chief Guest Ganakalabushana Dr. Vid. R. K Padmanabha who added separate fervor to the event. Many family members and our CA members enjoyed the event, participated & won many prizes in the event.

True to our current year theme, create and Compliment, the program on 'Intensive training program on appeals before ITAT' which has mentorship, live classes, preparatory presentation by participants on live cases and grand presentation of participants on 21st Jan 2023 at National Law school with real sitting ITAT members would provide hands on experience for members to start a new area of practice and hone the skill for existing ITAT practitioners.

We are planning to conduct our flagship event, the 35th KSCAA Annual conference on 17th and 18th of March 2023. We are working to bring some of the nation's best speakers from various forum and expose the members to a new possibility. The topic we intend to choose would also be mixture of traditional areas and non-traditional areas which are upcoming for future practicing CA's.

Members would be aware that during the last EGM of KSCAA, the proposal to increase in membership has been passed and the same increased fee would be soon applicable for lifetime membership of KSCAA. If you find any of your friends who are yet to become members, please pass on such message and inform them to become members of KSCAA and avail the advantage of lower membership fees.

Your association has represented on the delay in processing of applications filed u/s 119(2)(b) of the Income-tax Act, 1961 and recommended introducing online (faceless) measures to clear the same as well as process various other approvals/applications under Act.

I request members to exercise caution in submission of GSTR 9 and 9C and uphold the spirit and law of GST, the revenue of GST is also rising, and contribution of our fraternity is immense in collection process in GST.

As a part of complementing our Practicing members, the association has concluded an agreement with one of the Health subscription companies to provide reasonable and attractive Healthcare packages to themselves, partners, articles, employees, and their families. The whole idea currently is to provide a tech-based login and make a monthly subscription to our members with options for members for subscribing themselves. We will be coming back soon with an update on these processes.

My Immediate Past President previously had written about Drama Triangle. The premise of the Drama Triangle is that with every change we turn out to act like a victim, One insidious 'game' commonly played in the profession – albeit unconsciously – is The Drama Triangle, which has Victim, Rescuer and Prosecutor. The trick is to come out of the Drama Triangle and manage the situation intelligently is changing the ingrained thinking patterns either by changing and adapting or replacing them. You can simply refuse to be either superior or inferior – doing so breaks the triangle. Once you stop the game, the drama stops too. You can stop acting as 'poor me', ignoring your own needs, giving in to people even when it's not a good idea, or always taking the blame. To stop being a victim you need to accept the relationship with the other person, face the fact that you're the one who will need to change. Rescuers are natural caretakers and it's a hard habit to break since it involves heavy emotions like guilt and obligation. Living beyond the Drama Triangle roles is about managing your own boundaries and having a strong sense of your own agency and value. This would enable you to work and come out of the Drama triangle and solve many issues which are daily face in the profession.

News Roundup

MCA Updates

The Ministry of Corporate Affairs vide its Notification dated 21st November 2022 has introduced the Companies (Registered Valuers and Valuation) Amendment Rules, 2022 to amend the Companies (Registered Valuers and Valuation) Rules, 2017.

The Notification issued by the MCA seeks to improve the rules governing entities performing the valuation of corporate assets in order to enhance the ease of doing business and ensure greater regulatory oversight. The new Rules provide that a partnership entity or company shall be a member of only one registered valuer's organisation and such restriction will help in having an effective disciplinary mechanism. The new amendments are expected to strengthen the valuation practices in the country.

Indirect Taxes

GST collection for November stands at Rs 1,45,867 crore surges 11% YoY. 30th November was the last opportunity to make use of the re-opened facility to file Transitional returns consequent to the Honorable Supreme Court Decision on M/s.Filco Trade Center Pvt Ltd. Both State and Central GST Commissioners have issued administrative circulars regarding carrying out of verification of filed returns before allowing transitional credit to the filers.

A circular has been issued stating that the new formulae for computing inverted duty structure would be effective for refund applications filed after 18.07.2022 and not for the ones before. This could possibly be litigated and the amendment was more corrective in nature, consequent to the observation by the Supreme Court in the M/s.V K C Footsteps case.

GSTR 9/9C due date for FY 2021-22 is 31.12.2022. HSN summary table is made mandatory, which was initially not required to be filled in. Few relaxations in filling up, which were earlier available are continued.

Let me pray that the new year be more prosperous, filled with happiness and good health!

Happy Reading !

Yours' faithfully,

CA. Pramod Srihari

President

Since 1957

KSCAA®
NEWS BULLETIN

December 2022
Vol. 10 Issue 04
No. of Pages : 36

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Karnataka State Chartered Accountants Association (R)

VISION

- KSCAA shall be the trusted and value based knowledge organisation providing leadership and timely influence to support the functional breadth and technical depth of every member of CA profession;
- KSCAA shall be the nucleus of activity, amity and unity among members aimed at enhancing the CA profession's social relevance, attractiveness and pre-eminence;
- KSCAA shall in the public interest, be a proactive catalyst, offering a reliable and respected source of public statement and comments to induce effective laws and good governance;
- KSCAA shall be the source of empowerment for leadership and excellence; disseminating knowledge to members, public and students; building a framework for new opportunities and partnerships that enhance life in the community and beyond; encouraging highest ethical standards and professional integrity, in realization of India global leadership vision.

MISSION

- The KSCAA serves the interests of the members of CA profession by providing new generation skills, amity, unity, networking and leadership to strengthen the professional capabilities, integrity, objectivity, social relevance, standards and pre-eminence of India's Chartered Accountants nationally and internationally through; becoming gateway of knowledge for Chartered Accountants, students and public; helping members add value to their customers/employers by enhancing their professional excellence and services; offering a reliable and respected source of public policy advice and comments to bring about more effective laws and policies and transparent administration and governance.

MOTTO: KNOWLEDGE IS STRENGTH

KSCAA welcomes articles & views from members for publication in the news bulletin / website.
Email: journal@kscaa.com | Website: www.kscaa.com

Joint Development Agreement - Certain Important Developments

CA. S Krishnan

1. Introductory Remarks

Taxation of capital gains arising out of Joint Development of property and controversies go hand in hand though at times it would appear as if there is clarity so far as taxation of capital gains in this respect is concerned.

The question which usually arises is the year of assessability of capital gains arising on the property in the case of joint development agreement (JDA), i.e., whether it is assessable in the year in which the JDA is entered into or in the relevant later year in which the area duly developed and constructed coming to the share of the assessee-land owner is handed over to the assessee.

2. Analysis of the decision of Supreme Court in the case of CIT v. Balbir Singh Maini [2017] 86 taxmann.com 94

The Supreme Court in the case of Balbir Singh Maini (supra) appears to have given a new dimension to the concept of "transfer" under section 2(47)(v) of the Income-tax Act (the Act) after an amendment to section 53A of the Transfer of Property Act 1882 (the TP Act) and well as to sections 17 and 49 of the Registration Act, 1908 with effect from 24th September,2001.

The Supreme Court in this case held that where for want of permissions, entire transaction of development of land envisaged in JDA fell through, there would be no profit or gain which arose from transfer of capital asset, that could be brought to tax under section 45, read with section 48 of the Act.

The Supreme Court, based on the facts of the case, held that even though the license was given thereunder, for the purpose of developing the land into flats and to sell the same under the said development agreement, it did not amount, in eye of law, to "transfer" under section 2(47)(v) of the Act. The Supreme Court further held that licensee cannot be said to be in possession of the property within the meaning of section 53A of the TP Act.

With regard to taxing real income the Supreme Court referred to the observations from its earlier decision in the case of CIT v. Shoorji Vallabhdas and Co. [1962] 46 ITR 144 which were to the following effect-

> *"Income tax is a levy on income. No doubt, the Income Tax Act takes into account two points of time at which the liability to tax is attracted, viz., the accrual of the income or its receipt; but the substance of the matter is the income. If income does not result at all, there cannot be a tax, even though in bookkeeping, an entry is made about a 'hypothetical income', which does not materialise. Where income has, in fact, been received and is subsequently given up in such circumstances that it remains the income of the recipient, even though given up, the tax may be payable. Where, however, the income can be said not to have resulted at all, there is obviously neither accrual nor receipt of income, even though an entry to that effect might, in certain circumstances, have been made in the books of account."*

It is to be noted that a 3-member Bench in the case of Seshasayee Steels (P) Ltd.v. Asstt. CIT[2020] 421 ITR 46 (SC) affirmed the view of the 2-member Bench in the case of Balbir Singh Maini (supra).

Two decisions one rendered by the Gujarat High Court in the case of Chhaganlal Mulji Dholu v. Joint CIT [2022] 145 taxmann.com 298 (Guj) and the other one by ITAT Bangalore Bench in the case of Deputy CIT v.R. Muniraju HUF and vice versa in ITA No.54/ Bang/2020 and CO. NO.2/Bang. /2022- Assessment year 2010-11- Date of order 13th October,2022 have been analyzed in the ensuing paragraphs.

3. Analysis of Chhaganlal Mulji Dholu's case (supra)

The assessee in this case entered into a JDA during the assessment year 2015-16 wherein the assessee received a part payment from the developer which was not reported in the return of income filed for the assessment year 2015-16 but when full amount was received in the next assessment year 2016-17 the same was reported by the assessee and tax on capital gains arising out of JDA was also remitted. The assessee was subject to limited scrutiny assessment under section 143(3) of the Act and the same was completed on 10th December,2018.

The Assessing Officer issued a notice under section 148 of the Act for the Assessment Year 2015-16 as he had reasons

to believe that the income had escaped assessment within the meaning of section 147 of the Act. The assessee filed a writ before the Gujarat High Court after his objections dated 8th December,2021 were rejected by the tax authorities. The reason for issuance of notice was that the assessee had sold immovable property and received a total cash component of a specified sum which was not disclosed in the return filed by him for the Assessment Year 2015-16.

It was argued on behalf of the assessee that when the transaction was in the nature of development agreement, in such situation, the gain was not required to be offered to tax in the assessment year 2015-16 and that the gain arising out of the transaction was offered as capital gain in the assessment year 2016-17 and tax was paid and since the transaction was of development agreement, the property would pass on a future date upon fulfilment of all obligations agreed upon between the parties. The assessee thus argued that there was no escapement of income.

The High Court referred to the decision of the Balbir Singh Maini (supra) for the proposition that "even though the license was given thereunder, for the purpose of developing the land into flats and to sell the same under the said development agreement, it does not amount, in eye of law, to "transfer" under section 2(47)(v) of the Act and that that license cannot be said to be in possession of the property within the meaning of section 53A of the Transfer of Property Act."

The Gujarat High Court ultimately held as under-

> *"6. When the amount received by the petitioner assessee by way of cash was pursuant to development agreement and the transfer had not taken place in the year of receipt, when the sale deed was executed in the subsequent year, the transfer took place at that point of time. The assessee had offered the amount of capital gains to tax in the next corresponding assessment year, that is, 2016-17.*
>
> *6.1 The income by way of capital gain is chargeable in the year of capital assessment even though the consideration may be realised earlier or later or there may not be realisation at all. In the present case, as explained above, the execution of development agreement did not give rise to transfer within the meaning of section 2(47)(v) of the Act in the financial year 2014-15."*

4. Analysis of R. Muniraju HUF's order (supra)

Shorn of details that are not very much relevant for our discussion the order passed in the case of R. Muniraju HUF (supra) has been discussed below.

The assessee's return for the Assessment Year 2010-11 was processed under section 143 (1) (a) of the Act vide intimation dated 24th November,2012. There was a search in the offices of one of the concerns wherein R. Muniraju in his individual capacity was a director. The Assessing Officer on noticing that a JDA had been entered into by the assessee-HUF with the concern whose premises had been searched and that the assessee had handed over possession of the property during the Assessment Year 2010-11, the liability to capital gain arose in view of part performance and proceeded to compute the capital gains for that Assessment Year. The assessee contended that the plan sanction for the development of the property was obtained only on 15th June, 2010 and therefore the year under consideration could not be taken as the year of transfer. The assessee also contended that without the plan sanction, the terms of JDA could not be implemented and therefore the Assessing Officer could not consider the date of JDA as date of transfer. The Assessing Officer did not accept the contention of the assessee and stated that the application for plan approval was submitted by the developer in accordance with the terms of the JDA on 18.3.2010 which date fell in the year relevant to Assessment Year 2010- 11 and therefore on that count also, the capital gain needed to be assessed in the year under consideration. The Assessing Officer while computing the capital gain considered the cost of construction as per the estimate prepared by the developer as the sale consideration and therefore added a certain sum towards capital gains while completing the assessment. The assessee preferred an appeal before the Commissioner of Income-tax (Appeals).

The assessee raised various contentions before the Commissioner of Income-tax (Appeals) and such contentions included that the date of JDA could not be treated as year of transfer property and that the assessee had offered the capital gains to tax during the Assessment Years 2013-14 to 2017-18 upon actual sale of flats. The assessee also challenged the cost of construction taken as the sale consideration by the Assessing Officer.

Though the Commissioner of Income-tax (Appeals) confirmed the order of the Assessing Officer with regard to the year of transfer of the property, yet directed the Assessing Officer to consider the guideline value of the property as the sale consideration as against the estimated cost of construction to re-compute the capital gain for the Assessment Year 2010-11 and also to re-compute the capital gain for Assessment Years 2013-14 to 2017-18.The Tribunal after referring to clause (1) of the JDA where the assessee had given irrevocable permission to the developer to enter the property and after noticing that the developer had also complied with the terms of the JDA by applying for plan sanction, held that the year of taxability was the year in which the JDA was entered into.

The Tribunal made the following pertinent observation at para.24 of its order-

> *"Though it was initially held by various Courts that the capital gains are to be assessed in the year in which the development agreement has been entered into between the land owner and the developer, considering the fact that in many cases, the development agreement was not acted upon by the developer, different views have been expressed as to the year of assessability, based on the facts and circumstance of each case. Therefore, the analysis of the various terms of the JDA is critical for arriving at the decision on the year of assessability of the capital gains."*

The Tribunal extracted various clauses of the JDA as also the Power of Attorney executed by the assessee in favour of the Developer and observed that what had been contemplated was not merely permissible possession but was absolute possession given to the developer by the assessee. The Tribunal also noticed that "the possession is given irrevocably by the assessee to the developer and the developer is given the irrevocable power of attorney to transfer or sell the developer's share in the undivided share of land which would mean that the developer is given the absolute possession of the land which in our considered view amounts to transfer within the meaning of section 2(47)(v) of the Act. According to section 53A whereby the transferee has done some act in furtherance of the contract, and the transferee has performed or is willing to perform his part of the contract. During the year under consideration the developer has made an application for plan approval."

The Tribunal thus held that taxability had arisen during the Assessment Year 2010-11 i.e., the year in which JDA was entered into.

With regard to the question of adopting either the guideline value or estimated cost of construction for the purpose of calculation of capital gains, the Tribunal held that the estimated cost of construction cannot be considered as transfer cost but only the guideline value and that "there is no loss to the revenue since the assessee would be paying the capital gain at the time of sale of flats at which time the gain already taxed i.e. the guideline value would be considered as the cost of acquisition."

It is to be noted that the Karnataka High Court in the case of Principal CIT v. Logistics Ltd. [2022] 134 taxmann.com 197 has also held that where consideration received or accruing as a result of transfer of a plot of land by an assessee under JDA is not ascertainable, guidance value of land or guidance value of building would be appropriate mode to determine full value of consideration. The assessment years concerned in this case were 2006-07 and 2010-11.

However it should be noted that as per provisions of Section 50D of the Act , with effect from Assessment Year 2013-14,where the consideration received or accruing as a result of the transfer of a capital asset by an assessee is not ascertainable or cannot be determined, then, for the purpose of computing income chargeable to tax as capital gains, the fair market value of the said asset on the date of transfer shall be deemed to be the full value of the consideration received or accruing as a result of such transfer.

But it should also be noted that guideline value on the date of transfer is mostly available on the website maintained by the Registration Department of respective State governments.

5. Concluding Remarks

Therefore, the analysis of the various terms of the JDA is critical for arriving at the decision on the year of assessability of the capital gains.

It should be borne in mind that there is no – in fact there can be no- strait jacket formula for any given (ideal or otherwise) situation as factual happenings may differ and even one small difference in facts may completely alter the readymade answer situation. Basic principles taught to us indicate that before analysing a live situation and comparing it with an assumed situation or a decided case-law first find out as to the facts based on which earlier case was decided and what are the facts obtaining in the live situation and what was the point of law then and what is the point of law now-by point of law what is meant is whether any higher authority has decided the case other way after earlier ruling was given or a decision has been given by a jurisdictional High Court now either way or has there been any amendment subsequent to date of last decision or is there any change in assessment year meaning thereby change in law? The other point to be considered is – Any change in the thinking of the persons who matter most-the judicial authorities?

The earnest desire of professionals is that the term JDA should be defined clearly in the Act and if required let there be a separate sub-chapter or subheading in Capital Gain Chapter itself to deal with JDA exclusively as even provisions of section 45 (5A) of the Act introduced with effect from 2018-19 as per which capital gain liability gets triggered only after certificate of completion for the whole or part of the project is issued by the competent authority in cases where " specified agreement" (meaning JDA) is registered, has not (re)solved issues pertaining to JDA.

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Challenges In The Implementation Of Sec194R Of The Income Tax Act,1961 (Part-1)

CA Jayasree Vinnakota

(PART-I of TDS SERIES)

The introduction of new TDS sections in every budget signifies increasing dependency on TDS for direct tax collections and expanding the taxpayer base. New TDS section 194R introduced by the Finance Act 2022, with effect from 1st July 2022, casts a responsibility of tax deduction on any person providing, to a resident, any benefit or perquisite arising from business or exercise of a profession.

This section coupled with CBDT guidelines has not only brought in numerous compliance challenges but also ambiguity among tax analysts and business entities in comprehending the wordings used at multiple stages, since its introduction. This article intends to discuss certain aspects along with conflicts and concerns around the implementation of Sec194R.

Rationale for introduction of TDS Sec194R:

All business entities claim deduction of business promotion expenses, pertaining to the benefits or perquisites provided to their supply chain partners (like distributors, wholesalers or retailers) but a corresponding disclosure, vide Sec 28(iv) of the Income Tax Act,1961 (hereinafter referred to as "the Act"), of the value of these benefits, in the income tax returns of the recipients is missing, though they arise in the course of business or exercise of a profession. In order to track and plug this revenue leakage Sec 194R has been introduced.

Analysing Sec 194R with CBDT circulars:

When heard in the budget speech, sec194R gave a very general perception that value of benefits or perquisites only "in kind", would be subjected to TDS. At a second level, **first proviso** to sub-section(1) of sec194R, extends the scope of benefits or perquisites by using the words partly "in cash" or partly in "kind". This is in total contrast to the wording of main sub-section (1) of 194R - "any benefit or perquisite, whether convertible into money or not. The necessity to convert into money arises only w.r.t benefits or perquisites in kind. Further down, the guidelines in the form of FAQs, issued in Circular No.12 of 2022, dt.16th June 2022, vide sub-section (2) of sec194R, gave altogether a different dimension to "benefit or perquisite", by bringing in scenarios of TDS on "notional income".

As per sub-section (2) of sec194R, guidelines have to be issued if any difficulty arises in giving effect to the provisions of this section, however, the CBDT circular No.12 was issued even before the section came into effect. When implementation of the section itself hasn't started by the date of the circular, arising of difficulty in giving effect to the provisions of this section cannot be right. Further, by virtue of Sec194(3), interpretations given by CBDT to those foreseen difficulties became equally binding on the Deductor. FAQs of Circular No.12 have created enormous confusion and extended hardship to the taxpayers by giving unintended scope to the section itself. Pursuant to representations made by various stakeholders, additional guidelines, in the form of FAQs, have been issued by Circular No.18 of 2022 dt 13th September 2022.

Sec194R(1) :

194R (1) reads as follows - Any person responsible for providing to a resident, any benefit or perquisite, whether convertible into money or not, arising from business or the exercise of a profession, by such resident, shall, before providing such benefit or perquisite, as the case may be, to such resident, ensure that tax has been deducted in respect of such benefit or perquisite at the rate of ten percent of the value or aggregate of value of such benefit or perquisite.

Sec194R is not applicable in the following cases -

* Sec194R is not applicable to Non-resident recipients.
* Benefits or perquisites not arising from the business or exercise of profession of the "resident recipient".
* Benefits or perquisites provided by an employer to the employee are covered under salary, hence TDS is applicable under Sec192 and not under Sec194R.
* When the value or aggregate value of the benefits or perquisites do not exceed Rs.20,000/-, during a financial year.
* Not applicable on the value or aggregate value of the benefits or perquisites provided before 1st July 2022.
* Individual or HUF whose total sales, gross receipts or turnover do not exceed Rs.1 crore in the business or

Rs.50 Lakhs in the case of the profession, during the year immediately preceding the financial year in which benefit, or perquisite is provided by such individual or HUF.

Key aspects of Sec194R(1) read with CBDT circulars –

"Any person responsible" for providing ***to a "resident"…***

* Person who is providing the benefit/perquisite can be a resident or non-resident but the residential status of the recipient of benefit/perquisite has to be only a resident.
* ***"Any person responsible"*** refers to all types of persons as per Sec 2(31) of the Act, except those specifically exempted based on the above-referred turnover criteria.
* Such benefit/perquisite should be arising from the **business or profession "of the recipient"…**
* In order to deduct tax under Sec 194R, the deductor has to be only certain whether the benefit or perquisite is arising from business or profession **of the recipient.** Also, Question 1 of Circular 12 states that deductor need not verify whether or not the benefit or perquisite is taxable in the hands of recipient.

  Any incentives received by distributors/ dealers, in kind, like travel packages, tangible goods like TVs, Gold coins, laptops, Mobile phones etc.. given by the business entity, in appreciation of the sales targets achieved shall be considered as benefit /perquisite arising to such distributors/dealers in the course of their business/profession. Hence Sec194R is applicable in such cases.
* *Let us take a case where the business entity has a tradition or practice to gift its business partners (including professionals or consultants like CAs, lawyers etc..) on the occasion of festivals like Diwali or for a new year, or on achieving certain business milestones or on some personal occasions, then the value of such gifts cannot be subjected to Sec194R because these did not arise to the recipients in the course of "their business or profession."*

  Taxability in the hands of the recipient and disclosure in their tax filing is altogether a different aspect. Such gift might be taxable for recipient under a different section like Sec56(2)(x), subject to the conditions specified in those sections, but TDS under Sec194R is not applicable, in such cases.

  Hence TDS under Sec194R is applicable only when the benefit or perquisite ***is connected to the business or profession "of the recipient."***
* Also, Question 3 to circular 12 states that the deductor has to deduct tax under Sec 194R even if the benefit or perquisite is in the nature of a capital asset. There is no requirement for the deductor to check the section under which the benefit is taxable in the hands of the recipient.

  On the flip side, when a capital asset is taxed as business income in the hands of the recipient, CBDT has clarified in Question 5 of Circular 18 of 2022, that for the purposes of claiming depreciation under Sec 32 of the Act, the amount of benefit included by the recipient in the income tax return is deemed to be the "actual cost" of such capital asset.

  This implies that, though the effective cost incurred is the amount of tax paid on the capital asset, the deductee can claim 100% of the value of the asset as depreciation.

Benefit or perquisite can be in cash or kind (as per the First proviso to Sec194R (1) and as clarified in Question 2 of Circular 12.)…

* As per Sec194R(1), provider of benefit or perquisite has to ensure that tax has been deducted, at the rate of ten percent of the value or aggregate of the value of such benefit or perquisite:

  The word "value" used in the section takes an appropriate sense when referred to a benefit or perquisite provided in kind. There is no requirement to "arrive at a value" in case of monetary payments.
* *There are already other sections in the Act that subject monetary payments, arising from business or profession, to TDS, for Ex.: Sec194H, Sec194C or 194J. Further these sections also have their respective threshold limits differing from Sec194R. Again, bringing in Sec194R, to subject cash component to TDS seems redundant.*
* *It is important to take note of* **Circular : No. 720, dated 30-8-1995,** *which states that payment of any sum shall be liable for deduction of tax only under one section.*
* *Let us say a distributor or commission agent is given a cash reward for achieving remarkable sales targets, then such sum would anyway be subjected to Sec194H, which is a more specific section applicable rather than a general section like Sec 194R. We can hence infer that, when monetary payment is involved, Sec194R and also another TDS section cannot be applied on the recipient.*

- **before providing such benefit or perquisite,** as the case may be, to such resident, **ensure that tax has been deducted** in respect of such benefit or perquisite….

* ***Timing of TDS has to be before providing such benefit or perquisite.*** The word "ensure" used here signifies that tax needs to be recovered from the deductee, before extending the benefit, either by way of debiting the recipient's ledger account or payment by the recipient

himself as advance tax and sharing the challan with the deductor for updating details in the respective quarter e-TDS return. Form 26Q is facilitated with reporting such transactions as stated in the guidelines of CBDT.

The due dates of advance tax payment applicable for recipients can differ from the timing of TDS under Sec194R, hence as stated in question 9 of the circular 12, it is important to take a declaration from the recipient that the advance tax deposited sufficiently covers the TDS on benefit/perquisite.

* TDS can also be remitted from the deductor's own pocket by grossing up the value of benefit/perquisite.
* *The stage at which benefit/perquisite is said to be provided might vary with the type of such benefit/perquisite provided. For example: The point just before handing over the physical possession of tangible items like silver coins, TVs, Mobile phones, travel tickets or gift vouchers would be the timing of TDS. For products given to social media influencers, benefits are said to be provided when such products are not returned after required usage. In such cases, TDS should be deducted at the point when it is determined that products cannot be returned.*
* *After the deductor provides the benefit, the recipient might not utilize the benefit, for whatever reason, still the deduction under Sec194R is valid and there cannot be any reversal of such deduction.*
* *For example, a company might provide tour package benefit to a sales agent, after complying with Sec194R, but the agent might not actually travel for some reason. In another case, let us say, gift vouchers issued would not have been used by the recipient within the expiry date of those vouchers.*

In the next article, other aspects of Section 194R such as discussion on Value, timing and practical implications etc will be deliberated.

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Direct Tax

INCOME TAX UPDATES

JUDICIAL UPDATES

ITAT :

1. **Gold wastage during creation of ornaments can't be treated as 'making charges' for the purpose of section 194C.**

   (P.R. Gold and Silver Craft v. DCIT) (ITA No.1143 & 1144 (CHNY.) OF 2018).

2. **Advance received from prospective buyers consequent to JDA couldn't be taxed as Sec. 2(47) isn't attracted.**

   (ACIT v. Sri Mathikere Ramaiah Seetharam Gokula House) (ITA No. 542 TO 544 (BANG.) OF 2021)

3. **Use of wrong challan (ITNS 280) to deposit tax will not render the payer of income liable u/s 201(1)/(1A), as there is no loss to Revenue.**

   (ICICI Securities Ltd. vs. Income-tax Officer (International Taxation)) ([2022] 144 taxmann.com 185 (Mumbai - Trib.))

4. **Addition of unexplained investment u/s 69 to be deleted as assessee's PAN mentioned in purchase of land by company merely because he was one of its directors.**

   (ITO v. Bhavin Mukeshbhai Patel)([2022] 144 taxmann.com 205 (Ahmedabad - Trib.))

High Court:

1. **CA can't be prosecuted under PMLA for certificate issued in Form 15CB based on non-genuine documents submitted by client.**

   (Murali Krishna Chakrala v. Deputy Director, Directorate of Enforcement)([2022] 145 taxmann.com 248 (Madras)

2. **Cash withdrawal by Primary Agricultural Credit Co-operative Societies isn't exempt from Sec. 194N.**

   (Molasi Primary Agricultural Cooperative Credit Society Ltd. v. ITO)(W.P. NOS. 17136 & 18787 OF 2022 AND OTHS.)

3. **Sec. 263 revision initiated by CIT second time to cancelling non-existing original assessment order isn't tenable.**

   (PCIT v. Padma Kumar Jain - [2022] 145 taxmann.com 113 (Jharkhand))

4. **Assessee eligible to get interest on refund arising due to recomputation of income by AO.**

   (PCIT v. Punjab & Sind Bank - [2022] 145 taxmann.com 31 (Delhi))

5. **Time-barred appeal should be allowed if it involves a substantial question of law.**

   (PCIT v. Soorajmul Nagarmull [2022] 145 taxmann.com 245 (Calcutta))

Supreme Court:

1. **In case of change of AO; proceedings are to be continued from stage at which they were left by earlier AO.**

   (DCIT Vs. Mastech Technologies (P.) Ltd. - [2022] 145 taxmann.com 157 (SC))

2. **Where assessee-airlines executed passenger sales agency (PSA) agreements with travel agents in terms of which they would pay commission to them on published fare of tickets sold by them on behalf of airlines, additional amount over and above net fare charged by agents from customers i.e., supplementary commission were incidental to transaction by which flight tickets were sold on behalf of air carriers and assessee was liable to deduct TDS under section 194H on same.**

   (Singapore Airlines Ltd. v. CIT) (C.A no. 69646968 OF 2015)

3. **Where assessee-bank claimed exemption towards leave travel concession (LTC) granted to its employees, since travel of said employees was not from one place in India to another place in India but involved a foreign leg, benefit of exemption under section 10(5) could not be granted to assessee.**

   (SBI v. ACIT)(C.A. no. 8181 OF 2022)

4. **Where assessee-company transferred certain shares of public limited companies to its sister concern, however, said shares being promoter quota shares were under a lock-in-period and not quoted in any recognised stock exchange with regularity from time to time, thus, said shares would not fall within definition of quoted shares and valuation of shares would be made taking into account limitations/restrictions and such valuation was to be treated as market value.**

   (Deputy Commissioner of Gift-tax v. BPL Ltd) (2022] 143 taxmann.com 222)

From CBDT:

1. CBDT notifies specified income of 'Federation Internationale de Football Association' exempt u/s 10(39). (Notification No. 126/2022, dated 30-11-2022).
2. CBDT specifies income-tax authorities for the purpose of authorisation of survey u/s 133A. (Order F.no. 282/15/2022-IT (inv.V) dated, 22-11-2022).
3. Explanatory note to provisions of Finance Act, 2022 is released vide circular no.23/2022 dated 03.11.2022.
4. Revision of jurisdiction of monitoring of dossier cases for various income tax authorities. (Instruction no.1/2022 dated 03.11.2022) ....

Indirect Tax Updates


Adv. C. R. Raghavendra

Adv. Bhanu Murthy J S

1. Sansera Engineering Ltd Vs. Deputy Commissioner, LTU Bangalore [2022] 145 taxmann.com 220 (SC)

Background: The assessee engaged in manufacture of excisable goods, exported goods on payment of excise duty between August, 2015 and October, 2015 and filed claims for rebate of duty paid on the goods exported on 10.02.2017. The claim was rejected on the grounds of time limit in terms of Section 11B of Central Excise Act, 1944[Act].

In the above background, the Supreme Court observed that as per Explanation (A) to Section 11B of, "refund" includes "rebate of duty" of excise. As per Section 11B (1) of the Act, any person claiming refund of any duty of excise (including the rebate of duty as defined in Explanation (A) to Section 11B of the Act) has to make an application for refund of such duty to the appropriate authority before the expiry of one year from the relevant date and only in the form and manner as may be prescribed.

Further, in terms of the above provisions, "relevant date" is relatable to the goods exported. Therefore, the application for rebate of duty shall be governed by Section 11B of the Act and therefore shall have to be made before the expiry of one year from the "relevant date" and in the form and manner as prescribed in the notification dated 6.9.2004.

It was further observed that merely because in Rule 18 of the Central Excise Rules, 2002, which is an enabling provision for grant of rebate of duty, there is no reference to Section 11B of the Act and/or in the notification dated 6.9.2004 issued in exercise of powers conferred by Rule 18, there is no reference to the applicability of Section 11B of the Act, it cannot be said that the provision contained in the parent statute, (i.e. Section 11B of the Act) shall not be applicable. The Court observing that the subordinate legislation can always be in aid of the parent statute cannot override it, held that the rebate claims were time barred.

2. Commissioner of Central Excise & Commissioner of Service Tax v. GMR Projects (P.) Ltd. [2022] 145 taxmann.com 204 (SC)

Background: Assessee was awarded 'concessionaire agreement' on Turnkey basis, on BOT model for construction of National Highway. The issue before the Tribunal was whether the construction of associated facilities like toll plaza, cattle and pedestrian crossing facilities, parking bays for buses/trucks and rest room for staff, etc. and common people, are part of the road (exempt) or are liable to service tax under the head 'works contract service'. The Tribunal held that the said constructions are part of the road construction activity and hence the same is exempt from service tax.

Held: On appeal by the revenue before the Supreme Court, the Court dismissed the appeal of the department on the basis of the observations that there is no reason to interfere with the order of the Tribunal.

3. Sanathan Textile (P.) Ltd. v. Union of India, [2022] 145 taxmann.com 122 (Bombay)

Background: In terms of the Notification No. 16/2015-Cus dated 1-04-2015 goods covered by valid authorization issued under EPCG Scheme were exempted from whole of additional duty leviable under Section 3 of Customs Tariff Act. However, upon introduction of GST said notification was amended vide Notification No. 26/2017-Cus dated 29-06-2017 and import under EPCG Scheme which was exempted from additional duty under Section 3(7) and 3(9) was not included. However, Notification No.16/2015-Cus was amended on 13-10-2017 and said sections, which were missed out in the earlier amendment were included and importer was entitled for exemption. The issue before the High Court was whether the importer would be entitled for exemption from 1.7.2017 till 13.10.2017.

Held: The High Court considering the background of the amendment initially in July 2017 and also in October 2017 and also referring to the discussion in GST Council on the issue of the said amendments, observed that the amendment to Notification No.16/2015-Cus dated 1-04-2015 in the month of October 2017 was clarificatory/curative in nature. The Court observed that it was always the intention of the Central Government to grant exemption from payment of duties of customs for imports under the EPCG scheme. In terms of the above, the Court held that petitioner would be entitled to refund of the IGST paid during the said period.

4. Usha Martin Ltd. v. Additional Commissioner, Central GST and Excise, [2022] 145 taxmann.com 224 (Jharkhand)

Background: Assessee, engaged in the business of manufacture of steel products, was registered under the provisions of the Central Excise Act, 1944 and also had Input Service Distributor (ISD) registration at captive mines. The credit available in the books of accounts as on 30.06.2017 were transitioned into GST records by filing the required returns. However, under the GST regime, the officers of the GST initiated adjudication proceedings to recover the amounts alleging that the credits which were taken during the period prior to 1.7.2017 are in contravention of the provisions of Central Excise Act,1944 / Cenvat Credit Rules, 2004.The assessee challenges that adjudicating order passed by the GST authorities.

The issue before the High Court was whether the GST officers could initiate proceedings under section 73/74 of CGST Act, 2017 for adjudication and recovery of the credits availed under the Central Excise / Cenvat Credit provisions.

The Court observed that in terms of the repeal and saving clauses in the CGST provisions, in substance, investigations, inquiry, verification, assessment proceedings, adjudication proceedings, legal proceedings which were for recovery of arrears or remedy in respect of any such duty or tax etc., which were pending or such other legal proceedings or inchoate rights which were in existence on the appointed day, legal proceedings may be instituted, continued or enforced as if these Acts had not been so amended or repealed. Further, it is an admitted fact that proceedings for availing CENVAT Credit which were allegedly inadmissible under the Central Excise (C.E Act.,) Finance Act, read with CENVAT Credit Rules (C.C.R.,) 2004 could have been initiated under the existing laws.

The Court further observed that where proceedings for recovery of CENVAT Credit (which was transitioned to CGST) alleged to be inadmissible, is permitted to be adjudicated under the C.G.S.T. Act, it may lead to uncertainty not only in the minds of the ordinary citizen but also in the minds of the Tax authorities. The Court held that initiation of proceedings by respondent no. 1 under section 73 (1) of the C.G.S.T. Act, 2017 for alleged contravention of the C.E.A. and Finance Act, read with C.C.R. against the petitioner was beyond his jurisdiction.

5. Abi Egg Traders v. Assistant Commissioner, [2022] 145 taxmann.com 264 (Madras)

Background: The assessee is engaged in the business of sale of Eggs, which attract NIL rate of GST. The assessee exported eggs and availed input tax credit on various goods and services used in export of such goods. However, while filing GSTR-3B, the assessee wrongly reported the exports as 'export on payment of tax' instead of 'export without payment of tax'. Hence refund claim of accumulated input tax credit on account of exports was rejected.

Held: In this background considering the fact that there is no dispute as to export of goods and also there appears to be bonafide error in reporting the exports in GSTR-3B, the Court setting aside the order, directed the department to process the refund claims.

6. M/s.Esveeaar Distilleries Private Limited vs. Assistant Commissioner (State Tax), Tirupati – II Circle, Tirupati [2022] 144 taxmann.com 153 (Andhra Pradesh)

Background: The petitioner is a manufacturer of Indian Made Foreign liquor and is a franchisee of M/s.United Spirits Limited, Bangalore for manufacture of "McDowell" brand alcoholic beverages.

Issue before the High Court was whether job work undertaken by the petitioner, i.e. (job work relatable to manufacture of Alcoholic liquor), attracts 5% GST (chargeable on food or food products) or 18% GST.

Held: The High Court observed that whatever consumed by human beings cannot be construed as "food and food products". Further, observed that alcoholic liquor cannot be treated as an item of food for many a reasons, more particularly, for the reason that advertisements carried on the liquor items indicate that consumption of the same would be injurious to health, etc. Further, taking support from the minutes of the GST Council meeting leading to issue of Notification No.6/2021, dated 30.09.2021, through which the rate for the job work of manufacture of alcoholic liquor was notified at 18%, the Court held that the job work activity of manufacture of alcoholic liquor would be liable to tax at 18% and not at 5%.

[**Note:** However, the exception provided section 9 of CGST Act, 2017 as regards the supply of alcoholic liquor for human consumption has not been examined by the Court]

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Whether Sale of Apartment And Common Areas Are Composite Supplies or Independent Supplies Under GST. Whether RERA Provision Overrules GST And Other Local Laws?


CA. Srikanth Acharya G B

Adv. Vasanth Kumar J

It is the general practice followed by builders and developers that while entering agreement with customers for sale of apartment they collect charges either separately or mention separately in the agreement towards common areas like car parking, amenities & facilities.

Divergent views & clarifications : - Before advert to the discussions it is important to know the divergent views & clarifications given by Courts AAR, AAAR & CBIC which has bearing on the issue.

Puranik Builders Limited (GST ARA Maharashtra – 68/2019-20/B-52 - "Other Charges" are different from the service of construction of residential flats. It cannot be said to be naturally bundled and supplied in conjunction with each other. The amount and consideration is separate for different services. Therefore, the Other Charges are not covered under Composite Supply of Services.

Rajasthan ARA in Richwell Enterprises Pvt. Ltd. (2021) 36 J.K. Jain's GST & VR 490 - ARA opined that, the 'Construction services' and the ancillary services' provided by the applicant are not naturally bundled and are not supplied in conjunction with each other in the ordinary course of business with main supply. These are the facilities /amenities provided by the applicant to its customers for the limited period because, for these facilities created the customers have not been given perpetual rights. The amount or consideration is charged separately for different services. Therefore, the other charges for the ancillary services provided is not covered under the scope of Composite supply of services. Therefore, the contention of the applicant is found not acceptable.

WBARA – No. 07 / 2009 - Bengal Peerless Housing Development Company Limited - The Applicant is providing service of construction of a dwelling unit in a residential complex, bundled with services relating to the preferential location of the unit and right to use car parking space and common areas and facilities. It is a composite supply, construction service being the principal supply. Entire value of the composite supply is, therefore, to be treated, for the purpose of taxation, as supply of construction service, taxable under Sl No. 3(i) read with Paragraph 2 of Notification No 11/2017 - CT (Rate) dated 28/06/2017 (corresponding State Notification No. 1135-FT dated 28/06/2017), as amended from time to time.

AAAR - Bengal Peerless Housing Development Company Limited – Modifying the ARA clarification held that, service of construction of a dwelling unit in a residential complex, bundled with services relating to the preferential location of the unit (PLS) and right to use car parking space and common areas and facilities, do not qualify as a 'composite supply'.

Ashina Housing Limited – HAAAR / 2020-21/02, Dt: 04-06-2021 - Amount of statutory charges i.e., External Development Charges and Infrastructure Development Charges, recovered by the Applicant from buyers and paid further to respective Government Authorities will form part of value of taxable supplies being made by the Applicant.

AAAR held that, External Development' and Infrastructure Development do contribute to the value of the flats, the charges for these beyond doubt form a constituent of the value of the construction service provided to the flat owners by the Appellant.

DLF Limited – HAAAR / 2020-21/07, Dt: 28-09-2020, held that, Preferential Location Charges (PLC) is separate service taxable at the rate of 18%.

Suresh Kumar Bansal Vs Union of India (July 2016 – Del

HC), held that, the dominant intention of both the Customer and the Builder is to avail and provide construction service. PLC recovered directly linked with Basic Sale Price of the property. There cannot be any separate recovery of PLC as it goes hand in hand with the Construction Service and follows as a consequence of supply of construction service. Without there being sale of the property there can be no question of recovery of PLC. There can be no standalone existence of PLC without construction activity.

Circular No. 177/09/2022-TRU. Dt: 03/08/2022 – Recently CBIC, clarified that, PLC collected in addition to the lease premium constitute part of the lease premium and are eligible for same tax treatment and thus eligible for exemption under Sl. No. 41 of notification no. 12/2017-Central Tax (Rate) dated 28.06.2017

Issue: - In view of divergent views, clarifications and interpretations, the question arise for consideration is whether charges collected towards common areas form part of apartment sale or independent supplies.

Relevant Provisions

Tax liability on composite supply, as per section 8 of the CGST & SGST Act, 2017 in case of 'Composite Supply' involving two or more supplies, the rate of tax applicable on **'Principal Supply'** shall be made applicable to the other supplies.

Section 2(90) of the Act, define the term 'Principal Supply' which means the supply of goods or services which constitutes the predominant element of a composite supply and to which any other supply forming part of that composite supply is ancillary

The word **'Predominant'** is not defined under GST Law. Predominant generally mean main element, being the most noticeable, important etc.,

Section 2(30) of the Act, define the term **'Composite Supply'** as a supply made by a taxable person to a recipient consisting of two or more taxable supplies of goods or services or both, or any combination thereof, which are *naturally bundled* and supplied in *conjunction with each other* in the ordinary course of business, one of which is a principal supply.

Conjoint reading of the above provisions it infers that where two or more supplies are involved attracting different tax rates and such supplies fall under the definition of composite supply, the rate of tax applicable on all the supplies shall be the rate applicable on predominant supply.

Essential elements of composite supply:

(a) there should be bundle of supplies;

(b) such bundle of supplies does not alter the essential character of principal supply;

(c) supply necessitate the another supply,

(d) supplies which are dependent on one another; and

(e) identification of the principal supply which gives essential character.

To sum up, the test for composite contracts remains to be "did the parties have in mind or intend separate rights arising out the contract or not". The test for deciding whether a contract falls into one category or other is as to what is "the substance of the contract" [SC observation in Bharath Sanchar Nigham Limited Vs Union of India – 2006]

Analysis : - Applying the above principles it is understood that, though sale of an apartment is dependent on basic infrastructure, facilities and amenities available to the customer in the project. In reality the main intention of the customer is to purchase an apartment and not mere availing amenities and facilities.

The activity of constructing apartment and construction of common areas fall under the definition of 'Works Contract'. It is also not in dispute that construction of common areas is for the use of the person who purchase an apartment. Therefore, one can safely conclude that irrespective whether charges for common areas collected separately or not, it shall form part of an apartment sale as composite supply. Same tax treatment is applicable to the common areas as that of apartment sale.

Conflicting Provisions

Section 17 of the Real Estate (Regulation and Development) Act, 2016 deals with **Transfer of Title.** As per this provision the promoter shall execute a registered conveyance deed in favour of the allottee along with the undivided proportionate title in the **common areas to the association** of the allottees or the competent authority, as the case may be, and hand over the physical possession of the plot, apartment of building, as the case may be, to the allottees and the common areas to the association of the allottees or the competent authority, as the case may be.

As per section 3(b) of The Karnataka Apartment Owners Association Act, 1972, **"apartment owner"** means the person or persons owning an apartment and an undivided interest in the common areas and facilities in the percentage specified and established in the Declaration

Under GST, the construction activity amounts to works contract only when it relates to immovable property and such activity involves transfer of property in goods (whether as goods or in some other form) is involved in the execution of such works contract [Sec.2(120)]

By virtue of retrospective amendment to the 'Scope of Supply' by inserting clause (aa) in section 7(1) of the Act, mutuality concept between association and members has been removed. In other words, members and association are two different persons.

Close reading of the above provisions following inferences or issues can be drawn:

(i) If title in the common areas along with undivided interest in land is required to be transferred to the association, where association and members are two different persons, whether composite supply can be made applicable or not?

(ii) If composite supply is not applicable, then the rate of tax would be different from that of an apartment sale?

(iii) Whether construction of common areas amounts to works contract if conveyance deed is executed to the association after completion of project, being immovable property in nature?

(iv) Whether RERA being Central Law will prevail over KAOA (State Law)?

(v) In case of inconsistency in application of central or state law, which law will prevail?

Authors are of in the opinion that, in order to remove confusions and uncertainty, Government should issue proper clarifications to meet the ends of justice.

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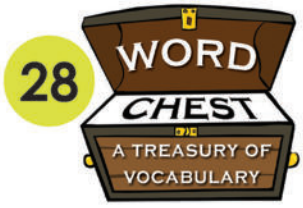
KSCAA REPRESENTATION

For full text of below representation, please visit : www.kscaa.com

"Representation on delay in processing of applications filed under Section 119(2)(b) of the Income-tax Act, 1961 and recommendation to introduce online measures".



Gamefi Economy

The term 'Gamefi economy' refers to play to earn blockchain based games which offers economic incentives to players through tokens/currencies. Gamefi is a fusion of game and finance. The in-game assets such as avatars, virtual lands, rewards are represented as Non-Fungible Token (NFT's) on blockchain which proves the ownership of in-game assets. Supply/demand of these in-game items can be recorded and traced on blockchain to generate value based on it's uniqueness/ scarcity. The gaming assets/ NFT's earned by players can be traded/exchanged globally through NFT marketplaces. Token stakers/holders will receive the fees generated by these gaming transactions. Through this advent, there will be a better value capture and wealth distribution to players based on their skill sets or playtime. This helps in capturing new forms of value and decentralization of in-game wealth distribution.

SUDOKU-28

5	6		4	9	8			2
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		1					8	4
		4	6		9	2	1	5
	2		3					8
8	9			1		3	4	6
	8	3	7	5			2	
		2	9			8		1
	1					5		

Communication! Without It Life Is Impossible:

CA. Rajat Rashmi

Communication is at the very heart of civilization. So much so that historians conclude that humans would not have migrated from Africa to different geographies, without sufficiently evolved communication skills. A skill with words and expressions, which a large group of people understood each other with. Historians are still unanimous in the opinion that all humans emerged from Africa.

1. Empathy: "if you are not empathetic, you are probably pathetic." I always tell my students and clients: empathy is the very foundation of all communication effort. Learn empathy, because if you do, mastering communication is a piece of cake. A-piece-of-cake that you will graciously share, with all, around you. Because in communication there is no 'me' there is only 'we'.

2. Listening: if you heard the sound of water you would know that water gurgles and coughs and trickles and beats down and patters. Water has so many different expressions and voices. And sometimes it is also silent. If you listened to a person you would know that they sigh, anguish, enthuse, revere, love, fear and envy, all in different tones and voices. For an auditor, listening 'IS' the task. Remember, audit comes from the latin word audire which means 'to hear'? I have to say, listening is not really taught as a course in CA, but if this was one of the lessons to be taught in GMCS, it would indeed make a difference to the budding CAs.

3. Power of Silence: this is besides listening. This is about remaining silent long enough so the person in front becomes impatient and says something she / he was not planning to say. 'Holding a silence' is the most powerful skill and one must be a master in it, whatever be one's profession. And our's definitely needs a 'resolute silence' to counter the noise that surrounds us.

4. The '*Albert Mehrabian Theory of communication*": This theory arrived at a proportion of impact of verbal and non-verbal cues in communication. It puts Body language and facial expression at the top at 55%, voice modulation or tone next, at 28% and words last, a mere 7%. Imagine in order to really make a difference in a conversation, one needs only to focus on one's body language, because words really don't make enough impact if the body language does not sufficiently convey the thought. Remember the most powerful leaders are those who do not do all the talking. Most of the talking is done by their team. They however are a formidable presence wherever they are present. Words must convey only what the non-verbal cues can't. I try this when I am in a noisy classroom. I just stand silently, making eye contacts. Soon the entire class is quiet and I have the room to myself. And that is when I hold my silence a little longer, just so the students know that silence is required for them to learn. No amount of words can silence them like those silent moments.

5. Choose your words: pen is indeed mightier than sword. Do be mindful of your words, remember faux-pas can sometimes ruin careers. Often they go unnoticed but once in a while they get completely noticed. Before you hit that rock, become more mindful of the words you use. Write them, speak them in front of the camera, and listen to them, to see if they sound just how you intend for them to sound. Sometimes we mistake our intention to have been understood. But as George Bernard Shaw once said, "the single biggest problem in communication is the illusion that it has taken place." Often our choice of words completely compromises our purpose and creates newer problems. One way to solve this is, when in doubt, remember: your primary objective is to not miscommunicate, and only the secondary objective is to communicate what there is to communicate. To communicate is to be empowered. And power always needs sufficient restraint, because when unleashed, it can cut both ways, like a double edged sword.

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KSCAA ಕ್ರೀಡಾ ಹಬ್ಬ SPORTS & CULTURAL MEET 2022

Held on 4th, 10th and 11th December 2022

KSCAA ಕ್ರೀಡಾ ಹಬ್ಬ SPORTS & CULTURAL MEET 2022

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KSCAA ಕ್ರೀಡಾ ಹಬ್ಬ SPORTS & CULTURAL MEET 2022

Held on 4th, 10th and 11th December 2022

UPCOMING EVENTS

Financial Reporting And Assurance

CA. Vinayak Pai V

KEY UPDATES

A. AS | Ind AS

1. ICAI Publication – Ind AS Disclosures Checklist (Revised November 2022)

On 7th November 2022, the ICAI released a revised edition (Nov 2022) of its ***Indian Accounting Standards (Ind AS): Disclosures Checklist.***

The checklist has been brought up to speed considering the developments in this space since the publication of the previous edition in February 2020. Such amendments include *Covid-19-Related Rent Concessions; Definition of Material; Interest Rate Benchmark Reform –Phase 1 and 2 and the Conceptual Framework under Ind AS.*

Link to the Checklist –

https://resource.cdn.icai.org/72130asb58096.pdf

2. EAC Opinion - Timing of capitalisation of an item of PPE from CWIP and in case of modernisation work

The December 2022 edition of the ICAI Journal has carried an **Expert Advisory Committee's (EAC) opinion** – *Timing of capitalisation of transmission lines and sub-stations as an item of Property, Plant and Equipment (PPE) from capital-work-in-progress (CWIP) in case of construction and in case of modernisation work.* A summary of generic key takeaways from the opinion is summarized herein below:

- The **date/point** when an asset **can be considered to be in the location and condition necessary for it to be capable of operating in the manner intended** by the management (as per Ind AS 16) and when an item of CWIP can be transferred to gross block of PPE is a **matter of technological assessment and judgement,** which the Company should exercise itself in its specific facts and circumstances, considering various factors such as, technological assessments, safety parameters, various pre-requisite and substantive approvals from competent authorities, etc.
- During test/trial runs, if there are technical deficiencies/ problems, adjustments are made and problems are rectified to ensure that the plant is ready for its intended use, i.e., capable of producing the intended inventories or rendering services. Therefore, **before such trial/test run, the plant/asset cannot be considered to be in the location and condition necessary for it to be capable of operating in the manner intended** by management.
- The timing of capitalisation to PPE is determined based on when the **asset is ready to use and not when the asset is put to use.**
- If the asset is ready to use but not put to use due to non- availability of power supply in the extant case, capitalisation cannot be delayed.
- In case of modernisation work, when the asset on which modernisation work is carried out or a component/part thereof, can be considered to be in the location and condition necessary for it to be capable of operating in the manner intended by the management as per the requirements of Ind AS 16, the same should be capitalised.

Link to the EAC's Opinion-

https://resource.cdn.icai.org/72241cajournal-dec2022-8.pdf

B. ASSURANCE

3. ICAI Publication – QRB Report on Audit Quality Review (2021-22)

On 2nd November 2022, the Quality Review Board (QRB) of the Institute of Chartered Accountants of India (ICAI) released its ***Report on Audit Quality Review, 2021-22.***

The report, inter alia, covers the **overall trend of audit engagements reviewed** by the QRB during the period F.Y. 2012-13 to 2021-22; key highlights of F.Y. 2021-22, a **summary of observations related** to Standards on Auditing (**SAs**), Accounting Standards (**AS**)/Indian Accounting Standards (**Ind AS**) and other **relevant laws and regulations; and key takeaways for audit firms.**

Link to the Report -

https://www.qrbca.in/wp-content/uploads/2022/10/qrb57815.pdf

4. ICAI Announcement - Certificates issued by the Peer Review Board to Practice Units without an end date

On 10th November 2022, the ICAI announced that w.r.t. Peer Review Certificates (**PRCs**) **issued till 16th April 2015 that do not have a mention of an end date,** the end date shall be **31st December 2022** (until which the certificates continue to remain valid).

ICAI has alerted Practice Units which have been issued a PRC in which the date till which the said certificate is valid has not been mentioned to **get the Peer Review of their firms** initiated and **completed on or before 31st December 2022** to ensure maintaining the continuity of the existing PRC.

Link to the Announcement -

https://www.icai.org/post/certificates-issued-by-prb-to-practice-units-without-end-date

5. FRC Publication – What Makes a Good Environment for Auditor Scepticism and Challenge

On 23rd November 2022, the UK Financial Reporting Council (FRC) published a report, ***'What Makes a Good Environment for Auditor Scepticism and Challenge'.***

The FRC stresses that **a critical attribute of an auditor's mindset and behaviour is exercising professional scepticism and challenge when performing audits.** The most significant quality issues identified by the FRC over several years (from its supervisory work) involve the inconsistent application of professional scepticism and challenge, resulting in the poor application of professional judgement. This latest report sets out **examples of good practices to improve auditor scepticism and challenge.**

The report considers **four key elements** of a good environment for scepticism and challenge, namely, the **learning environment, culture and operating model of the audit firm,** as well as the **interactions that the audit firm has with parties in the wider ecosystem.** The publication highlights good practice in each of the four elements.

Link to the publication –

https://www.frc.org.uk/getattachment/a277d6cc-ece2-4eab-a556-c837bef12327/What-Makes-a-Good-Environment-for-Auditor-Scepticism-and-Challenge_November-2022.pdf

6. IAASB – Guidance on How Amendments Made to IFRS Standard (IAS 1) impact ISAs

On 16th November 2022, the International Auditing and Assurance Standards Board (IAASB) published new guidance, ***Amendments to IAS 1 and the Impact on the ISAs: Disclosure of Material Accounting Policy Information,*** to help users understand the impact on International Standards on Auditing (ISAs) arising due to the narrow-scope amendments made to IAS 1, Presentation of Financial Statements by the IASB.

It may be recalled that on 12th February 2021, the IASB issued **amendments to IAS 1,** *Presentation of Financial Statements (and IFRS Practice Statement 2, Making Materiality Judgements),* **requiring companies to disclose their material accounting policy information rather than their significant accounting policies.** Amendments were also made to IAS 8 Accounting Policies, Changes in Accounting Estimates and Errors, clarifying how companies should distinguish changes in accounting policies from changes in accounting estimates.

The Publication provides users with guidance on how to address the effect of the amendments on a number of illustrative auditor reports throughout the ISAs that assume, as part of the fact pattern, that the financial statements are prepared by the management of the entity in accordance with IFRSs.

Link to the Guidance -

https://www.ifac.org/system/files/publications/files/IAASB-Working-Group-Practice-Alert-IAS-1-Amendments.pdf

C. NFRA

7. NFRA – Audit Quality Inspection Guidelines

On 11th November 2022, the National Financial Reporting Authority (NFRA) released ***'Audit Quality Inspection Guidelines'.***

The Inspection Guidelines document covers the mandate and **overall objective of inspections (namely, evaluating compliance of audit firm/auditor with SAs and other regulatory and professional requirements, and the sufficiency and effectiveness of firm/auditor quality control system);** criteria and scope for inspections, the methodology of selection of audit firms for inspection; selection of individual audit assignments; the inspection cycle; and the coverage in such inspection reports.

The introduction of inspections by NFRA is intended to identify areas and opportunities for improvement in audit firm's system of quality control. NFRA's inspections will consist of a firm-wide review of audit quality (SQC 1) and individual file reviews on a test-check basis to evaluate the level of compliance with applicable auditing standards and quality control policies and processes. The announcement clarifies that NFRA's inspections are distinct from investigations. However, in certain cases, test-check by the inspection teams may provide the basis for enforcement or investigation under applicable provisions of the Act and Rules.

The audit firm/auditor inspected, are required to **provide responses** to the draft inspection report **within 30 days** of issuance.

Link to the Inspection Guidelines –

https://nfra.gov.in/sites/default/files/Inspection%20guidelines%20Final.pdf

D. IFRS

8. IASB – Proposes accelerated narrow-scope amendments to IAS 12, Income Taxes (Impact of Global Minimum Tax; Pillar Two Model Rules)

On 24th November 2022, the IASB announced its decision to add to its work plan an **accelerated project** proposing **narrow-scope amendments to IAS 12, Income Taxes.**

It may be recalled that in December 2021, the Organisation for Economic Co-operation and Development (OECD) published its **Pillar Two model rules,** aimed at addressing the tax challenges arising from the digitalisation of the economy. The model rules provide a template for the implementation of a **minimum corporate tax rate of 15%** that large multinational companies would pay on income generated in each jurisdiction in which they operate.

The IASB's project announcement responds to stakeholders' concerns about the potential implications of the imminent implementation of these rules on the accounting for income taxes.

In particular, the IASB has tentatively decided to introduce:

(i) **a temporary exception from accounting for deferred taxes** arising from the implementation of the rules; and

(ii) **targeted disclosures requirements** for affected companies.

The IASB expects to publish a related exposure draft in January 2023.

Link to the Announcement-

https://www.ifrs.org/news-and-events/news/2022/11/iasb-proposes-accelerated-narrow-scope-amendments-to-accounting-standard-on-income-taxes/

9. IASB – Compilation of Agenda Decisions – Volume 7

On 2nd November 2022, the International Accounting Standards Board (IASB) published the ***7th Volume of its Compilation of Agenda Decisions.***

The agenda decisions included in the latest compilation are:

- Special Purpose Acquisition Companies (SPAC): Accounting for Warrants at Acquisition (IFRS 2, *Share-based Payment and IAS 32, Financial Instruments: Presentation).*
- Lessor Forgiveness of Lease Payments (IFRS 9, *Financial Instruments and IFRS 16, Leases).*
- Principal versus Agent: Software Reseller (IFRS 15, *Revenue from Contracts with Customers).*
- Transfer of Insurance Coverage under a Group of Annuity Contracts (IFRS 17, *Insurance Contracts).*
- Multi-currency Groups of Insurance Contracts (IFRS 17, *Insurance Contracts and IAS 21, The Effects of Changes in Foreign Exchange Rates).*
- Special Purpose Acquisition Companies (SPAC): Classification of Public Shares as Financial Liabilities or Equity (IAS 32, *Financial Instruments: Presentation).*
- Negative Low Emission Vehicle Credits (IAS 37, *Provisions, Contingent Liabilities and Contingent Assets).*

Link to the Compilation -

https://www.ifrs.org/content/dam/ifrs/supporting-implementation/agenda-decisions/agenda-decision-compilations/compilation-of-agenda-decisions-vol-7-may2022-october2022.pdf

E. USGAAP|SEC|PCAOB

10. FASB – Exposure Drafts

- On 22nd November 2022, the Financial Accounting Standards Board issued an ***Exposure Draft, Proposed Statement of Financial Accounting Concepts – Concept No. 8, Conceptual Framework for Financial Reporting - Chapter 5: Recognition and Derecognition.*** The proposed chapter sets forth recognition and derecognition criteria and guidance on when an item should be incorporated into and removed from financial statements. This chapter builds on the foundation described in other concepts, bringing those concepts together to apply them to broad recognition and derecognition issues.

  Link to the Exposure Draft -

  https://www.fasb.org/document/blob?fileName=Proposed%20Statement%20of%20Financial%20Accounting%20Concepts%20No.%208—Conceptual%20Framework%20for%20Financial%20Reporting—Chapter%205—Recognition%20and%20Derecognition.pdf

- On 30th November 2022, the FASB issued an ***Exposure Draft, Proposed Accounting Standards Update – Leases (Topic 842), Common Control Arrangements.*** The amendments propose a practical expedient for private companies that are not conduit bond obligors to use the written terms

and conditions of a common control arrangement to determine: Whether a lease exists and, if so, the classification of and accounting for that lease. The practical expedient may be applied on an arrangement-by-arrangement basis.

The amendments include requirement that leasehold improvements associated with leases between entities under common control be amortized by the lessee over the economic life of the leasehold improvements (regardless of the lease term) as long as the lessee controls the use of the underlying asset (the leased asset) through a lease.

Link to the ED -

https://www.fasb.org/document/blob?fileName=Proposed%20ASU—Leases%20(Topic%20842)—Common%20Control%20Arrangements.pdf

11. SEC announces enforcement results for FY 2022

On 15th November 2022, the US Securities and Exchange Commission (SEC) announced that it **filed 760 enforcement actions and recovered a record $6.4 billion in penalties and disgorgement on behalf of the investing public** in fiscal year 2022.

The SEC's stand-alone enforcement actions in fiscal year 2022 ran the gamut of conduct, from "first-of-their-kind" actions to cases charging traditional securities law violations.

It's June 2022 action against Ernst & Young LLP featured the **largest penalty ever imposed by the SEC against an audit firm.** In Fiscal 2022, more than two-thirds of the SEC's stand-alone enforcement actions involved at least one individual defendant or respondent. These individuals included senior public company executives, such as Boeing's former CEO, who was **charged with making materially misleading public statements about the safety of the company's 737 MAX planes following crashes** in 2018 and 2019, and Eagle Bancorp's former CEO, whom the SEC **charged with negligently making false and misleading statements about related party loans** extended by the bank to his family trusts.

The SEC also charged senior individuals in the financial industry, such as a former Chief Investment Officer of Infinity Q Capital Management, for **allegedly overvaluing assets managed by the firm by more than $1 billion and allegedly preventing investors from redeeming their funds by concealing this scheme,** while personally pocketing more than $26 million in fees.

Link to the Announcement -

https://www.sec.gov/news/press-release/2022-206

12. PCAOB- New Quality Control Standard Proposed

On 18th November 2022, the US Public Company Accounting Oversight Board (PCAOB) issued a proposed standard for public comments namely, ***QC1000 - A Firm's System of Quality Control (QC).*** The proposed standard, if adopted, would supersede current PCAOB quality control standards, and apply to all registered public accounting firms.

The provisions, inter alia, include a more structured approach where a firm would annually evaluate its QC system and report the results of its evaluation on a new Form QC. The proposed standard also expands the auditor's responsibility to respond to deficiencies on completed engagements under an amended and retitled AS2901, *Responding to Engagement Deficiencies After Issuance of the Audit Report.*

The proposed **QC 1000 has eight basic components comprising two basic components** (i.e., the firm's ***risk assessment process*** and the ***monitoring and remediation process***) and **six components that address aspects of the firm's organization and operations** (namely, governance and leadership, ethics and independence, acceptance and continuation of client relationships and specific engagements, engagement performance, resources and information & communication).

Link to the Proposed Standard -

https://pcaob-assets.azureedge.net/pcaob-dev/docs/default-source/rulemaking/docket046/2022-006-qc.pdf?sfvrsn=b89546e2_2

F. SUSTAINABILITY STANDARDS

13. ISSB confirms the requirement to use climate-related scenario analysis

On 1st November 2022, the International Sustainability Standards Board (ISSB) confirmed that **companies would be required to use climate-related scenario analysis to inform resilience analysis.**

The ISSB also **agreed to provide application support to preparers,** including using materials developed by the Task Force for Climate-Related Financial Disclosures (TCFD) to guide preparers on how to undertake scenario analysis. This decision responds to questions from stakeholders about what is meant by the term 'climate-related scenario analysis'.

Link to the announcement-

https://www.ifrs.org/news-and-events/news/2022/11/issb-confirms-requirement-use-climate-related-scenario-analysis

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Land Owner - Promoter Under RERA Act 2016

(Part - XIX of RERA Series)

CA. Vinay Thyagaraj

Introduction

The real estate sector plays an important role in fulfilling the need and demand for housing and infrastructure in the country. Real estate Industry contributes the 2nd highest GDP to the country next to agriculture. One of the highest tax contributors to the nation. It employs a large number of skilled, unskilled resources. While this sector has grown significantly in recent decades, it has been largely unregulated, with absence of professionalism, accountability, standardisation and lack of adequate, speedy consumer protection. Though the Consumer Protection Act, 1986 is available as a forum to the buyers in the real estate market, the recourse is only curative and is not adequate to address all the concerns of buyers and promoters in that sector. The lack of standardisation has been a constraint to the healthy and orderly growth of industry. Therefore, the need for regulating the sector has been emphasised in various forums.

In this Article, I would like to deliberate on the role, responsibilities of landowner under RERA Act 2016.

In common parlance the person carrying on the business of real estate be called as builder, developer etc. RERA Act has brought in / defined/ included the various stakeholders as promoters and their responsibility under RERA Act 2016.

Definition under RERA – Section 2(zk) "promoter" means,

(i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees; or

(ii) a person who develops land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; or

(iii) any development authority or any other public body in respect of allottees of—

(a) buildings or apartments, as the case may be, constructed by such authority or body on lands owned by them or placed at their disposal by the Government; or

(b) plots owned by such authority or body or placed at their disposal by the Government, for the purpose of selling all or some of the apartments or plots; or

(iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its members or in respect of the allottees of such apartments or buildings; or

(v) any other person who acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or plot is developed for sale; or

(vi) such other person who constructs any building or apartment for sale to the general public.

Explanation—For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a plot for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters and shall be jointly liable as such for the functions and responsibilities specified, under this Act or the rules and regulations made thereunder;

Definition of promoter is wide and covers all types of Promoters viz., developer, builders, GPA Holder, coloniser, contractor, ***Land owner*** in the Real Estate Project. Hence, any person who develops and sells is included within the definition of a Promoter.

Objective of the Act is to include any such person who has right or gets right in the real estate project to enter into a contract of sale with allottees and collect money thereon is responsible for delivery and meet the obligations.

The common question encountered are:

1. **Is Landowner a promoter?**

Ans - Yes, the words "causes to be constructed" in the definition of a Promoter brings the Landowner within the ambit of definition of a

Promoter. Landowner is the person causing construction of the project, who may give the rights to a developer by way of granting development rights, GPA etc.,

Hence Land Owner's along with the builders are jointly responsible to the Allottees in the project.

2._Does RERA collect the information of Landowner in the application for grant of RERA Registration?

Yes, In the Application for Grant of Registration, applicants shall provide details of all Landowner's in the real estate project and their respective shares in the project.

Also, Land owners shall submit an Affidavit (Called Joint affidavit) in case of Joint Development.

Karnataka RERA has *clarified by way of circulars and notifications* to confirm and include the landowner as part of the application for grant of registration.

Karnataka RERA – Circular No /K RERA / 3/2019 dated 31.10.2019

Practical Cases and judicial pronouncements –

Important aspects under RERA between the landowner and developer under joint development agreement -

1) The RERA Act does not differentiate the landowner or developer. Both are having the same responsibility and obligations towards the allottees in the project.

2) The agreement between the landowner or developer (JDA) defines their roles and responsibility. Hence all possible clauses shall be incorporated while drafting JDA, to name few -

a) Who is responsible for RERA Registration, Quarterly updates, Annual Audit Compliances, Advertisement Compliances.

b) How to open the RERA Designated project Bank Account – who are the signatory to the Bank Account / operation.

c) How to collect money from allottees, mandatory depositing of 70 % into a RERA designated bank account including sale proceeds of Landowner units in the project.

d) How to operate the RERA designated bank account to protect the interest of both (landowner and developer)

e) Withdrawal of money from the RERA designated bank account, distribution of money so withdrawn between landowner and developer based on the proportion completion of the project.

f) Utilisation of money withdrawn for the Project purpose only

g) Delay in delivery of the possession of the units to the allottees. Compensation payable to the allottees due to such delay in completion of the project.

h) In Case of non compliance, if a penalty is levied, who will be responsible and comply with it.

i) All other compliances under RERA -

3) Caselaw on landowner is a developer - Tupe Developers & Ors. v. Bhansali Infotech LLP & Ors

Further Section 11 of the RERA Act 2016 mandates the functions to be performed and duties to be carried with respect to the project.

Financial Management under RERA and Flow of funds – provision of Law -

1. **When to** Collect money - Only After Registration of Project - Sec 3(1)
2. **How to** Collect the money from the allottees - (K RERA Rule 8A) Agreement for Sale
3. Having collected the money, **where to** deposit - project designate bank account - Sec 4(2)(l)(D)
4. **How much** money to be deposited into the project designated bank account - Sec 4(2)(l)(D) - 70 % of realisation
5. **When to** withdraw money from the project designated bank account - Sec 4(2)(l)(D)- after having completed the development work
6. **How to** withdraw money - Sec 4(2)(l)(D) - based on percentage of completion of work and after being certified through Professional Certificates
7. **How much** money to be withdrawn from the project designated bank account - Based on percentage of Completion of development works in the project
8. Utilization of withdrawn money for the specific project - Sec 4(2)(l)(D)

The financial discipline under **RERA Act 2016-Sec 4(2)(l)(D) -**

1. **Sec 4(2)(l)(D) of the RERA Act 2016 mandates that the promoter shall open a separate bank account in a scheduled bank. Such bank account details shall be provided at the time of registration of the project.**
2. **The bank account shall open, deposit, withdraw in accordance with "RERA Bank Account Directions, 2020" issued by Karnataka RERA**
3. Generally, the designated project bank account is opened by the developer / builder. Landowners may not be involved while opening the account. Bankers also collect the KYC details and documents related to the builder only.
4. It is important to note that each Project shall have only one project designated bank account. Section 4(2)(l)(D) of the Act mandates 70 % of the money realised from the allottees of the project shall be deposited irrespective of whether the sold unit belongs to the land owner or builder in case of joint development agreements etc. Hence it is important for the landowners and developers to understand the requirements under the Act and necessary clauses to be included in the joint development agreement.
5. **The question may arise, how the allottees buying from the landowner deposit the amount in the designated project bank account of the builder. There is no exception except to deposit into the designated project bank account, hence, there shall be a mechanism and understanding between the landowners and the builders / developers to deposit the money realised / collected from the sale of landowner units and also allow the landowner to withdraw the amount – Refer clause 6 of page no 2 to the** Karnataka RERA – Circular No /K RERA / 3/2019 dated 31.10.2019
   a. Under the Revenue sharing scheme in a case of joint development, there may not be any challenge / difficulties between the landowner and the developer as they would have agreed upon how to share the revenue from time to time.
   b. In the case of Area Sharing scheme of joint development, both landowners and the developer agree to comply with section 4(2)(l)(D) of the Act and also protect their interests while depositing the money into the designated bank account.

Efforts of few builder promoters to maintain separate account for Land owners -

Few renowned builder developers made applications to K RERA to allow the separate bank account for landowners, however they got a reply stating RERA Act mandates Only one project bank account for each Real Estate Project, hence not permitted to maintain separate bank account for landowners

What is the approach for landowners to withdraw their money -

1. Payment to landowner on sale of their share of units in the project –
   a. Allottees make payment to the land owner name only (will not make payment to RERA Designated bank account as the account is in the name of the Developer / Builder) - Yes, it is a practical challenge and industry is yet to accept this practice.
   b. Bankers do not release the payment to the RERA Designated bank account as the bank account is in the name of builder/developer.
   c. Professionals/advisors/legal consultants are not in favour of making payment to builders/ developers.
2. Alternatively, builders or developers may not agree to make Land Owners as joint signatories to the RERA Designated bank account.
3. In view of the deadlock situation, practical approach is –
   a. Land Owner to realise or collect 100 % of sale proceeds in their respective bank accounts
   b. Transfer 70 % of the amount so realised to RERA Designated bank account of the Project – so that Sec 4(2)(l)(D) of the RERA Act 2016 provision is complied.
   c. Having deposited, the builder promoter calculates the withdrawal eligibility based on the % completion of the project.
   d. On withdrawal from the designated bank account, the builder distributes the funds for the purpose of the project based on the cost incurred, including landowners' payment.
   e. Generally, land owners insist on payment irrespective of % of completion. If such situation arises, the builders shall make necessary arrangements for making such payments out of his sources

Post receipt of Completion Certificate –

Post receipt of Completion Certificate and on discharge of all project related liabilities, Land owner/builders are free to deposit the money either in RERA Designated bank account or any other account of their choice

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Intellectual Property Rights and Protection in India

Dilution of IP Rights in Digital Environment

(Part - XXVIII of IPR series)

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IP Rights in Digital Environment

With the onset of Information Communication Technology (ICT), the global markets have been benefited by the wide publicity and acceleration in business processes, resulting in higher profits to both the commercial entities and the IPR holders. At the same time, the use of the same technology for illegitimate purposes in commercial activities in cyber space have made them as enemies of the right holders / owners. The transactions in the counterfeited and pirated goods and services are on the increase on the internet and e-commerce and this illegal system has dented and diluted the IP rights.

Like any invention, cyber technology has its own benefits and pitfalls. The flourishing of the Internet industry is incomparable, as it has evolved itself as a common goods, inevitable for daily use by all. In the virtual world, the unlicensed use of trademarks, trade names, service marks, images, codes, audios, videos, literature, copyrighted works, computer programmes, patented products, design protected products etc., through unpermitted practices, like use of hyperlinking, framing, meta-tagging, spamming etc., have resulted in monumental surge in the infringements of IPRs. The IPR owners find themselves in vulnerable situation as they are not in a position either to protect their rights and the commercial interests or initiate effective measures to prevent IPR thefts.

Combating the counterfeited and pirated goods and services in the Digital Environment, as on date, is a challenging task. The digital technology being intangible, provides extreme mobility. With complete disrespect for National boundaries, the internet allows for participation by all, with enormous potential for anonymity to its members. Being the world's biggest copy machine, it offers greater economy and efficiency to all the users. The development of the Internet has brought about a huge number of issues regarding protection of registered innovations in the virtual world. It is essential to distinguish the effect of the Internet on the IP rights.

On Internet, nobody can prevent an individual/ user / netizen, residing in any part of the world, from accessing and reaching to any other part of the cyber world. With reference to IP, the Internet and computerized advancements have opened door to weaknesses in the national legal framework, which are applicable only within the political and physical boundaries. The Web opens new avenues by permitting creators to circulate their works freely, reducing the time and cost in creation, distribution, and commercialisation of the same. However, they are also presented with more danger of uncontrolled counterfeiting, transformation, and theft. The IPR infringement on the Internet are not quite distinct from the offline method of infringement, but the speed at which such online infringement is accomplished, are unique. The infringement that is done by the means of internet will not only affect the IP owners, the investors and other stake holders involved in the process, but it also affects the entire society at large.

The initial phase in implementing IPR violations is identification of infringers and the nature of infringement on the Internet, which is difficult to accomplish. The advancements of the computerized situation permit netizens to copy, control and transform content boundlessly and in manners that might be generally unnoticeable, opens door for misrepresentation, and infringement of IPRs. When an infringement has been detected, it is important to recognize the infringer, which is a challenging affair, as the jurisdictional issues hamper free flow of such information about the culprit. Further the Internet makes obscurity conceivable, devices inaccessible. The encryption used in the system can make it difficult to identify who is responsible for the infringement. In this digital world it is hard to draw a line between what is allowable, and what constitutes infringement.

The criminals, as narrated above, are difficult to be identified and added to it, taking legal action against them remains a daunting task as the National IP laws are not capable of or ill-equipped to fight the IP infringements which are worldwide. With the Internet facilitating the dissemination and communication of information on such a large scale, it is time to rethink of an effective intellectual property regime to protect the rights of the proprietors of IP holders. The risk looms larger if the consequences of emerging trends remain unaddressed. Here I have made a modest effort to deliberate on some of the IP thefts and the legal challenges faced by the IP owners in the cyberspace, especially in the trademarks and copyright domains.

Trademark Violations in the Digital World

Counterfeiting is the manufacture of articles or products in a way they closely resemble the products of another, and the resemblance is so striking, or identical, that consumers are unable to identify genuine products from the counterfeit goods. In the Organization for Economic Co-operation and Development's Report titled *"The Economic Impact of Counterfeiting"*, the counterfeiting is defined as *"any manufacturing of a product which so closely imitates the appearance of the product of another to mislead a consumer that it is the product or service of another."* The counterfeit goods and services affect the profitability and the turnover of the owner of IP rights. At the same time, it is against the welfare of the consumer, who gets cheated by the fake goods and services. This illegal activity impacts the revenues of the state also as it creates a parallel unaccounted economy.

As the world is moving towards a digital revolution, e-commerce and social media platforms have become means for spreading the counterfeiting virus across the globe. As per the Federation of Indian Chambers of Commerce & Industry (FICCI) report dated 22nd September 2022, the illicit trade in the five key industries (mobile phones, household and personal goods, packaged foods, tobacco products, and alcoholic beverages) caused the Indian exchequer a tax loss of Rs 58,521 crore and resulted in the loss of 1.6 million jobs. As per the reports, more than 30 percent of the drugs sold online are fake, taking over a million lives each year. This warrants for tough measures for the security of the products and rights of the sellers and consumers.

Recently in the case of *Sirona Hygiene Private Limited v. Parulben Navnath Chothani Trading as Shiv Enterprise & Ors (CS(COMM) 260/2022) Justice Pratibha M. Singh of Hon'ble Delhi Court in para 22 observed: "Para 22. This Court has noticed in a number of cases that e-commerce platforms are being used for selling counterfeit and knockoff products. The present case is a classic example of the same. The products of the Plaintiff are feminine hygiene products where the highest quality is expected to be adhered to. Under such circumstances the sale of counterfeit "SIRONA" or "SIROMA" branded products in identical containers, colour combination would be nothing but a complete rip off for the consumers who may be purchasing these products under the impression that they originate from the Plaintiff. The Court has perused various website printouts from Meesho.com, Snapdeal.com and Amazon.in. It is noticed by the Court that the Plaintiff's products and the counterfeit "SIRONA" and "SIROMA" products are being promoted, offered for sale on the said platforms side by side." Condemning the online sale of Counterfeit goods, the judge stated, "The sale of such counterfeit/knock-off products has become prolific on the internet and needs to be arrested in order to protect the owners of the trademarks as also the customers who purchase these products."*

Writing on *'The global digital enforcement of intellectual property' Mr. Frederick Mostert, Professor of Practice at the School of Law, King's College, London writes: "A new and particularly insidious threat is the proliferation of counterfeits on social media. A recent UK Intellectual Property Office study warns that "social media is increasingly a key part of a complex eco-system to divert traffic from authentic sites covering myriad rogue online platforms." The official pages of internationally well-known brands on Facebook, Instagram, and WeChat have all been subjected to counterfeiters using them openly to tout their pirated goods and counterfeits. "These challenges raise the thorny issue of whether regulation may be an effective response to the smart use of technology by Bad Actors in the digital world. Regulation intuitively goes against the very grain of the prime directive of the original dreamers of the digital age when they built the Internet"* he opines. [visit https://www.wipo.int/wipo_magazine/en/2018/si/article_0005.html]

Meta tags: A meta tag is analogous to a short label on a shirt, T-shirt, or other accessories clothing products. When someone looks at that tag, they can learn a lot about the product's quality and brand. Meta tags were created with the intention of assisting search engines in placing web pages in an organised manner in response to user requests. Meta tags are being exploited to create fake rankings and misuse trademark and domain names associated with genuine owners' trademarks online.

Abuse of Domain Names Registration

In the cyber society, the online business transactions have become important for every commercial organisation. To carry out such transaction in the electronic commerce, the

entrepreneurs need to register a domain name and operate a website to reach the Netizens. This results in the domain names becoming the business identifiers of entities and perform the role similar to trademarks, on the Internet. Most of the businesses prefer to identify themselves by the domain name that is similar to their already existing trademarks so that they can be searched by their customers by searching their trademark, which in turn enables continuity in their businesses. However, the registration of trademarks and the domain names are based on different principles, and this results in a trademark belonging to one enterprise getting registered by a third party either inadvertently or deliberately as a domain address.

The Trademark Act was originally created with the intention of registering, protecting, and preventing fraud in the use of products and services. Most trademark holders have traditionally preferred to purchase domain names that are like their trademarks. The domain names are issued by the ICANN (Internet Corporation for Assigned Names and Numbers) on *"first come, first served"* basis, resulting in *"aggressive domain names"* that are offensive to registered trademarks. As a consequence, there are domains generated that include a registered trademark. However, the domain name's holder still has no legal right, claim, or real power over the official title of the trademark it is bearing. This has resulted in Cybersquatting IP crimes.

Cybersquatting

Domain name disputes arise largely from the practice of cybersquatting, which involves the pre-emptive registration of trademarks by third parties as domain names. Cyber-squatters exploit the domain name registration system to register names of trademarks, famous people or businesses with which they have no connection. Since registration of domain names is relatively simple, they can register numerous numbers of such names as domain names. The holders of these domain name registrations /web addresses, often put the domain names up for auction, or offer them for sale directly to the company or person involved, at prices far beyond the cost of registration. Alternatively, they can keep the registration and use the name of the person or business associated with that domain name to attract business for their own sites also.

A domain is an ISP (Internet Service Protocol), which acts as a web address for an applicant website. In simple words, a domain name which consists of digits like 425.236.856, acts like a cell phone number, maybe dialled to gain accessibility to the website that the user wishes to visit. The internet's ease and the introduction of the letter-number monitoring system have substituted the need to record and memorise numbers with just entering phrases like *"www.google.co.in", "www.gmail.com"*, etc.,. There is no agreement within the Internet community that would allow organizations that register domain names to pre-screen the filing of potentially problematic names. This has resulted in creation of a superhighway for counterfeiting. This impact could be understood better by referring to the following court's decisions on the subject.

Courts Rescue the Trademark Holders

The first case in India with regard to cybersquatting was Yahoo! Inc. v. Akash Arora & Anr, [1999 PTC 201]. In this case the Internet search engine Yahoo! Inc. sued the defendant who had not only copied the domain name Yahooindia.com but had used Yahooindia as a trademark in a similar script on its website by offering directory services with information specific to India and was passing itself off as an extension of Yahoo. Against this Yahoo! lodged a trademark violation suit in the Delhi High Court alleging that he may pass of the services as though it is being offered by Yahoo! Which has become a well-known trademark.

The Delhi High Court granted an injunction restraining him from using Yahoo either as a part of his domain name or as a trademark or from copying any of the contents of the plaintiff's website and thereby infringing Yahoo's copyrights. The court held that trademark law applies with equal force on the Internet as it does in the physical world. Moreover, on account of the ease of copying, anonymity, easiness of access from any part of the globe, the Internet was a medium in which the courts should take a strict view of copying because the potentiality of the harm was far greater because the effect of a wrong would be propagated to every corner of the world. The Court ruled that *"Simple registering of a domain name which infringes on the rights of a valid trademark holder does neither provide an absolute right. Because registering a domain name doesn't really confer ownership of that domain, the defendant may be held accountable for the violation of the trademark"*. But most of the smaller companies may not be in position to hold such a prolonged legal battle, thereby diluting their rights on the trademarks owned by them.

The Apex Court in the case of Satyam Infoway Ltd. v. Sifnet Solutions Pvt. Ltd., (AIR 2004 SC 3540), considering the question whether internet domain names are subject to the legal norms applicable to other intellectual properties such as trademarks and be regarded as trade names which are capable of distinguishing the subject of trade or service made available to potential users of the internet, held as follows: 'Para 16. *The use of the same or similar domain name may lead to a diversion of users which could result from such users*

mistakenly accessing one domain name instead of another. This may occur in e-commerce with its rapid progress and instant (and theoretically limitless) accessibility to users and potential customers and particularly so in areas of specific overlap. Ordinary consumers/users seeking to locate the functions available under one domain name may be confused if they accidentally arrived at a different but similar web site which offers no such services. Such users could well conclude that the first domain name owner had misrepresented its goods or services through its promotional activities and the first domain owner would thereby lose their custom. It is apparent therefore, that a domain name may have all the characteristics of a trademark and could found an action for passing off.

Similarly in the Tata Sons Ltd. & Anr. v. Arno Palmen and Anr, (CS (OS) No. 563 of 2005), the plaintiff filed a perpetual injunction complaint in the Delhi High Court for trademark violation. The defendant registered a domain name called "www.tatainfotech.in" that infringed on the plaintiff's trademark. The High Court ruled in favour of the plaintiff, stating that the domain name was formed in bad faith in order to steal money from the plaintiff as this plaintiff has been a well-known corporation that offers unique goods and services all across India. As a result of the High Court's rulings, the domain registration was revoked.

In order to avoid such frauds, the applicants for new trademarks are advised to check for the availability of the domain names in respect of the proposed trademarks and immediately register such marks as web address in ICANN and then seek trademark registration for such marks, so that no one will be able to register the domain name using their trademarks. Domain parking is the registration of a domain name without using it for building a website or for e-mail, etc., without placing any content on the domain. This is usually done to reserve the domain name for future development, to protect against the possibility of cybersquatting.

Domain Name Dispute Resolution Service

World Intellectual Property Organization (WIPO), accredited by ICANN, is the principal domain name dispute resolution service provider under the Uniform Domain Name Dispute Resolution Policy (UDNDRP or UDRP). A domain name case filed with WIPO is normally concluded within two months, using on-line procedures, and a minimal fee is charged.

In line with the internationally accepted guidelines, for the domain name dispute resolution in India, the .IN Registry has formulated .IN Dispute Resolution Policy (.INDRP). Under the National Internet Exchange of India (NIXI), the .IN Registry functions as an autonomous body with primary responsibility for maintaining the .IN ccTLD and ensuring its operational stability, reliability, and security. Proceedings at the. INDRP can be initiated by any person who considers that the registered domain name conflicts with his legitimate rights or interests on the premise that (i) the registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which he has rights; or (ii) the registrant has no rights or legitimate interests in respect of the domain name; and (iii) the registrant's domain name has been registered or is being used in bad faith. (iv) the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the registration to the owner of the trademark or service mark, or to a competitor of the complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (v) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (vi) the registrant has intentionally attempted to attract Internet users to his website or other online location, by creating a likelihood of confusion with the complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or of a product or service on the registrant's website. The owners of trademarks, for violations of trademarks being used as domain name by fraudsters, may seek suitable remedy as above. For further details visit https://www.registry.in/domaindisputeresolution#:~:text=IN%20Domain%20Name%20Dispute%20Resolution%20Policy%20(the%20%22Policy%22),all%20Indian%20Languages)%20Domain%20Name

The Legal Framework

As narrated in the earlier parts, counterfeiting amounts to infringement in which the owner's rights are abused. Section 29 of the Trade Marks Act, 1999 states that *"A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which is identical with, or deceptively similar to, the trade mark concerning goods or services in respect of which the trade mark is registered and in such a manner as to render the use of the trade."* Punishment for use of false trademarks, filing false trademark applications, untrue trade depictions and selling merchandise or services carrying false trademarks or trade depictions have been elaborately mentioned under Section 102-107 of the said Act.

In India, no legislation explicitly describes cybersquatting or other domain name disputes. The Information Technology Act, 2000 (IT Act), which addresses many cybercrimes, ignores the problem of domain name disputes and cybersquatting. However, domain names may be considered trademarks based on use and brand reputation. In the absence of appropriate law that deals with cybersquatting, victims can initiate an action for passing off and infringement of trademarks under the Trademarks Act, 1999.

Courts have tried to address the domain name disputes with injunctions, domain name transfers and damages under the laws of trademarks and passing off. Other than these civil remedies, the Trademarks Act, 1999 provides criminal remedies for non bailable cognizable offences, being imprisonment up to 3 years and fine up to Rs. Two Lakh. However, the use of this provision for trademarks involved in domain name disputes is virtually non-existent. In fact, this provision is barely used even in other trademark cases due to the requirement under the Act for an approval of the criminal complaint by the Trademarks Registrar.

Although domain name disputes have given rise to a strong line of precedents, approaching a court of law has many disadvantages. Some of the difficulties involved are –

(i) Detecting the wrong or of serving the notice on the defendants. The defendants would try to avoid the service and to complicate the matters.

(ii) In many cases the defendants are foreign entities where the service of the process of Indian courts becomes rather difficult.

(iii) There is always the risk of the domain name being transferred if the plaintiff gives a cease-and-desist notice to the' domain name holder and this could go on endlessly.

(iv) Even if one gets an injunction from the court on a specific domain name, there is always a possibility that the defendant would obtain registration of other variations of the plaintiff's trademarks.

(v) It is difficult sometimes to present a strong case under the traditional principles of trademark law, especially when the party seeking to obtain a domain name either could not prove a likelihood of confusion, which is required under trademark law.

(vi) A trademark is protected by the laws of a country where such trademark may be registered or used. Consequently, a trademark may have multiple registrations in many countries throughout the world.

(vii) In court litigation, we are trying to control something which is international' through national laws, which might be inadequate to effectively protect a domain name.

(viii) Consequently, many parties have avoided the courts and turned to arbitration under the domain name dispute policies offered by of the domain name registrars.

(ix) The judicial process in India is notoriously slow.

In the coming part, the impact of digital technology on copyrighted goods and services will be deliberated.

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Solution to Sudoku - 27 November 2022

4	5	7	6	9	1	3	2	8
2	9	8	3	4	7	5	6	1
6	3	1	2	8	5	4	7	9
9	4	6	8	3	2	1	5	7
1	8	5	9	7	6	2	4	3
7	2	3	1	5	4	9	8	6
3	1	4	5	6	8	7	9	2
5	6	2	7	1	9	8	3	4
8	7	9	4	2	3	6	1	5

Glance at Gender Parity via Reverse Charge

CA. Mili Shah

Gender parity primarily paves way to portrait the preconceived path of past, but the pandemic pivot prompts its progress towards the periphery of parity. So, let us sail through similitude scrutiny for this topic.

Draft roadmap ahead depicted as follows: -

* Pose to past
* Pandemic phase w.r.t gender case (carved with reverse charge)
* Provoking pervasive parity (In-sync with SDG's)
* Pen's down desk

Pose to past

Please find your way to the cup of tea which was in the kitchen. That was the situation prior to present scenarios of 'Beti Bacho Beti Padao' or mission shakti campaign, etc. Is that the only pose that depicts perfect pic of past? No, noteworthy contributions of audacious queen of Jhansi, Ahilyabai, Savitribai Phule, Abala Bose, iron lady Indira Gandhi and so on were the exceptions. It was mingled of movements against orthodox attitude.

Pandemic phase w.r.t. gender case

The period of pandemic still pinches our potential in some or other aspects of life. Let us list out outcome of this phase in the form of a day-cycle.

It used to begin with those daily helpers and office school timings mash up with mighty morning vibes and ending with evening edge, which turned to doorstep and self-service mode.

Now comes the concept of reverse charge (RCM)! Is it related to RCM under GST or Income Tax sections, where liability to deduct is on buyer/recipient of service? Not limited to only two acts, but extents to cover collective charge /change. Wherever it is RCM, it means something in switch from easy to go way which waitlists till balancing base. While GST & IT sections are well versed in our vein, what's not is real RCM race.

Beginning with work-life word which itself is in descending order. An instance of :-

* A project well planned but executed by departing from planned in the same "well" mannered.
* Contract continues/renew to cater the need of client despite of deep requirements diluted to donut depth (Zero) and satisfaction still sought after boiling the ocean.

And there are many such examples. These all simply means that balance lies in understanding "in-view-out 360 degrees". Not a single way to any situation, but multiple means to measure must be molded. Same way pandemic work from home situation –a gender necessity to change and fulfill responsibility from inception to end; groceries shop Vs zepto, blink it, pickly, etc.; cooking, cleaning, clothing via daily helpers Vs rotational duties for each family member or buying boats; 24/7 work outstanding corner of kitchen goes hand in hand with teams/google-meet filled with never ending to-do lists..

The above scenarios depict the thought process which was observed because of beautiful bonding of relationships revamped by avoiding basic nature of social stir. It was contributed by most of men in urban areas while rural areas especially illiterate or semi-skilled class suffered social injustice ink of suicide and increasing domestic violence.

Pandemic phase w.r.t gender case can be coined on both sides. Positive path paves way towards breaking the bias and negative notes like no jobs, life-saver drugs-pandemic medicines, black market, survival strikes, annoyed children captured inside four walls and a tablet, etc. nested its own way to no man's land. Out of all, the best boost was "reverse-migration mode"- back to hometown tunning. A hybrid or

covid time linked to salary cuts coined with work from home culture carried in name of job - security.

E.g 1) Who has ever thought of listening to Panchatantra or mythology from grandparents or playing physical games like chauka bara, carrom, ludo, kabaddi, snake and ladders, hide and sick, ice and cold – a full family fun flown from nuclear nest.

2) Are we still missing grand mom recipe to share or create reel with minimum intension to learn perfectly but ultimately leading to learn out of compulsory practice !

3) A male member ensures almost all facilities for their family. However, they hardly find time to enjoy them. A simple instance of an air-conditioner fitted in kid's room. Pandemic enlarged the scope to savor the same. They got time to feel the moment almost daily.

Provoking pervasive parity

At UN level as well, this topic turns out to be one of the 'to be achieved area'. Sustainable Development Goals- 2 out of 17 are aligned to provoke parity. One of the goals is SDG 5: Gender equality with mission statement 'Achieve gender equality and empower all women and girls' and the other is SDG 10: Reduced inequalities with mission statement 'Reduce inequalities within and among countries. There are various targets and data within the above SDG's while I want to sync some in sense of sanity.

Keys of a locker -The legacy practice used to lie with a female member in those days and switch today to a top-up or own credit card lies with her. Secondly out of Govt benefits like reduced rate of interest property papers still contains name of a female which was an erstwhile practice without many benefits by Govt but with the only fact of being a queen of heart and house, papers were forming part of their custody.

What is that needs to be achieved then? Worth of a home maker while calculating GDP? Too small in front of care and crown of charming smile on their family's face! It's no power game, just nature-creature care. Thought-process that makes difference, an 'in -view out 360 degrees.' Provoking pervasive parity finds its path from history, continues till today and takes the way we instinct inequality per se.

Quick-stir of question and solutions: -

* A credit card? - Be capable to pay bills and then owe it.
* A car? - Automatic/manual/ driver, learn to drive it. In case of emergency or any need, be a standby and the other way is enjoying the ease.
* A cook? - Have a final touch to qualify food of your taste, else it's a hotel item unlocked at home! At least we owe the best medicine for self and loved ones- "the food".
* A Property? - Know the basic municipal bill payments and respective property basic documents. The essence of estate planning.
* Health? - Wealth worth in covid. Be aware of your family member mediclaim, checkups and spend time for self-care. Only insurance policies ensure inflow that too only if documents are provided on timely basis else expires in no payment mode.
* Happy and healthy goes handy to the heart which eventually helps spreading the same. Be it.
* Other requirement/ issue /need? - Not ok with the same, create a distance not disturbance.

Pen's down desk

Given only the glance of gender parity with wider way. At the end, I would like to glorify glamour of gorgeous gender given by the God, which is gifted till date unbiased on type of lots -A mix bag of people!!

Thank You.

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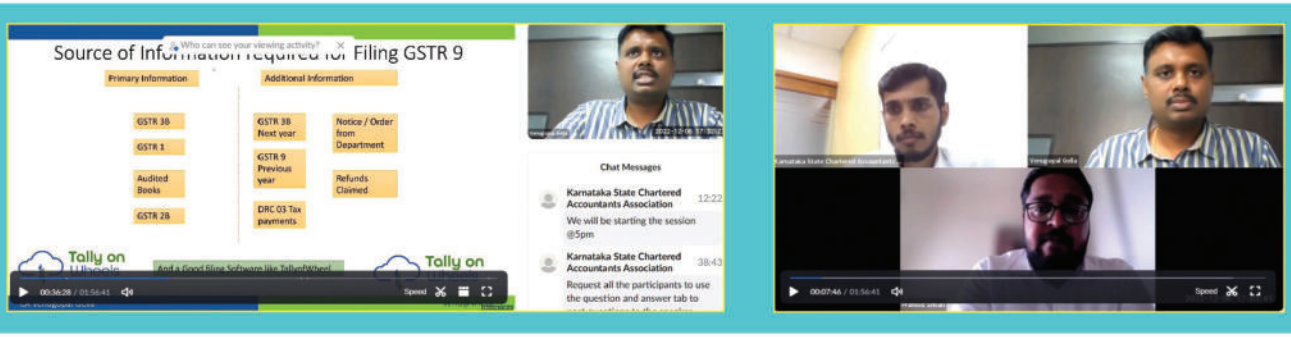
General

PHOTO GALLERY

Trip to Galibore Nature Camp on 12.11.2022 organised by Leadership and Skill Development Committee of KSCAA



Use of Excel and automation in preparation and finalisation of GSTR 9 and 9C on 06.12.2022 organised by Indirect Tax Committee of KSCAA

UPCOMING EVENTS

Intensive Training Programme on appeals before ITAT in Dec 2022 and Jan 2023 organised by Direct Tax Committee of KSCAA

"Registered" News Bulletin for India vide No.KA/BGGPO/2542/2021-2023
RNI Regn. No. KARENG/2013/51293
Licensed to post without prepayment License No. PMG/BG/WPP-309/2021-2023

Total No. of Pages Printed : 36
Date of Publishing : 13th of Every Month
Date of Posting : 14th & 15th of Every Month
Place of Posting at Bangalore PSO, Mysore Road, Bangalore - 560026

KSCAA NEWS BULLETIN English Monthly Printed, Published & Edited by **CA. Pramod Srihari,** President on behalf of **Karnataka State Chartered Accountants Association,** No 67, 1st Floor, 2nd Stage, West of Chord Road, Mahalaxmipuram, Below Rajaji Nagar Metro Station, Bengaluru - 560 086. **Ph : 9535 715 015, E-mail : info@kscaa.com, Website : www.kscaa.com**
Printed at **POORNIMA PRINTERS** # 3 & 4, Sy. No. 51 / 14, Chowdeshwarinagar, Pipe Line Road, Laggere, Bengaluru - 560 058. **Ph : 080 - 23359588, E-mail.: info@poornimaoffset.com**
Published at No 67, 1st Floor, 2nd Stage, West of Chord Road, Mahalaxmipuram, Below Rajaji Nagar Metro Station, Bengaluru - 560 086. Editor : **CA. Pramod Srihari.**