

2014
JUNE

P. K. LUHARUKA & CO.
CHARTERED ACCOUNTANTS
MONTHLY NEWSLETTER
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THIS ISSUE GIVES AN UPDATE ON ASPECTS ON WHICH THE CBDT, RBI AND MINISTRY OF CORPORATE AFFAIRS THINK NEED CHANGES OR CLARIFICATIONS, A FEW RELEVANT CASE LAWS RELATING TO INCOME TAX, AN ANNOUNCEMENT BY THE ICAI AND A DUE DATES CALENDAR FOR THE MONTH OF JUNE.

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DIRECT TAXES

- a. ITR 1 (SAHAJ), ITR 4S (SUGAM), & ITR 2 for AY 2014-15 are now available for e-filing.
- b. In exercise of the powers conferred by section 295 of the Income Tax Act, 1961, the CBDT hereby amends the Income Tax Rules, 1962 wherein new versions for Forms 49A & 49AA have been made available. (Attached Notification No. 26/2014 dated 16/05/2015)
- c. An assessee required to furnish a report of audit specified under section 10AA, section 44DA, section 50B or section 115VW of the Act, shall furnish the said report of audit and the return of Income electronically for AY 2014-15 and onwards. (Attached Notification No. 28/2014 dated 30/05/2015)

COMPANY LAW

- a. Version of the Forms (i) Bank ACC, (ii) CHG-4, (iii) INC-7, (iv) INC-23, (v) MGT-14, and (vi) PAS-3 is likely to be changed on 6th June 2014. Only new version of these Forms will be acceptable thereafter. Please plan accordingly. Existing version of the forms can be filed till 5th June 2014.

RESERVE BANK OF INDIA

RBI, in its Second Bi-Monthly Policy Statement, 2014-15, kept the policy repo rate, rate at which RBI lends to the banks, under liquidity adjustment facility (LAF) **unchanged** at **8.0%**. Consequently the reverse repo rate under LAF too stands unchanged at 7.0%, and the Marginal Adjustment Facility (MAF) rate and the Bank Rate at 9.0%. The Cash Reserve ratio, was also kept unchanged at 4.0%. The rationale behind such move is to allow the disinflationary effects of rate increases undertaken during September 2013-January 2014 to mitigate inflationary pressures in the economy. (Notification Dated 03.06.2014 by RBI)

CASE LAWS

- a. No disallowance u/s 14A & Rule 8D can be made if the assessee does not have tax-free income & no claim for exemption is made- **CIT vs. Cortech Energy (P) Ltd. (Gujarat High Court)**
- b. No s. 271(1)(c) penalty for concealment under normal provisions if s. 115JB book profits assessed - **CIT vs. Jindal Polyester & Steel Ltd (Allahabad High Court)**
- c. Assessee is bound to furnish a return in response to a s. 148 notice. The reasons for reopening can be given only thereafter. A writ involving disputed factual issues cannot be entertained.- **Adobe Systems Software Ireland Ltd. vs. ADIT (Delhi High Court)**

P. K. Luharuka & Co., Chartered Accountants Calendar

01 June 2014 – 30 June 2014

Time zone: (UTC+05:30) Chennai, Kolkata, Mumbai, New Delhi

June 2014

Mo Tu We Th Fr Sa Su

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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Details

05 June 2014



Time All Day

Subject Due Date of payment of Central Excise Duties for the previous month -
For non SSI Units - GAR-7 Challan

Recurrence Occurs every June 5 effective 05/06/2014 until 05/06/2014.



Time All Day

Subject Due Date of payment of Service Tax for services deemed to be provided as per rules in the month of May in case of assesseees, other than individual or proprietorship firm or partnership firm (if not paid electronically) (GAR 7 Challan)

Location the month of May in case of assesseees, other than individual or proprietorship firm or partnership firm (if not paid electronically)

Recurrence Occurs every June 5 effective 05/06/2014 until 05/06/2014.

06 June 2014



Time All Day

Subject Due Date of payment (latest by 8 P.M.) of Service Tax for services deemed to be provided as per rules in the month of May in case of assesseees, other than individual or proprietorship firm or partnership firm (if paid electronically) (GAR 7 Challan)

Location the month of May in case of assesseees, other than individual or proprietorship firm or partnership firm (if paid electronically)

Recurrence Occurs every June 6 effective 06/06/2014 until 06/06/2014.



Time All Day

Subject Due Date of payment of Central Excise Duties for the previous month - For non SSI Units (if paid electronically) - GAR-7 Challan

Recurrence Occurs every June 6 effective 06/06/2014 until 06/06/2014.

07 June 2014



Time All Day

Subject Due Date of deposit of TDS where income or amount is paid or credited in the month of May (Challan No./ ITNS. 281)

Location the month of May

Recurrence Occurs every June 7 effective 07/06/2014 until 07/06/2014.



Time All Day

Subject Due Date of Monthly payment of TCS in May u/s 206C

Recurrence Occurs every June 7 effective 07/06/2014 until 07/06/2014.



Time All Day

Subject Submission of copy of declaration forms (Form 15G and form 15H) received for non deduction of TDS under section 197A before the Chief Commissioner or Commissioner

Recurrence Occurs day 7 of every 1 month effective 07/06/2014 until 07/06/2014.

10 June 2014



Time All Day

Subject Due Date of ER-1 for Non-SSI assesseees and ER-2 for EOU units for the month of May

Recurrence Occurs every June 10 effective 10/06/2014 until 10/06/2014.

15 June 2014



Time All Day

Subject Due Date of Payment of PF for the month of May (plus grace period of 5 days)

Recurrence Occurs every June 15 effective 15/06/2014 until 15/06/2014.



Time All Day

Subject First installment (15%) of advance income-tax in case of a company for current FY (Challan No./ ITNS. 280)

Location case of a company for AY 2013-14

Recurrence Occurs every June 15 effective 15/06/2014 until 15/06/2014.

21 June 2014



Time All Day

Subject Due Date of Payment of ESI for the month of May

Recurrence Occurs every June 21 effective 21/06/2014 until 21/06/2014.

**[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY PART II,
SECTION 3, SUB-SECTION (ii)]**

**GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF DIRECT TAXES**

Notification

New Delhi, the 16th day of May, 2014

S.O. 2045 (E)- In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:-

1. (1) These rules may be called the Income –tax (**5th Amendment**) Rules, 2014.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Income-tax Rules, 1962, in Appendix II, for Forms 49A and 49AA, the following Forms shall be substituted, namely:-

Only 'Individuals'
to affix recent
photograph
(3.5 cm x 2.5 cm)

To avoid mistake(s), please follow the accompanying instructions and examples before filling up the Form.

Sign/ left Thumb impression across this
photo

Signature/Left Thumb Impression

I/We give below necessary particulars:

Please select title, ☒ as applicable ☐ Shri ☐ Smt. ☐ Kumari ☐ M/s

[illegible][illegible]

Please select title, ☒ As applicable ☐ Shri ☐ Smt. ☐ Kumari ☐ M/s

[illegible]

Day Month Year

☐ Father's name ☐ Mother's name (Please tick as applicable)

Residence Address

Flat/ Room/ Door/Block No. <input type="checkbox"/>	<input type="text"/>
Name of Premises/ Building/ Village	<input type="text"/>
Road/ Street/ Lane/ Post Office	<input type="text"/>
Area/ Locality/ Taluka/ Sub-Division	<input type="text"/>
Town/ City/ District	<input type="text"/>
State/ Union/ Territory	Pincode/ Zip code Country Name
<input type="text"/>	

Office/Address	
Name of office	<input type="text"/>
Flat/ Room/ Door/Block No. <input type="checkbox"/>	<input type="text"/>
Name of Premises/ Building/ Village	<input type="text"/>
Road/ Street/ Lane/ Post Office	<input type="text"/>
Area/ Locality/ Taluka/ Sub-Division	<input type="text"/>
Town/ City/ District	<input type="text"/>
State/ Union/ Territory	Pincode/ Zip code Country Name
<input type="text"/>	

8 Address for Communication ☐ Residence ☐ Office ☐ (Please tick as applicable)

9 Telephone Number & Email ID details

Country code	Area/ STD Code	Telephone/ Mobile number
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email ID	<input type="text"/>	

10 Status of applicant

Please select status, ☒ as applicable

<input type="checkbox"/> Individual	<input type="checkbox"/> Hindu undivided family	<input type="checkbox"/> Company	<input type="checkbox"/> Partnership Firm	<input type="checkbox"/> Government
<input type="checkbox"/> Trusts	<input type="checkbox"/> Body of Individuals	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Artificial Juridical Persons	<input type="checkbox"/> Association of Persons
			<input type="checkbox"/> Limited Liability Partnership	

11 Registration Number (for company, firms, LLPs, etc.)

12 In case of a citizen of India, then

Please mention your AADHAAR number (if allotted)

13 Source of Income

Please select status, ☒ as applicable

<input type="checkbox"/> Salary	<input type="checkbox"/> Capital Gains
<input type="checkbox"/> Income from Business/ Profession Business/ Profession code <input type="text"/> [For Code: Refer Instructions]	<input type="checkbox"/> Income from Other sources
<input type="checkbox"/> Income from House property	<input type="checkbox"/> No income

14 Representative Assessee (RA)

Full name, address of the Representative Assessee, who is assessable under the Income Tax Act in respect of the person, whose particulars have been given in the column 1-13.

Full Name (Full expanded name: initials are not permitted)

Please select title, ☒ as applicable ☐ Shri ☐ Smt. ☐ Kumari ☐ M/s

Last Name/ Surname	<input type="text"/>
First Name	<input type="text"/>
Middle Name	<input type="text"/>

Address

Flat/ Room/ Door/Block No. <input type="checkbox"/>	<input type="text"/>
Name of Premises/ Building/ Village	<input type="text"/>
Road/ Street/ Lane/ Post Office	<input type="text"/>
Area/ Locality/ Taluka/ Sub-Division	<input type="text"/>

[illegible]Pincode [illegible]

15 Documents submitted as Proof of Identity (POI) and Proof of Address (POA)

--	--

as proof of date of birth

[Please refer to the instructions (as specified in Rule 114 of I.T. Rules, 1962) for list of mandatory certified documents to be submitted as applicable]

--	--

do hereby declare that what is stated above is true to the best of my/ our information and belief.

D	D	M	M	Y	Y	Y	Y

Signature/Left Thumb Impression of ☐
Applicant (inside the box)

Only 'Individuals' to affix recent photograph (3.5 cm x 2.5 cm)

Sign/ Left Thumb impression across this photo

FORM No. 49AA

APPLICATION FOR ALLOTMENT OF PERMANENT ACCOUNT NUMBER

[INDIVIDUALS NOT BEING A CITIZEN OF INDIA/ENTITIES INCORPORATED OUTSIDE INDIA/ UNINCORPORATED ENTITIES FORMED OUTSIDE INDIA]

See Rule 114

To avoid mistake (s), please follow the accompanying instructions and examples before filling up theForm

Only 'Individuals' to affix recent photograph (3.5 cm x 2.5 cm)

Signature/Left Thumb Impression

Assessing officer (AO code)

Area code	AO type	Range code	AO No.

Sir,

I/We hereby request that a permanent account number be allotted to me/us.
I/We give below necessary particulars:

1 Full Name (Full expanded name to be mentioned as appearing in proof of identity/address documents: initials are not permitted)

Please select title, ☒ as applicable ☐ Shri/Mr ☐ Smt/Mrs ☐ Kumari/Ms ☐ M/s

Last Name / Surname

First Name

Middle Name

2 Abbreviation of the above name, as you would like it, to be printed on the PAN card

3 Have you ever been known by any other name?

☐ Yes ☐ No (please tick) as applicable

If yes, please give that other name

Please select title, ☒ as applicable ☐ Shri/Mr ☐ Smt/Mrs ☐ Kumari/Ms ☐ M/s

Last Name / Surname

First Name

Middle Name

4 Gender (for Individual applicants only)

☐ Male ☐ Female (Please tick as applicable)

5 Date of Birth/Incorporation/Agreement/Partnership or Trust Deed/ Formation of Body of individuals or Association of Persons

Day Month Year

6 Details of Parents (applicable only for individual applicants)

Father's Name (Mandatory. Even married women should fill in father's name only)

Last Name / Surname

First Name

Middle Name

Mother's Name (optional)

Last Name / Surname

First Name

Middle Name

Select the name of either father or mother which you may like to be printed on PAN card (Select one only)

(In case no option is provided then PAN card will be issued with father's name)

☐ Father's name ☐ Mother's name (Please tick as applicable)

7 Address

Residence Address

Flat/Room/ Door / Block No.

Name of Premises/ Building/ Village

Road/Street/ Lane/Post Office

Area / Locality / Taluka/ Sub- Division

Town / City / District

State / Union Territory

Pincode / Zip code Country Name

Office Address

Name of office

Flat/Room/ Door / Block No.

Name of Premises/ Building/ Village

Road/Street/ Lane/Post Office

Area / Locality / Taluka/ Sub- Division

Town / City / District

State / Union Territory

Pincode / Zip code

Country Name

8 Address for Communication☐ Residence☐ Office

(Please tick as applicable)

9 Telephone Number & Email ID details

Country code

Area / STD Code

Telephone / Mobile number

Email ID

10 Status of applicantPlease select status, ☒ as applicable☐ Individual☐ Hindu undivided family☐ Company☐ Partnership Firm☐ Government☐ Association of Persons☐ Trusts☐ Body of Individuals☐ Local Authority☐ Artificial Juridical Persons☐ Limited Liability Partnership**11 Registration Number (for company, firms, etc.)****12. Country of Citizenship**

ISD Code of the Country of Citizenship

13 Source of IncomePlease select status, ☒ as applicable☐ Salary☐ Income from Business / Profession

Business/Profession code

 [For Code: Refer instructions]☐ Income from House property☐ Capital Gains☐ Income from Other sources☐ No income**14 Representative or Agent of the Applicant in India**

Full name, address of the Representative or Agent

Full Name (Full expanded name: initials are not permitted)

Please select title, ☒ as applicable☐ Shri/Mr☐ Smt/Mrs☐ Kumari/Ms☐ M/s

Last Name / Surname

First Name

Middle Name

Address

Flat/Room/ Door / Block No.

Name of Premises/ Building/ Village

Road/Street/ Lane/Post Office

Area / Locality / Taluka/ Sub- Division

Town / City / District

State / Union Territory

Pincode / Zip code

15 Documents submitted as Proof of Identity(POI) and Proof of Address (POA)

I/We have enclosed

proof of address, and

as proof of identity,

as mandatory certified documents

as

[Please refer to the instructions (as specified in Rule 114 of I.T. Rules, 1962) for list of mandatory certified documents to be submitted as applicable]

16 KYC details* [To be filled in by Foreign Institutional Investor or a Qualified Foreign Investor, as prescribed under the regulations issued by the Securities and Exchange Board of India (SEBI)]

["Control" as defined under SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 1997

"Beneficial owner" as defined in the para 5.1 of SEBI circular dated December 31, 2010 on Anti Money Laundering.]

(a) In case of Individuals

Please select

☒ as applicable

Marital Status ☐ Single ☐ Married ☐ Divorced ☐ Widow/Widower

Citizenship Status ☐ I Foreigner ☐ P Person of Indian origin ☐ O Overseas citizen of India

In case of Foreigner, country of Citizenship

Occupation details ☐ Private sector service ☐ Public sector/Govt. service ☐ Business ☐ Professional

☐ Agriculturist ☐ Retired ☐ Housewife ☐ Student ☐ Others

(b) In case of non individuals

Please select ☒ as applicable

☐ R Private Company

☐ U Public Company

☐ D Body Corporate

☐ S Financial Institution

☐ N Non Government Organization

☐ C Charitable Organization

(c) Gross Annual Income - INR

Netwoth (Assets less liabilities) in INR

(d) In case of a Public Company, whether listed on a stock exchange

☐ Yes

☐ No

Please select ☒ as applicable

If yes, then indicate name of the stock exchange

(e) In case of Non-individuals

Does it have few persons or persons of the same family holding beneficial ownership and control

☐ Yes

☐ No

Please select ☒ as applicable

["Control" :Control shall include the right to appoint majority of the directors or to control the management or policy decisions exercisable by a person or persons acting individually or in concert, directly or indirectly, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements or in any other manner

"Beneficial owner" means the natural person who ultimately owns or controls the applicant and/or the person on whose behalf a transaction is being conducted, and includes a person who exercises ultimate effective control over a juridical person]

(f) Is the entity involved / providing any of the following services

Please select ☒ as applicable

Foreign exchange, Money Changer Services

☐ Yes

☐ No

Gaming/Gambling/Lottery services (Casinos and Betting Syndicates)

☐ Yes

☐ No

Money Lending, Pawning

☐ Yes

☐ No

(g) Whether the applicant or the applicant's authorised signatories/trustees/office bearers is

(i) a politically exposed person

☐ Yes

☐ No

(ii) related to a politically exposed person

☐ Yes

☐ No

[For definition of politically exposed person refer to guidelines issued under the Prevention of Money Laundering Act (PMLA)]

(h) Taxpayer identification Number in the country of residence

17 I/We, the applicant, in the capacity of do hereby declare that what is stated above is true to the best of my/our information and belief.

Place

Date

D D M M Y Y Y Y

Signature / Left Thumb Impression of Applicant (inside the box)

[Notification No. 26/2014][F.No.142/15/2013-TPL]

[Ashis Mohanty]

Under Secretary to Government of India

Note: - The principal rules were published vide Notification S.O. 969 (E), dated 26th March, 1962 and last amended by Income-tax (4th Amendment) Rules, 2014 vide Notification S.O. 997 (E), dated the 1st April, 2014.

[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3,
SUB-SECTION (ii)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
[CENTRAL BOARD OF DIRECT TAXES]

NOTIFICATION

New Delhi, the 30th day of May, 2014

Income-tax

S.O. 1418(E).— In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:-

1. (1) These rules may be called the Income-tax (**6th Amendment**) Rules, 2014.
(2) They shall be deemed to have come into force with effect from the 1st day of April, 2014.
2. In the Income-tax Rules, 1962 (hereinafter referred to as the said rules), in rule 12, in sub-rule(2), in the proviso,-
 - (a) after the expression “section 10A”, the expression “section 10AA” shall be inserted;
 - (b) after the expression “section 44AB”, the expression “section 44DA, section 50B” shall be inserted;
 - (c) for the expression “or section 115JB”, the expression “section 115JB or section 115VW” shall be substituted.
3. In the said rules, in Appendix-II, for FORM ITR-3, FORM ITR-4, FORM ITR-5, FORM ITR-6 and FORM ITR-7, the following FORMS shall respectively be substituted, namely:-

[Notification No. 28/2014, F.No.142/2/2014-TPL]

(Gaurav Kanaujia)
Director to the Government of India

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) vide notification number S.O.969(E), dated the 26th March, 1962 and last amended by Income-tax (5th Amendment) Rules, 2014 vide notification S.O. No.1297 (E) dated 16 May, 2014.