



The Malad
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Consultants

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MCTC Bulletin

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E-mail: maladchamber@gmail.com

Website : www.mctc.in

Regd. Office : B/6, Star Manor Apartment, 1st Floor, Anand Road Extn., Malad (W), Mumbai 400 064. Mobile : 7039006655
Admn. Office : C/o. Brijesh Cholerra : Shop No. 4, 2nd Floor, The Mall, Station Road, Malad (W), Mumbai-400 064

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May, 2017

President's Communique



Dear Members,

The Income Tax Returns for the AY 2017-18 have already been notified. As we start preparing the returns, there is a major change in preparing the computation of Incomes for the clients. We, now, have to follow the new Income Computation & Disclosure Standards (ICDS) while preparing the computation of income for all the Companies, LLPs, Firms and Individuals/HUF who are covered under the Tax Audit provisions. Considering the need for implementation of ICDS, tentatively, the Committee is planning to have a seminar on ICDS, the details of which shall be finalised shortly.

As the GST window closes for a brief, and the professionals take a breath of intermittent relief, the GST laws get passed at the Centre. All professionals are busy in compliance under various laws and have very limited time to upgrade and study the new GST laws. The Act is in place now, and, thus, the Chamber felt that it is right time to hold an extensive Seminar on GST. Chamber jointly with STPAM is planning to organise a two full day seminar of GST on 2nd and 3rd June, 2017. The details of the Seminar are enclosed in this bulletin.

Chamber, jointly with CTC had organised, for the first time, a basic course of four half days on FEMA and foreign remittance. It received a very good response and the event was a huge success. The participants had a very good learning experience. With the valuable contribution of our expert speakers in the fields, the participants surely had a good number of takeaways at the end of the course.

Best Regards,

Adarsh S. Parekh

President

For Queries & Submission of Forms for Membership/Seminar please contact any of the following Office Bearers:

Name	Designation	Contact Nos.	E-mail
Adarsh S. Parekh	President	28094049 9869105103	asparekhca@yahoo.co.in
Vipul M. Somaiya	Vice-President	28828844 9223418790	vipul@somaiyaco.com
Swapnil G. Modi	Hon. Treasurer	28819304 9833884273	swapnil@modiconsultancy.com
Viresh B. Shah	Hon. Jt. Secretary	28018520 9820780070	vireshbshah9@gmail.com
Vaibhav Seth	Hon. Jt. Secretary	28829028 9619721743	sethvaibhav@hotmail.com

Life Membership Fees ₹ 2,500 • Ordinary Membership Fees ₹ 1,000 p.a.

DIRECT TAXES – LAW UPDATE

Compiled by CA. Haresh P. Kenia

□ **SECTION 139 OF THE INCOME-TAX ACT, 1961 - RETURN OF INCOME - GENERAL - MANDATORY QUOTING FOR PAN APPLICATION & FILING RETURN OF INCOME**

PRESS RELEASE, DATED 5-4-2017

Section 139AA of the Income-tax Act, 1961 as introduced by the Finance Act, 2017 provides for mandatory quoting of Aadhaar/ Enrolment ID of Aadhaar application form, for filing of return of income and for making an application for allotment of Permanent Account Number with effect from 1st July, 2017. It is clarified that such mandatory quoting of Aadhaar or Enrolment ID shall apply only to a person who is eligible to obtain Aadhaar number. As per the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, only a resident individual is entitled to obtain Aadhaar. Resident as per the said Act means an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment. Accordingly, the requirement to quote Aadhaar as per section 139AA of the Income-tax Act shall not apply to an individual who is not a resident as per the Aadhaar Act, 2016.

□ **SECTION 139A, READ WITH SECTION 203A, OF THE INCOME-TAX ACT, 1961 – PERMANENT ACCOUNT NUMBER – CBDT ISSUES PAN AND TAN WITHIN ONE DAY TO IMPROVE EASE OF DOING BUSINESS**

PRESS RELEASE, DATED 11-4-2017

In order to improve the Ease of Doing Business for newly incorporated corporates, CBDT has tied up with Ministry of Corporate Affairs (MCA) to issue Permanent Account Number (PAN) and Tax Deduction Account Number (TAN) in 1 day. Applicant companies submit a common application form SPICe (INC 32) on MCA portal and once the data of incorporation is sent to CBDT by MCA, the PAN and TAN are issued immediately without any further intervention of the applicant. The Certificate of Incorporation (COI) of newly incorporated companies includes the PAN in addition to the Corporate Identity Number (CIN). TAN is also allotted simultaneously and communicated to the Company. CBDT has also introduced the Electronic PAN Card (e-PAN) which is sent by e-mail, in addition to issue of the physical PAN Card, to all applicants including individuals where PAN is allotted. Applicant would be benefited by having a digitally signed e-PAN card which they can submit as proof of identity to other agency electronically directly or by storing in the Digital Locker (<https://digilocker.gov.in>).

□ **SECTION 5 OF THE INCOME-TAX ACT, 1961 - INCOME ACCRUAL OF - CLARIFICATION REGARDING LIABILITY TO INCOME-TAX IN INDIA FOR A NON-RESIDENT SEAFARER RECEIVING REMUNERATION IN NRE (NON-RESIDENT EXTERNAL) ACCOUNT MAINTAINED WITH AN INDIAN BANK**

CIRCULAR NO.13/2017 [F.NO.500/07/2017-FT&TR-V], DATED 11-4-2017

Representations have been received in the Board that income by way of salary, received by non-resident seafarers, for services rendered outside India on-board foreign ships, are being subjected to tax in India for the reason that the salary has been received by the seafarer into the NRE bank account maintained in India by the seafarer. The matter has been examined in the Board. Section 5(2)(a) of the Income-tax Act provides that only such income of a non-resident shall be subjected to tax in India that is either received or is deemed to be received in India. It is hereby clarified that salary accrued to a non-resident seafarer for services rendered outside India on a foreign ship shall not be included in the total income merely because the said salary has been credited in the NRE account maintained with an Indian bank by the seafarer.

JUDICIAL JUDGMENTS

Compiled by CA Dharmen Shah and CA Rupal Shah

Smt. K. Deva Kumari vs. ACIT, Chennai (ITAT Chennai), ITA No. 789/Mds/2016, 3 April 2017

Disallowance of interest for drawings out of cash credit account deleted as closing balance of capital was more than opening balance

Facts of the case

During the assessment year, the assessee having a proprietorship business had built a house for which the funds were withdrawn from the cash credit account of the business. During assessment the Assessing Officer disallowed the interest expense on cash credit account claimed as business expense observing that the funds were used for personal purpose and hence the interest thereon should be disallowed.

The assessee claimed that there was enough capital available in the business and the drawings of the money from business never exceeded the capital account balance. Thus, the presumption taken regarding borrowed capital used for personal purpose was incorrect. Rejecting the contentions, AO passed the order with disallowance.

According to CIT (Appeals) there was a direct nexus between borrowed funds and investment made in the house. Thus, CIT (Appeals) also rejected the assessee's contentions and upheld the assessment order. Being aggrieved by the order, the assessee filed appeal before CIT(A)

The ITAT held in the favour of assessee that

Despite the drawings from the cash credit account, the closing balance of capital of the assessee in the proprietorship business was more than the opening balance. Hence, where the assessee had sufficient balance in her capital account which was non-interest bearing,

a part withdrawal of such capital cannot be considered as drawings out of loans taken. Based on the above observations and drawing reference from CIT vs. Hotel Savera, 239 ITR 0795, the ITAT deleted the disallowance of interest paid on cash credit account.

Nandinho Rebello vs. DCIT, Circle-14, Ahmedabad, ITA No. 2378/Ahd/2013, 29th March, 2017

Salary recovered for notice period not taxable u/s. 16 as per agreement with the employers when actually assessee had received less salary

Facts of the case

The assessee is an individual and during the relevant assessment year has received salary from three different employers. The assessee served with first and second employer only for few days/months and out of the salary accrued, major sum was recovered as notice pay as per the employment agreement with the employers. Thus, the assessee claimed the total notice pay as a deduction from the salary received from the previous employers and offered the net salary for tax.

The AO added the salary of the other two employers to the income of the assessee and passed the order u/s. 143(3) r.w. 147 of the Income-tax Act, 1961.

Aggrieved by the order of the AO, the assessee filed appeal before the CIT (Appeals), where the additions made by AO were sustained. On further appeal before ITAT,

ITAT held in the favor of the assessee observing that

The employers had made deduction from the salary which was paid to the assessee because of leaving services as per agreement made by the assessee and the respective employer. According to the Tribunal this was a case of recovery of salary which is already made to the assessee for which Section 16 could not be referred. The assessee received the salary from previous employers only after deducting the notice pay as per the agreement. Therefore, the actual salary received was only taxable.

UPDATES ON SERVICE TAX

Compiled by CA Bhavin S. Mehta

1. Notification No. 14/2017-ST, 15/2017-ST, 16/2017-ST, 10/2017-CENT dated 13th April, 2017

With reference to transportation of goods by vessel from a place outside India up to the custom station of clearance in India, Govt. of India has issued 4 notifications, namely, 14/2017-ST, 15/2017-ST, 16/2017-ST & 10/2017-CENT, all dated 13.04.2017.

By virtue of aforesaid notifications, where the service is provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory with respect to transportation of goods by a vessel from a place outside India up to the custom station of clearance in India, the person liable to service tax shall be importer of goods w.e.f. 23.04.2017.

As per notification no. 16/2017-ST, importer has option to pay service tax @ 1.4% of CIF value of imported goods.

Thus, importer has following option to discharge the service tax liability:

- (i) Pay service tax including cess @15% on 30% of the freight amount; or
- (ii) Pay service tax @ 1.4% of CIF value of imported goods.

As per notification no. 14/2017-ST, the point of taxation for importer shall be the date of bill of lading of such goods in the vessel at the port of export.

For better understanding an example is given below:

Example - XYZ (India – an importer) places an order with Exporter located in say U.K. (Non-taxable Territory) for supply of chemical, say on 01.05.2017. The exporter agrees to supply the said chemical at Rs.62,000/ton on CFR/CIF basis. The exporter engages shipping line say Maersk Lines, U.K., i.e. located in Non-taxable territory, for transportation of chemicals from U.S. to India through waterways, say on 15.05.2017 and Maersk prepares bill of lading of such goods at UK port on the same date.

In the above example of service of transportation of goods by vessel, both service provider (Maersk) and service recipient (exporter) are located outside India (non-taxable territory), therefore the person liable to pay service tax on transport charges shall be XYZ (India). The point of taxation shall be 15.05.2017 and therefore XYZ (India) have to pay service tax on or before 06.06.2017.

In the said Example Indian Importer i.e XYZ has to choose the option to pay service tax including cess @15% on 30% of freight value or pay service tax @ 1.4% on CIF value of the goods, whichever is beneficial.

Further, Notification No.10/2017-CENT has been inserted to amend CENVAT Credit Rules, 2004 to make available CENVAT credit of such service tax paid provided other conditions with respect to availment of CENVAT credit are fulfilled.

2. Notification No. 17/2017-ST dated 4th May, 2017

By virtue of aforesaid notification, Entry 26A of Notification No.25/2012-ST has been amended to exempt services of life insurance business provided under the scheme 'Pradhan Mantri Vaya Vandana Yojana'

REAL ESTATE (REGULATION AND DEVELOPMENT) ACT – RERDA

Maharashtra Real Estate (Regulation and Development)
 (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on website) Rules, 2017
 – [Main Rules - Main]"

Maharashtra Real Estate (Regulation and Development)
 (Recovery of Interest, Penalty, Compensation, Fine payable, Forms of Complaints and Appeal, etc.) Rules, 2017 - [Recovery &
 Forms - R&F]

Maharashtra Real Estate Regulatory Authority
 (Form of Annual Statement of Accounts and Annual Report) Rules, 2017 - [Annual Report – AR]

MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY (GENERAL) REGULATIONS, 2017 [Regulations – Regu]

FAQs for MahaRERA website [FAQs]

DIGESTED COMPILATION – Maharashtra - May 2017

by CA. Atul P. Ruparelia"

Tag Code	Tag Description	RERD Act 2016	Mah RERD ... Rules 2017	MahaRERA Regulations 2017		Digest
		Section #	Rule #	Regu #	Form #	
Regn of RE Project	Registration of Real Estate Project with RERA	3				<p>Promoter must REGISTER RE Project with RERA BEFORE advertising, marketing, booking, selling, offering for sale or inviting to purchase in any manner.</p> <p>RE Project which is ONGOING and for which Completion Certificate is not issued on 1.5.2017 must make APPLICATION FOR REGISTRATION with RERA within 3 months i.e. by 31.7.2017.</p> <p>U/s. 3(2) : No Registration will be required in 3 cases i.e. (a) where area of land does not exceed 500 Sq Mtrs OR number of apartments does not exceed 8 INCLUSIVE OF ALL PHASES (b) where Promoter has received completion certificate prior to 1.5.2017 (c) for the repairs, renovation or RE-DEVELOPMENT which does not involve marketing, advertisement, selling or new allotment of any apartment.</p> <p>Explanation.—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a standalone real estate project, and the promoter shall obtain registration under this Act for each phase separately.</p> <p>Comment : there is no clarity about regn requirement for project which received BCC after 1.5.2017 but before 31.7.2017 ??</p> <p>Comments : FAQs - Q# 4, 5 - gives contradicoty answers, which is against simple reading of Sec 3(2).</p> <p>Q 4. If a real estate project has land area more than 500 sqmts but containing less than 8 apartments. Does it still need to be registered?</p> <p>Ans. Yes. Every real estate project which has land area more than 500 sqmts or has more than 8 apartments needs to be registered</p> <p>Q 5. If a real estate project has land area less than 500 sqmts but contains more than 8 apartments. Does it still need to be registered?</p> <p>Ans. Yes. Every real estate project which has land area more than 500 sqmts or has more than 8 apartments needs to be registered</p>
Regn Application New	Application for Registration and Documents for NEW Projects	4	Main/3	Regu / 3, 4, 47	<p>Form A - Application for Registration of RE Project</p> <p>Form B - Declaration of Promoter U/s. 4(2)(l)</p>	<p>Application for Registration and Documents to be attached are prescribed u/s. 4(2).</p> <p>Affidavit u/s. 4(2)(l)(D) contains declaration by promoter that he shall get his accounts audited within six months after the end of every FY by a CA in practice, and shall produce a statement of accounts duly certified and signed by such CA and it shall be verified during the audit that the amounts collected for a particular project have been utilised for the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.</p>

Tag Code	Tag Description	RERD Act 2016	Mah RERD ... Rules 2017	MahaRERA Regulations 2017	Digest
		Section #	Rule #	Regu #	Form #
					<p>Regu. Form 1 - Cert of Architect - Regn / Bank withdrawal</p> <p>Form 2 - Cert of Engr - Regn / Bank withdrawal</p> <p>Form 3 - Cert of CA - Regn / Bank withdrawal</p> <p>Form 5 - Stat Auditors Annual Report</p> <p>Regulation 4 : The annual report on statement of accounts, in Form 5 (issued in accordance with the third proviso to section 4(2)(l) of the Act) duly certified and signed by the chartered accountant who is the statutory auditor of the promoter's enterprise.</p> <p>Explanation 1: The chartered accountant certifying the progress of the registered real estate project for the purpose of withdrawal of amounts from the separate account should be a different entity than the chartered accountant who is the statutory auditor of the promoter's enterprise.</p> <p>Explanation 2: If the Form 5 issued by the statutory auditor reveals that any certificate issued by the project architect, engineer or the chartered accountant has false or incorrect information and the amounts collected for a particular project have not been utilised for the project and the withdrawal has not been in compliance with the proportion to the percentage of completion of the project, the Authority, in addition to taking penal actions as contemplated in the Act and the Rules, shall also take up the matter with the concerned regulatory body of the said professionals of the architect, engineer or chartered accountant, for necessary penal action against them, including dismemberment.</p> <p>Comments: Two different entities (CAs in PRACTICE) - One Statutory Auditor (Form 5) and other Certifying Bank withdrawals (Form 3) are to be appointed by Promoters.</p> <p>How do we RECONCILE figures reported in Form 3 and Form 5, since both these reportings are for different events / basis ???</p> <p>Maha Rule [Main] 3 :</p> <p>3(1) All documents and information as per RERDA Sec 4(2) cl (a) to (l) are required to be submitted.</p> <p>3(2) additional documents and information as per Rules 3(2) cl (a) to (i) are also required to be submitted. KYC documents of all Partners / Directors of all Promoters are required. SHAREHOLDERS details are not required.</p> <p>3(3) Application for Registration of the Project shall be in Form A (Sec 4(1) r.w. Rule 3(3)) signed by Promoter or Authorised Representative (with copy of LoA).</p> <p>3(5) (i) ... pay a registration fee, calculated on the area of the land proposed to be developed at the rate of, ₹ 10 / Sq. Mtr, subject to a minm. ₹ 50,000/- and a maxm. ₹ 10,00,000/-; (ii) fees to be digitally.</p> <p>MahaRERA Order : MahaOnline charges for Promoters : Project Registration ₹ 750+Taxes - Annual Updation charges ₹ 500+Taxes</p>
					<p>Comments: Fees are based on area of land Sq. Mtrs. and not FSI or TDR etc. Question is whether area of entire land of whole layout to be considered or only area of land on which present phase (being registered) is constructed ?? If former is to be considered, then there will duplication / multiplication in fees since promoter may develop entire land in various phases and each phase being considered as stand alone project will be separely registered.</p> <p>3(6) The declaration (affidavit) to be submitted under clause (l) of sub-section (2) of section 4 shall be in form "B".</p> <p>Comments: Declaration in Form B also contains declaration that promoter shall not discriminate against any allottee at the time of allotment of any apartment etc.</p> <p>Explanation.-The registration of a real estate project shall not be required,-</p> <p>(i) for the purpose of any renovations or repair or redevelopment which does not involve marketing, advertisement, selling or new allotment of any apartment etc. under the real estate project;</p>

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					<p>(ii) where only structural repairs of existing buildings are being undertaken by or through any Public Authority or as per requirement under any law, rules or regulations of the State Government or directions of any Competent Authority.</p> <p>Comments: These exemptions U/R 3, clarifies and should be read in conjunction with prov of Sec 3(1) of RERDA which gives exemption from registration in THREE cases.</p> <p>3(7) Promoter can WITHDRAW his application for registration before 30 days from date of filing, if registration is not already granted. Partial refund of fees allowed as per Regulation framed by RERA.</p> <p>Regulation 47 : Administrative charges of ₹ 5000/- shall be deducted on Withdrawal of application for Regn by Promoter. Balance will be refunded in 15 days digitally.</p> <p>MahaRERA Order : MahaOnline charges for Promoters : Project Application Withdrawal ₹ 500+Taxes</p> <p>3(8) The promoter shall disclose,-</p> <p>(a) land cost in the real estate project and (b) cost of construction in real estate project ... for the purposes of sub-clause (D) of clause (l) of sub-section (2) of section 4;</p> <p>(c) "estimated cost of the real estate project," within the meaning of clause (v) of section 2.</p> <p>FAQs (IT) : Q1. Is there a file size limit and specific format for documents to be uploaded in the application?</p> <p>Ans: Yes. The file size limit is 1MB per file and only PDF files can be uploaded on the application.</p> <p>Q4. In the Online Registration Form for Projects, It is mandatory to upload Details of Encumbrances Certificate. However, my project has no encumbrances so what do I upload??</p> <p>Ans: If your project has no encumbrances, then you can upload a self-certification stating that your project has no encumbrances.</p>
Regn Application Ongoing	Application for Registration and Documents for Ongoing Projects	4	Main / 4	Regu / 3, 4, 47	<p>"Form A - Application for Registration of RE Project</p> <p>Form B - Declaration of Promoter U/s. 4(2)(l)</p> <p>-----</p> <p>Regu.</p> <p>Form 1 - Cert of Architect - Regn / Bank withdrawal</p> <p>Form 2 - Cert of Engr - Regn / Bank withdrawal</p> <p>Form 3 - Cert of CA - Regn / Bank withdrawal</p> <p>Form 5 - Stat Auditors Annual Report"</p> <p>4(2) The Promoter shall disclose all details of ongoing real estate project as required under Sub-sections (1) and (2) of section 4 and Rule 3 (i.e. for NEW Project) ...</p> <p>+ the extent of development carried out till the date of application for registration and the extent of development of common areas, amenities etc. completed</p> <p>+ expected period of completion of the ongoing real estate project</p> <p>+ the original time period disclosed to the allottees, for completion of the project at the time of sale including the delay if any</p> <p>+ time period within which he undertakes to complete the pending project, which shall be commensurate with the extent of development already completed</p> <p>+ The Promoter shall submit a certificate from the practicing project Architect certifying the percentage of completion of construction work of each of the building / wing of the project</p> <p>+ a certificate from the Engineer for the estimated balance cost to complete the construction work of each of the building / wing of the project</p> <p>+ a certificate from a practicing Chartered Accountant, for the estimated balance cost to complete the project</p>

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					<p>+ a certificate from a practicing Chartered Accountant, certifying the balance amount of receivables from the apartments sold or allotted and in respect of which agreement have been executed</p> <p>+ (.. CA cert..) certifying estimated amount of receivables in respect of unsold apartments calculated at the prevailing ASR rate on the date of certificate.</p> <p>4(3) (a) The Promoter shall disclose the number of the apartments sold or allotted to the allottees and further disclose the size of the apartment based on carpet area even if such apartments are sold earlier on any other basis, such as super area, super built up area etc.</p> <p>(b) In case of plotted development, the promoter shall disclose the area of the plots sold to the allottees including extent of share of common areas and amenities etc.</p> <p>4(4) The Promoter shall construct and develop real estate project in accordance with the sanctioned plan, and layout plans and specifications as approved.</p> <p>Provided that, the promoter developing a real estate project will be entitled to aggregate any contiguous land parcel through acquisition of ownership and title or by receiving development permission, including for redevelopment project and thereupon may also obtain phase-wise approvals from the relevant competent authorities to sanctioned plan under applicable laws, rules and regulations:</p>
					<p>Provided further that, at the end of ninety days from the date of notification of section 3 of the Act, the promoter shall not advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot, apartment or building respect of such land parcel unless he registers such independent phase as a separate real estate project within the meaning of clause (c) of the Explanation to section 3:</p> <p>Provided also that, previous written consent of least two-thirds of the allottees may not be necessary for implementation of the proposed plans/ specifications as disclosed in agreement executed with the allottee prior to registration or for any alterations or additions or modifications in the sanctioned plans, layout plans and specifications of the buildings or common areas in the RE Project which are required to be made by promoter in compliance of any direction or order, etc. issued by, the competent / statutory authority.</p> <p>Comments: Above three PROVISIONS to Rule 4 are available only for ONGOING Projects and not for NEW projects.</p> <p>Form 3 - CA Certificate for Ongoing Project - If Estimated receivables of ongoing project is LESS THAN estimated balance cost of project then only 100% to be deposited. If it is receivable is EQUAL TO or GREATER THAN balance cost then 70% is to be deposited.</p> <p>FAQ Q7 - answer is in contravention of SECOND Provisio Rule 4. Q 38 provides correct answer.</p> <p>Q 7. Can advertisement be issued for a new project after 1st May, 2017 without registering the said project?</p> <p>Ans: No. The advertisement issued after 1st May 2017 must carry the MahaRERA Registration Number of the project.</p>

Tag Code	Tag Description	RERD Act 2016	Mah RERD ... Rules 2017	MahaRERA Regulations 2017	Digest	
		Section #	Rule #	Regu #	Form #	
Withdrawal of Money	Withdrawal of Amount deposited in Separate Bank Account	4	Main / 5	Regu / 3	<p>"Regu Form 1 - Cert of Architect - Regn / Bank withdrawal Form 2 - Cert of Engr - Regn / Bank withdrawal Form 3 - Cert of CA - Regn / Bank withdrawal"</p>	<p>5(1)(i) For new projects which will be registered after commencement. -</p> <p>(a) The promoter shall observe the provisions of Sec. 4(2)(I)(D);</p> <p>(b) the Promoter shall submit following three certificates to the scheduled bank operating the separate account: First, from the project Architect certifying the percentage of completion of construction work of each of the building / wing of the project; Second, a certificate from the Engineer for the actual cost incurred on the construction work of each of the building / wing of the project; and Third, a certificate from a practising Chartered Accountant, for the cost incurred on construction cost and the land cost + the proportion of the cost incurred on construction and land cost to the total estimated cost of the project. The total estimated cost of the project multiplied by such proportion shall determine the maximum amount which can be withdrawn by the promoter from the separate account. The promoter shall be required to follow the aforesaid procedure at the time of every withdrawal from the separate account till occupancy certificate in respect of the project is obtained. On receipt of completion Certificate in respect of the project the entire balance amount lying in the separate account can be withdrawn by the promoter.</p> <p>(ii) For ongoing projects – [in addition to above rule for New project]</p>
					<p>70% of the amount to be realised from the allottees shall be deposited in such separate account.</p> <p>Provided further that, in the event where the estimated receivables of the ongoing project is less than the estimated cost of completion of the project, then 100% of the amount to be realised from the allottees shall be deposited in the said separate account;</p> <p>Explanation I – In ascertaining the cost of completion of the project, the land cost shall include 7 specified components</p> <p>Explanation II. – Where the promoter, due to inheritance, gift or otherwise, is not required to incur any cost towards acquisition of ownership and title of the land parcels proposed for the real estate project, the cost of land shall be reckoned on basis of the value of the land as ascertained from the ASR prepared under the provisions of the Maharashtra Stamp Act, relevant on the date of registration of the real estate project.</p> <p>Explanation III. – The cost of construction for the purpose of Sec 4(2)(I)(D) , shall include all such costs, incurred by the Promoter, towards the on-site and off-site expenditure for the development of the Real Estate project + payment of Taxes, Fees, Charges, Premiums, Interest etc. to any Authority (for Development of project) + Principal sum and interest, paid or payable to any financial institutions including scheduled banks or NBFCs etc. or money-lenders (under the Maharashtra Money-Lending Regulation Act, 2014) for the Real Estate Project, but shall not include the sum which the promoter has raised and incurred by way of loan obtained from such banks, NBFCs or money-lenders, for the purpose of purchase of land or for obtaining the development rights over such land.</p> <p>Explanation IV. – In case of rehabilitation scheme undertaken under any specific local law ... then specified costs may be included in cost of land by the Promoter.</p> <p>Comments : Separate Bank account should be opened for each phase of the project which is separately registered.</p>	

Tag Code	Tag Description	RERD Act 2016	Mah RERD ... Rules 2017	MahaRERA Regulations 2017		Digest
		Section #	Rule #	Regu #	Form #	
						<p>Form 3 - CA Certificate for Ongoing Project - Amount already collected by promoter from allottees upto date of application is not required to be deductd from Maximum Withdrawable amount - this will distort the calculation of Withdrawable amount in FAVOUR of promoter.</p> <p>Two different entities (CAs in PRACTICE) - One Statutory Auditor (Form 5) and other Certifying Bank withdrawals (Form 3) are to be appointed by Promoters.</p>
Regn Grant of	Grant of Registration	5	Main / 6		Form C - Grant of RC Form D - Rejection of Regn	<p>The registration shall be graned or rejected within 30 days. Else Project is deemed to be registered. Registration shall be valid for the period declared for the completion of the project / phase. Grant of Registration Certificate shall be in Form C.</p>
						<p>The period for which registration shall be valid shall exclude such period where actual work could not be carried by the promoter as per sanctioned plan due to specific stay or injunction orders relating to the real estate project from any Court of law, or Tribunal, competent authority, statutory authority, high power committee etc., or due to such mitigating circumstances as may be decided by the Authority:</p> <p>Provided that, while deciding on such mitigating circumstances, the Authority shall give reasonable opportunity of hearing to the allottees and such other person, who in the opinion of the Authority, have interest in the project.</p> <p>Rejection of Registration shall be in Form D.</p>
Regn Extension of	Extension of Registration	6	Main / 7		"Form E - Application for Extension Form F - Grant of Extn Form D - Rejection of Extn"	<p>The registration granted may be extended by the Authority, on an application made by the promoter, due to force majeure, for maximum period of 1 year.</p> <p>Application for Extension shall be in Form E. The application for extension shall be accompanied with fees calculated on the area of land proposed to be developed at the rate of ₹ 10 / Sq. Mtr, subject to a minimum of ₹ 50,000/- and a maximum of ₹ 10,00,000/-.</p> <p>Grant of Extension shall be in Form F. Rejection of Extension shall be in Form D, as above.</p> <p>MahaRERA Order : MahaOnline charges for Promoters : Project Extension ₹ 500+Taxes</p>
Regn Revocation of	Revocation of Registration	7	Main / 8		Form D - Revocation of Regn	<p>"Circumstances, Procedure and consequence of Revocation of Registration are provided. Project Bank Account shall be frozen.</p> <p>Revocation of Registration shall be intimated in Form D. Procedure and Notices to all parties interested in project, for revocation, are prscribed in Rule 8."</p>
Regn Revocation Obligation	Obligation of RERA on Lapse or Revocation of Registration	8				<p>Obligation of RERA on Lapse or Revocation of Registration are specified. Association of Allotees shall have first right of refusal for carrng out remaining development work.</p>
MahaRERA - Weblink						
https://maharera.mahaonline.gov.in/Home/Index						



The Malad Chamber of Tax Consultants

Regd. Office : B/6, Star Manor Apartment, 1st Floor, Anand Road Extn., Malad (W), Mumbai 400 064. **Mobile :** 7039006655
Admn. Office : C/o. Brijesh Cholerra : Shop No. 4, 2nd Floor, The Mall, Station Road, Malad (W), Mumbai-400 064

NOTICE OF ELECTION

TO,
 The Members,
 The Malad Chamber of Tax Consultants

The Election of the President and Twelve Members of the Managing Committee for the ensuing year 2017-18 shall take place on Sunday, 2nd July, 2017 at 10.00 am at SNTD Mahila College, Liberty Garden Road, Malad-West, and Mumbai-400064.

Nominations in the prescribed form should be filed so as to reach not later than 6.00 p.m on Wednesday, 21st June, 2017.

FOR AND BEHALF OF THE MANAGING COMMITTEE
 SD/-
 VIRESH SHAH / VAIBHAV SETH
 (HON. SECRETARIES)

Place : Mumbai
 Dated : 18th May, 2017

Registered Office: B/6, Star Manor Apartment, 1st Floor, Anand Road Extn, Malad (West), Mumbai – 400 064.

- Members in arrears of membership subscription shall not be entitled to contest the election or to propose or second any candidate for the election or to vote at the election.
- Withdrawal of nomination for the elections can be made by the candidate on or before 6.00 pm of Saturday, 24th June, 2017.
- The Managing Committee has appointed Shri J.D.Rawal AND Shri Rameshbhai Gandhi as Election Committee members for the election of the President and 12 Managing Committee Members.
- Nomination for the post of President and Managing Committee Members may please be collected and sent to the office of Shri Brijesh M. Cholera Shop NO.4, 2nd Floor, The Mall, Station Road, Malad-West, and Mumbai-400064.
- The Voting, if required, will commence at 10.00 am and end at 10.30 am

NOTICE OF ANNUAL GENERAL MEETING

To
 The Members,
 The Malad Chamber of Tax Consultants

Notice is hereby given that 38th ANNUAL GENERAL MEETING of The Malad Chamber of Tax Consultants will be held on Sunday, 2nd July, 2017 at 10.45 a.m. at SNTD Mahila College, Liberty Garden Road, Malad (West), Mumbai – 400 064 to transact the following business :

AGENDA

- To read and confirm minutes of the last Annual General Meeting held on 3rd July, 2016.
- To receive and adopt Audited Statement of Account of the Chamber for the year ended 31-03-2017 along with Auditors Report and Annual Report of the Managing Committee for the period from 03.07.2016 to 01.07.2017.
- To appoint auditors for the year 2017-18 and to fix their honorarium.
- To declare results of the election of the President and Twelve Members of the Managing Committee for the year 2017-18.
- To transact any other business with the permission of the Chair.

FOR THE MALAD CHAMBER OF TAX CONSULTANTS
 Sd/-
 VIRESH SHAH / VAIBHAV SETH
 (HON. SECRETARIES)

Place : Mumbai
 Dated : 18th May, 2017

Registered Office: B/6, Star Manor Apartment, 1st Floor, Anand Road Extn, Malad (West), Mumbai – 400 064.

Notes

- The report of the Managing Committee, Auditor's Report and Audited Statements of Accounts will be emailed to all separately and same will be available on our website in due course. However, on request in writing, the same would be send to the members.
- If there is no quorum by 10.45 a.m., the meeting will be adjourned for half an hour and the adjourned meeting shall be held at the same place with the same agenda and the members present will form the quorum.
- The queries, if any, on Accounts and Annual Report should be sent at least 3 days before the day of A.G.M. at the Administrative office c/o Shri Brijesh Cholera, ShopNo.4, 2nd Floor, The Mall, station Road, Malad (W), Mumbai-400064
- Any member desiring to move any resolution at the Annual General Meeting should send the proposed resolution at the above administration office on or before 2nd June, 2017.

Photos of " BASIC COURSE ON FEMA AND FOREIGN REMITTANCE "



Inauguration of the Course by lighting of Lamp by CA Vipul Somaia, CA Adarsh Parekh, CA Haresh Kenia, CA Paresh Shah & Adv. Ajay Singh.



Left – Right : Adv. Ajay Singh, CA Paresh Shah, CA Haresh Kenia & CA Adarsh Parekh



Left – Right CA Viresh Shah, CA Parag Ved, CA Umang Someshwar, CA. Vipul Somaia & Shri Darshan Shah



Left – Right : CA Utpal Patel, CA N. C. Hegde & CA Harnish Mehta



CA. Adarsh Parekh, Shri Darshan Shah, CA Mrugen Trivedi & CA Vipul Somaia



Left – Right CA Naresh Ajwani, CA Rutvik Sanghavi, CA Adarsh Parekh & CA Shailesh Shethia

Speakers at FEMA EVENT



CA. Paresh Shah



CA Umang Someshwar



CA. Mrugen Trivedi



CA N. C. Hegde



CA Naresh Ajwani



CA Rutvik Sanghavi

FORTHCOMING EVENTS

TWO FULL DAY PAID SEMINAR ON GST

Venue - Tentative	"DG Khetan Auditorium, DGKIS & BKG, Krishna Realities, Behind Sunder Nagar, Off S. V. Road & Link Road, Malad (West), Mumbai - 400 064.		
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Dates - TENTATIVE	TIME	Particulars	Joint Organisations
Friday, 2nd & Saturday, 3rd June, 2017	9.00 am to 6.00 pm	GST Seminar	MCTC STPAM

Fees :- ₹ 2,000 Members & ₹ 2,500 Non-Members

ONE HALF DAY PAID SEMINAR ON ICDS

Venue - Tentative	Malad West		
Dates - TENTATIVE	TIME	Particulars	Joint Organisations
June, 2017	3.00 pm to 8.30 pm	Issues in Implementation of ICDS	MCTC AIFTP(WZ)

Fees Details will be announced shortly

Disclaimer : Though utmost care is taken about the accuracy of the matter contained herein, the Chamber and/or any of its functionaries are not liable for any inadvertent error. The views expressed herein are not necessarily of the Chamber. For full details the readers are advised to refer to the relevant Act, Rule and relevant Statutes.

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To

If undelivered, please return to :

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